

# **Board Policy**

## **Interdistrict Attendance**

BP 5117

### **Students**

The Board of Education 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.

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5116.1 - Intradistrict Open Enrollment)

#### Interdistrict Attendance Permits

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

The interdistrict attendance permit shall not exceed a term of five years and shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied.

(Education Code 46600)

The Superintendent or designee is authorized to enter into interdistrict attendance agreements with other districts that specify the terms and conditions agreed to by both districts for the granting, denial, revocation or rescission of transfer permits, as well as the standards for reapplication.

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

#### Transportation

The district shall not provide transportation outside any school attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside an attendance area to and from designated bus stops within the attendance area if space is available. Priority for such transportation shall be based on demonstrated financial need.

#### 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:

##### 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

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

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>

#### Policy DINUBA UNIFIED SCHOOL DISTRICT

adopted: December 9, 2010 Dinuba, California

revised: April 28, 2011

# **Administrative Regulation**

## **Interdistrict Attendance**

AR 5117

### **Students**

#### Interdistrict Attendance Permits

The Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons:

1. To meet the child care needs of the student

Such students may be allowed to continue to attend district schools only as long as they continue to use a child care provider within district boundaries.

2. To meet the 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. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance

4. To allow the student to complete a school year when his/her parents/guardians have moved out of the district during that year

5. To allow the student to remain with a class graduating that year from an elementary, junior, or senior high school

6. To allow a high school senior attend the same school he/she attended as a junior, even if his/her family moved out of the district during the junior year

7. When the parent/guardian 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

8. When the student will be living out of the district for one year or less

9. 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

(cf. 5113.1 - Truancy)

10. When there is valid interest in a particular educational program not offered in the district of residence

11. To provide a change in school environment for reasons of personal and social adjustment

An interdistrict attendance permit for an individual student shall be subject to the agreement between both districts, which shall stipulate the terms and conditions under which interdistrict attendance shall be permitted, denied, revoked or rescinded, as well as the standards for reapplication. The interdistrict attendance agreement between the districts shall not exceed a term of five years.

Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600).

The Superintendent or designee may revoke or rescind an existing transfer into the district for the student's failure to meet reasonable standards of attendance, behavior, academic standing and/or falsification of information on the transfer request.

The Superintendent or designee may rescind an existing transfer out of the district if the County Superintendent of Schools has given the district a qualified or negative budget certification in the current fiscal year, or the County Superintendent has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent year.

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.

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 to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

(cf. 5145.6 - Parental Notifications)

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)

### Application Process

The application process begins at the district of residence. The Board of Education has established the following application windows:

## Exiting Interdistrict Transfer Applications

Interdistrict transfer applications to leave the district will be accepted at any point in the school year.

## Incoming Interdistrict Transfer Applications

January 1 through May 1st for the following school year for incoming transfers

Applications will not be accepted for incoming transfers between May 1 and July 31st for the following school year.

August 1 - May 1st for the current school year

Regulation    DINUBA UNIFIED SCHOOL DISTRICT

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