

The Open Enrollment Act ("Romero Bill") and California regulations allow students attending a school designated by the California Superintendent of Public Instruction as an "Open Enrollment School" to submit an application for enrollment in a higher performing school in another school district. A Romero Bill/Open Enrollment Request for Transfer 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 these regulations.

### **Application Process/Timeline**

1. Romero Bill transfer applications will be accepted from December 1 to December 31 of the school year preceding the school year for which the student is requesting a transfer. Any application submitted after December 31 will not be accepted or reviewed. The application may request enrollment of the student in a specific school or program.
2. This application deadline does not apply to an application requesting a transfer 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.
3. The District shall notify a Romero Bill/Open Enrollment Act applicant's parent and the school district of residence in writing by March 1 of the school year preceding the school year for which the transfer was requested regarding whether the application was approved or denied.

### **Basis for Approval or Denial of Romero Bill/Open Enrollment Applications**

1. The Superintendent or designee may deny the initial application of a student requesting a Romero Bill transfer if the transfer would require the displacement from the desired school of another student who resides within the attendance area of that school or is currently enrolled in that school.
2. The Superintendent or designee may deny a Romero Bill/Open Enrollment transfer application under any of the following circumstances:
  - a. If approval of the transfer application would result in enrollment that exceeds the capacity of a program, class, grade level, or school building. Capacity determinations include consideration of staffing and facilities issues.
  - b. If approval of the transfer application would result in an adverse financial impact to the District including, but not limited to, any increase in class or program size that would result in the District's loss of its current level of "class size reduction" program revenues, or would require the District to hire

additional certificated or classified employees, or would conflict with the terms of an existing collective bargaining agreement.

- c. If the Governing Board of the District determines that the transfer would negatively impact either of the following:
  - i. A court-ordered or voluntary desegregation plan of the district.
3. 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 section 200 when considering whether to approve or deny a Romero Bill application.
4. In addition to the requirements set forth in this policy and its implementing regulations, a student applying for a Romero Bill transfer into the District must also meet requirements for admission to a magnet program or program designed to serve gifted and talented students, if the student also is applying to such a program.
5. The District cannot accept an application for a Romero Bill/Open Enrollment transfer if the student's district of residence has prohibited the transfer as allowed under the Open Enrollment Act.

### **Terms of Approval and Enrollment Priorities**

1. Students will be selected through a random, unbiased process that prohibits an evaluation of whether the student should be enrolled based on his or her individual academic or athletic performance or any other characteristic protected under Education Code section 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 section 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.

### **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. A student whose Romero Bill/Open Enrollment transfer application is approved must be placed in a District school with a higher Academic Performance Index ("API") than the school in which the student was previously enrolled.
2. Once enrolled, a student is not required to re-apply to remain enrolled. However, the student's continued enrollment will be subject to the rules and standards that apply to students who reside in the school district.
3. A student approved for a Romero Bill/Open Enrollment transfer into the District shall be deemed to have fulfilled residency requirements for attendance in the District set out in Education Code section 48204.
4. Transportation will not be provided by the District to students choosing to attend a District school under the Romero Bill.

### **Denied Applications**

1. The District shall notify the applicant parent and school district of residence in writing that the application has been accepted or denied. If denied, the notification shall state the reason(s) for the denial.
2. The District's decision regarding the denial of a Romero Bill/Open Enrollment transfer application is final and may not be overturned absent a finding by a court of competent jurisdiction that the District acted in an arbitrary and capricious manner. 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, but not later than September 15 (depending on when the District receives notification from the California Department of Education), 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 Governing Board of the

District determines that the transfer would negatively impact either of the following:

- a. A court-ordered or voluntary desegregation plan of the District.

### **Intradistrict Enrollment under the Open Enrollment Act (“Romero Bill”)**

The Romero Bill and California regulations allow students attending a school designated by the California Superintendent of Public Instruction as an “Open Enrollment School” to submit an application for enrollment in a higher performing school in the district. Applications for an intradistrict transfer under the Romero Bill are subject to the timelines and criteria established in the District’s Administrative Regulation 5118.1.

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