

Application Process for Students Requesting Enrollment in Another District

1. At any time during the school year, a parent/legal guardian may obtain an "Interdistrict Transfer Application" from the Milpitas Unified School District, Educational Services Center at 1331 East Calaveras Blvd. Milpitas, California 95035
2. The Interdistrict Transfer Application must be completed by the parent/guardian and must include specific reasons for requesting the transfer and any documentation supporting the request
3. The Milpitas Unified School District will approve or deny the transfer within 30 calendar days after receipt
4. The parent/legal guardian must then submit the "Interdistrict Transfer Application" to the district where the parent/legal guardian wishes their child to attend
5. If the interdistrict transfer request is granted by both districts, the student shall return all school books and materials and settle any unpaid fines on or before his/her grades, diploma, or transcript until the student or parent/guardian has paid for missing school property or made other arrangements with the district
6. If the interdistrict transfer request is denied by either district, the parent/legal guardian may file an appeal with the Santa Clara County Office of Education

Application Process for Students Requesting Enrollment in Milpitas Unified School District

Due to increased enrollment within the Milpitas Unified School District, beginning in 2012 and until further notice, the district will no longer be able to approve interdistrict transfers for new incoming students. Employees of the Milpitas Unified School District (**District**) and their children who meet the criteria outlined in their contract will be exempt. ***Employees of the City of Milpitas and their children who meet the criteria outlined in the interdistrict contract will be exempt on a space available basis after consideration for employees of the District has been made.***

1. At any time during the school year, a parent/legal guardian may submit an Interdistrict Transfer Application approved by the district of residence of the parent/guardian to the Milpitas Unified School District, Educational Services Center at 1331 East Calaveras Blvd., Milpitas, California 95035
2. The application for Transfer must be completed by the parent/legal guardian and must include the specific reasons for requesting the transfer, and include any documentation supporting the request. The application must also include a copy of the student's attendance record and academic transcript from the previous school year or previous semester, unless the student was enrolled in the Milpitas Unified School District
3. For applications for the current school year, the Milpitas Unified School District will approve or deny the transfer within 30 calendar days after receipt. For applications for next school year, the Milpitas Unified School District will approve or deny the transfer within 30 calendar days from the beginning or the next school year (July 1).

4. If the interdistrict transfer request is granted by both districts, the student shall be allowed to enroll in the district subject to maintaining good attendance, behavior, and scholarship. A signed Parent and Student Contract must be on file for the transfer to be valid

5. If the interdistrict transfer request is denied by either district, the parent/legal guardian may appeal the denial to the Santa Clara County Board of Education

Terms and Conditions for Interdistrict Transfers

1. A valid signed mutual agreement between Milpitas Unified School District and the resident district or receiving district of the applying student must be on file

2. Interdistrict transfer requests are granted for students in grades K-12

3. Interdistrict transfer requests are granted for one school year or balance thereof, if the student enrolls during the school year

4. A parent/legal guardian must submit a new interdistrict transfer request each year

5. Transportation for students to and from school is the responsibility of the parent/legal guardian

6. Although a parent/legal guardian may request enrollment in a particular school within the district, the district has discretion to assign interdistrict transfer students to any school within the district

7. Interdistrict transfer agreements may be revoked due to poor attendance, behavior or scholarship

Elementary

* Attendance: Must maintain a daily attendance rate of 97 percent or higher, no more than **four** tardies per semester/**8** per year

* Behavior: No suspendable offenses or patterns of misbehavior

* Scholarship: Adequate progress in the ELA and math

Middle School

* Attendance: Must maintain a daily attendance rate of 97 percent or higher. No more than **four** tardies per semester/**8** per year. No cutting class.

* Behavior: No suspendable offenses

* Scholarship: GPA of a 2.0 or higher

High School

* Attendance: Must maintain a daily attendance rate of 97 percent or higher and must not receive Saturday School for cuts or tardies

* Behavior: Committing any offense that results in a suspension

* Scholarship: GPA of a 2.0 or higher

8. Students who are under consideration for expulsion, or have been expelled pursuant to Education Code Section 548915 and 48918 may not appeal interdistrict attendance denials or revocation while expulsion proceedings are pending or during the term of the expulsion.

Appeal of Denial of Interdistrict Transfer Requests

1. If the district refuses to enter into an interdistrict attendance agreement, the district shall advise the parent/legal guardian of the right to appeal to the Santa Clara County Office of Education

2. An appeal must be filed within 30 calendar days after either district fails or refuses to enter into an interdistrict agreement

3. Interdistricts Under Open Enrollment Act

Application Process for Students Requesting Enrollment in Milpitas Unified School District Under the Enrollment Act

1. Prior to January 1 of a given school year, a parent/legal guardian may obtain and complete an Interdistrict Open Enrollment Transfer Application from the Milpitas Unified School District, Educational Services Center at 1331 East Calaveras Blvd., Milpitas, California 95035

2. The application must be completed by the parent/legal guardian and must include proof of residency in the attendance area for a school listed on the State Superintendent's List of 1,000 Lowest Performing School and a completed application

3. If student is eligible for an interdistrict under the Open Enrollment Act of 2010, then the acceptance or denial of the student will be based on the following criteria:

* Space availability at the requested site(s) and in the requested programs, if applicable

* Student's attendance record from previous school. Attendance rate must be equal to or better than the district's average attendance for the level of school for which the student is applying - elementary, middle, or high.

* Students who have a sibling attending the requested school will be given priority

4. The Milpitas Unified School District will approve or deny the request for transfer within 30 school days. If the request is denied, a reason will be included in the notification

Legal Reference:

EDUCATION CODE

[46600-46611](#) Interdistrict attendance agreements

[48204](#) Residency requirements for school attendance

ATTORNEY GENERAL OPINIONS

48354 (b)(1) Open Enrollment Act

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

Regulation MILPITAS UNIFIED SCHOOL DISTRICT

adoption: June 23, 2015 Milpitas, California