

# Mt. Diablo USD

## Board Policy

### Intradistrict Open Enrollment

BP 5116.1

#### Students

~~The Governing Board desires to provide options that meet the diverse needs, potential, and interests of district students.~~

~~To that end, the Board shall annually review enrollment options for students. (Education Code 48980(k))~~

~~The Board shall annually determine the enrollment capacity of each district school. (Education Code 35160.5(b)(2)(B))~~

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities.

The 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. BP 5111.1 - District Residency.) (cf. BP 5111.12 - Residency Based on Parent/Guardian Employment.)

The District staff shall annually determine the enrollment capacity of each district school and report that capacity to the Board. (Education Code 35160.5(b)(2)(B).) 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)~~

~~The District shall not provide transportation outside the school's attendance area for Intradistrict Transfer students.~~

The District shall employ a random, unbiased process for considering enrollment applications where the number of applications is in excess of the spaces remaining to reach school capacity. The Superintendent through the Assistant Superintendents shall identify the schools which may have space availability for additional students. A list of these schools and intradistrict transfer forms will be available at all schools, at the

district office and on the district website. This process shall prohibit an evaluation of whether any student should be enrolled based on his or her academic or athletic performance, except as noted below and authorized by law. (Education Code 35160.5 (b)(2)(B).))

### Exceptions

The following principles are exceptions to the random, unbiased selection process:

1. No student who currently resides in the attendance area of a school shall be displaced by students transferring from outside the attendance area. (Education Code 35160.5 (b)(2)(C).))
2. The District retains the authority to maintain appropriate racial and ethnic balance among district schools. (Education Code 35160.5 (b)(2)(A).))
3. The District may employ entrance criteria for specialized schools or programs. Enrollment decisions shall be based on existing or developed entrance criteria for specialized schools or programs, provided that the ~~if the~~ criteria are uniformly applied to all applicants. (Education Code 35160.5 (b)(2)(B).) Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5) (cf. BP 6172 - Gifted and Talented Student Program).))
4. The District ~~may retain the right to~~ assign a student to a school or program if the student requires a legally mandated program or accommodation that is available at the school such as a special education or bilingual program.
5. The District ~~may reassign~~ ~~retains the right to assign~~ a student to a school for disciplinary reasons or for the protection of the health and safety of that student or other students. (Education Code 35160.5 (b)(3)(A).))
6. ~~The District may reassign a~~ ~~A student with an approved Intradistrict Transfer shall remain enrolled in a school unless the student is displaced by a student who resides in the school attendance area.~~
7. ~~Students who are found to be living outside of a school's boundaries will be subject to the following procedures:~~
  - a. ~~Once a school administrator is aware that a student enrolled in their school resides outside of their school's boundaries, that administrator, or designee, will refer the matter to the Student Services Office by submitting the Student Change of Address Notice form, along with the student's attendance, and behavior records, current grades, and credits.~~

b. ~~The Student Services Office will follow up to verify residence and inform parents/guardians of the district's Intradistrict Transfer Request process, as well as provide parents/guardians with the necessary forms. If the Intradistrict Transfer Request is denied, the Student Services Office will inform parents/guardians of their appeal rights and procedures. The student will remain in the district school where he/she is enrolled until the Intradistrict Transfer Request appeal process has been completed.~~

c. ~~The Student Services Office will notify the school administrator, where the student is enrolled, of the status of the Intradistrict Transfer Request when the process has been completed. The Student Services Office will notify parents/guardians, the school of enrollment, and the school of residence regarding the approval or denial of the Intradistrict Transfer Request.~~

~~The 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)~~

#### ~~Enrollment Priorities~~

~~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)~~

~~The Superintendent or designee shall grant priority to any district student to attend another district school outside of his/her attendance area as follows:~~

6. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992) (cf. 0450 - Comprehensive Safety Plan)

The District may reassign a student a~~(cf. 0450—Comprehensive Safety Plan)~~

7. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)

8. The District may reassign a student upon~~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, such as 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

9. The District may assign to a specific school ~~a~~Any sibling of a student already in attendance in that school.

10. The District may assign any~~Any~~ student to a specific school whose parent/guardian is assigned to that school as his/her primary place of employment, as defined below.

