

Mt. Diablo USD

Board Policy

Intradistrict Open

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 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. Capacity will be determined by using information from the district's Annual Facility Plan. This process shall prohibit an evaluation of whether any student should be enrolled based on his or her academic or athletic performance. (Education Code 35160.5 (b)(2)(B))

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 if the criteria are uniformly applied to all applicants. (Education Code 35160.5 (b)(2)(B))
4. The district retains 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 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. 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.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35351 Assignment of students to particular schools

GOVERNMENT CODE

53312.7 Establishment of community facilities district; goals and policies

ATTORNEY GENERAL OPINIONS

29 Ops. Cal. Attorney General 63

COURT DECISIONS

Jackson v. Pasadena City Sch. Dist. (1963) 59 Cal. 2d 876

Policy
adopted:

MT. DIABLO UNIFIED SCHOOL DISTRICT
Concord, California