

Students

Interdistrict Transfer

BP 5117 (a)

The Governing Board recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 5111.1 - District Residency)

(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 shall establish a selection process which ensures that students are admitted to district schools through a random, unbiased process that prohibits evaluation of whether a student should be enrolled based upon his/her academic or athletic performance. If the number of student applications exceeds the number of transfers the Board has designated for acceptance under the program, the Superintendent or designee shall conduct a random drawing in public at a regularly scheduled Board meeting. (Education Code 48301)

Because the district admits students in accordance with the school district of choice program, the Superintendent or designee shall not admit students based on individual interdistrict attendance permits pursuant to Education Code 46600-46611 except under extraordinary circumstances.

The Superintendent or designee shall maintain a record of requests for admittance that contains all of the following: (Education Code 48313)

1. The number of requests granted, denied, or withdrawn and, for denied requests, the reason for the denial
2. The number of students transferred out of and transferred into the district pursuant to this program
3. The race, ethnicity, gender, self-reported socio-economic status, and the district of residence for each student in item #2 above
4. The number of students in item #2 above who are classified as English learners or students with disabilities

The Superintendent or designee shall report to the Board, at a regularly scheduled meeting, the information specified in items #1-4 above. By May 15 of each year, the Superintendent or designee shall provide the same information, as well as information regarding the district's status as a school district of choice in the

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upcoming school year, to each geographically adjacent school district, the county office of education, the California Department of Education, and the Department of Finance. (Education Code 48313)

The report to the Board and other agencies shall also include a summary of audit exceptions, if any, resulting from the compliance review of components of the district of choice program conducted as part of the annual district audit. (Education Code 48301, 48313)

Transportation

The district shall not provide transportation beyond any school attendance area. Upon request, the Superintendent or designee may authorize transportation for interdistrict transfer students to and from designated bus stops within the attendance area if space is available.

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)

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

Policy Adopted: 11/16/05

Policy Revised: 12/14/16

**KONOCTI UNIFIED SCHOOL DISTRICT
Lower Lake, California**

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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

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

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

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

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Interdistrict Attendance Permits

In accordance with an agreement between the Governing Board 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. To meet the child care needs of the student. Such a student may be allowed to continue to attend district schools only as long as he/she continues to use a child care provider within district boundaries.
3. When the parent/guardian provides written evidence that one or both of the parents or legal guardians of the pupil is physically employed within the boundaries of the school district of attendance for at least ten (10) hours per week during the school week.
4. When the parent/guardian must pass through the district of attendance en route to place of employment; the parent or guardian does not pass the school of residence en route to their place of employment; and transportation between the home and school of residence is not offered.
5. To meet a child's special mental or physical health needs as certified by a physician, school psychologist or other appropriate school personnel

(cf. 6159 - Individualized Education Program)

6. To meet a family member's special mental or physical health needs as certified by a physician, psychologist or other appropriate personnel
7. To allow a student to complete a school year when his/her parents/guardians have moved out of the district during that year.
8. To allow a high school senior to attend the same school he/she attended as a junior, even if his/her family moved out of the district during the junior year.
9. When the parent/guardian provides written evidence that the family will be moving to the district in the immediate future and would like the student to start the year in the district. Residency documentation must show the name and address of the parent or legal guardian within the school district. Reasonable evidence of residency may be established by documentation, including, but not limited to, any of the following documentation:

- (1) Property tax payment receipts;

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- (2) Rental property contract, lease, or payment receipts;
- (3) Utility service contract, statement or payment receipts;
- (4) Pay stubs;
- (5) Voter registration;
- (6) Correspondence from a government agency; or
- (7) Declaration of residency executed by the parent or guardian of the pupil. (Education Code 48204.6)

10. 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 - Chronic Absence and Truancy)

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

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

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. 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)

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)

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)

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

Every interdistrict attendance permit shall stipulate the terms and conditions under which the permit may be revoked. (Education Code 46600) An interdistrict attendance permit is only valid through the end of the current school year and must be applied for annually.

