

Regulation 5116.1: Intradistrict Open Enrollment

Status: ADOPTED

Original Adopted Date: 01/22/2013 | **Last Revised Date:** 02/03/2026 | **Last Reviewed Date:** 02/03/2026

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 calendar days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and parent/guardian in making the offer. If the parent/guardian elects to transfer the student, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," intradistrict transfers shall be granted as follows:

1. Within 10 days of receipt of the notification from CDE, the Superintendent or designee shall provide parents/guardians of students attending the school with notice of the school's designation. Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.
2. Parents/guardians who desire to transfer their child out of the school shall provide a written response to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students.
3. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. The Superintendent or designee shall notify the parents/guardians of the assigned school.
4. For students whose parents/guardians accept the offer, the transfer shall be made as quickly as possible. If the parents/guardians decline the assigned school, the student may remain in the current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

Other Intradistrict Open Enrollment - Priorities

The Governing Board recognizes that circumstances may exist that justify permitting a student to attend a school other than the school of residence within the District. This administrative regulation establishes procedures for intradistrict open enrollment in accordance with California Education Code sections 35160.5 and 46600. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the District office, and on the District's web site. Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment.

Eligibility

Any student residing within the District boundaries may apply for intradistrict open enrollment to attend a District school other than the school of residence, subject to space availability and program capacity at the requested school.

Intradistrict enrollment shall not be approved if it would negatively impact the District's exceed classroom or program capacity, or require the creation of additional staff or facilities.

Application Process

1. Parents/guardians shall submit a completed intradistrict open enrollment application during the application window established by the District
2. Applications must be complete at the time of submission to be considered
3. The District shall review applications based on available capacity at the requested school and grade level

Enrollment Priorities

When the number of intradistrict enrollment requests exceeds available capacity at a school or grade level, applications shall be considered according to the following priority order:

1. Siblings of students who are currently enrolled and attending the requested school, providing the sibling will be attending the school concurrently
2. Children of District employees, with priority given to:
 - Employees who work at the requested school site
 - Employees who work elsewhere within the District
3. All other eligible applicants
4. Approved applicants must confirm their enrollment within 10 school days

When two or more applications within the same priority category cannot be accommodated due to space limitations, priority shall be determined by the date and time stamp of the received intradistrict enrollment application.

Notification of Approval or Denial

The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated. If a family moves, they will need to complete a new transfer request to remain at their current school of attendance.

Transportation

The District shall not be responsible for transportation to and from a school other than the student's school of residence unless otherwise required by law.

Duration and Revocation

Intradistrict enrollment approval may be revoked if the student fails to meet attendance, behavior, or academic expectations, or if the student's continued attendance negatively impacts District programs or operations. Revocation shall be consistent with applicable law and due process requirements.

Any student who is granted a transfer out of a school that had been identified by CDE for comprehensive support and improvement shall be allowed to remain in the school of enrollment until completing the highest grade offered at that school. (20 USC 6311)

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance
 2. Program options offered within local attendance areas
 3. A description of any special program options available on both an interdistrict and intradistrict basis
 4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
 5. A district application form for requesting a change of attendance
 6. The explanation of attendance options under California law as provided by CDE
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