

## Students

BP 5117 (a)

### INTERDISTRICT ATTENDANCE

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

*(cf. 0520.3 - Title I Program Improvement Districts)*

*(cf. 5111.12 - Residency Based on Parent/Guardian Employment)*

*(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)

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.

#### ~~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 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 this district to a school district of choice. (Education Code 48307)~~

#### Transportation

*Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)*

ALVORD UNIFIED SCHOOL DISTRICT  
Riverside, California

## INTERDISTRICT ATTENDANCE (continued)

*(cf. 3553 - Free and Reduced Price Meals)*

*In addition, upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for any interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.*

*(cf. 3100 - Budget)*

*(cf. 3460 - Financial Reports and Accountability)*

### Legal References:

#### EDUCATION CODE

*8151 - Apprentices, exemption from interdistrict attendance agreement*

*41020 - Annual district audits*

*46600-46611 46600-46610 - Interdistrict attendance agreements 48204 - Residency requirements for school attendance*

*48300-48316 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 Admission of persons including nonresidents to attendance area; workers' compensation for pupils*

*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*

#### 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*

#### ATTORNEY GENERAL OPINIONS

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

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

#### COURT DECISIONS

*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>

*Policy amended: May 22, 2020*

*Policy amended: October 4, 2012*

*Policy amended: January 13, 2011*

*Policy amended: March 5, 2009*

*Policy amended: June 30, 2003*

*Policy amended: December 19, 2003*

*Policy adopted: June 7, 2001*



## Students

AR 5117 (a)

### INTERDISTRICT ATTENDANCE

In accordance with an agreement between the Board of Education and the Board of another district, a permit authorizing a *student of either district to enroll in the other district may be issued upon approval of both districts.* ~~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 district shall post on its website the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 – Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)*

- 1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year*
- 2. The reasons for which the 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 district before the district renders a final decision*
- 4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed abandonment of the request*
- 5. Applicable timelines for processing a request, including the following statements:*
  - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.*
  - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year which transfer is sought.*
- 6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded*

*Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)*



**INTERDISTRICT ATTENDANCE (continued)**

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5131.2 - Bullying)*

*Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status. (Education Code 46600)*

*In addition, 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. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries*

*(cf. 5148 - Child Care and Development)*

- 2. 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)*

- 3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance*

- 4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year*

- 5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school*

- 6. To allow a high school senior to attend the same school attended as a junior, even if the student's family moved out of the district during the junior year*

- 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 school 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*

*(cf. 5113.1 - Chronic Absence and Truancy)*

*(cf. 5113.12 - District School Attendance Review Board)*

**INTERDISTRICT ATTENDANCE (continued)**

*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 approve 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 students may be allowed to continue to attend district schools only as long as they continue to use a child care provider within district boundaries.~~
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 a 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 students to remain with a class graduating that year from an elementary, middle or senior high school.~~
7. ~~To allow a high school senior to attend the same school he/she attended as a junior, even if his/her family moved out of the district during the junior year.~~
8. ~~When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district.~~
9. ~~When the student will be living out of the district only for one year or less~~



**INTERDISTRICT ATTENDANCE (continued)**

- ~~10. 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.~~

*(cf. 5113.1—Chronic Absence and Truancy)*

- ~~11. When there is valid interest in a particular educational program not offered in the district of residency.~~
- ~~12. To provide a change in school environment for reasons of personal and social adjustment.~~

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level or based on 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)*

~~Within 30 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)*

*If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)*

*If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)*

*(cf. 5145.6 - Parental Notifications)*

*All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or*

**INTERDISTRICT ATTENDANCE (continued)**

*by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)*

~~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)~~

*Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (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)

*(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. Existing interdistrict attendance permits shall not be rescinded *after June 30 following a student's completion of grade 10 or for any* students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

**Transfers Out of the District**

*A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)*

*If the district is unable to provide an intradistrict transfer to a student who is a victim of an act of bullying, as defined in Education Code 46600, the district shall not prohibit the student from transferring out of the district if the district of proposed enrollment approves the application for transfer. (Education Code 46600)*

*The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)*



**INTERDISTRICT ATTENDANCE (continued)**

- 1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.*
- 2. The County Superintendent of Schools has given the district a negative budget certification or 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 this district to a school district of choice.*

*(cf. 3100 - Budget)*

- 3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)*

- a. A court-ordered desegregation plan*
- b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31*
- c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31*

**Employees**

A student who is the child of a district employee may be admitted to the district under an interdistrict agreement. A "district employee" is defined as one who is a regular, full or part time employee and who is not a substitute, walk-on volunteer, interim or temporary employee or who works for the district under a consultant contract or agreement. Approval of a transfer is subject to space availability and may not necessarily be at the site or on the track requested. Once the child of an employee has been admitted to the district, annual agreements or applications shall not be required for as long as the student remains continuously enrolled in a district school and the parent remains employed by the district. It is the sole responsibility of the employee to arrange for the child's transportation to and from school and for his or her supervision before and after school while the employee is on duty. An agreement may be revoked because of unsatisfactory attendance, unsatisfactory citizenship, poor academic performance or other reasons as determined by school or district rules, policies and procedures.

**Transportation**

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

*(cf. 3250 – Transportation Fees)*

*(cf. 3540 – Transportation)*

*Regulation amended: May 22, 2020*

Regulation amended: October 4, 2012

Regulation amended: January 13, 2011

Regulation amended: March 5, 2009

Regulation amended: June 30, 2003