

Board Policy 5117 Students – Inter-district Attendance

Policy BERKELEY UNIFIED SCHOOL DISTRICT

Adopted: February 6, 2002 Berkeley, California

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. Because of capacity issues within the district and due to limited resources, the Board will consider approving such transfers on a case-by-case basis through an inter-district transfer agreement with another school district. In the case of a student wishing to transfer into the district, the request will be considered when class enrollment or program availability will permit the attendance of an out-of-district student.

Requests for residents of the district to attend school in another school district or for non-residents to attend school in the district may be considered provided seating capacity in schools can accommodate the request at the relevant grade level and when an inter-district agreement exists between that school district and the district.

Further, the Board believes the educational experience available to inter-district students is a privilege. Inter-district applicants should meet identified standards for admission into the district and these standards should be maintained throughout each school year.

Legal Reference:

EDUCATION CODE

[**41020**](#) Annual district audits

[**48300-48316**](#) Student attendance alternatives, school district of choice program < not applicable?

[46600-46611](#) Interdistrict attendance agreements

[48204](#) Residency requirements for school attendance

48209-48209.17 Student attendance alternatives

[**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, inter district attendance

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:

CSBA PUBLICATIONS

Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

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

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

AR 5117.1 Students - Inter-district Attendance Agreement

The Governing Board recognizes that it is a privilege for non-Berkeley residents to attend Berkeley Unified District Schools. The Superintendent or designee may grant initial requests for inter-district attendance permits depending on district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary or discriminatory. Students admitted from other districts on inter-district permits will be accepted in accordance with the Student Assignment Policy. The Superintendent believes inter-district students should not be isolated but attend diverse and integrated schools.

The Superintendent or designee may approve inter-district agreements only for the following reasons providing space is available in the appropriate grade:

1. When the student has brother(s) or sister(s) attending school in a receiving district, to avoid splitting the family's attendance.

2. To allow kindergarten to second grade students complete the school year.

3. To let students in third to fifth grade complete their elementary school education.

4. To allow sixth to eighth grade students complete their middle school education.

5. To permit ninth to twelve grade students to remain at the same school until graduation from high school.

7. To let students of employees working for the Berkeley Unified School District attend district schools.

8. To consider students with documented extenuating circumstances exist on a case by case basis.

9. To consider students who parent(s) graduated from Berkeley High School attend Berkeley Unified School District.

10. To consider City of Berkeley and UC Berkeley employee children.

Inter-District Permit Criteria

The Governing Board believes the educational experience available to inter-district students is a privilege. Therefore, the minimum standards for admission, as specified in Education Code 46600(a) are:

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Deleted: 2. To complete a school year when parents/guardians have moved out of the district during that year.

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Deleted: 3. To allow students to remain with a class graduating that year from an elementary, middle or senior high school.

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Deleted: 4. To let seniors attend the same school they attended as juniors, even if their families moved out of the district during the junior year

1. A record of good attendance
2. No record of either serious or continuing discipline problems
3. Satisfactory academic achievement.

Inter-district permits will be reviewed annually to ascertain that the minimum standards for admission continue to be met. Once an inter-district permit has been granted, it will be reviewed annually, and the student may continue at that school unless the above criteria are violated, or if space at the particular grade level is not available.

Transportation

Transportation shall not be provided for students attending on an inter-district agreement.

Application Process

All inter-district applicants must submit their applications during the inter-district enrollment period starting March 1st and ending on July 30th of the current school year. All applications are to be considered on a randomize basis [and in accordance with any applicable student assignment policy](#).

Denial of Inter-district Transfer Agreement

The parent/guardian of a student who is denied a transfer requested pursuant to Education Code sections 46600-46611 shall receive timely notice, in accordance with the law, regarding the process for appeal first to the district Superintendent or designee, and followed by the County Board of Education. Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or decisions while expulsion proceedings are pending, or during the term of the expulsion.

(Education Code [46601](#))

(cf. [5119](#) - Students Expelled from Other Districts)