

## **BOARD POLICY UPDATE**

### **BP/AR 5117 - Interdistrict Attendance**

(BP/AR revised)

Policy updated to reflect **NEW LAW (AB 99, 2017)** which makes a number of changes to the school district of choice program, including (1) requiring a participating district to register as a school district of choice with the Superintendent of Public Instruction and the county board of education by July 1, 2018; (2) expanding the factors that must not be considered by districts in the selection process; and (3) revising the requirements for annually reporting the disposition of transfer requests. Regulation updated to reflect provisions of AB 99 related to public announcements regarding the program, priorities for admission, and the timeline for notification of a student's provisional acceptance or rejection. Regulation also reflects **NEW LAW (SB 344, 2017)** which gives the county board in a class 1 county, as defined, 60 calendar days to decide an appeal when a district denies a transfer under an interdistrict attendance agreement. Section on "Transfers Out of the District" moved from BP to AR, and revised to reflect **NEW LAW (AB 2659, 2016)** which provides that a district must not prohibit the transfer of a child of a military family to any district that approves the transfer.

**INTERDISTRICT ATTENDANCE**

It is the policy of the district to require students to attend school in their district of residence. However, the Board of Trustees recognizes that **parents/guardians of** ~~under certain conditions~~ students who reside **within the geographic boundaries of** one district may, **for a variety of reasons, request desire to attend enroll their children in a** school in another **district**.

*(cf. 5111.1 - District Residency)*

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5118 - Open Enrollment Act Transfers)*

**Interdistrict Attendance Permits**

~~The Superintendent or designee may approve interdistrict attendance agreements with other districts on a case by case basis.~~ **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 interdistrict attendance agreement shall be for a term of one year and shall stipulate~~ **specify** the terms and conditions under which interdistrict attendance shall be permitted or denied. ~~An approved interdistrict agreement guarantees a placement at a district school during the term of the agreement.~~ **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 Superintendent or designee may deny applications for interdistrict transfers because of overcrowding within district schools or limited district resources.~~

~~All interdistrict transfers are subject to a valid release from the student's home district and must be renewed annually.~~

~~While on an interdistrict transfer, students must maintain satisfactory academic performance, good attendance, and acceptable behavior. Students who fail to meet these expectations may be disenrolled at the end of the trimester or semester in which performance falls below expectations provided that both student and parent/guardian receive prior notification. This provision will be uniformly applied to all students.~~

## INTERDISTRICT ATTENDANCE (continued)

### Transportation

The district shall not provide transportation beyond any school attendance area. Upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

#### *Legal Reference:*

##### EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

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 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

##### 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:*

##### WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

**INTERDISTRICT ATTENDANCE****Reasons Interdistrict Attendance Permits**

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a 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.

~~Because of overcrowding within district schools and because of negative fiscal impact, the Board discourages transfers into the district and considers approving such transfers only if the request conforms to one or more of the following guidelines:~~

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. 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)*

- ~~1-2.~~ Parents Moving In or Out: Attendance, for students in good standing, may be continued and interdistrict attendance may be permitted when parents move in or out of a district if any of the following conditions are involved:
  - a. If parents verify intent to reside in district within 40 days, student may enroll in district school pending and contingent upon verification of residence within the 40 day period.
  - b. If parents move and student has legally enrolled as a resident student in a given school for at least 100 school days, student may complete the year.
  - c. If parents move after student has completed 7th grade as a resident student, student may complete the 8th grade year.
- ~~2-3.~~ Children of full-time employees of the Los Altos School District and its partner district, the Mountain View-Los Altos Union High School District, will be permitted to attend school in the Los Altos School District on an interdistrict transfer agreement, provided all other conditions are met.

~~The Board may rescind or modify the interdistrict transfer policy at any time based upon financial conditions or other circumstances that would put the interests of the district at risk.~~

**INTERDISTRICT ATTENDANCE (continued)****Procedures**

~~The district of origin shall issue individual interdistrict attendance permits, valid for a specific time period (1 year), verifying district approval for students transferring out of the district. These permits become valid when signed by an authorized representative of the district of future attendance. The district of attendance shall stipulate how and why the permit may be revoked.~~

~~The school district administrative office shall have available the following forms:~~

- ~~1. Request form on which parent/guardian gives all information needed for a decision on whether or not to grant a permit.~~
- ~~2. Interdistrict attendance permit which specifies time period and terms of the approval.~~
- ~~3. Denial form which incorporates a choice of reasons for denial and information on the entire appeal process.~~

**Denial of Request or Revocation**

~~The district may deny or revoke interdistrict transfer requests for the following reasons:~~

- ~~1. Lack of space at the requested school.~~
- ~~2. Student showed a failure to meet reasonable standards of the district of attendance relating to behavior, attendance, or diligence to studies.~~
- ~~3. Falsification of information stated on interdistrict application or supporting documentation. No further application will be considered.~~
- ~~4. Other criteria which the district may establish.~~
- ~~5. Adverse financial or educational impact.~~

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities, or 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)*

A student, parent, or guardian found to have falsified information that was used as a basis for enrollment in any school in the district shall have the attendance agreement revoked. The revocation shall be immediate and notice promptly given to the student and parent/guardian.

## **INTERDISTRICT ATTENDANCE (continued)**

The agreement is valid only while the conditions stated in the request are maintained.

~~The parent/guardian of a student who is denied a transfer shall be notified in writing, given specific reasons for the denial, and informed of the appeal process which might be pursued.~~

### **Parents' Appeal to County Board of Education**

~~If the Governing Board of either district neglects or refuses to enter into such an agreement within 30 days after the person having custody of any student has requested the Board to do so, the person may appeal the County Board of Education. The County Board shall, within 30 days after the filing of the appeal, determine whether the student should be permitted to attend in the district in which he desires to attend.~~

Within 30 calendar 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)*

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)

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. (Education Code 46600)

The district may revoke a student's enrollment if he/she is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

### **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)

**INTERDISTRICT ATTENDANCE (continued)**

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

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