



LOZANO SMITH ALERT

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OPEN ENROLLMENT ACT WAIVERS

The California Department of Education ("CDE") has just released guidance on the waiver of certain provisions of the Open Enrollment Act (commonly referred to as the Romero Bill) codified at Education Code section 48350 et seq. and related regulations. Specifically, the CDE confirmed that the provisions of the Open Enrollment Act are subject to waiver by the State Board of Education upon a school district's application. The CDE's guidance focuses on the provisions of the Open Enrollment Act that require the creation of a list of 1,000 schools ("open enrollment schools" or "low performing schools") from which students can transfer to schools in other districts that are not on the list. The CDE's guidance provides that a district that disagrees with its schools being on the list of 1,000 schools can seek a waiver of such provisions because, for example, a school's API score does not indicate that the school is actually low performing. The CDE's guidance can be accessed on the [CDE's website](#), and LOZANO SMITH's prior Alerts on this new law are also accessible online: [Romero Bill Transfers: State Releases Proposed Regulations and List of 1,000 Low Performing Schools](#), [Romero Bill Notice Timelines](#) and [Romero Bill List of 1,000 Schools Released for Purposes of 2011-2012 Transfers](#).

If you have any questions or concerns regarding a waiver application or the Open Enrollment Act in general, please contact one of our seven statewide offices. Lozano Smith can assist with all aspects of the Open Enrollment Act, including preparation of documents to implement the Open Enrollment Act, such as transfer applications, board policies and administrative regulations.

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As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this Alert does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.