

OPEN ENROLLMENT ACT – ROMERO BILL TRANSFERS

California law and the rules and regulations of the State Board of Education state a preference that students attend schools in their districts of residency. The Open Enrollment Act (Education Code §48350 et seq.) allows students attending a school identified by the California Superintendent of Public Instruction as being subject to the requirements of Education Code §48350 et seq. (an “open enrollment school”) to submit an application for enrollment in another higher performing school. Interdistrict transfer requests made pursuant to the Open Enrollment Act (“Romero Bill transfers”) shall only be approved by the Superintendent or designee in accordance with the provisions of this policy and its implementing regulations.

Definitions

For the purposes of this policy, the following definitions apply: “open enrollment school” means any school included on the annual open enrollment list of 1,000 schools issued by the California State Superintendent of Public Instruction. The process for identifying and including schools on the open enrollment list of 1,000 schools is described in Education Code §48350 et seq.

“School district of enrollment” means a school district other than the school district in which the parent/guardian of the student resides, but in which the parent of the student nevertheless intends to enroll pursuant to Education Code §48350 et seq.

“School district of residence” means a school district in which the parents of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code §48204.

Overview and Application Timelines

1. Priority enrollment at all District schools and programs shall be given to pupils residing within the District and requesting transfer pursuant to the District’s intradistrict transfer policy (BP 5118).
2. Only students attending a designated “open enrollment school” are eligible to apply for a transfer under this policy.
3. Romero Bill transfer applications will be accepted until January 1 of the school year preceding the school year for which the student is requesting a transfer. Any application submitted after January 1 will not be accepted or reviewed.
4. This application deadline does not apply to a transfer request if the parent, with whom the student resides, is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.
5. If a waiver is submitted to exclude a school on the open enrollment list, the deadline for notification and receipt of application may be deferred to a later date. Applications must be submitted within 30 days of final notification of a waiver denial.
6. The District shall provide written notification to a Romero Bill applicant’s parent and the school district of residence by March 1 of the school year preceding the school year for which the transfer was requested as to whether the application was approved or denied.

Basis for Approval or Denial of Romero Bill Applications

1. The Superintendent or designee may not approve the initial application of a student requesting a Romero Bill transfer if the transfer would require the displacement of any student who resides within the district. The Superintendent or designee may deny a Romero Bill transfer application under any of the following circumstances if:
 - a. Approval of the transfer application would result in the District exceeding the long-term capacity of a program, class, grade level, or school building.
 - b. Approval of the transfer application would result in any adverse financial impact to the District
 - c. The Board of Trustees determines that the transfer would negatively impact either of the following:
 - i. A court-ordered or voluntary desegregation plan of the District
 - ii. The racial and ethnic balance of the District, consistent with state and federal law
2. The Superintendent or designee may not consider a student’s previous academic achievement, physical condition, proficiency in the English language, family income, or any of the individual characteristics set forth in Education Code §200 when considering whether to approve or deny a Romero Bill application.
3. In addition to the requirements set forth in this policy and its implementing regulations, students applying for a Romero Bill transfer into the District must meet all additional requirements for admission to a magnet program or program designed to serve gifted and talented students.
4. The District cannot accept an application for a Romero Bill transfer if the student’s district of residence has prohibited the transfer as allowed under the Open Enrollment Act. (California Education Code §48355)

Terms of Approval and Enrollment Priorities

1. Any student whose Romero Bill transfer application is approved must be enrolled in a District school with a higher Academic Performance Index (“API”) than the school in which the student was previously enrolled. Selection must be through a random, unbiased process that prohibits an evaluation of whether or not the student should be enrolled based on his or her individual academic or athletic performance, or any other characteristic protected under Education Code §200, except that students applying for a transfer under this policy shall be assigned priority as follows:
 - a. First priority: siblings of children who already attend the desired school
 - b. Second priority: students transferring from a program improvement school ranked in decile 1 on the API as determined pursuant to Education Code §48352(a)
2. If the number of students who request a particular District school exceeds the number of spaces available at that school, a lottery shall be conducted in the group priority order stated above to select students at random until all available spaces are filled.
3. The initial application of a student for transfer under this policy shall not be approved if the transfer would require the displacement from the desired school of another pupil who resides within the attendance area of that school or is currently enrolled in that school.

Accepted Applications

1. If an application is accepted, the student may enroll in the school or program approved by the District at the start of the school year immediately following the approval of the application. Once enrolled, the student is not required to re-apply to remain enrolled.
2. For any student approved for a Romero Bill transfer, the District shall accept credits toward graduation that were awarded to the student by another district and shall graduate the student if the student meets the graduation requirement of the District.
3. Once enrolled, a student attending school in the District pursuant to a Romero Bill transfer shall be subject to all rules, policies, and regulations applicable to all students in the District.

Rejected Applications

1. If an application is rejected, the District shall provide written notification to the applicant’s parent and school district of residence that the application has been rejected. Such notification shall state the reason(s) for the rejection.
2. The District’s decision regarding the rejections of a Romero Bill transfer application is final. There is no right of appeal to the county office of education.

Notice of Eligibility to Transfer

1. On or before the first day of school each year, or if later, on the date the District received notice of program improvement, corrective action, or restructuring status under federal law, the District shall provide the parents or guardians of all students enrolled in a designated “open enrollment school” notice of the option to transfer to another public school in the District or another school district.

Prohibiting or Limiting the Number of Transfers Out of the District

1. In the event that a school within the District is designated as an “open enrollment school,” the District may prohibit or limit the number of students who transfer out of the District under the Romero Bill if the Board of Trustees determines that the transfer would negatively impact either of the following:
 - a. A court-ordered or voluntary desegregation plan of the District
 - b. The racial and ethnic balance of the District consistent with federal and stated law

Legal Reference:

EDUCATION CODE

200

48204 Persons included (compulsory education law)

48350-48361

CCR 4700-4703