

Board Policy

Interdistrict Attendance

BP 5117
Students

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

Agreement for Interdistrict Attendance

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)

In accordance with the 2018 Humboldt Countywide Interdistrict Transfer Agreement (“Agreement”) between the Governing Board and the other parties to the Agreement, 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. While the District is a party to the Agreement, the Board and Superintendent or designee shall not modify this board policy and/or associated administrative regulation without first referencing the Agreement, to ensure consistency between policies, regulations and the Agreement.

The Agreement specifies that parents/guardians must annually reapply for admission of a student from December 1 through February 1 (or the first school day thereafter if February 1 is on a weekend) to apply for continued attendance.

Interdistrict Attendance Permits

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 Agreement. If a request for an interdistrict transfer is initiated at the district of proposed attendance, the district of proposed attendance will immediately transfer the request to the district of residence for the initial decision to approve or deny.

Revocation of Interdistrict Permits

The Agreement specifies that individual permits may be revoked “pursuant to the policies and regulations of either the [district of attendance] or [district of residence], or as set forth on the

interdistrict permit itself, as permitted by law.”

Bases for revocation of an interdistrict transfer permit may be found in the associated administrative regulation and on individual permits.

Neither a district of residence nor district of attendance may revoke an interdistrict transfer permit for a student in grades 11 or 12 for the subsequent school year.

If a school district revokes an interdistrict permit, it will promptly provide written notice of the revocation to the other district.

Transportation

The district shall not provide transportation beyond any school attendance area, unless otherwise required by law. 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

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>

Policy

Adopted: September 13, 2011

Revised: February 13, 2018

Fortuna Union High School District

Fortuna, California

Administrative Policy

Interdistrict Attendance

AR 5117
Students

In accordance with the 2018 Humboldt Countywide Agreement between the District's Governing Board and the other districts within the County that are parties to the 2018 Humboldt Countywide Agreement ("Agreement"), and in accord with the District's Board Policy, a permit authorizing an individual student's attendance outside of his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance. While the District is a party to the Agreement, the Board and Superintendent or designee shall not modify this administrative regulation without first referencing the Agreement, to ensure consistency between policies, regulations and the Agreement.

Districts will honor existing approved multi-year interdistrict permits but will follow the 2018 Agreement to new permits or re-applications.

Bases for Approval

Bases for Approval When the District is Either the District of Residence or the District of Attendance:

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), the student shall be given priority for interdistrict attendance or placed at the top of the wait list.
2. Renewals and New Sibling Requests for the upcoming school year will be approved, so long as they are received from December 1 through February 1.

Approval When the District is the "District of Residence:"

1. When acting as a district of residence, the District shall not prohibit the transfer of a pupil who is a child of an active military duty parent to a school district of proposed enrollment if the district of proposed attendance 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 pursuant to Chapter 1209 (commencing with Section 12301) and Chapter 1211 (commencing with Section 12401) of Part II of Subtitle E of Title 10 of the United States Code.
2. When acting as a district of residence, the District may deny a parent/guardian request for an interdistrict permit received at any time of year if the parent/guardian does not participate in the district of residence's Reasonable Enrollment Activities, absent good cause such as hardships due to medical conflicts, work schedule, child care, transportation, language barriers, or similar excuse. "Reasonable Enrollment Activities" include a discussion with the District's administration or their designees, attending an orientation meeting, a site visit, and/or review of informational literature.

3. When acting as a district of residence, the District will approve an interdistrict transfer request submitted by a parent/guardian if it is received at the district of residence between December 1st through February 1st at 4:00 p.m. (also known as “the Preferential Enrollment Period” or the “Priority One Open Enrollment Window.”) If February 1st falls on a weekend, the deadline will be the next school day after February 1st. Interdistrict transfer requests for the upcoming school year will not be considered prior to December 1.

4. Interdistrict attendance requests received from a parent/guardian for the current school year or requests to attend a school or district the following year but received after the February 1 Priority One Enrollment Window will be processed and approved by a district of residence under the following circumstances:

a. For the 2018-2019 school year only: If parent/guardian missed the Interdistrict Priority One Enrollment Window deadline, as long as the interdistrict request is submitted to the district of residence before September 1, 2018.

b. Parent/guardian did not reside in Humboldt County school districts’ boundaries prior to the Priority One deadline.

c. Parent/guardian moved from one district to another district subsequent to the Priority One deadline.

d. Parent/guardian has a reasonable argument and a compelling reason, including hardship - such as medical conflicts, work schedule, child care, transportation, language barriers - for why the Priority One deadline was not met, or why the circumstance did not warrant a request for an interdistrict at the time of the Priority One deadline (i.e. February 1st or the first school day thereafter).

e. Parent/guardian has a reasonable explanation for not being able to participate in district of residence Reasonable Enrollment Activity.

5. Renewals for an interdistrict transfer must be sought annually. A district of residence may deny a renewal for an interdistrict transfer if the parent/guardian failed to participate in Reasonable Enrollment Activities (described above) prior to granting a renewal when the student transfer involves a School Level Transition (defined above) and absent good cause. School Level Transitions are those transitions from one grade span to another, based upon the district of residence’s transitions, e.g. elementary school to middle school, or middle school to high school.

