

INTRADISTRICT ATTENDANCE AND OPEN ENROLLMENT

A school's capacity for school choice purposes shall be computed each year and shall be based on the number and type of teaching stations, the number of teaching periods for a full time teacher, the District's student:teacher ratio, and a school's scheduling efficiency. This capacity shall be allotted equitably among all the grade levels at a school.

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 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 his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, 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," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

- 1. Within 10 days of receipt of the notification from CDE, notice of the school's designation*
- 2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child*

(cf. 0450 - Comprehensive Safety Plan)

Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request 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. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

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. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous."

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

- 1. 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.*
- 2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.*
- 3. 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.*
- 4. Approved applicants must confirm their enrollment within 10 school days. Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.*

B. Notification -- Open enrollment/school choice information shall be available to the parents of all resident students of the District and shall be posted on the District web site ~~mailed by the end~~ January 15th of the first semester of each school ~~each~~ year. ~~to the parents of all public school students in grades six through eleven who live within the District.~~ This information will include:

1. an explanation of attendance options under California law as provided by the California Department of Education (Education Code 48980),
2. all options for meeting residency requirements for school attendance,
3. a statement of athletic eligibility restrictions, if any,
4. a listing of transfer procedures, priorities, and time lines.

~~**C. Application and Selection Under Open Enrollment/School Choice** -- Student transfer applications under open enrollment/school choice shall be accepted during the first three weeks of the second semester of the school year. If necessary, enrollment in a school of choice shall be determined by lot from the eligible applicant pool. Applicants for transfer shall be notified whether their transfer applications have been approved or denied by the end of the fifth week of the second semester of the school year. If the application is denied, the reasons for denial shall be stated. Applicants who receive notices of approval must confirm their enrollment within two weeks of the postmark date of the notice.~~

~~Students moving into the District after the transfer application deadline may exercise the school choice option at the time of enrollment at any District school which has not been deemed full for school choice purposes.~~

~~Students entering seventh or ninth grade who do not apply for school choice transfer will be assigned to the schools which serve their attendance area of residence.~~

~~Transfers under the District's open enrollment/school choice policy normally shall be limited to once per school year at the beginning of the school year and twice total for the 9-12 school years.~~

~~Priority for open enrollment/school choice transfers shall be as follows, in decreasing order of priority:~~

- ~~1. students requesting transfer to the school which serves their attendance area of residence;~~
- ~~2. siblings of students already assigned to a school for the next school year;~~
- ~~3. students whose previous intradistrict transfer history includes:~~
 - ~~a. no previous intradistrict transfers;~~
 - ~~b. one previous intradistrict transfer, or~~
 - ~~c. two or more previous intradistrict transfers.~~

~~**D. Application and Selection Not Covered under Open Enrollment/School Choice** Other student/parent initiated intradistrict transfer requests, not covered under open enrollment/school choice, are initiated at the school of current attendance. The procedure shall be as follows:~~

- ~~1. A Request for Intradistrict Transfer Permit form shall be completed and signed by the adult student or the parent or guardian for minor students.~~
- ~~2. A student/parent conference will be held with the principal, Superintendent, or designee at the school of current attendance on reasons for request, and signature by administrator, with recommendation.~~
- ~~3. A student/parent conference will be held with the principal or designee at the requested school, and signature by administrator, with recommendation.~~
- ~~4. Director of Pupil Services will review Request... form and supportive documents to make final determination on eligibility for transfer.~~
- ~~5. If approved, copies of completed Request... form are delivered to affected schools and student/parent. Enrollment for the next semester in the requested school is then accomplished, and the student is considered to be part of the student body at the receiving school.~~
- ~~6. If disapproved, copies of completed Request... form are delivered to affected schools and the student/parent, with reason for disapproval stated thereon.~~

Transfers initiated by completion of the Request for Intradistrict Transfer Permit form shall be evaluated and approved under the following criteria:

- ~~1. medical or psychological reasons, verified in writing by a licensed practitioner,~~
- ~~2. upon appropriate recommendation, documented cases of serious home or community problems which make it inadvisable to attend the school serving their attendance area of residence, and~~
 1. good of the district (including balancing enrollments numerically or ethnically),
 2. sibling currently attending the requested out-of-area school,
 3. other situations deemed serious enough by the principal to warrant transfer,
 4. *parent is Active Military,*
 5. *student's parent is full time employee of the District,*
 6. *proof of bullying or harassment of the student of the school of residence.*

Such transfers shall normally be evaluated and disapproved under the following criteria:

1. distance from school, transportation problem,
2. conflicting religious activities,
3. parent or guardian working at or near out-of-area school,
4. location of babysitter or relatives,
5. where friends or relatives attend,
6. band or sports or other program that is also offered at school of residence.

- E. Administrative Transfers** -- Transfer of students for disciplinary or adjustment purposes is accomplished by mutual agreement between school principals or their designees, with concurrence of the Director of Pupil Services, who also shall resolve any disagreements. Once transferred, the student is considered to be part of the student body at the receiving school.

Transfers initiated by completion of the Request for Intradistrict Transfer Permit form may be revoked administratively by the requested school at any time that attendance or punctuality, ~~behavior,~~
~~or scholarship~~ fall below minimum acceptable standards. Furthermore, false information furnished as the basis for securing an intradistrict transfer or for enrolling at a school contrary to Governing Board Policies and Administrative Regulations shall immediately invalidate attendance rights in that school and shall result in transfer to the comprehensive school serving the parents' or legal guardians' zone of residence or to continuation school, as determined in the best interests of the district.

- F. Appeals** -- Under special circumstances, decisions on school choice applications and other requests for intradistrict transfer may be appealed to the ***principal of the school of residence. The decision of the principal is final.*** ~~Superintendent or designee. The appeal shall be in writing and shall be acted upon within fifteen working days of its receipt at the district Administrative Center.~~

(cf. 5111.1 - District Residency)
(cf. 5111.11 - Residency of Students in Foster Care)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5111.13 - Residency for Homeless Children)
(cf. 5145.6 - Notifications Required by Law)

Legal Reference:

EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of Students

35351 Assignment of students to particular schools

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

90-101 Plans to alleviate racial and ethnic segregation of minority students

Crawford v. Board of Education (1976) 17 Cal.3d 280

29 Ops. Atty. Gen. 63

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Santa Clarita, California