

Interdistrict Attendance

- A. Although students generally must attend school in the district and school where their residence has been established, the Santa Monica-Malibu School District Board of Education recognizes justifiable reasons for interdistrict permits. Upon request, the Superintendent or designee may accept students from other districts and may allow students who live within the district to transfer to another school within the district or out of the district.

Parents must submit verification of continuing enrollment annually. ~~Students enrolled prior to the 2005-06 school year on a PERT or DERT permit will not be affected by this change.~~

Involuntary loss of housing resulting from: apartments being removed from the rental market (Ellis Act), buildings being red-tagged, or evictions should not interfere with a child completing his/her education in the Santa Monica-Malibu Unified School District. The permit office will require the applicant to obtain verification from the Rent Control Department or other appropriate legal agency. These students will be allowed to remain in their schools for the remainder of the year in which their housing has been lost. In addition, they will be allowed to remain in SMMUSD as permit students in subsequent years provided they meet all the conditions of students attending SMMUSD on permit and submit a verification of continuing enrollment annually. The Ellis Act allows California apartment owners to evict tenants if the landlords intend to withdraw their units from the rental market.

Students "in good standing" who have been attending school/s within SMMUSD as a resident of the district for a minimum period of three complete school years, and subsequently relocate outside the boundaries of SMMUSD, will be allowed to remain in the Santa Monica-Malibu School district as permit students, upon receiving a permit release from their district of residence and meeting all the conditions of students attending Santa Monica-Malibu Unified School District on a permit. Permits will be granted per the language of sections D and F below.

- B. Permits of this type are to be initiated by the student's parent or guardian who attests to the fact or shows evidence that the permit would be in the student's best interests. Cancellation of the permit shall occur if certain provisions are not adhered to by the student or parent/guardian, or if overcrowding should occur at the school of acceptance.
- C. The Board is committed to providing a quality education for all district students legally enrolled and will provide fair and consistent treatment for students and parent/guardians regardless of their residence or permit status. All applications for a permit will be treated in a fair and consistent manner.
- D. Final approval of permits for all students, including students needing specialized programs, including, but not limited to, advanced learners, special education, and English learners, shall rest at the district and shall be contingent upon space, budget and staff availability. Additionally, approval is contingent on applicants demonstrating they meet requirements for retaining a permit including standards of behavior, attendance and academic effort. The district will not pay excess costs to provide specialized services to students on permit.
- E. The district will accept applications for interdistrict permits in grades TK through 11.

Permits will be granted per the language of section D. above.

1. All students currently attending on an interdistrict permit will be allowed to remain in the district until they leave or graduate, assuming that they submit a verification of continuing enrollment annually and uphold appropriate standards of behavior, attendance, and academic effort. Interdistrict attendance permits for 11th and 12th graders may not be rescinded.
 2. Guidelines applied to SMASH, Edison, and the immersion program through Grade 8, and our preschools remain in effect.
- F. Requests for new permits will be granted in the following order (Based on the timelines identified in Administrative Regulations 5117):
1. Intradistrict permits allowing children who are residents of the cities of Santa Monica and/or Malibu to attend a school other than their neighborhood school;

It is the intention of the district to provide same-school placement for all siblings in a family once an intradistrict permit has been granted, except in cases where students need a specialized program which is only available on another campus.
 2. Interdistrict permits for children of employees of the Santa Monica-Malibu Unified School District [certificated, classified, management, full and part-time (a minimum of 15 hours per week)];

It is the intention of the district to provide a seat in a district school (K-12) to all children of district employees who have requested a new interdistrict permit, with the understanding that Section D will be considered. Staff will do its best to accommodate requests for a specific school but will not guarantee requested placement. On-going permit holders are not affected and will continue in the home school being currently attended.
 3. If space, staffing and budget allow, interdistrict permits for:
 - a. Those students "in good standing" who have been attending school/s within SMMUSD as a resident of the district, for a minimum period of three complete school years, and subsequently relocate outside the boundaries of SMMUSD. Permits will be granted per the language of section D above.
 - b. Siblings of current interdistrict permit holders. If a permit is received (granted) there is no guarantee of same-school placement. On-going permit holders are not affected and will continue in the home school being currently attended.
 - c. International High School students on a case-by-case basis.
 - d. Children of employees of the cities of Malibu or Santa Monica.
 - e. Children of full-time, permanent employees of Santa Monica College.
 - f. Children of alumni of Santa Monica High School, Malibu High School, or Olympic High School. Parent must attach a copy of graduation diploma to the permit application.

- g. Grandchildren of individuals who have been living within the boundaries of SMMUSD for a minimum of five years.
- h. Children of individuals working within the boundaries of SMMUSD.
- i. Students requesting to be admitted who do not meet any criteria described in Section F1-F4h.

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 SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

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