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The Superintendent or designee may deny initial requests for interdistrict attendance agreements if the school's facilities are overcrowded at the relevant grade level and based on other considerations that are not arbitrary.

The Board reserves the right to revoke any interdistrict attendance agreement for any of the following reasons:

1. Compliance with the law and all school policies (especially those related to attendance and discipline)
2. Continuous academic achievement

Should the Superintendent or designee determine that a non-resident student poses a discipline problem, the Superintendent may revoke his/her interdistrict attendance permit immediately.

The agreement accords the non-resident students no hearing rights in this regard.

The Superintendent or designee shall notify 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.

(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)

The Superintendent or designee shall ensure that any communication sent to parents/guardians is factually accurate and does not target particular neighborhoods or individual parents/guardians on the basis of a child's actual or perceived academic or athletic performance or any other personal characteristic. (Education Code 48301)

The district shall give priority for attendance to siblings of students already in attendance in the district. (Education Code 48306)

The district may revoke a student's enrollment if he/she is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

The district may deny a transfer into the district under the district of choice program if:

1. The Board determines that the transfer into or out of the district would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)
2. The transfer into the district would require the district to create a new program to serve that student, except that the district shall not reject the transfer of a student with disabilities or an English learner. (Education Code 48303)

Request for Interdistrict Attendance Permit

For school year _____

For grade _____

New student Continuing student

If one or both parents or legal guardians are employed within the boundaries of the district you are requesting and that district accepts "employment related" transfers, do not complete this form. Request the "employment related" interdistrict attendance form. Use a separate form for each child. Please type or print. See reverse for parent rights.

Part A: Parent/Guardian completes this section and returns all copies to school district of residence.

Student's Name: _____ Date of Birth: _____

School District of Residence: _____ County: _____

School of Attendance or Last Attended: _____ Current Grade: _____

School District of Desired Attendance: _____ County: _____

School Requested: _____ (District retains the right to assign student to any school.)

Important: Each school district in Lake County has a local policy and criteria for accepting or denying requests for interdistrict attendance permits which may or may not include the reasons listed below. After reviewing the policies of your district of residence and the district of desired attendance, check the reason for requesting the interdistrict attendance permit. Attach a written explanation or documentation where requested.

Reason for request:

- Child care (name, address, and phone of provider) _____
- Specialized or unique educational program (describe) _____
- Change in social environment (attach explanation)
- Mental or physical health and/or safety needs (attach statement from physician, psychologist, juvenile authority or appropriate school staff)
- Recommended by SARB and/county agency for home or community problems (provide written documentation)
- Complete current school year or remain with a graduating class
- Moving into district in the immediate future (provide written evidence)
- Sibling attending (name, grade and school) _____
- Other: _____

For information purposes only and for the sole purpose of determining capacity and space issues which would require the creation of a new program or service, has this student or does this student currently receive special education or other special services? Yes No

(Describe) _____

Is this student currently under an expulsion order? Yes No If yes, attach copy

Name of parent/guardian: _____ Home phone: _____

Complete address: _____ Work phone: _____

I declare, under penalty of perjury under the laws of California, that the information provided above is true and accurate. I understand that this information may be verified and that inaccurate or false information may subject my request to denial or revocation. I understand that I am responsible for the transportation of my student. I further understand that, to maintain this permit, my student must comply with the terms and conditions of the districts' attendance agreement, if any, which includes but is not limited to those terms and conditions set forth below and the academic, behavior, and attendance policy requirements of the district of desired attendance. I understand that the interdistrict attendance permit must be renewed annually, if the above listed districts have an attendance agreement which provides for such. I further understand that neither district may rescind an existing permit for a student entering grades 11 or 12 in the subsequent school year.

(Signature of parent/guardian) _____ (Date)

Part B: School district of residence completes and forwards all copies to school district of desired attendance.

Action of **District of Residence:** Current Attendance Agreement with District of Attendance Date received: _____

Approved – terms and conditions: _____

Denied - reason: _____

(Signature and title of authorized representative) Date: _____

Part C: School district of desired attendance completes and distributes copies as indicated below.

