



NOVATO UNIFIED SCHOOL DISTRICT

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Achievement for All – Our Call to Action

Dr. Jan La Torre–Derby
Superintendent

March 21, 2011

Re: Board Policy 5116.1 Intra-district Open Enrollment Notification

Dear Parents,

The Superintendent's Office has received several calls regarding notification of intra-district transfers. BP 5116.1 dictates timelines for submittal and notification. It was last updated on November 17, 2009 and the current regulations are being followed. This policy is attached for your review and can also be found on the NUSD website under School Board/Board Policies.

All intra-district transfer request notifications for current Hill students will be mailed to parents by March 28, with confirmation required from the parent by April 3.

The BP 5116.1 indicates the timelines for all other intra-district transfer requests that are not current Hill students. The timeline notification of approval, denial or placement on a waitlist is as follows per BP 5116.1.

Grades 6-12	March 28, 2011
Grades K-5	May 16, 2011

The question that continues to surface is, "Will previously approved intra-district transfer agreements currently at a school be revoked?" No. All previously approved intra-district transfers for the 2010-11 school year will continue at the current school for the duration of that school. No previously approved intra-district transfers will be revoked based on consolidation and/or the new boundaries.

Please contact our Public Information Officer, Leslie Benjamin at lbenjamin@nUSD.org or 415 897-4259, if you have further questions.

Thank you.

Dr. Jan La Torre-Derby
Superintendent

Achievement for All – Our Call to Action

Intradistrict Open Enrollment

The Board of Education desires to provide options that meet the diverse needs, potential, and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with federal and state law, Board policy, and administrative regulation

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

The Board shall determine the enrollment capacity of each district school. Enrollment capacity determination will include capacity for specialized programs to ensure that schools with similar grade levels are not negatively impacted.

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)

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)

For all other applications for enrollment under this policy from outside a school's attendance area, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. A school's capacity shall be calculated in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

The following principles are exceptions to the random, unbiased selection process:

1. No student who currently resides in the attendance area of a school shall be displaced by students transferring from outside the attendance area [Education Code 35460.5(c)(2)(c)].
2. The district may employ entrance criteria for specialized schools or programs if the criteria are uniformly applied to all applicants [Education Code 35160.5(c)(2)(B)].
3. The district retains the right to assign a student to a school or program if the student requires a legally mandated program or accommodation which is available at the school such as a special education or an alternative program for English Learners.
4. The district retains the right to assign a student to a school for disciplinary reasons or for the protection of the health and safety of that student or other students.
5. If special circumstances indicate that a student faces harmful or dangerous conditions (i.e. threats or bodily harm or emotional stability, if she or he stays within the current attendance area), the Superintendent or designee may make this transfer a priority over other students pursuant to a finding of such representative of the appropriate state or local agency, including but not limited to the types of officials or professional identified in Education Code 35160,(b)(3)(A). (Education Code 35160.5b3A).

6. 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. (20 USC 6316) Procedures and placements made pursuant to this provision of federal law shall be implemented separately from other provisions of this policy and shall generally take precedence over other transfer requests under this policy Separate criteria apply to students transferring under this provision of federal law and such students shall not be subject to or entitled to other provisions of this policy, including the priority that may be accorded to siblings of students enrolled under this policy.

(cf. 0420.4 - Charter Schools)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

7. If while on school grounds a student becomes a victim of violent criminal offense, as defined by the State Board of Education, or attends a school designated 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. (20 USC 7912) Procedures and placements made pursuant to this provision of federal law shall be implemented separately from other provisions of this policy and shall generally take precedence over other transfer requests under this policy, Separate criteria apply to students' transferring under this provision of federal law and such students shall not be subject to or entitled to other provisions of this policy, including the priority that may be accorded to siblings of student enrolled under this policy.

8. Once enrolled, a student shall not have to apply for readmission to the school of choice provided continuous enrollment is maintained.

9. Siblings of a student enrolled in a school under this policy may receive priority for enrollment if the sibling will be concurrently attending the same school, subject to the provisions of the accompanying Administrative Regulations 5116.1.

10. Siblings of a student who have an approved intradistrict transfer have the option to attend their neighborhood school of residence.

11. Priority may be given to any student whose parent/guardian is assigned to that school as his/her primary place of employment.

Transportation

Except as required by 20 USC 6316, 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.

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

Legal Reference:

EDUCATION CODE

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

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

200.43 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)

Management Resources:

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Unsafe School Choice Option, May 2004

Public School Choice, February 2004

LEA and School Improvement, Non-Regulatory Guidance, July 2006

Public School Choice, Non-Regulatory Guidance, January 2009

WEB SITES

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

California Department of Education, Unsafe School Choice Option:
<http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, No Child Left Behind:: <http://www.nclb.gov>

Policy NOVATO UNIFIED SCHOOL DISTRICT

adopted: June 22, 1999 Novato, California

revised: November 17, 2000

revised: January 14, 2003

revised: June 24, 2003

revised: November 14, 2006

revised: March 18, 2008

revised: November 17, 2009

Intradistrict Open Enrollment

Intradistrict Enrollment Under the No Child Left Behind Act

1. Transfers from a school identified for program improvement, corrective action or restructuring.

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.

2. 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 determining whether a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident on a case-by-case basis 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.

3. Transfers from a "Persistently Dangerous" School

Within 10 school days after receiving notification from the California Department of Education (CDE) that a school has been designated as "persistently dangerous," the Superintendent or designee shall notify parents/guardians of the school's designation. Within 10 school days after this notification has been provided to parents/guardians, the Superintendent or designee shall notify parents/guardians of their 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 written notification 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 notify parents/guardians of their school assignment within 10 days of the date that submissions are due.

