

INTERDISTRICT ATTENDANCE

Interdistrict Attendance Agreements and Permits

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence

Reasons for Denial of Interdistrict Attendance Permits

With respect to incoming transfers, the district shall not accept student transfers if he/she has been suspended or expelled for the following offenses during the preceding school year:

1. Causing serious physical injury to another person.
2. Possession, use, or sale of a firearm, knife, explosive or other dangerous object.
3. Possessed, used, sold, furnished or been under the influence of a controlled substance.
4. Unlawfully offered, arranged, or negotiated to sell a controlled substance.
5. Committed or attempted to cause damage to school property or private property.
6. Stolen or attempted to steal school property or private property.
7. Committed an obscene act or engaged in habitual profanity or vulgarity.
8. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia.
9. Knowingly received stolen school property or private property
10. Committed or attempted to commit a sexual assault.

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11. Engaged in an act of bullying, including but not limited to bullying committed by means of an electronic act.
12. Assault or battery upon any school employee.

In addition, incoming transfers may be denied if the student has not maintained a 2.0 grade point average, or a 90% attendance rate in the school year preceding the application into the district. Lastly the district may deny an incoming transfer based upon a consideration of the capacity of a program, class, grade level, school building, or adverse financial impact. Student applying for entrance into the district must submit with their application a discipline summary, transcript, and attendance summary from their current school of attendance.

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 class or grade level exceeding the district's limits pursuant to the state Class Size Reduction Program
- b. The site, classroom, or program exceeding the maximum student-teacher ratio specified in the district's collective bargaining agreement
- c. The site or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document

(cf. 6151 - Class Size)

(cf. 7110- Facilities Master Plan)

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
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision

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Appeal Process:

Parents may appeal a denial of a request to the Board of Trustees by requesting to be heard at a regularly schedule board meeting 7 days in advance of the board meeting.

Parents may appeal the denial by the Board of Trustees by appealing to the County Board of Education per its process.

4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request:

Reasons to cancel an approved interdistrict transfer:

- 1) Parent neglects to respond to approved transfer within two weeks of approval
 - 2) Parent neglects to submit a written explanation or document where requested
 - 3) Parent does not complete the interdistrict transfer agreement honestly.
5. Applicable timelines for processing a request, including the following statements:
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received
 - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
 6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.

Interdistrict Attendance Permits May Be Revoked for the Following Reasons:

- 1) Student violates Attendance Agreement: Excessive absence (truancy, tardies, or other absence that could be improved if they child attended a school closer to home)

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- 2) Student violates Behavior Agreement: Continual disruption of the educational program and/or not meeting accepted standards of behavior per the Student Conduct Manual
- 3) Student violates Academic Agreement: Failure to attempt school work as directed by teachers.
- 4) Student becomes eligible for a program that is at capacity or impacted

Priority for interdistrict attendance shall be given to a student who has been determined by staff of either the district of residence or district of proposed enrollment to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

(cf. 5131.2 - Bullying)

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries

(cf. 5148 - Child Care and Development)

2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel

(cf. 6159 - Individualized Education Program)

3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance
4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class graduating that year
6. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
7. When the student will be living out of the district for one year or less

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8. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.12 - District School Attendance Review Board)

9. When there is valid interest in a particular educational program not offered in the district of residence

10. To provide a change in school environment for reasons of personal and social adjustment

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

(cf. 5145.6 - Parental Notifications)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Translation Requirements: Notices from a district to a parent/guardian regarding a request are to be translated if the language the parent/guardian speaks is one in which 15% or more of the district's population speaks as their primary language.

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Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. (Education Code 46600)

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

(cf. 3100 - Budget)

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3. The Board determines that the transfer would negatively impact any of the following:
(Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31