

Coronado USD

Board Policy

Open Enrollment Act Transfers

BP 5118

Students

The Governing Board desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

The Open Enrollment Act and its implementing regulations (“OEA,” Education Code Section 48350 *et seq.*, and California Code of Regulations, title 5, section 4700 *et seq.*) provide that whenever a student is attending a school on the list of “low-achieving” or “open enrollment” schools as annually identified by the Superintendent of Public Instruction (the “Open Enrollment List”), he/she may, subject to certain requirements, apply for a transfer to another school within or outside of the district in which the student resides, as long as the school to which he/she is transferring has a higher Academic Performance Index. (Education Code 48354, 48356)

A parent/guardian whose child is attending a district school on the Open Enrollment List and who wishes to have his/her child attend another school within the district shall apply for enrollment using BP/AR 5116.1 - Intradistrict Open Enrollment.

Enrollment priority shall be available to students who reside within this district. No student who resides within a school’s attendance area or who currently is enrolled in a school shall be displaced by a student who is transferring pursuant to the OEA. In order to provide priority enrollment opportunities for pupils residing in the district, as required by Education Code section 48354(b)(6), the district establishes the period through and including February 13 of each school year as a period for resident pupil enrollment for the succeeding school year for purposes of the OEA and the district shall not accept applications pursuant to the OEA for transfer to the district or any school(s) or program(s) of the district for the succeeding school year during the resident enrollment period.

In order to ensure that students who apply for admission to the district pursuant to the OEA are selected through a random, unbiased process, to provide an equal admission opportunity to all applicants, and to ensure that priorities for enrollment in district schools are implemented in accordance with law, the district will accept applications for enrollment in the district pursuant to the OEA only during the period February 14 to February 28 of the school year preceding the school year for which the transfer is requested (the “Application Period”). The district will not accept OEA applications at any time outside of this Application Period, except the Application Period deadline does not apply if the parent with whom the pupil resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.

The district hereby waives the January 1 application deadline only to the extent as to permit applications during the Application Period. This Application Period will allow the district to respond to applications within the statutory time period while using a lottery process for selection in the event that there are more applicants than there are spaces. Application priority and the lottery process shall be as more fully described in administrative regulation 5118.

(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)

Standards for Rejection of Transfer Applications

Pursuant to Education Code 48356, the Board has adopted the following standards for acceptance and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.

All of the following standards must be met in order for a student to be admitted to and enrolled in a district school pursuant to the OEA:

1. The application is submitted on the district's OEA application form, and the form is completed in full and submitted during the Application Period. (If the parent with whom the pupil resides is enlisted in the military and relocated by the military within 90 days prior to submitting the OEA transfer application, the Application Period does not apply.)
2. The application includes evidence that the student is enrolled at a school on the Open Enrollment List for the school year preceding the year for which the student is seeking a transfer to a district school.
3. The Superintendent or designee determines that approval of the transfer application would not negatively impact the capacity of a program, class, grade level, or school building (specifically including the program at the school requested if the transfer application requests a particular school), as the Superintendent or designee projects enrollment and capacity for the school year for which transfer is being sought and/or for subsequent years as the student advances to other grade levels at the school. Bases for a determination that approval of the transfer application would negatively impact the capacity of a program, class, grade level, or school building include:
 - a. The program, class, and/or grade level is projected to be at "capacity" as that term is defined and described in district administrative regulation 5117, Interdistrict Attendance.
 - b. The class or grade level is projected to exceed the district's limits pursuant to the state Class Size Reduction Program or the Morgan/Hart Class Size Reduction Program for Grades 9-12

- c. The site, classroom, or program is projected to exceed the maximum student-teacher ratio specified in the district's collective bargaining agreement
- d. The site or classroom is projected to exceed the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document

Because the Superintendent or designee will be required to project enrollment significantly in advance of actual enrollment and attendance by district residents for any school year for which students are requesting OEA transfers, the Superintendent or designee's projections will necessarily be based on estimates and best efforts, and the Superintendent or designee will necessarily use conservative projections of potentially open spaces in the district and its various schools and programs in order to assure that no district residents are displaced by students transferring into the district or any of its schools or programs pursuant to the OEA.

