

# Fullerton School District

## Board Policy

### Intradistrict Open Enrollment

BP 5116.1

#### Students

**Board Adopted: April 25, 2006**

**Board Revised: February 12, 2008, December 14, 2010**

The Board of Trustees of the Fullerton School District endorses the concept of the neighborhood school. School attendance boundaries are established by the Board to, among other things, optimize the use of existing facilities, avoid overcrowding conditions, maintain local neighborhood identities, give consideration to geographic barriers, establish and maintain socio-economic balance in schools and programs, and maintain safe and reasonable walking conditions and distances to and from schools.

The Board 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 Board also recognizes that some parents may wish to have their children attend a school other than their designated neighborhood school.

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)

The Superintendent or designee shall annually review this policy. (Education Code 35160.5, 48980)

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 during Open Enrollment 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 or deemed to be a school attendee determined by District procedure shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5) It is the intent of the District that students receive as consistent and stable a learning environment throughout the school year as possible under these guidelines. In the event of no available space at the neighborhood school of residence for an incoming resident student after the completion of Open Enrollment, that student will be placed on an overcrowding transfer to another school. That student is guaranteed a seat at his neighborhood school of residence the following school year, or sooner, based on space availability at the neighborhood school of residence.

#### Terms and Conditions

Transfer students and their parents/guardians are expected to follow all applicable District policies, procedures and regulations, and all school rules. An Intradistrict transfer may be revoked at any time for violating the conditions stipulated in the administrative regulation.

### 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.

### Legal References:

#### 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>

#### CSBA Revisions

(11/99 3/03) 11/08