

## Alameda City USD

### BP 5116.1 Students

#### Intradistrict Open Enrollment

The Board of Education desires to provide enrollment options that meet the diverse needs and interests of district students. 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.

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. **No pupil who currently resides in the attendance area of a school shall be displaced by pupils transferring from outside the attendance area.** (Education Code [35160.5](#))

Students whose parent/guardian is assigned to a school site as his/her primary place of employment shall have the same enrollment priority at that school as students who reside within the school's zone of attendance (or for an open enrollment or magnet school, the school's priority zone). (Education Code [35160.5](#))

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

#### Enrollment Priorities

Priority for attendance outside a student's attendance area shall be given ~~as follows~~ in the following order:

1. Special Education students whose Individual Educational Program (IEP) mandates placement at a particular school site.

2. To the extent required by law, If a district school receiving Title I funds is identified for program improvement, corrective action, or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC [6316](#))

~~32. If while on school grounds a student~~ Any student who becomes the victim of a violent criminal offense while on school grounds who wishes to exercise his/her option under federal law, ~~he/she shall be provided an option~~ to transfer to another district school or charter school. (20 USC [7912](#))

43. Any student who ~~If a student~~ attends a school designated by the California Department of Education as "persistently dangerous," who wishes to exercise his/her option under federal law ~~he/she shall be provided an option~~ to transfer to another district school or charter school. (20 USC [7912](#); 5 CCR [11992](#))

5. Students seeking transfer out of a school on the state's Open Enrollment List (Education Code [48352](#), [48354](#))

6. Siblings of students currently enrolled at the school to which admission is sought. (Education Code [35160.5](#))

74. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or

dangerous to the student in the current attendance area, including, but 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

~~5. Additional admission priorities may be established for intradistrict enrollment requests.~~

~~6. Priority may be given to any student whose parent/guardian is assigned to that school as his/her primary place of employment.~~

For all other applications for enrollment from outside a school's attendance area, the Superintendent or designee 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. A school's capacity shall be calculated in a nonarbitrary manner using student enrollment and available space. (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](#))

~~**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)**~~

## Transportation

Except as required by 20 USC [6316](#) for transfers out of Title I program improvement schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds.

## Delegation

The Superintendent or his/her designee is authorized to promulgate administrative regulations and standard operating procedures governing enrollment consistent with this policy. This includes the addition of admission priorities consistent with law and this policy.

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

Unsafe School Choice Option, May 2004

Public School Choice, February 2004

## WEB SITES

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

California Department of Education, Unsafe School Choice

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

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

Policy ALAMEDA UNIFIED SCHOOL DISTRICT

adopted: ~~August 25, 2009~~ [April 12, 2016](#) Alameda, California