

**CLOVIS UNIFIED
SCHOOL DISTRICT****STUDENTS**

Admissions Residency and Attendance

INTRA-DISTRICT TRANSFERS/OPEN ENROLLMENT

PURPOSE: Establish a process for intra-district transfers and open enrollment within the District for students who are in grades TK-12 and students who reside in the District.

A. Intradistrict Transfers (Short-Term).

Notwithstanding Board Policy No. 5111.1, the Board recognizes that students and families have unique needs deserving special consideration and authorizes the Superintendent to establish procedures and an administrative regulation to provide for students who reside within the District to attend schools other than in the school determined by the residence of the student.

The Board recognizes that class capacity considerations may require the administrative transfer of students from one school to another. The Superintendent or designee is authorized to implement the administrative transfer of students from one school to another when grade level enrollment exceeds capacity.

The Superintendent or designee shall determine annually the capacity of each District school. This determination of school site capacity shall be based on nonarbitrary data-driven factors relating to pupil enrollment and available school site space, including permanent and portable classrooms at each school site that can be supported by the on-site infrastructure (restrooms, multi-purpose rooms, library media center, etc.) as defined in Board Policy No. 7110.2 – School Capacity Parameters.

Approval of any Intradistrict Transfer Application is subject to space availability at the receiving school. A student, not a resident in the attendance area of the receiving school, shall not attend that school at the expense of a student who resides within that school's attendance area or who has been granted an open enrollment transfer thus declaring them a resident of that school. Intradistrict transfer students are subject to overflow should the grade level exceed District established class capacity.

All Intradistrict Transfer Applications will be evaluated based on space availability, diverse needs of students and parents/guardians, safety concerns, program availability, and the reason given for the transfer.

It is the intent of the Board that special consideration be afforded transfer requests for school children (grades TK-8) based upon provisions for childcare during non-school hours. Additional special considerations for approval of transfers will be outlined in the administrative regulation.

It is the parent's responsibility to provide transportation for the student to and from the school of requested attendance.

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All requests for transfers must be submitted in writing and signed by the parent/guardian. Transfers may be approved only until the next open enrollment period opens and the preceding school year begins. Attendance the following school year is subject to Board Policy No. 5111.1.

Authorization or approval by the District of a student's intradistrict transfer does not result in the student obtaining eligibility for District interscholastic athletics for grades 4-12. Following the District's approval of a student's intradistrict transfer into a new District school, the student shall apply and receive a determination by the District of the student's eligibility for interscholastic athletics in accordance with Board Policy No. 6145 - Co-Curricular and Extra-Curricular.

The intra-district transfer is a short-term transfer. Approved intradistrict transfers may not be renewed. For transfers longer than 18 months, families must use the open enrollment process.

Parents wishing a review and/or an appeal of an intradistrict transfer decision will present such request to the Administrator of Student Services and School Attendance or designee for final determination.

B. Open Enrollment (Long-Term).

The Board intends that the parent/guardian of each school-age child who resides within the District shall have the opportunity to select the school the child shall attend, irrespective of the particular location of the child's residence within the District, provided that such attendance does not create a school safety issue, exceed space availability, or there is not a specific program limitation among the schools of the District.

Boundary lines for elementary school attendance areas are established using the concept of the neighborhood school. Attendance areas for intermediate and high schools are established to meet the diverse needs and interests of District students and parents/guardians, while also maximizing the efficient use of District facilities and resources.

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 their residence within the District and regardless of the student's enrollment in a private or charter school.

The Board also intends that a student whose legal residence is within the attendance boundaries of a school or a prior Open Enrollment Transfer Application shall not be displaced by a student not residing within that school's attendance boundaries.

Transportation for students shall be provided pursuant to District board policies. (See Board Policies No. 3250, 3540, and 3541)

Authorization or approval by the District of an open enrollment transfer of students entering grades 7-12 does not result in the student obtaining eligibility for District interscholastic athletics for grades 4-12. Following the District's approval of a student's open enrollment transfer into a new

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District school, the student shall apply and receive a determination by the District of the student's eligibility for interscholastic athletics in accordance with Board Policy No. 6145.

Any parent/guardian wishing to obtain a transfer under the sibling rule to remain in the original school attendance area following a school attendance boundary revision shall do so in accordance with Board Policy No. 5116.

The Superintendent shall prepare an administrative regulation to provide the parents/guardians of a school-age child with the opportunity to select the school their child shall attend within the District. Such regulations shall include:

- a. Procedures to determine the student capacity for each school.
- b. Procedures to assure that no student who currently resides in the attendance area of a school or has resident status shall be displaced by students transferring from outside the attendance area.
- c. A selection procedure for schools that receive requests for admission in excess of the student capacity of the school.
- d. A process for notifying the parents/guardians of students at the beginning of the first semester or quarter of the regular school term of this policy and of all current statutory attendance options and local attendance options available in the District.

Any complaints regarding the selection process shall be submitted to the Administrator of Student Services and School Attendance or designee.

The Board shall annually review this policy.

Adopted: 03/09/1994

Reviewed: 07/08/2009, 06/09/2021, 06/08/2022, 05/24/2023

Amended: 10/12/2005, 12/13/2006, 12/12/2007, 09/08/2010, 11/16/2011, 12/10/2014,
01/14/2015, 11/18/2020 (BP 2208 renumbered as BP 5116.1; moved all contents of
BP 2209), 02/07/2024

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

48207 Pupils with temporary disabilities in hospitals outside of school district

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48208 Presence of pupils with temporary disabilities
48300-48316 Student attendance alternatives, school District of choice program
48980 Notice at beginning of term
56162 Residency

GOVERNMENT CODE
244 Determination of place of residence

CODE OF REGULATIONS, TITLE 5
11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20
6311 State plans
6313 Eligibility of schools and school attendance areas; funding allocation
7912 Transfers from persistently dangerous school

DECISION
Crawford v. Huntington Beach Union High Sch. Dist. (2002) 98 Cal.App.4th 1275

CIF Central Section Bylaw 207, 213

Doc# 43413-14 (02/2024, 12/01/2019)