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 who 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." 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.

(cf. 5117 - Interdistrict Agreements)

Enrollment Process

Approval of intradistrict enrollment requests will be subject to site capacity limitations and the following selection procedures and priorities. No student who is enrolled in a school of residence during the open enrollment application period, and who resides within the school's attendance boundary, shall be displaced by a student who wishes to transfer from outside the attendance boundary. This process shall be subject to the district's compliance with federal law for providing transfers under the No Child Left Behind Act and the timeline for selection procedures and district determinations below may be delayed due to the district's compliance with federal requirements.

Selection Procedures

1. Each year by February 1, the Board of Education or its designee shall identify those schools that may have space available for additional students. Available space will be determined by such considerations as program capacity, staffing issues, and facilities. A list of schools that may have space will be posted on-line and made available at the district office, and open enrollment applications will be available at the district office.
 2. All students who submit applications to the district by the first Monday in March for grades 6-12, or the first Monday in April for grades K-5, shall be eligible for admission to their school of choice for the following school year as space is available. Students/families may apply to only one school of choice at a time; applications to multiple sites simultaneously will not be permitted.
 3. If student applications to enroll in a school are fewer than the openings available, all students requesting enrollment shall be enrolled.
 4. If student applications to enroll in a school or at the applicable grade level are greater than the openings available, an intradistrict waiting list shall be established by a random, unbiased selection process (lottery) of the remaining applicants to indicate the order in which students may be accepted. Late applicants will be added to the waiting list (or will create a waiting list, if none exists) in the order in which they apply.
 5. The superintendent or designee shall inform timely applicants by mail on or before:
 - * The third Monday in March (grades 6-12)
 - * The first Monday in May (grades K-5)
- As to whether their applications have been approved, denied, or placed on a waiting list.
6. Applicants who receive approval must confirm their enrollment by:

* The first Monday in April (grades 6-12)

* The third Monday in May (grades K-5)

Or the ability to transfer to the school of choice will be forfeited.

7. Wait-listed applicants will not be notified of the status of their applications until October 15, to allow new resident students to enroll in their neighborhood schools if space permits.

8. Wait listed applicants will remain on the waiting list for the duration of the school year. Applications must be submitted annually.

9. Questions regarding the selection process should be taken to the site principal of the school of choice.

10. Criteria and procedures for enrollment in specialized programs and schools are set forth in Exhibit A to this administrative regulation.

Enrollment Priorities at Neighborhood Schools (Descending Order)

1. Students residing within the school attendance boundaries at the time of the open enrollment application period. One (1) to two (2) spaces at each grade/each class level per site, if available, will be reserved for students who move in following the open enrollment application period.

2. Transfer requests from siblings of students currently enrolled in a school of choice under the district's open enrollment policy. (Education Code 35160.5)

3. All students who are residents of the district not described above, and whose intradistrict transfer applications are accepted.

4. Students who establish residence within the school attendance boundaries after the first day of school of the applicable school year.

5. Students on a grade-specific waiting list as determined by lottery for schools that receive requests for admission in excess of capacity of the school's enrollment.

6. Transfer requests received after the application period. Transfer requests received after the application period will be placed at the end of the grade-specific waiting list, if one exists.

Exceptions to enrollment priorities, and the random unbiased (Lottery) process (other than residence within a Neighborhood School's Attendance Boundaries) and to the random, Unbiased Selection Process.

1. If special circumstances indicate that a student faces harmful or dangerous conditions (i.e., threats of bodily harm or to emotional stability, if he or she stays within the current attendance area), the Superintendent or designee may make this transfer a priority over other students based on written statements from officials as provided by law or a court order. (Education Code 35160.5(b)(3)(A))

2. If a district school receiving Title 1 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. (20 USC 6316)

(cf. 0420.4-6Charter Schools)

(cf. 0520.2–6Title 1 Program Improvement Schools)

(cf. 6171–6Title 1 Programs)

3. 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 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. (20 USC 6316)

4. Once enrolled, a student shall not have to reapply for admission to the school of choice (Grade K-5, Grade 6-8, or Grade 9-12), provided continuous enrollment is maintained. However, the student may be subject to displacement due to excessive enrollment by students residing in the attendance area or due to the district's obligation to provide enrollment options under federal or state law.

5. Students on an intradistrict transfer may return to their neighborhood schools provided space is available. Returning intradistrict transfer students will have the same enrollment priority as new residents to a neighborhood school.

6. The district may employ entrance criteria for specialized schools or programs if the criteria are uniformly applied to all applicants.

7. The district retains the right to assign a student to a school or program if the student requires a legally mandated program or accommodation that is available at the school, such as a special education or and alternative program for English Learners.

8. The district retains the right to assign a student to a school for disciplinary reasons or for the protection of the health and safety of that student or other students.

Denying or Revoking an Intradistrict Attendance Request

The district retains the right to deny or revoke an intradistrict transfer request for reasons other than the student's academic or athletic performance, even if space at the requested school is available. Reasons may include, but are not limited to, irregular school attendance, failure to adhere to the district or school discipline policy, or discovery that the application has been falsified, excessive enrollment, or federal or state requirements to provide enrollment options for other students.

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:

1. All options for meeting residency requirements for school attendance.
2. Program options 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 the CDE (Education Code 48980)

Regulation NOVATO UNIFIED SCHOOL DISTRICT

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