

# Martinez USD

## Board Policy

### Interdistrict Attendance

BP 5117

#### Students

The Board of Education 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.

(cf. 5111.1 – District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117.1 - Interdistrict Attendance Agreements)

~~(cf. 5117.2 – Alternative Interdistrict Attendance Program)~~

(cf. 5145.6 - Parental Notifications)

#### 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)

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.

The parent/guardian must first receive permission from the district of residence before their child will be considered for admission to the Martinez Unified School District.

Due to limitations on enrollment and space, interdistrict transfers will not be granted for attendance at Briones Independent Study or Vicente Martinez High School. The Board also has authority to designate other schools closed to interdistrict transfer students because of enrollment capacity. Interdistrict transfer requests shall be made on a district space-available basis.

When the special education program is filled to established class and caseload standards, special education students ~~from~~ out of the district will not be accepted.

#### Transportation

**Commented [MMK1]:** In order to make this policy applicable for several years after it is approved, the District may want to consider making this language more vague, so that it is able to restrict interdistrict attendance at particular schools due to space availability as needed without having to amend the Board Policy, i.e. "Due to limitations on enrollment and space, the Board has the authority to designate schools closed to interdistrict transfer."

**Commented [MMK2]:** Instead of calling out special education programs specifically, the District could make this applicable to any special classrooms or programs, i.e. "The Board also has the authority to decline interdistrict transfer permits on the basis of capacity of a particular program or classroom."

The district shall not provide transportation outside the school's attendance area.

#### **Limits on Student Transfers Out of the District to a School District of Choice**

The Superintendent or designee may limit the number of student transfers out of the district to a school district of choice based on the percentages of average daily attendance specified in Education Code [section 48307](#).

In addition, transfers out of the district may be limited during a fiscal year when the County Superintendent of Schools has given the district a negative budget certification or when the County Superintendent 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 the district to a school district of choice. (Education Code 48307)

(cf. 3100 – Budget)

(cf. 3460 – Financial Reports and Accountability)

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code ~~48301~~[48307](#))

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district to a school district of choice, if the other school district approves the application for transfer. (Education Code ~~48301~~[48307](#))

(cf. 6173.2 - Education of Children of Military Families)

#### Legal Reference:

##### EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48316 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

##### 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>

#### Policy MARTINEZ UNIFIED SCHOOL DISTRICT

adopted: April 14, 2003      Martinez, California

revised: March 14, 2011

revised: June 23, 2014

revised: February 22, 2016