

OPEN ENROLLMENT ACT TRANSFERS

Students attending a school on the Open Enrollment List as identified by the Superintendent of Public Instruction, may apply to transfer to another school within or outside of the district, as long as the school to which he/she is transferring has a higher Academic Performance Index. Interdistrict transfer requests made pursuant to the Open Enrollment Act shall only be approved by the Superintendent or designee in accordance with the provisions of this regulation.

Application Process/Timeline

1. For the 2011-2012 school year, Open Enrollment Act transfer applications for district residents will be accepted from April 15 to April 30, 2011. In subsequent years, Open Enrollment Act transfer applications for district residents will be accepted during the Open Enrollment (Intradistrict Transfer) Period of the school year preceding the school year for which a resident student is requesting a transfer, as defined in Administrative Regulation 5116.1. Transfer applications for nonresidents shall be submitted between April 15 and April 30 of the preceding school year for which the transfer is requested. Applications submitted after the applicable deadlines will not be accepted or reviewed.
2. The application deadline does 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.
3. Within 60 days of receiving an application for Open Enrollment Act transfer, the district shall notify the applicant parent/guardian and the school district of residence in writing whether the application was approved or denied. If an application is denied, the district shall state in the notification the reasons for the denial.

Terms of Approval and Enrollment Priorities

1. Students will be selected through a random, unbiased process that prohibits an evaluation of whether the student should be enrolled based on his or her individual academic or athletic performance, proficiency in the English language, or family income. The District supports and adheres to a policy of nondiscrimination on the basis of race, color, ethnic group identification, national origin, ancestry, religion, age, marital or parental status, pregnancy, physical or mental disability, medical condition, veteran status, gender, genetic information, sex, sexual orientation, or the perception of one or more of such characteristics. Students applying for a transfer pursuant to the Open Enrollment Act shall be assigned priority for approval as follows:
 - a. First priority for the siblings of resident students who already attend the desired school.
 - b. Second priority for resident students who do not have a sibling already attending the desired school.

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- c. Third priority for the siblings of students who already attend the desired school on an Interdistrict Transfer Permit.
 - d. Last priority for students transferring from a program improvement school ranked in decile 1 on the Academic Performance Index, determined pursuant to Education Code section 48352(a).
2. If the number of students who request a particular school exceeds the number of spaces available at that school, a lottery shall be conducted in the group priority order identified above to select students at random until all of the available spaces are filled.

Accepted Applications

1. If an application is accepted, the student may enroll in the school or program approved by the district at the start of the school year immediately following the approval of the application. A student whose Open Enrollment Act transfer application is approved must be placed in a district school with a higher Academic Performance Index than the school in which the student was previously enrolled.
2. Once enrolled, a student is not required to re-apply to remain enrolled, unless the student is matriculating to another school within the district (i.e., matriculating from elementary to middle or middle to high school). However, the student's continued enrollment will be subject to the rules and standards that apply to students who reside in the school district.
3. A student approved for an Open Enrollment Act transfer into the district shall be deemed to have fulfilled residency requirements for attendance in the district set forth in Education Code section 48204.
4. Transportation will not be provided by the district to students choosing to attend a district school under the Open Enrollment Act.

Denied Applications

1. If the school the parent/guardian requests is at capacity, the district will not offer another school under an Open Enrollment Act application.
2. If an application is denied, the district shall notify the applicant parent/guardian and school district of residence in writing that the application has been denied. Such notification shall state the reason(s) for the denial.
3. The district's decision regarding the denial of an Open Enrollment Act transfer application is final and may not be overturned absent a finding by a court of competent

jurisdiction that the district acted in an arbitrary and capricious manner. There is no right of appeal to the Los Angeles County Office of Education.

Notice of Eligibility to Transfer

On or before the first day of school each year, but not later than September 15 (depending on when the district receives notification from the California Department of Education), the district shall provide the parents or guardians of all students enrolled in a designated "Open Enrollment School" notice of the option to transfer to another public school in the district or another school district.

Legal Reference:

EDUCATION CODE

200 Prohibition of discrimination

35160.5 District policies, rules, and regulations

48200 Compulsory attendance

48204 Residency requirements for school attendance

48350-48361 Open Enrollment Act

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

CODE OF REGULATIONS, TITLE 5

4700-4703 Open Enrollment Act

Management Resources:

WEB SITES

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

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

Regulation

Reviewed: February 8, 2011
February 22, 2011

CULVER CITY UNIFIED SCHOOL DISTRICT

Culver City, California

Regulation

Reviewed and Adopted: March 8, 2011