(cf. 6151 - Class Size)

(cf. 7110 - Facilities Master Plan)

(cf. AR 5117 Interdistrict Attendance)

4. Approval of the transfer application would not have an adverse financial impact on the district, including:
 - a. The hiring of additional certificated or classified staff.
 - b. The operation of additional classrooms or instructional facilities.
 - c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students.
5. As applicable, the applicant and application meet the district's usual requirements for admission to a magnet school or a program designed to serve gifted and talented pupils, or any other specific school or program that includes admission criteria that the district applies to district residents provided such criteria are not inconsistent with the requirements of Education Code Section 48356(a) and (d). Except for such specialized admission requirements, the Superintendent or designee shall not consider the student's previous academic achievement, athletic performance, physical condition, English language proficiency, family income, or any of the prohibited bases for discrimination listed in Education Code 200.
6. The student has not been expelled during the current school year or the preceding three school years.
7. The student's parent/guardian notifies the district in writing within three weeks of the district notifying the parent/guardian that the student's application for transfer has been accepted of the parent/guardian's intention to enroll the student in the district school for the applicable school year.

Program Evaluation

The Superintendent or designee may collect data regarding the number of students who transfer out of the district pursuant to the Open Enrollment Act. He/she also may collect data regarding the number of students who apply to transfer into the district, the number of requests granted, denied, or withdrawn, and the district schools and programs receiving applications.

If the Superintendent or designee anticipates that a particular school will receive a large number of transfer applications, he/she may study the enrollment pattern at that school in order to anticipate future resident enrollment at the school and at the district schools into which those students would normally matriculate.

The Superintendent or designee may report to the Board regarding the implementation of this program.

Legal Reference:

EDUCATION CODE

200 *Prohibition of discrimination*

35160.5 *District policies, rules, and regulations*

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*

48915 *Expulsion; particular circumstances*

48915.1 *Expelled individuals: enrollment in another district*

52317 *Regional Occupational Center/Program, enrollment of students, interdistrict attendance*

FAMILY CODE

6500-6552 *Caregivers*

UNITED STATES CODE, TITLE 20

6316 *Transfers from program improvement schools*

CODE OF REGULATIONS, TITLE 5

4700-4703 *Open Enrollment Act*

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*

ATTORNEY GENERAL OPINIONS

87 *Ops.Cal.Atty.Gen. 132 (2004)*

84 *Ops.Cal.Atty.Gen. 198 (2001)*

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

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

California Department of Education: <http://www.cde.ca.gov>

Policy CORONADO UNIFIED SCHOOL DISTRICT
adopted: February 17, 2011 Coronado, California

Coronado USD

Administrative Regulation

Open Enrollment Act Transfers

AR 5118

Students

Definitions

Open Enrollment Act (OEA) shall mean Education Code Section 48350 *et seq.*

Application Period means the period during which the district accepts applications for transfer pursuant to the Open Enrollment Act, as established in Board Policy 5118, which period is February 14 through February 28 of the school year preceding the school year for which the student is seeking transfer.

District of enrollment means the district, other than the district in which the student's parent/guardian resides, in which the parent/guardian intends to enroll his/her child. (Education Code 48352)

District of residence means the district in which the parent/guardian of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code 48200. (Education Code 48352)

(cf. 5111.1 - District Residency)

Open enrollment school means a "low-achieving" school identified by the Superintendent of Public Instruction (SPI) pursuant to Education Code 48352 and 5 CCR 4701. (Education Code 48352; 5 CCR 4701)

Transfer Applications into a District School

Enrollment priority shall be available to students who reside within this district. No student who resides within a school's attendance area or who is currently enrolled in a school shall be displaced by a student who is transferring pursuant Education Code 48350-48361 or 5 CCR 4700-4703. (Education Code 48354, 48356)

Applications shall be submitted within the Application Period established by Board policy.

