

## **SCHOOL OF CHOICE**

### **Purpose and Intent**

The Board of Trustees 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. The District shall establish procedures for the selection and transfer of students among District schools in accordance with law, Board policy, and administrative regulation.

The Board endorses the neighborhood public school concept. However, the Board recognizes that some parents/guardians may wish to choose a school of attendance other than the school in whose boundary they reside (School of Residence). Thus, the School of Choice program shall be included as an integral feature of the District's instructional offerings. Once approved for School of Choice, the new school is designated as a student's School of Record and School of Choice applications are not needed until matriculation to middle and/or high school.

In the event that a school is closed the Board will give direction to which assigned school the displaced students will attend.

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.

School capacities and class size mandates/guidelines are established to optimize the use of existing facilities and to maintain relatively balanced enrollments. All District schools offer high quality instructional programs addressing the District's mission, goals, and adopted curricula. However, parents/guardians may wish to apply to other District schools in order to take advantage of specialized or innovative programs, or to meet other family needs.

The Board shall annually review this policy.

### **Capacity Determination**

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space.

### **Priority Criteria for School Placement**

District students residing in any Board approved school boundary shall first be provided the option of attending their School of Residence. After all School of Residence students have been placed, all children of employees will be given priority placement at the employees' work site if there is room in the grade level. After a determination of the number of open seats in each school, requests for School of Choice placement will be honored according to the following Priority Criteria until all openings in a given school are filled:

**SCHOOL OF CHOICE (continued)**

Except for the Priority Criteria listed below and in the order provided, the District shall use a random, unbiased selection process to determine who shall be admitted whenever a school campus receives admission requests that are in excess of the capacity of the school campus. Priority placement will be given to students from a Community Facilities District (CFD) which contributes Mello-Roos funds to that school, as described in Board Policy 5116.

**Priority Criteria**

If a student has continuously attended their School of Residence and moves anytime during the year, the student may apply to stay at the current school until he/she matriculates to the next level unless the school is significantly impacted and the student is displacing a student living in that boundary.

- A. Any student enrolled in a District school that has been identified on the State's Open Enrollment List or participating in Title 1 Public School Choice.
- B. Any student enrolled in a District school designated by the California Department of Education as "persistently dangerous."
- C. Any K-11 student whose sibling is already enrolled in a school and desires to will be co-enrolled during the coming school year if there is room in the grade level. Sibling means brother/sister, step-brother/step-sister, or foster brother/sister residing in the same household. Co-enrolled means both siblings will be at the same school for the year. This applies to Kindergarten through twelfth grade students. Students who are transferred through the Individualized Education Program (IEP) process will have priority to co-enroll their siblings.
- D. Any student continuously enrolled in a K-12 specialized District program.

**Placement Procedures**

The District will fill openings in the order of the above-listed placement Priority Criteria, until all open seats in that priority area are filled or all requests have been met, whichever occurs first. If the number of remaining available spaces at that school does not accommodate all students within a single Priority Criteria, then the District shall conduct a lottery among the students within that Priority Criteria and grant applications in the order of the names drawn within that category.

The School of Choice timeline will be published on the District website.

School of Choice applications shall be initiated by a student's parent/guardian. Applications must be submitted on the District-designated form, available online on the Capistrano Unified School District website. Parents/guardians seeking placement for multiple children must submit a separate application for each student.

**SCHOOL OF CHOICE (continued)**

Parents/guardians who apply for a School of Choice transfer before the published application deadline shall receive notice regarding the status of their request by late spring. School of Choice approval is school specific and does not guarantee placement in the feeder school(s) for the school of choice.

**Eligibility for Interscholastic Athletic Participation**

When a student enrolls as a freshman (Grade 9) in any District high school, he/she will have that school identified as the School of Record for athletic eligibility. Once eligibility has been established, a transfer to a different high school under School of Choice may result in a declaration of ineligibility to participate. Students considering a transfer to another District high school should contact California Interscholastic Federation (CIF) for eligibility guidelines.

Recruitment of students by school personnel to attend a high school other than the School of Residence for the purpose of athletic participation is prohibited in accordance with CIF rules and regulations.

**Home-to-School Bus Transportation**

Transportation of students who have been placed through the School of Choice process is strictly the responsibility of the parent/guardian.

**Transfer Back to the School of Residence**

Students approved for School of Choice placement in accordance with the priority placement criteria spelled out in this policy shall abide by all school rules and procedures. Principals may recommend to Student Services the involuntary transfer of a student back to his/ her School of Residence or another school deemed appropriate for any of the following reasons:

1. Unsatisfactory attendance
2. Continual tardiness
3. Failure of the parent/guardian to make adequate transportation arrangements
4. Unsatisfactory academic performance
5. Unsatisfactory behavior
6. No longer residing within District boundaries

A student subject to transfer back to his/her School of Residence or another school deemed appropriate have the right to an Admission and Discharge hearing relative to the infraction that resulted in the involuntary transfer.

A student deemed to have enrolled in a school via School of Choice by falsifying attendance or residency records shall be returned to School of Residence immediately.

**SCHOOL OF CHOICE (continued)**

Once approved on School of Choice the approved school becomes the student’s School of Record. In order to return to the original School of Residence, a School of Choice application must be submitted during the School of Choice window. A student requesting a transfer back to his/her School of Residence will not be guaranteed a place in his/her School of Residence, unless space is available.

*Legal Reference:*

EDUCATION CODE

- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*
- 35160.5 District policies; rules and regulations*
- 35291 Rules*
- 35350 Transportation of students*
- 35351 Assignment of students to particular schools*
- 29 Ops.Cal.Atty.Gen. 63*

GOVERNMENT CODE

- 53312.7 Establishment of community facilities district; goals and policies*
- Jackson v. Pasadena City School District (1963) 59 Cal. 2nd 876, 879*
- Crawford v. Board of Education (1976) 17 Cal.3d 280*

**POLICY**

- adopted: February 8, 1999
- revised: November 17, 2003
- revised: December 8, 2003
- revised: February 11, 2008
- revised: December 15, 2009
- revised: March 8, 2011
- revised: February 29, 2012
- revised: February 27, 2013
- revised: February 25, 2015
- revised: December 9, 2015
- revised: February 24, 2016
- revised: January 25, 2017

**CAPISTRANO UNIFIED SCHOOL DISTRICT**

San Juan Capistrano, California