

INTERDISTRICT ATTENDANCE

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

(cf. 5111.1 - District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5118 - Open Enrollment Act Transfers)

Interdistrict Attendance Permits

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)(see AR 5117 for details)

Parents must initiate an interdistrict transfer request with their district of residence.

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

Transportation

The district shall not provide transportation beyond any school attendance area. Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

Communication

The following provisions shall be posted on the district website:

1. The date upon which the school district will begin accepting and processing interdistrict transfer requests for the subsequent school year.
2. The reasons for which the school district may approve or deny a request, and any information or documents that must be submitted as supporting evidence.
3. If applicable, the process and timelines by which a denial of a request may be appealed within the school district before the school district renders a final decision.

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4. That failure of the parent to meet any timelines established by the school district shall be deemed an abandonment of the request.

5. Applicable timelines for processing a request, including statements that the school district shall do both of the following:

Notify a parent submitting a current year request of its final decision within 30 calendar days from the date the request was received.

Notify a parent submitting a future year request 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 interdistrict transfer is sought.

6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.

In addition:

7. Requirements that notices from a district or a county office of education to a parent/guardian regarding a request be translated if the language the parents/guardian speaks is one which 15% or more of the district's population speaks as their primary language.

8. A pupil may only be provisionally enrolled for two months, and then, if no decision has been made, the pupil cannot remain provisionally enrolled and must enroll in his or her district of residence or another school, if they are of an age requiring compulsory education.

9. Within a 30 calendar day deadline the district shall respond to requests made during the "current school year," meaning a request that was received 15 calendar days before the commencement of the instruction in the school year for which the transfer was sought, or within the course of that year.

10. The district shall set its own deadlines for responding to requests in the "future year," meaning a request received up until 15 calendar days before the commencement of instruction in the school year for which it is sought, so long as a parent/guardian receives a response within 14 days of the commencement of instruction in the school year for which the transfer is sought.

11. Parents/guardians must initiate their requests with the District of Residence.

INTERDISTRICT ATTENDANCE (continued)

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48317 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

ATTORNEY GENERAL OPINIONS

87 *Ops.Cal.Atty.Gen.* 132 (2004)

84 *Ops.Cal.Atty.Gen.* 198 (2001)

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

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In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance.

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. When the student has been determined by staff of either the district of residence or district of proposed attendance to be a victim of an act of bullying as defined in Education Code 48900(r). Such a student shall be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, shall be given consideration for the creation of a new permit. (Education Code 46600)

(cf. 5131.2 - Bullying)

2. To meet the child care needs of the student. Such a student may be allowed to continue to attend district schools only as long as he/she continues to use a child care provider within district boundaries.

(cf. 5148 - Child Care and Development)

3. 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)

4. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance.
5. To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year.
6. To allow the student to remain with a class graduating that year from an elementary.
7. 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 year in the district.
8. When the student will be living out of the district for one year or less.
9. 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.

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(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.12 - District School Attendance Review Board)

10. When there is valid interest in a particular educational program not offered in the district of residence.
11. To provide a change in school environment for reasons of personal and social adjustment.

The Superintendent or designee may deny 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 may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

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

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 or the Morgan/Hart Class Size Reduction Program for Grades 9-12
 - 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
 - d. The class or grade level exceeding capacity pursuant items #a-#c above in subsequent years as the student advances to other grade levels at the school

(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
 - c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students

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3. Upon determination that classes/programs are at capacity:
 - a. Classes at the relevant grade level may be deemed to be full for purposes of interdistrict transfers when the classes reach 90% of total capacity
 - b. When the total number of enrolled students in the District reaches 90% of total capacity, the District may be deemed full for purposes of interdistrict transfers
 - c. For Speech and Language, the service will be deemed full for purposes of interdistrict transfers when there are 50 students on the caseload;
 - d. For Special Education students, in addition to considerations of grade level and district capacity: Special Education Learning Center will be deemed full for purposes of interdistrict transfers when the student:teacher ratio exceeds 20:1 at Grades TK-3 and 25:1 at Grades 4-6

Within 30 calendar days of a request for an interdistrict permit, the Superintendent or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

(cf. 5145.6 - Parental Notifications)

Within a 30 calendar day deadline the district shall respond to requests made during the "current school year," meaning a request that was received 15 calendar days before the commencement of the instruction in the school year for which the transfer was sought, or within the course of that year.

The district shall set its own deadlines for responding to requests in the "future year," meaning a request received up until 15 calendar days before the commencement of instruction in the school year for which it is sought, so long as a parent/guardian receives a response within 14 days of the commencement of instruction in the school year for which the transfer is sought.

Pending a decision by the two districts or an appeal by the County Board, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months. (Education Code 46603)

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

INTERDISTRICT ATTENDANCE (continued)

(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, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. (Education Code 46600)