

SANTA ANA UNIFIED SCHOOL DISTRICT

BP 5116.1(a)

Students

Intradistrict Open Enrollment

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) (cf. 5111.1 - District Residency) (cf. 5111.11 - Residency of Students with Caregiver) (cf. 5111.12 - Residency Based on Parent/Guardian Employment) (cf. 5111.13 - Residency for Homeless Children)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

Priority for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (P.L. 107-110, Section 1116) (cf. 0420.4 - Charter Schools) (cf. 0520.2 - Title I Program Improvement Schools) (cf. 6171 - Title I Programs)
2. Beginning in the 2003-04 school year, if while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated to be persistently dangerous as defined by the California Department of Education as persistently dangerous, he/she shall be provided an option to transfer to another district school or charter school. (P.L. 107-110, Section 9532) (cf. 0450 - Comprehensive Safety Plan)
3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist.
- b. A court order, including a temporary restraining order and injunction.

4. Priority may be given to siblings of students already in attendance in that school.
5. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (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) (cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5) (cf. 5116 - School Attendance Boundaries)

School Registration/Enrollment by Lottery

Upon approval by the Board, school may require a lottery for registration and enrollment of students at a designated school for the ensuing school year. (cf. 5116.2 - Student Selection by Lottery)

Transportation

Except as required by P.L. 107-110, Section 1116, 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. Priority for any such transportation shall be based on demonstrated financial need. (cf. 3250 - Transportation Fees) (cf. 3540 - Transportation)

(Legal Reference next page)

EDUCATION CODE

35160.5 District policies; rules and regulations
35291 Rules
35351 Assignment of students to particular schools
48980 Notice at beginning of term

PUBLIC LAW 107-110

1116 Transfers from program improvement schools
9532 Transfers from persistently dangerous school

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)