

Ross Valley SD

Board Policy

Interdistrict Attendance

BP 5117
Students

California state law and the rules and regulations of the State Board of Education clearly indicate the principle that students should attend schools in their districts of residency. The Board of Trustees believes that children should attend elementary schools where they live and supports the concept of neighborhood schools. The Board shall consider requests for Interdistrict Attendance Permits in accordance with this general principle.

The Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. Because of capacity issues within the district and due to limited resources, the Board will consider approving such transfers on a case-by-case basis through an Interdistrict Attendance Permit with another school district. In the case of a student wishing to transfer into the district, the request will be considered when class enrollment or program availability will permit the attendance of an out-of-district student, and after all intradistrict attendance requests have been processed.

(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(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.

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

Families should be aware that approval of an interdistrict attendance request for one child is not a guarantee that subsequent requests for that child's siblings will be approved.

Transportation

The district shall not provide transportation related to interdistrict attendance.

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)

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

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)

Policy History

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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>

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Ross Valley SD

Administrative Regulation

Interdistrict Attendance

AR 5117
Students

Request for Interdistrict Attendance Permit

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.

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)

2. When the parent/guardian(s) provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the year in the district.
3. When a currently enrolled student will be living out of the district for one year or less.
4. To allow a student whose parent/guardian is employed by the District to attend a District school.

Applications for Interdistrict Attendance Permits must be submitted annually and received between March 1 and April 1 and, if approved, will be granted annually until the student completes the highest grade offered by the district as long as continuous enrollment is maintained. For students whose Interdistrict Attendance Permit is approved, the Interdistrict Attendance Contract must be completed and submitted annually.

The Superintendent or designee also may approve an Interdistrict Attendance Permit under the following circumstances for a student whose parent/guardian(s) relocate outside the District's boundaries during the school year if a request for an Interdistrict Attendance Permit is received by the Superintendent or designee within ten (10) calendar days of relocation:

1. To allow the student to complete the school year during which the parent/guardian(s) relocated

2. To allow the student to remain with a class graduating that year from an elementary or middle school

In addition to the reasons identified above, a request for an Interdistrict Attendance Permit may be granted by the Governing Board on a case-by-case basis under exceptional circumstances.

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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

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)

Grounds for Denial or Revocation

Pursuant to Education Code section 46600, the following are the terms and conditions under which an Interdistrict Attendance Permit may be denied or revoked:

1. Determination by the district that the transfer request or supporting documentation was based upon false or fraudulent information.
2. Failure to comply with the requirements of the Interdistrict Attendance Contract, which include demonstrating acceptable academic performance, attendance, and behavior. The Contract must be signed annually by both the student and the parent/guardian(s).
3. Determination by the district that the conditions on which the Interdistrict Attendance Permit approval was based are no longer met. It is the responsibility of the parent/guardian(s) to notify the district within 10 calendar days if any of the conditions justifying the transfer approval change. The student may be permitted, within the discretion of the Superintendent or designee, to complete the school year in the district with the approval of the district of residence.

4. Determination by the district that the continuing presence of the student is not in the student's best educational interest, or will interfere with the needs of other students, or both.
5. Any prior district enrollment was based upon false or inaccurate residency documentation (e.g. failure to disclose a change in residence and/or to apply for an interdistrict transfer within 10 calendar days of relocation consistent with policy).

The District will give 10 calendar days' notice to a parent/guardian(s) prior to the revocation of an Interdistrict Attendance Permit.

Requests for Interdistrict Attendance Permits Out of the District

1. Parents/guardian(s) of students wishing to transfer out of the district shall complete an Interdistrict Attendance Permit for transfer. There is no timeframe for transfer requests out of the district to be submitted.
2. Applications will be approved or denied by the Superintendent or designee within 30 calendar days. Applicants will be notified in writing if the request is denied and will be given the reason for the denial. Denials by the district may be appealed to the district Board. If the appeal is denied, the request may be appealed to the Marin County Office of Education within thirty days of the district's final decision.
3. Applications that are approved by the district must also be approved by the receiving district. Parents/guardians should advise the district of the final disposition of their request within five days of notification by the receiving district or the Marin County Office of Education, in the case of an appeal.

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