

### **Intradistrict And Interdistrict Voluntary Enrollment**

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students. The Superintendent or designee shall establish procedures for the selection and transfer of students among schools from within the district as well as the transfer of students between districts, in accordance with law, Board policy and administrative regulation.

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. The Board shall annually review this policy.

#### Enrollment Priorities

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

1. If a district school receiving Title I fund 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 not in program improvement, to ensure NCLB compliance.
2. 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.
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:

- 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

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.

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 and/or specialized programs with entrance criteria.

Another student transferring from outside the attendance area shall displace no student currently residing within a school's attendance area. (Education Code 35160.5)

#### Transfers Initiated by Parent/Guardians

The Executive Director of Prevention/Intervention Services ("Executive Director") or designee has the authority to transfer students from one school to another within the district. The requirements, process and procedures for such transfers are outlined in the regulation adopted pursuant to this policy.

To allow for as many transfers to be granted as possible and to ensure that the district's facilities are equitably utilized, the transfer process shall be centralized to ensure the district's facilities are equitably utilized. Accordingly, Prevention/Intervention Services shall be charged with the fair, consistent and district-wide administration of the transfer process in accordance with the regulation adopted pursuant to this policy.

NCLB choice transfers, intradistrict family-related transfers, interdistrict transfers for employment and child-care reasons are granted through the highest grade. Any other transfer including change of legal address may be granted for one school year only. However, it is the District's intent to maintain a student in the same school through the highest grade of that school and through the highest grade of the feeder pattern identified for that school.

NCLB choice transfers and a student's attendance in a district school pursuant to an intradistrict or interdistrict transfer is deemed a right, subject to the authority of the FUSD School Board to establish terms and conditions. The FUSD Board declares that such intradistrict or interdistrict transfers with the exception of NCLB choice transfers may be revoked in accordance with the process and procedures outlined in the regulation adopted pursuant to this policy.

The parents/guardians of school-age children who are homeless or in foster care are not required to request intradistrict or interdistrict transfers pursuant to State and Federal Law. Homeless students and students in foster care are not subject to the requirements in the regulation adopted pursuant to this policy.

There are two types of transfers in the Fresno Unified School District (the "FUSD" or the "district") that may be initiated by parents/guardians: intradistrict and interdistrict transfers.

1. Intradistrict Transfers: Subject to certain requirements, the parents/guardians of a school-age child who are residents in the district may request a transfer to a school other than the school to which their child is assigned for one of four specified reasons: open enrollment transfers; family-related transfers for established reasons including childcare, change of legal address and medical reasons; school choice transfers pursuant to the No Child Left Behind Act of 2001 ("NCLB"); and unsafe school choice options from a "persistently dangerous" school pursuant to the NCLB. The FUSD School Board retains the authority, consistent with State and Federal law, to grant or deny such a transfer in accordance with the requirements, process and procedures outlined in the regulation adopted pursuant to this policy. In the absence of an approved transfer or assignment to a magnet school or school of choice, a student is expected to attend the school in the attendance area in which he/she resides. A student shall be deemed to currently reside in the attendance area

of a school, if the student physically resided in the school attendance area, while attending school, prior to the tenth day following the first day of instruction of the current school year. However, a student who receives an Intradistrict transfer or an Interdistrict transfer may be displaced by a student who physically moves into the resident school attendance area prior to the tenth day of instruction of the current school year. It is the parent/guardian's responsibility to provide transportation for the student to and from requested school of attendance.

2. Interdistrict Transfers: Subject to certain requirements, the parents/guardians of a school-age child who are residents in the FUSD may request a transfer to another school district. The FUSD Board retains the authority, consistent with State and Federal law, to "release" a FUSD student to attend another school district in accordance with the requirements, process and procedures outlined in the regulation adopted pursuant to this policy. Similarly, subject to certain requirements, the parents/guardians of a school-age child who are residents of another district may request a transfer to the FUSD. The FUSD Board retains the authority, consistent with State and Federal law, to grant or deny a request for an interdistrict transfer to FUSD in accordance with the requirements, process and procedures in the regulation adopted pursuant to this policy. In the absence of an approved interdistrict transfer, students are expected to attend the school in the school district in which they reside.

#### Revocation

If the Executive Director or designee determines that a student has violated a condition of the intradistrict or interdistrict transfer, a revocation shall be considered only during timeframes outlined in the administrative regulation pursuant to this policy, to place the student back to the district or school of residence. This action shall be taken only upon review of all interventions to promote student success. The decision to revoke the interdistrict transfer and the specific reasons thereof shall be communicated in writing to the parent/guardian.

#### Monitoring and Evaluation

Annually, the Superintendent shall submit a report to the Board regarding the implementation of all transfers, including open enrollment and magnet school placements. This report shall include an analysis of the communication plan to inform the community of all timelines and program options as they relate to any transfer process.

#### Transportation for Students with Transfers

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. Priority for any such transportation shall be based on demonstrated financial need.

(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

UNITED STATES CODE, TITLE 20

6316 Transfers from program improvement schools

7912 Transfers from persistently dangerous schools

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of 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

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

Public School Choice, December 4, 2002

Unsafe School Choice Option, July 23, 2002

WEB SITES

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

CDE: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: June 23, 1994 Fresno, California

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