

## **Interdistrict Attendance**

The Board of Education recognizes that parents/guardians of students who reside in one school district may choose to enroll their child in a school in another school district and that such choices are made for a variety of reasons.

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

The Board desires to communicate with parents/guardians and students regarding the district's educational programs and services.

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 school districts. (Education Code 46600)

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other school districts on a case-by-case basis to meet individual student needs.

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 school districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Notwithstanding any other law, and regardless of whether an agreement exists or a permit is issued, a school district of residence shall not prohibit the transfer of a student who is a child of an active military duty parent to a school district of proposed enrollment if the school district of proposed enrollment approves the application for transfer.

"Active military duty parent" means a parent with full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Military Reserve on active duty orders. (Education Code 46600)

The Superintendent or designee may deny interdistrict attendance permits because of overcrowding within district schools or limited district resources.

The Board shall annually determine the number of interdistrict transfer students the district will accept for the following school year. The Board shall also identify the schools, grade levels, and programs that will be able to accept these additional students.

Upon receiving a permit for transfer into the school district that has been approved by the student's school district of residence, or upon receiving a written request from the parent/guardian of a school district student who wishes to enroll in another school 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.

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

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 ROP, enrollment of students, interdistrict attendance

#### 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:

#### 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 DUARTE UNIFIED SCHOOL DISTRICT

adopted: October 9, 2008 Duarte, California

revised: January 26, 2017

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A permit authorizing a student's attendance outside his/her school district of residence may be issued upon approval of both the school district of residence and the school district of proposed enrollment.

The Superintendent or designee may approve incoming or outgoing interdistrict attendance permits for the following reasons:

1. In cases of hardship or special circumstances. Continuation of the permit will be based upon the existence of those same or similar conditions that led to the approval of the original interdistrict permit request.
2. To meet a 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. To allow high school seniors attend the same school they attended as juniors, even if their families moved out of the district during the junior year.
4. 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.
5. When there is valid interest in multi-year, career, or academic-path programs not offered in the district of residence.
6. When the student has been determined by staff of either the school district of residence or school district of proposed enrollment 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)

Interdistrict attendance permits or applications shall not be required for students enrolling in a regional occupational center or program. (Education Code 52317)

When a student on an interdistrict attendance permit leaves the district and wishes to return to the district, a new interdistrict transfer request must be submitted.

Every interdistrict attendance permit shall stipulate the terms and conditions under which the permit may be revoked. (Education Code 46600)

The Superintendent or designee may revoke a permit for the following reasons:

1. Falsification or misrepresentation of information.
2. Irregular attendance or excessive tardies.
3. Unsatisfactory behavior.
4. Poor academic effort/achievement.
5. Other conditions that occur that would render continuance inadvisable.

Only one application per student may be submitted for each school year, unless the Superintendent or designee determines that there are extenuating circumstances that would allow for a second application for a student to be submitted. All applications are reviewed and considered on a case-by-case basis.

The Superintendent or designee may deny initial requests for interdistrict attendance permits if school facilities are overcrowded 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)

Interdistrict transfer requests that are denied by the district may be appealed by the parent/guardian to the Superintendent or designee within fourteen (14) calendar days from the date of denial. If the 14th calendar day falls on a weekend or holiday, the appeal must be physically received by the district on the prior business day. If a parent/guardian does not appeal within the specified timeline, the student is expected to attend a school in his/her district of residence.

The appeal is to be in writing and must provide all information and details as to why the denial is being appealed. Additional documentation in support of the reason(s) for the request for an interdistrict transfer may be submitted as part of the appeal.

Upon receiving the appeal, the district will schedule a meeting with the parent/guardian to determine the merits of the request for an interdistrict permit based on district policy and state law. A postponement may be granted for good cause. If the parent/guardian fails to attend the scheduled meeting, the student is expected to attend a school in his/her district of residence.

Following the meeting, the Superintendent or designee shall notify the parent/guardian of the district's final decision. If the final decision is to deny the request for an interdistrict permit, the Superintendent or designee shall also notify the parent/guardian of the process for appeal to the County Board of Education. (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. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Transportation shall not be provided for students admitted pursuant to an interdistrict attendance permit.

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