

# Berkeley USD

## Board Policy

### Interdistrict Attendance

BP 5117

#### Students

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 non-resident students is a privilege. This policy applies to interdistrict permits granting enrollment into the district. Unless otherwise explicitly stated, it does not address the school assignment process.

#### Criteria for Granting and Prioritizing Interdistrict Permits

The Superintendent or designee shall grant interdistrict permits on a year-to-year basis to any non-resident student for whom a district employee is the student's legal guardian or to any non-resident 11th or 12th grader who completed 10th grade in the district.

The Superintendent or designee shall grant interdistrict permits on a year-to-year basis to any non-resident student who received an interdistrict permit in the prior year because his/her parent/legal guardian is physically present for work in the City of Berkeley at least three days a week.

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Starting with the 2018-19 school year, provided space is available, the Superintendent or designee shall also grant interdistrict permits on a year-to-year basis to non-resident students in order based on the following priorities:

1. A non-resident student who (i) was granted an interdistrict permit in the prior year based on any of the following priorities, (ii) continues to satisfy the conditions of the priority, and (iii) has met the following academic and behavioral standards in the prior year unless the Superintendent or designee determines, on a case-by-case basis, that different conditions should be required:

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- The non-resident student was not absent (excluding excused absences) for more than 10 school days in the prior academic year;
- For a middle school non-resident student, the non-resident student earned an average grade of a 2 or higher in the prior academic year;
- For a high school non-resident student, the non-resident student earned a grade point average of a 2.0 or higher in the prior academic year; and
- The non-resident student was not suspended more than one time in the prior academic year.

2. Extenuating circumstances are present for a non-resident student. This shall include, but is not limited to 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.
3. A non-resident student with a sibling who is a resident of the district and is attending school in the district.
4. 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. This provision is intended to give priority (after priorities #1-3) to a non-resident high school student who has moved out of the District during his/her high school term to remain enrolled in the District for the remainder of his/her high school term.

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. This provision is intended to give priority (after priorities #1-3) to a non-resident middle school student who has moved out of the District during his/her middle school term to remain enrolled in the District for the remainder of his/her middle school term. For the non-resident student to receive an interdistrict permit to attend high school in the District, another provision of this Policy would need to apply.

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. This provision is intended to give priority (after priorities #1-3) to a non-resident elementary school student who has moved out of the District during his/her elementary school term to remain enrolled in the District for the remainder of the school year. For the non-resident student to receive an interdistrict permit to attend school in the District for the following year (or any year after that), another provision of this Policy would need to apply.

5. A non-resident student with a parent/legal guardian who graduated from high school in the district. This provision is intended to give priority (after priorities #1-4) to a non-resident student to enroll in the district if his/her parent/legal guardian graduated from high school in the district.
6. A non-resident student with a parent/legal guardian who works in the City of Berkeley at least three days a week. This provision is intended to give priority (after priorities #1-5) to a non-resident student to enroll in the district if his/her parent/legal guardian is physically present for work in the City of Berkeley at least three days a week.
7. Anyone else at the Superintendent or designee's discretion.

For applicants with the same priority, preference shall be given to those non-resident students with the Diversity Category for which there is an opening. For applicants with the same priority and same Diversity Category, preference shall be given by lot.

The Superintendent or designee shall not grant an interdistrict permit based on one of the above

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priorities unless he/she finds that there is sufficient documentation to demonstrate that the priority has been met. The burden to provide sufficient documentation is on the student, parent, or guardian requesting the permit into the district.

In no instance shall the Superintendent or designee refuse to grant or renew an interdistrict permit as a result of any manifestation of the non-resident student's disability, if such disability exists.

#### Criteria for Revoking Interdistrict Permit Mid-Year

The Superintendent or designee may revoke an interdistrict permit mid-year 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. However, no non-resident student's interdistrict permit shall be revoked as a result of any manifestation of the non-resident student's disability, if such disability exists.

#### Denial of Interdistrict Permit

The parent/guardian of a non-resident student who is denied an interdistrict permit 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.

Pursuant to Education Code 46601, non-resident students who are under consideration for expulsion or who have been expelled may not appeal interdistrict permit denials or decisions while expulsion proceedings are pending, or during the term of the expulsion.

Policy BERKELEY UNIFIED SCHOOL DISTRICT  
Adopted: February 6, 2002 Berkeley, California