

Ross Valley SD

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.

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

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 upon 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.

Transportation

The district shall not provide transportation related to interdistrict attendance.

However, upon parent/guardian request, the district shall provide transportation assistance to a student receiving an interdistrict transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)

(cf. 3553 - Free and Reduced Price Meals)

Policy History

Original Adoption: 11/29/11

Revised/Updated: 11/1/16; 5/7/19; 4/21/20

Legal Reference:

EDUCATION CODE

8151 Apprentices, exemption from interdistrict attendance agreement
41020 Annual district audits
46600-46610 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48300-48317 Student attendance alternatives, school district of choice program
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
48985 Notices to parents in language other than English
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

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

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Ross Valley SD

Administrative Regulation

Interdistrict Attendance

AR 5117
Students

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. (Education Code 46600)

Posting Requirements

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year.
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence.
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision.
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request.
5. Applicable timelines for processing a request, including the following statements:
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
 - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than

14 calendar days after the commencement of instruction in the school year for which transfer is sought.

6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Considerations for Permits Into the District

A request into the district may be approved based on available space and resources in the relevant grade, site, and/or program, or other considerations that are not arbitrary. All requests are subject to the provisions in the Denial and/or Revocation sections.

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131.2 - Bullying)

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status. (Education Code 46600)

The Superintendent or designee may approve an Interdistrict Attendance Permit to allow a student whose parent/guardian is employed by the District in accordance with BP/AR 5111.12 - Employment Related Residency.

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

1. To allow a currently enrolled student to complete the school year during which the parent/guardian(s) relocated.
2. To allow a currently enrolled student to remain with a class graduating that year from elementary or middle school.

The Superintendent or designee may approve an interdistrict attendance permit for a student for the following reasons when stipulated in the agreement:

1. When the student has a sibling attending school in the district, to avoid splitting the family's attendance. Note that approval for one child does not guarantee approval for a sibling.
2. 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 school year in the district.

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

Process and Timeline for Requests Into the District

The parent/guardian must initiate the Interdistrict Attendance Permit with the district of residence. An Interdistrict Attendance Permit requires approval of both the district of residence and the district of proposed attendance.

The initial request for Interdistrict Attendance Permit must be submitted between March 1 and April 1. If approved, the Permit request must be resubmitted annually between March 1 and April 1 and will be granted annually until the student completes the highest grade offered in the district as long as continuous enrollment is maintained.

If a currently enrolled student relocates outside district boundaries once the school year has begun and the student wishes to complete the school year in the district, the request for Interdistrict Attendance Permit must be submitted within 10 calendar days of relocation. If approved and the student wishes to continue in the district the following year, the Permit request must be resubmitted between March 1 to April 1. If approved, the Permit will be granted annually until the student completes the highest grade offered in the district as long as continuous enrollment is maintained.

If a currently enrolled student relocates outside District boundaries after April 1 and the student wishes to complete the school year in the District, the request for Interdistrict Attendance Permit must be submitted within 10 calendar days of relocation. If approved and the student wishes to continue the following year in the District, the Permit request must be submitted between March 1 to April 1. If approved, the Permit will be granted annually until the student completes the highest grade offered in the District as long as continuous enrollment is maintained.

If a currently enrolled student relocates outside district boundaries after a school year ends but before a new school year begins and the student wishes to complete the new school year in the district, the request for Interdistrict Attendance Permit must be submitted within 10 calendar days of relocation. If approved and the student wishes to continue the following year in the district, the Permit request must be submitted between March 1 to April 1. If approved, the Permit will be granted annually until the student completes the highest grade offered in the district as long as continuous enrollment is maintained.

If the request for Interdistrict Attendance Permit is submitted prior to March 1 for the following

year, it will be considered submitted between March 1 to April 1.

For students whose Interdistrict Attendance Permit is approved, the Interdistrict Attendance Contract must be completed and submitted within 30 calendar days of the approval of the Permit. The Contract outlines the academic performance, attendance, and behavior conditions that must be upheld.

All requests are subject to the provisions in the Denial and/or Revocation sections.

Process and Timeline for Permit Requests Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

The parent/guardian must initiate the Interdistrict Attendance Permit with the district of residence. Although there is no timeframe for submission of the Permit request out of the district, a request must be submitted and approved annually. The district of proposed attendance may have a timeline for submission and approval. An Interdistrict Attendance Permit requires approval of both the district of residence and the district of proposed attendance.

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or 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.

Process and Timelines for Notification of Decisions

If the transfer request is for the current school year or for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request.

If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which the transfer is sought. (Education Code 46600.2)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be

provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Until an initial transfer request is approved by both the district of residence and the district of proposed attendance, a student must attend school in their district of residence.

Parent/Guardian(s) shall advise in writing the receiving district of their acceptance or denial of the approved Permit within five calendar days of notification by the receiving district or the Marin County Office of Education, in the case of an appeal.

Conditions for Denial and/or Revocation

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

1. The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities and/or programs at the relevant grade level and site, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
2. Failure of a parent/guardian to meet any timelines established by the district or failure of a student to remain continuously enrolled in the district shall be deemed an abandonment of the request.
3. The district may revoke a student's enrollment if the student is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)
4. Determination by the district that the transfer request or supporting documentation was based upon false or fraudulent information.
5. Failure to comply with the requirements of the Interdistrict Attendance Contract, which include demonstrating acceptable academic performance, attendance, and behavior.
6. 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.

7. 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.
8. Any prior district enrollment was based upon false or inaccurate residency documentation including failure to disclose a change in residence.

Applicants will be notified in writing if the request is denied in accordance with the timelines listed in the Notification of Decision section and will be given the reason for the denial.

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

Process and Timelines for Appeal of Denial and/or Revocation

A parent/guardian may appeal the district's denial or revocation of an Interdistrict Attendance Permit by filing a written request of appeal with the Superintendent or designee within 10 calendar days of the receipt of the written notification of denial or revocation.

Within 10 calendar days of receipt of the written request of appeal, the Superintendent or designee will provide written notice of a meeting with the Interdistrict Transfer Committee. The Committee will meet within 30 calendar days to hear the reasons that the transfer denial or revocation should be overturned. The committee will make a recommendation to the Board of Trustees in closed session at a Board meeting within 30 calendar days, and a final written decision shall be given to the parent/guardian by the Superintendent or designee within 10 calendar days following the Board's decision.

If a student's interdistrict transfer denial is not overturned, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

If a student's interdistrict transfer revocation is not overturned, the decision shall be final, and the parent/guardian cannot appeal to the County Board of Education.

(cf. 5145.6 - Parental Notifications)

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions 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)

Policy History

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