



Huntington Beach Union High School District Board Policies and Administrative Regulations

BP 5116.2
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Students

District Transfers

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board Policy, and Administrative Regulation.

The Board may annually review this policy. (Education Code 35160.5, 48980)

The District provides a modified open enrollment program to students within the school District boundaries on a space-available basis. The district shall not be obligated to provide transportation for students who attend school outside their attendance area. Responsibility for transportation to a school outside the attendance area is that of the parents. The Superintendent or designee shall calculate each school's capacity in a non-arbitrary manner using student enrollment and available space. (Education Code 35160.5)

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, class, grade level, or school building, including:
 - a. The site, classroom, or program exceeding the maximum student-teacher ratio specified in the district's collective bargaining agreement.
 - b. The site or classroom exceeding the physical capacity of the facility.
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. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students.

Students

District Transfers (Con't)

Rules for Intradistrict transfer applications:

1. No restrictions will be applicable in honoring requests other than space available. "Space available" is interpreted to be current standards for maximum enrollment. Once enrolled, a student shall not have to apply for readmission. The school of choice becomes the student's home school.
2. In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted during the Open Enrollment period of the school year preceding the school year for which the transfer is requested.

Rules for Interdistrict transfer applications:

1. Except for priorities listed below, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school received admission requests that are in excess of the school's capacity and available space. (Education Code 35160.5)
2. 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 applications. Academic performance may be used to determine eligibility for, or placement in, programs for identified gifted and talented students. (Education Code 35160.5)

Enrollment Priorities

Students applying for transfers shall be assigned priority for approval as follows if space is not available to honor all timely requests: (Education Code 48356)

1. All Resident students who reside in the attendance area of the school.
2. Resident (Intradistrict transfer) students with siblings enrolled at the designated site.
3. New Resident (Intradistrict transfer) students.
4. Interdistrict transfer students of district employees.
5. Interdistrict transfer students with siblings enrolled at the designated site (Education Code 48306).
6. Interdistrict transfer students currently enrolled in the district.
7. New Interdistrict transfer students.

Any Intradistrict or Interdistrict transfer request received after the advertised deadline will be considered late and will not be evaluated until enrollment numbers at the requested school have been confirmed.

Students

District Transfers

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

CODE OF REGULATIONS, TITLE 5

- 11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

- 6316 Transfers from program improvement schools
- 7912 Transfers from 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
- Crawford v. Board of Education 17 Cal. 3d. 280

ATTORNEY GENERAL OPINIONS

- 85 Ops.Cal.Atty.Gen. 95 (2002)

Students

District Transfers

Management Resources:

U.S. DEPARTMENT OF EDUCATION NONREGULATORY GUIDANCE

Public School Choice, January 2009

Unsafe School Choice Option, May 2004

WEB SITES

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

California Department of Education, Unsafe School Choice Option:

<http://www.cde.ca.gov/ls/ss/se/usco.asp>

U.S. Department of Education, No Child Left Behind: <http://www.nclb.gov>

Policy

Adopted: 8-27-96

Revised: 5-11-99

Revised: 1-14-03

Revised: 12-11-12

Revised: 2-11-14

Revised: 4-10-18