However, the Application Period shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48354)

(cf. 6173.2 - *Education of Children of Military Families*)

The parent/guardian's application may request enrollment of his/her child in a specific school or program. Any such request must meet the district's usual requirements for admission to the

specialized school or program in accordance with Education Code Section 48355, Education Code Section 200, and Board Policy 5118. If the application specifies that the student is seeking enrollment to a specific school(s) or program(s) within the district, the student will only be considered for admission to the school(s) or program(s) to which the application indicates the student is seeking enrollment. If the application identifies more than one school or program to which the student is seeking enrollment, the determination of which of those school(s) or program(s) in which to offer admission (if all standards and requirements for admission have been met) will be in the district's sole discretion.

The Coronado School of the Arts (CoSA) is a specialized program operated at Coronado High School. Admission to CoSA requires a separate specialized application process and qualifications. Students who are applying to the district pursuant to the OEA, its implementing regulations (California Code of Regulations, title 5, section 4700 *et seq.*), Board Policy 5118, and this administrative regulation may separately apply for admission to CoSA in accordance with the usual requirements and timelines for application and admission to CoSA. (Note: The application process for CoSA may occur prior to, concurrently with, or after the OEA Application Period. Students who are interested in attending CoSA are independently responsible for determining and complying with all CoSA application timelines and requirements.) Application to transfer to a district school pursuant to the OEA shall not constitute an application to CoSA and admission to the district pursuant to the OEA shall not constitute or be deemed admission to CoSA. (Education Code 48354, 48356)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6172 - Gifted and Talented Student Program)

If the number of students who request transfer to the district pursuant to the OEA during the Application Period exceeds the projected number of spaces available in the district for the grade level/program for which the student has applied, the district shall conduct a lottery to select pupils at random to establish the order in which students will be offered the opportunity to transfer into a district school. Should such a lottery be necessary, it shall be conducted in group priority order giving priority as follows: (Education Code 48356)

1. First priority for the siblings of students who already attend the desired school.
2. Second priority for students transferring from a program improvement school ranked in decile 1 on the Academic Performance Index (API).
3. Third priority for all other applicants.

Should such a lottery be required, it shall be conducted prior to any lottery for a position in a particular district school or program, as described below, and only those students who are selected in the lottery for district-wide spaces (if such a lottery is necessary) shall be eligible for participation in any lottery for any particular school or program.

If the number of students who request transfer to a particular district school or program exceeds the projected number of spaces available in that school or program for the grade level/program for which the student has applied, the district shall conduct a lottery to select pupils at random to establish the order in which students will be offered the opportunity to transfer into the school or program. Should such a lottery be necessary, it shall be conducted in group priority order using the priorities listed above for the district-wide lottery. (Education Code 48356)

Within 60 days of receiving the application, the Superintendent or designee shall provide written notification to the parent/guardian and the student's district of residence as to whether the application has been accepted or rejected. If the application has been rejected, the notice shall state the reasons for the rejection. If the application has been approved, the notification shall specify the particular school site and the school's address to which the student has been admitted. (Education Code 48357; 5 CCR 4703)

Terms of Approval

The Superintendent or designee shall ensure that the school to which the student is transferring has a higher API than the school in which the student was previously enrolled. (Education Code 48356)

The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the acceptance of the student's transfer application shall be automatically revoked. (5 CCR 4703)

Upon enrollment, the district shall grant the student any credits towards graduation that he/she received from his/her district of residence. The student shall be eligible for graduation from district schools upon completion of state and district graduation requirements. (Education Code 48358)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

A student admitted to a district school through this process shall be deemed to have fulfilled district residency requirements pursuant to Education Code 48204 and shall not be required to reapply for enrollment in that school, regardless of whether his/her school of residence remains on the Open Enrollment List. (Education Code 48356; 5 CCR 4702)

Once admitted, a transfer student who wishes to matriculate into a district middle or high school or transfer to another district school shall reapply for admission to the new school pursuant to the requirements of Board policy and administrative regulation for an initial application to transfer pursuant to the OEA.

Parents/guardians are responsible for transporting their children to school.

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 5145.6 - Parental Notifications)

Regulation approved: CORONADO UNIFIED SCHOOL DISTRICT
February 17, 2011 Coronado, California