INTERDISTRICT AND INTRADISTRICT ATTENDANCE: PRIORITY STATUS OF STUDENTS IN ESTABLISHING STUDENT ENROLLMENTS IN NEIGHBORHOOD SCHOOL

The Board desires to provide options that meet the diverse needs and potential interests of District students. The Board reaffirms its support of a neighborhood school concept whereby elementary students are encouraged but not required to attend the school within the attendance area of their residence, except as required for educational reasons. Therefore, students may be transported to schools other than the neighborhood school for educational reasons, such as the need for special education or gifted and talented programs.

The Board recognizes that there shall be occasions when a student’s neighborhood school does not have space available to educate the student. In such instances, the District shall transfer the student to another school within the District to provide an education program for the student. The Board acknowledges the need to transport students to other schools in the District when space is not available at the neighborhood school. The superintendent shall maintain a set of criteria to be used by staff to determine when it is necessary to transport students away from the neighborhood school due to overcrowding.

All schools shall begin to receive enrollments for the following year at 8:00 a.m. on February 1 of each year, or the following Monday if February 1 falls on a Saturday or Sunday.

It is the responsibility of the school principal to communicate this policy to the students’ parents and guardians.

PRIORITY STATUS OF STUDENTS IN THEIR NEIGHBORHOOD SCHOOL:

When the neighborhood school becomes overcrowded at one or more grade levels, priority will be given to all students who were in attendance at the overcrowded school or resided within that school’s boundaries continuously since on or before April 1 of the previous school year.

New enrollees are intradistrict or interdistrict students who were not enrolled in the school on or before April 1 of the previous school year. No new enrollee can be assured of a seat until after the first five days of school.

After the first five days of school, the principal of the school shall decide which new enrollees must be transferred to another school when the superintendent determines that a class is at maximum class size according to negotiated agreements. The following order of transfer will be used:

**Priority Transfer A:** Students who reside outside the boundaries of the Oroville City Elementary School District who were not enrolled prior to April 1 of the previous school year, and who wish to attend the overcrowded school under the authorization of an interdistrict attendance agreement, shall be the first to be transferred to a less crowded school when space is no longer available at an overcrowded school.
Priority Transfer B: Students who live within the boundaries of the Oroville City Elementary School District and who were not enrolled in the school on April 1 of the previous school year, and reside outside the school attendance boundaries of the overcrowded school shall be the second group of students to be transferred. Of this group, the superintendent may consider the following factors in determining the order of transfer:

1. Students transferring from a Title I school identified for program improvement, corrective action, or restructuring (20 USC 6316). Students who exercise their right to attend another school under this school choice provision must be given the option to continue to attend that school until they complete the highest grade of that school, even if the original school is no longer in program improvement, corrective action, or restructuring;

2. District students whose transfer request has been accepted under the Open Enrollment Act (Romero). Students who exercise their right to attend another school under this school choice provision must be given the option to continue to attend that school until they complete the highest grade of that school, even if the original school is no longer on the Open Enrollment List;

3. District students who have transferred because the student was a victim of a violent criminal offense, as defined by the California State Department of Education or attends a District school identified as persistently dangerous (20 USC 7912) (5 CCR 11992).

Priority Transfer C: In this transfer category, students who reside within the school attendance boundaries of the overcrowded school but attended the school after April 1, and those who resided continuously within that school's boundaries since on or before April 1 of the previous year shall be the final group of students to be transferred. Included in this category may be homeless/foster students if the overcrowded school is the school of origin. Students with the last enrollment date shall be transferred first. In addition, special education students who must attend a program that has been assigned to the school have a first priority equal to that of students living within the school attendance boundaries.

PROCEDURES TO BE USED TO TRANSFER STUDENTS INVOLUNTARILY FROM AN OVERCROWDED SCHOOL:

All parents and guardians of new students who are attending a school other than their neighborhood school shall be given a written notice, at the time they are admitted to the school, which explains this District policy and the fact that the student may need to be involuntarily transferred in the case of overcrowding, within the first five days of the school year. The notice shall be included in all enrollment packets.
INTERDISTRICT AND INTRADISTRICT ATTENDANCE: PRIORITY STATUS OF STUDENTS IN ESTABLISHING STUDENT ENROLLMENTS IN NEIGHBORHOOD SCHOOL (Continued)

ENROLLMENT PROCESS:

Annual proof of residency (utility bills, rent payments, mortgages) may be required of new and returning students.

If during the first five days of the school year a school experiences an overcrowding condition, then the principal shall be responsible for determining which new enrollees must be involuntarily transferred as per this policy. He/She shall also be responsible for notifying the parents and guardians of the necessary transfer.

The first group of students to be involuntarily transferred due to overcrowding shall be new enrollees who are attending District schools on interdistrict attendance agreements, the last student enrolled being transferred first (Priority Transfer A Students).

The second group of students to be transferred shall include the new enrollees who live outside the overcrowded school's attendance boundaries, but live within the District. Students with the last enrollment date shall be transferred first in accordance with relevant legislation and Education Codes (Priority Transfer B Students).

Finally, if the school principal still needs to involuntarily transfer excess students to another school, after he/she has already transferred students in the first and second groups, then the principal shall move Priority Transfer C students. The “last in – first out” rule shall be used. Students with the latest enrollment dates shall be the first to be transferred. Of the Transfer C Students, the first to be moved would be the remaining students on interdistrict transfers, followed by students on intradistrict transfers, and finally, students who reside in the school community.

After the first five days of the school year, the above procedures change. Because the District has consistently allowed students who complete the first five days of school to then complete the school year with the same teacher, students who enroll after the first five days of school do not have priority over students from other schools. In cases where students seek enrollment in an already overcrowded school after the first five days of school, the late enrollee may be placed on a waiting list to be enrolled and shall be transferred to another District school.

When enrolling students in school or transferring students to schools other than their neighborhood school, staff shall attempt to keep families together, whenever possible. When it is not possible to place siblings in the same school, the siblings shall be placed on waiting lists, as per parental guardian wishes, and be given priority for future school placement.
EXCEPTIONS TO ABOVE POLICY STATEMENT:

In situations where a school is radically reduced in size of student population, such as the transfer of relocatable classrooms or change of program, currently-enrolled students can no longer be guaranteed attendance in that school, and may in fact need to be transferred involuntarily to another school. In such situations, students who reside in the school attendance area and have been continuously enrolled in the school or resided within that school's boundaries continuously since on or before April 1 of the previous school year shall be granted Priority Transfer C status over students who are attending the school on an interdistrict attendance agreement or reside in a school attendance area other than the school being reduced. These students shall be given greatest consideration for available space in the reduced school.

DENIAL OF INTERDISTRICT TRANSFER AGREEMENT:

The parent/guardian of a student who is denied a transfer requested pursuant to Education Code 46600-46611 shall receive timely notice, in accordance with law, regarding the process for appeal to the County Board of Education.

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending, or during the term of the expulsion. (Education Code 46601).

Legal Reference: (See next page)
INTERDISTRICT AND INTRADISTRICT ATTENDANCE: PRIORITY STATUS OF STUDENTS IN ESTABLISHING STUDENT ENROLLMENTS IN NEIGHBORHOOD SCHOOL (Continued)

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
200.42 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
ATTORNEY GENERAL OPINIONS

Management Resources:
U.S. DEPARTMENT OF EDUCATION GUIDANCE
Unsafe School Choice Option. May 2004
Public School Choice, February 2004
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

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OROVILLE CITY ELEMENTARY SCHOOL DISTRICT
Oroville, California