

# Liberty Union High School District

## Administrative Regulation

Classification: Students

Policy No. **AR 5116.1**

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Effective: 2/25/98

Subject: Intradistrict Open Enrollment

Revised: 01/15/20

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### 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 making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident 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.

### Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
2. Within 20 days of receipt of the notification from CDE, notice of the 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 a written request 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 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 whose parents/guardians 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.

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The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

### Enrollment Priorities

1. No student currently residing within a school's attendance area shall be displaced by another student as a result of the intra-district open enrollment transfer process. (Education Code 35160.5)
2. The Governing Board retains the authority to maintain appropriate racial, ethnic and enrollment balances among district schools. (Education Code 35160.5)
3. Along with Enrollment Priorities above, applications for intra-district transfer filed prior to the March 1 deadline shall be given priority for admission under the following circumstances:
  - A. A student has already become established at the school for at least one semester and wants to continue at the school despite moving within the district to a residence outside the current school's attendance area. The student must have shown satisfactory attendance, behavior and academic performance to warrant this priority consideration, **OR**
  - B. A student has siblings currently in attendance at the school, **OR**
  - C. A student has a parent/guardian assigned to the school as his/her primary place of employment, **OR**
  - D. A student requests participation in a specialized program\* which does not exist at the school of attendance, and is available at the grade level of the student, **OR**  
(\*Definition: A specialized program is defined as an academy/career path or a centralized district program [not a single course] with a special curriculum. An exception is permitted for Agriculture if the student has a verified, significant history of participation in agricultural related activities)
  - E. Verifiable safety circumstances exist that may be harmful or dangerous to a student at the current school of attendance.
7. All other applications shall be subject to a random selection process once the District determines the available capacity at the schools after those qualifying for transfer under Enrollment Priorities are accommodated.

### Selection Procedures

1. Shortly after January 31, the District shall identify those schools within the district that have available capacity for additional students. Available capacity shall be based on maximum and minimum optimum mid-year enrollments. The District has an over-arching interest in balancing enrollment at its schools.
2. All students who submit applications to the district during the designated intra-

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district transfer application window in the month of February (March 1 deadline) shall be eligible for consideration for admission to their school of choice. Students living within the established attendance boundary of any school will not be displaced by intra-district transfers from outside the attendance area of the school.

3. The approval of timely filed intra-district transfer applications shall be determined by first applying the Enrollment Priorities #2-6 listed above.
4. A school(s) determined to have no "available capacity" due to the degree of over-capacity enrollment will not be allowed to accept students on intra-district transfer requests, with the exception of those filed on time and being considered consistent with Enrollment Priorities listed above. To achieve the District's overarching goal of balancing enrollment listed in #1 above, the District will consider schools to have no "available capacity" if a school is projected to be 125 students larger in October than the next smallest school.
5. In schools where space remains after consideration of the applications judged to have Enrollment Priorities, and the number of applicants exceeds the available capacity, transfer applications for enrollment in a selected school of choice shall be determined by a random and unbiased selection process (\*except as Noted below).  
(\*NOTE: Per Education Code 35179, the Governing Board has full authority over the inter-scholastic athletic program and may take appropriate to ensure equal opportunities for students at various sites. The District may take action to deny a transfer request that is based primarily on the student's desire to transfer to a particular school in the District to participate in that school's athletic program, especially when a pattern of such requests in the District is evident).
6. The Superintendent or designee shall inform all school choice applicants as to whether their applications have been approved, denied, or placed into a random selection pool. If an application is denied, the reason for denial shall be stated.
7. Applicants who receive approval for their intra-district school of choice must confirm their enrollment with that school within two weeks upon receipt of their notification. If the parent/guardian wishes to withdraw their application for an intra-district transfer of their child during this window of time, the withdrawal request will be approved without question. If no response is received from the applicant within the two week window, the transfer request shall become invalid and the current school will remain the student's "home school."
8. Retractions: Once the transfer has been finalized (two weeks after initial notification), the parent/guardian of a student approved to transfer to another district school who changes their mind may submit a request to retract the transfer request. Retractions of approved transfers may only be filed from the date of initial notification through the first 4 weeks of the new school year. Requests to retract a requested school transfer that has already been approved through this intra-district transfer process after the first 4 weeks of the new school year are no longer "retractions." Such requests must be filed consistent with this Administrative Regulation as a new intra-district transfer request for the second semester or next school year.

Retractions will be considered for approval on a case-by-case basis. The current

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enrollment at the schools involved, the rationale provided, the time of the year and the frequency of such requests from the applicant will be considered in determining approval. Frequency of school transfers and duration of enrollment are important factors in maintaining positive academic success. It is the expectation that approved student transfers must attend the selected school of choice for the duration of the normal academic school year. Retractions filed once the school year starts are rarely approved.

9. Applications for intra-district transfer, including Open Enrollment Act transfers, to a selected school of choice filed after the designated intra-district transfer window closes on March 1 will be considered on a case-by-case basis and will not be subject to a random and unbiased selection process. Review of the applications will only take place if space remains available at the desired school and may or may not be considered prior to the start of the new school year. The Enrollment Priorities stated above will generally guide the consideration of these late requests. The District will try to accommodate late requests that present legitimate rationale, when possible, but a parent/guardian filing an intra-district transfer application after the normal February filing window should have no expectation of approval.
10. Students approved to attend a school utilizing the intra-district open enrollment transfer procedures shall be entitled to the identical student rights, responsibilities and expectations as applied to all students living within that school's attendance boundaries. This includes athletic and extra-curricular eligibility requirements in accordance with district guidelines, appropriate student behaviors and equal discipline consequences, positive attendance and academic progress.
11. Requests for intra-district admission to a particular school shall not be influenced by a student's academic performance except insofar as academic standards are required for admission to specialized schools or programs. Requests for intra-district admission shall not be enhanced by a student's interest or skill in extra-curricular activities. Such standards shall be uniformly applied to all students.
12. Revocation of Intra-District Transfer – The intra-district transfer of a student may be revoked in the first year of residence at the new school if a review of the attendance, behavior and/or academic performance of the student indicates a lack of success. A site administrator recommending a revocation of the intra-district transfer at the mid-point or end of the school year will contact the District administrator who initially approved the intra-district transfer to have the revocation recommendation confirmed. A student whose intra-district transfer has been revoked will be returned to his previous school at the start of the next semester.

Once enrolled, a student shall not be required to reapply for readmission. However, the student may be subject to displacement due to excessive enrollment.

Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

### **Notifications**

Annually, parents/guardians will receive written notifications describing all current statutory attendance options and local alternative education programs available in the district including:

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1. All options for meeting residency requirements for school attendance.
2. Program options offered within local attendance areas and within the school district.
3. A description of the procedures for application for intra-district transfer to an alternative attendance area where student enrollment capacity is available.
4. A description of the procedures for application for intra-district transfer to an alternative attendance area where student enrollment capacity is available.
5. A district application form for intra-district open enrollment transfer requests as well as an explanation of attendance options under California law as provided by the California Department of Education are available on the district website and at the district office.

### **Appeal Process**

A student whose request for intra-district open enrollment transfer has been denied by the District administrator charged with initial review of such applications may appeal the decision. All appeals shall be in writing and directed to the Superintendent. A response to the appeal shall be in writing outlining the conditions or factors related to the final disposition of the transfer appeal request. The Superintendent's decision shall be final.

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