

## **Fresno Unified Board Policy (BP) 5116.1 Intradistrict And Interdistrict Voluntary Enrollment**

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also maximizing the efficient use of district facilities. The district recognizes that parents/guardians of students who reside within the geographic boundaries of one school or district may, for a variety of reasons, desire to enroll their children in a different school or district. 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 state and federal 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.

### **Enrollment Priorities**

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

The Superintendent or designee shall grant priority to any district student to attend another district school outside of their attendance area as follows:

1. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous" (20 USC 7912; 5 CCR 11992)
2. Any student who is a victim of a violent crime while on school grounds (20 USC 7912)
3. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers. 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

Except for priorities listed above and included in Board Policy 5116.2 – Magnet Schools, 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.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (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 and/or specialized programs with entrance criteria.

The Superintendent 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. Accordingly, the Transfer's Office 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.

A student's attendance in a district school pursuant to an intradistrict or interdistrict transfer is subject to the authority of the FUSD School Board to establish terms and conditions. The FUSD Board declares that such intradistrict or interdistrict 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 to remain at their current school. 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. The District 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. 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, and students residing within the attendance boundaries of other school districts may request a transfer to FUSD. The District may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. The District 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 the 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 Superintendent 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)*

*Fresno Unified School District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

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

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 20

*6311 State plans*

7912 Transfers from persistently dangerous schools

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

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:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act - Update #8, July 14, 2017

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Transitioning to Every Student Succeeds Act (ESSA): Frequently Asked Questions, rev. May 4, 2016

Unsafe School Choice Option, May 2004

WEB SITES

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

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

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

Policy FRESNO UNIFIED SCHOOL DISTRICT

adopted: June 23, 1994 Fresno, California

revised: June 26, 1997

revised: March 10, 2006

revised: September 6, 2006

revised: December 18, 2019

*Policy Section: 0000 Philosophy, Goals, Objectives and Comprehensive Plans*