11. The District may assign a~~Any~~ student to~~enrolled in~~ a district school that has been identified on the state's Open Enrollment List, as may be applicable by current law. (Education Code 48354. ) ~~(cf. 5118 - Open Enrollment Act Transfers)~~

Any

~~The~~ transfer may be revoked if the student fails to demonstrate good attendance, satisfactory behavior and/or satisfactory academic progress.

#### Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between October 15 to January 15 of the school year preceding the school year for which the transfer is requested.

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

Students shall be enrolled in schools using the following priority system:

1. Siblings
2. Employees
3. Students residing in a neighborhood where attendance has been established by Board action or agreement (such as Monte Gardens/Sequoia Elementary to Sequoia Middle.)

4. Cohorts moving from one level to another

5. Academic Programs

6. Choice

All of these are based on space availability and only resident status is guaranteed.

#### [Guidelines on the Priority Process](#)

**Siblings:** Intradistrict Transfer Requests from siblings of students currently enrolled in school of request. Siblings must share a year at the same school.

**Employees:** Employees are [eligible currently defined in board policy](#) as follows:  
Students whose parent/guardian is assigned to that school as his/her primary place of employment. Priority criteria will only apply for the duration of the parent/guardian's employment at that site. [To Employees to be eligible, employees hereunder](#) must have a regular assignment of 10 hours per week or more.

**Cohort:** A cohort is [defined as](#) a group of students moving from one level to another. For example, Riverview to Mt. Diablo High, Valley View to College Park, El Dorado to Concord High, and Foothill to Northgate. It also includes the various feeder patterns traveling from elementary school to middle schools.

[Academic Programs: Academic Program Pathways are currently in development, but include a continuation of a specialized program such as International Baccalaureate or Dual Immersion.](#)

[Space available will be determined by current enrollment and will be reviewed annually.](#) A district wide facility plan will assist in determining the capped number. The goal is to enter into a cohort (resident, cohort only, program) in Elementary school and to stay K-12. [The goals of the District are to "right size" schools aiming for a more uniform enrollment and to keep students together in order to support their educational program.](#)

[Academic Programs: Academic Program Pathways currently in development and the continuation of any current specialized program such as International Baccalaureate or Dual Immersion.](#)

**Metrics:** The following metrics will be used to analyze and determine effectiveness:  
Stability of Enrollment at each campus, Number of Transfer requests, Students staying in cohort, Number of denials of transfers, location of denials, and other metrics that are deemed significant.

~~The goal of the district is to "right size" schools and to aim for a more uniform enrollment. The goal also is to keep students together in order to support their educational program.~~

Magnets: Current magnets may or may not have a complete K-12 feeder pattern.

~~Except for priorities listed above, the District shall use a random, unbiased selection process to determine who shall be admitted whenever the 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)~~

#### Transportation

~~The District shall not be obligated to provide transportation for students who attend school outside their attendance area.~~

~~(cf. 3250 - Transportation Fees)~~

~~(cf. 3540 - Transportation)~~

#### Miscellaneous

Students who are found to be living outside of a school's attendance boundaries not in compliance with this Board Policy will be subject to the following procedures:

a. Once a school administrator is aware that a student enrolled in their school resides outside of their school's attendance boundaries, that administrator, or designee, will refer the matter to the Student Services Office by submitting the Student Change of Address Notice form, along with the student's attendance, and behavior records, current grades, and credits.

b. The Student Services Office will follow-up to verify residence and inform parents/guardians of the district's Intradistrict Transfer Request process, as well as provide parents/guardians with the necessary forms. If the Intradistrict Transfer Request is denied, the Student Services Office will inform parents/guardians of their appeal rights and procedures. The student will remain in the district school where he/she is enrolled until the Intradistrict Transfer Request appeal process has been completed.

c. The Student Services Office will notify the school administrator, where the

student is enrolled, of the status of the Intradistrict Transfer Request when the process has been completed. The Student Services Office will notify parents/guardians, the school of enrollment, and the school of residence regarding the approval or denial of the Intradistrict Transfer Request.

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

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 NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

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

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

California Department of Education, Unsafe School Choice Option:

<http://www.cde.ca.gov/ls/ss/se/usco.asp>

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

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