

# CVUSD

## Board Policy

BP 5116.1

### Students

#### Intradistrict Open Enrollment

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities. The Board believes in the concept of neighborhood schools and recognizes that student safety, parent involvement, and neighborhood/school peer relationships are three (3) important reasons for students to attend the school closest to their residence.

The Board also believes in the pedagogic value of socio-economically diverse learning environment. Attendance boundaries may be established and adjusted for the successful socialization of students which includes the ability to interact with others from a broad background of experiences and socio-economic levels.

The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy and administrative regulation.

(cf. 5117 - Interdistrict Attendance)

It is the intent of the Board to provide an educational system that meets and exceeds the needs of all students while preparing District graduates for college, career, and citizenship. Though the Board is conceptually supportive of neighborhood school attendance, it also recognizes that parent/guardian and/or student interest may necessitate out-of-zone attendance in meeting the student's academic pursuit or social-emotional needs. Therefore, parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

#### Enrollment Priorities

1. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)
2. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
3. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist
- b. A court order, including a temporary restraining order and injunction
- 4. Any sibling of a student already in attendance in that school
- 5. Any student whose parent/guardian is assigned to that school as his/her primary place of employment

#### Application and Selection Process

The Superintendent or designee shall calculate each school's capacity in a non-arbitrary manner using student enrollment, available space and appropriate staffing. (Education Code 35160.5)

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Parents/guardians are responsible for transporting their children to school.

#### Legal Reference:

##### EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

##### CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

##### UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

##### CODE OF FEDERAL REGULATIONS, TITLE 34

200.36 Dissemination of information

200.37 Notice of program improvement status, option to transfer

200.39 Program improvement, transfer option

200.42 Corrective action, transfer option  
200.43 Restructuring, transfer option  
200.44 Public school choice, program improvement schools  
200.48 Transportation funding for public school choice

#### COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

#### ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

Management Resources:

#### U.S. DEPARTMENT OF EDUCATION GUIDANCE

Public School Choice, December 4, 2002

Unsafe School Choice Option, July 23, 2002

#### WEB SITES

CSBA: <http://www.csba.org>

CDE: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

CSBA (10/95 11/99) 3/03

CVUSD (12/08) 10/09 11/10 12/16 12/17 10/18