

LODI UNIFIED SCHOOL DISTRICT

Policy 5116.1

Students

Intradistrict Open Enrollment Policy

The Board of Education 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 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.

The Board shall annually review this policy.

Enrollment Priorities:

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

The superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List
2. Any student enrolled in a district school receiving Title 1 funds that has been identified for program improvement (PI), corrective action, or restructuring
3. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous"
4. Any student who is a victim of a violent crime while on school grounds
5. 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. Any such student may

transfer to a district school that is at capacity and otherwise closed to transfers.

To grant priority under these circumstances, the superintendent or designee must have received either:

- 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
6. Any siblings of students already in attendance in that school
 7. Any student whose parent/guardian is assigned to that school as his/her primary place of employment

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 December 1 – February 1 of the school year preceding the school year for which the transfer is requested. **In K-6 and K-8 schools, applications must be submitted each year. In high schools and middle schools, once the application is approved, it is valid for the remaining years.**

The superintendent or designee shall calculate each school's capacity in a non-arbitrary manner using student enrollment and available space.

Except for priorities listed above, 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.

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.

Transportation:

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

Legal References: 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
United States Code, Title 20
6316 Transfers from program improvement schools
7912 Transfers from persistently dangerous schools
Code of Regulations, Title 5
11992 - 11994 Definition of 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>

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

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