

Board Policy 5117
Interdistrict Attendance

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. Requests for residents of the district to attend school in another school district shall be granted except in extraordinary circumstances as determined by the Superintendent or designee.

The Board believes the educational experience available to interdistrict students is a privilege. Thus, in granting, prioritizing, extending, and revoking requests for non-residents to attend school in the district, the Superintendent or designee shall make a determination based on the following considerations:

- Whether the student has a connect to the district or to the city
- Whether attendance in the district would benefit the student
- Whether attendance in the district would benefit the district or a district program
- Whether the district has capacity to accommodate the student
- Whether the student can meet or has met certain academic and behavioral standards

Administrative Regulation 5117 Interdistrict Attendance Agreements

Criteria for Granting, Extending, and Prioritizing Interdistrict Agreements

Provided space is available, the Superintendent or designee shall grant interdistrict agreements on a year-to-year basis for non-resident students based on the following priorities:

1. A non-resident 11th or 12th grader who has moved out of the district on or after the first school day of their 11th grade year
2. A non-resident student who was granted an interdistrict agreement in the prior year based on any of the following priorities and has met academic and behavioral standards established in this regulation
3. Extreme and extenuating circumstances are present for a non-resident student
4. A non-resident student who has been the victim of an act of bullying committed by another student in the non-resident student's school district
5. A. A non-resident high school student who has moved out of the district on or after the first school day of their 9th grade year

B. A non-resident middle school student who has moved out of the district on or after the first school day of their 6th grade year, but only for the remainder of the student's middle school education

C. A non-resident elementary school student who has moved out of the district on or after the first school day of their kindergarten or transitional kindergarten year, but only for the remainder of that school year
6. A non-resident student with a sibling who is a resident of the district and is attending school in the district
7. A non-resident student for whom a district employee is the student's legal guardian.
8. A non-resident student who parent/legal guardian graduated from high school in the district
- 9.

The Superintendent or designee shall not grant an interdistrict transfer based on one of the above priorities unless he/she finds that there is sufficient document to demonstrate that the priority has been met.

Commented [JRD1]: EC 46600 (a)(4): "a school district of residence or school district of enrollment shall not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year."

Commented [JRD2]: EC 46600(b): "A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the school district of residence shall, at the request of the person having legal custody of the pupil, be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement."

Commented [JRD3]: BFT Contract 20.3: "The children of Berkeley teachers who do not reside in Berkeley shall be admitted to Berkeley schools, subject to the granting of a permit by the district of residence. Further, should a teacher request that his/her child be permitted to enroll at the school to which s/he is assigned, the District will make every effort to enroll the child at the site in the Spring when students are normally assigned."

Not sure about BCCE, UBA, and Local 21

Commented [JRD4]: Other possibilities: Diversity Category 1 or 2

Criteria for Revoking Interdistrict Agreement

The Superintendent or designee may **revoke** an interdistrict agreement if the non-resident student is absent more than 18 school days **for any reason** in an academic year or if the non-resident student is suspended for a combination of more than five days.

Commented [JRD5]: Revocation would occur mid year. Otherwise, it would just be non-renewed.

Commented [JRD6]: Trips, illness, suspensions

Academic and Behavioral Conditions

All non-resident students shall adhere to the following academic and behavioral conditions unless the Superintendent and designee determines, in advance and on a case-by-case basis, that different conditions should be required:

- The non-resident student shall not be absent (excluding excused absences due to illness) for more than 10 school days in an academic year
- For a middle school or high school non-resident student, the non-resident student shall not earn a grade point average below a C in an academic year
- The non-resident student shall not be suspended more than one time in an academic year

Transportation

Transportation shall not be provided for students attending on an interdistrict agreement.

Application Process

All interdistrict applicants must submit their applications during the interdistrict enrollment period starting **March 1st and ending on June 30th** of the current school year. All applications with the same priority shall be considered on a **first come first serve** basis.

Commented [JRD7]: Correct dates?

Commented [JRD8]: Thoughts on this?

Denial of Interdistrict 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 interdistrict attendance denials or decisions while expulsion proceedings are pending, or during the term of the expulsion. (Education Code 46601)