Approval When the District is Acting as the District of Attendance

1. When acting as the district of attendance, the District will approve an interdistrict transfer request if the District or desired school has capacity in the desired program. “Capacity” means space in school facilities and available resources, including staff to serve the student. The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited capacity.

2. The District may deny requests for the following reasons:

a. The district does not have an appropriate educational program to meet the student’s needs.

b. The student's school records for the preceding 12-month period reflect unsatisfactory attendance, which may include, but is not limited to, a total of three (3) or more unexcused absences and/or unexcused tardy arrivals, or a total attendance rate of less than ninety percent (90%).

c. The student's school records for the preceding 12-month period reflect unsatisfactory academic performance, which may include, but is not limited to, grades that do not "meet standards" in the majority of student's subject areas/courses of study; unexcused, inconsistent completion of homework; regularly coming to class unprepared without an excusable reason; or a failure to maintain a grade point average of at least a 2.0.

d. The student's school records in the preceding 12-month period reflect unsatisfactory behavior which may include, but is not limited to, a history of disciplinary referral(s), detention(s), suspension(s), recommendation(s) for expulsion, or expulsion(s).

e. The Application is incomplete or contains information that is false or misleading.

f. The denial would be in the best interests of the District as determined by the Superintendent or designee based on any lawful, non-arbitrary considerations.

3. If a district of residence granted an interdistrict permit request for the upcoming school year, that approval is valid until the commencement of the district of proposed attendance's new school year. This is to allow time for the district of proposed attendance to determine if there is capacity for the student. The district of proposed attendance is limited to accepting the equivalent of two students per grade level from its wait list, or 7% of the school's total enrollment from the waitlist, whichever is greater. The wait list must be established at the time of the district of proposed attendance's lottery or capacity determination.

Processing Interdistrict Transfer Requests:

An individual permit will first be submitted to the district of residence for approval, and then will be sent to the district of proposed attendance if the district of residence approved the interdistrict transfer. The district of proposed attendance will then decide whether to grant or deny the request. The Superintendent or designee shall notify the parent/guardian of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code section 46601.

Requests for an Interdistrict Transfer for the Upcoming School Year Received from December 1 through February 1, "the Priority One Enrollment Window":

As a district of residence, the District will have 10 school days after the close of the Priority One Enrollment Window to approve the request and to forward the interdistrict permit request to the district of proposed attendance. Alternatively, if the district of residence denies the request, the District has 10 school days to notify both the parent/guardian party and district of proposed attendance of the decision.

As the district of proposed attendance, the District will have 15 school days after the close of the Priority One Open Enrollment Window, or five school days from receipt of the approved interdistrict permit from the district of residence, whichever is later, to approve or deny the request and to notify both the parent/guardian party and district of residence of the district of proposed attendance's decision.

Requests Made for an Interdistrict Transfer Outside of the Priority One Enrollment Window:

The district of residence and district of proposed attendance have 30 calendar days to approve all other permit requests except for those received the month before school commences, except for those request received 30 calendar days before the commencement of a new school year. Both the district of residence and district of proposed attendance have 14 days after the commencement of the new school year to approve or deny the request and to notify both the parent/guardian party of the District's decision.

Appeals

If, within 14 calendar days after the commencement of instruction in a new term in each of the school districts, respectively, when the parent/guardian has so requested separately of each school district not later than 30 calendar days before the commencement of instruction in that term in that school district, the governing board of either school district fails to approve interdistrict attendance in that term, the school district denying the permit shall advise the person requesting the permit of the right to appeal to the county board of education. The parent/guardian has 30 calendar days from the district's failure to grant an interdistrict request to file an appeal with the Humboldt County Board of Education. (Cal. Educ. Code § 46601(b))

If a parent/guardian wishes to appeal a failure to approve a request for an interdistrict transfer made during the Priority One Enrollment Period, a parent/guardian must file that appeal with the Humboldt County Board of Education by March 15th.

For all other failures to approve a request for an interdistrict transfer request, a parent/guardian wishing to appeal must file the appeal within 30 calendar days of a district's written notice of denial (or within 30 calendar days of a district's failure to respond to a request).

If the Humboldt County Board of Education determines on appeal that the student should be permitted to attend the district of proposed attendance, the district of proposed attendance shall admit the student without delay.

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)

Provisional Enrollment:

Notwithstanding Education Code section 46603, the District of proposed attendance will not grant provisional enrollment of pupils pending an appeal before Humboldt County Board of Education, with the exception of students who have been attending the school in the immediate past and who have been historically and continuously enrolled. For example, a parent/guardian moves from District A in April to District B, but wants her child to continue attending District A for continuity.

Revocations

Individual interdistrict transfer permits may stipulate bases for revocation of the permit. In addition to any bases listed on an interdistrict transfer permit, the District may revoke a permit for:

- (1) Behavior leading to suspension and/or expulsion;
- (2) Parent/guardian providing false of facts within interdistrict transfer request;
- (3) More than three unexcused pupil absences; and/or
- (4) Lack of capacity, such as a student requiring a program that the District does not offer.
- (5) Any other lawful, non-arbitrary basis for the district to conclude it would be in the best interest of the student, the student's school, or the district for the interdistrict attendance permit to be revoked.

Policy

Adopted: September 13, 2011

Revised: February 13, 2018

Fortuna Union High School District

Fortuna, California