

INTERDISTRICT ATTENDANCE

The Governing Board recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

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

Students enrolled on a valid interdistrict transfer permit shall be allowed to continue in the District until they leave or graduate, assuming that they: comply with the terms and conditions of the interdistrict transfer permit; uphold appropriate behavior standards, maintain satisfactory attendance, and make appropriate academic efforts. Students entering grades 11 and 12 shall not have their interdistrict transfer permits rescinded by either district. (Education Code 46600)

The Superintendent or designee may deny the granting of an interdistrict attendance permit because of overcrowding within district schools or limited district resources.

The Board recognizes that the District may be capable of serving additional students. The Board may delegate to the Superintendent or designee the authority to issue or accept interdistrict transfer permits in accordance with procedures referenced in AR 5117, on a cost or non-cost basis. It is the policy of the District that each interdistrict transfer application be evaluated on its own merits.

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)

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

INTERDISTRICT ATTENDANCE (continued)

Transportation

The parent/guardian is responsible for providing transportation to and from school and making sure the student maintains satisfactory attendance/reports to class on time.

Students cannot be brought to school excessively early or left excessively late.

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)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

Legal Reference: (see next page)

INTERDISTRICT ATTENDANCE (continued)

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

INTERDISTRICT ATTENDANCE

Interdistrict Attendance Permits

In accordance with an agreement between the Governing Board 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.

The Superintendent or designee may approve an interdistrict attendance permit for a student 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)

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 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 first with the District's Administrative Permit Appeals Panel and then to the County Board of Education as specified in Education Code 46601. Parents/Guardians are limited to applying for an interdistrict permit once per school year.

Parents/Guardian forfeit their right to an appeal hearing if the Parents/Guardian fail to attend or do not cancel the appeal hearing within a reasonable time. (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)

INTERDISTRICT ATTENDANCE (continued)

Falsification of any information is cause for immediate revocation of the interdistrict attendance permit and no further application will be considered.

Options for a Permit Release

1. Senior Privilege: A student may be allowed to continue attending the same school when parents/guardians have moved out of their current district to complete the twelfth grade at their current school or to allow the high school student to attend the same school he/she attended as a junior. Documents needed are identified below:
 - a. Provide a copy of the most recent report card or transcript
 - b. Enrollment profile as proof of enrollment from the current school
 - c. Attendance report as proof of enrollment from the current school
 - d. Provide a letter from the district/school request accepting the student for the twelfth grade

2. Sibling (brother/sister): A permit may be granted when a sibling would be in attendance at the same time at the requested school. Documents needed are identified below:
 - a. Provide the sibling's copy of Interdistrict Permit Release
 - b. The sibling's enrollment profile/demographics
 - c. The sibling's attendance report

3. Program Option: A permit may be granted to allow a student to attend a unique education program. Program verification may be required.