

OPEN ENROLLMENT ACT TRANSFERS

Pursuant to the Open Enrollment Act of 2010, the Governing Board desires to offer open enrollment options to provide children with opportunities that meet their diverse needs and help them achieve academically. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

Whenever a student is attending a District school on the Open Enrollment List as identified by the Superintendent of Public Instruction, he/she may be considered for 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. (Education Code 48354, 48356)

In order to ensure that priorities for enrollment in District schools are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between January 1 and April 1 of the preceding school year for which the transfer is requested.

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

Standards for Rejection of Transfer Applications

Pursuant to Education Code 48356, the Board has adopted standards for acceptance and rejection of open enrollment transfer applications.

As applicable, the Superintendent or designee may deny a transfer application under any of the following circumstances:

1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, classroom, grade level, or school building:
 - a. The program, classroom, or site would exceed the maximum student-teacher ratio specified in Education Code or the District's collective bargaining agreement;
 - b. The classroom or site would exceed the physical capacity of the facility pursuant to the District's facilities master plan or other facility planning document.

(cf. 6151 - Class Size)

(cf. 7110 - Facilities Master Plan)

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2. Upon a determination that approval of the transfer application would have an adverse financial impact on the District, including:
 - a. The hiring of additional certificated or classified staff;
 - b. The operation of additional classrooms or instructional facilities;
 - c. Incurring District expenses that would not be covered by the apportionment of funds received from the State resulting in a reduction of resources available to resident students.

Transportation

Transportation will not be provided for interdistricts students whose transfer application is accepted under the Open Enrollment Act; however, transportation may be provided for OCESD students whose school of residence is a program improvement school.

Appeal Process

The parent/guardian of a District student may appeal the District's denial of a transfer application under the Open Enrollment Act to the Board of Trustees by filing a written request of appeal with the Superintendent within ten days of the receipt of the written notification of denial.

The parent/guardian of a student residing outside the OCESD boundaries may appeal the District's denial of a transfer application under the Open Enrollment Act to the Butte County Office of Education, 1859 Bird Street, Oroville, by filing a written request of appeal within ten days of receipt of the written notification of denial.

Legal Reference:**EDUCATION CODE**

200 Prohibition of discrimination

35160.5 District policies, rules, and regulations

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

52317 Regional Occupational Center/Program, enrollment of students, interdistrict attendance

FAMILY CODE

6500-6552 Caregivers

Legal Reference (Continued):

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

CODE OF REGULATIONS, TITLE 5

4700-4703 Open Enrollment Act

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

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

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

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