Action of **District of Desired Attendance:** Date received: _____

Approved – terms and conditions: _____

Denied - reason: _____

(Signature and title of authorized representative) Date: _____

PARENT RIGHTS AND DUTIES

Relating to Interdistrict Attendance Agreement Requests

As a parent or legal guardian, you have the right to:

- Request an interdistrict attendance agreement from your district of residence.
- Receive a written copy of local school board policy relating to interdistrict attendance agreement requests from both the district of residence and the district you desire to attend.
- Receive a written copy of the Districts' Attendance Agreement, if any, which stipulates the terms and conditions under which the interdistrict attendance shall be permitted or denied.
- Discuss your situation with your local district superintendent or appointed designee.
- Appeal an adverse decision to the school board denying the permit request, pursuant to that school board's policies, and receive written notice of local board action within a period of time specified by the board policy.
- Receive notification from the district denying the request or the district of residence, within 30 days of a request for an interdistrict transfer, regarding the process for appeal to the Lake County Board of Education.

You are encouraged to review the governing board policy for further information and any additional rights.

Employment-Related Transfer

Use a separate form for each child. Please type or print. See reverse for parent rights.

Part A: Parent/Guardian completes this section and returns all copies to school district of parent/guardian employment.

Student's Name: _____ Date of Birth: _____
 School District of Residence: _____ County: _____
 School Presently Attending or Last Attended: _____ Grade: _____
 School District of Parent/Guardian Employment: _____ County: _____
 School Requested: _____ (District retains the right to assign student to any school.)

Name of Parent/Guardian: _____ Home Phone: _____
 Address : _____ Work Phone: _____
 Employer Name: _____
 Address: _____
 Supervisor's Name: _____ Phone: _____

PLEASE ATTACH VERIFICATION OF EMPLOYMENT. The most common means of verification is a letter from your employer or a paycheck stub. Contact your district of employment for specific employment verification requirements.

I declare, under penalty of perjury under the laws of California, that the information provided above is true and accurate. I understand that this information may be verified and that inaccurate or false information may subject my request to denial or revocation. I further understand that my employment is subject to periodic verification.

 (Signature of parent/guardian) _____ (date)

Part B: School district of parent/guardian employment completes and forwards all copies to school district of residence.

Action of **District of Employment:** _____ Date received: _____

Approved Employment verified on: (Date) _____ By: (Name) _____
Denied Reason for denial:
 Negative impact on desegregation plan
 Educational cost would exceed state reimbursement
 Other: _____

 (Signature and title of authorized representative) _____ Date: _____

Part C: School district of residence completes and distributes copies as indicated below.

Action of **District of Residence:** _____ Date received: _____

Approved
Denied Reason for denial:
 Negative impact on desegregation plan
 Transfer exceeds limits allowed by law

 (Signature and title of authorized representative) _____ Date: _____

PARENT RIGHTS AND DUTIES

Relating to Employment-Related Transfers

As a parent or legal guardian, you have the right to:

- If a district elects to accept employment-related transfers, a parent or legal guardian may request that their child attend the school district in which the parent/guardian is physically employed. A student admitted to a school district under this law shall be deemed to have complied with the residency requirements for school attendance in that district.
- The district receiving the transfer request is prohibited from denying the request based on race, ethnicity, sex, parental income, academic achievement, disability, or any other arbitrary consideration.
- The district of residence and the district receiving the transfer request may prohibit the transfer if it would have a negative impact on a court order or voluntary suppression plan of desegregation for the district.
- The receiving district can prohibit the transfer if the additional cost of educating the student exceeds the amount of additional state aid received as a result of the transfer.
- The district of residence can prohibit the transfer if the transfer would result in the district exceeding its transfer limits, as specified by law.
- If the transfer request is denied, the law encourages the district Board to communicate in writing with the parents/legal guardians as to the specific reasons for the determination and to ensure that there is an accurate record of the reasons made at the Board meeting.
- Once the student has been admitted to the receiving district under this provision, the student is not required to re-apply in the next school year. The student shall be permitted to attend school in the receiving district through grade 12 if the parent or legal guardian so chooses and if at least one parent or legal guardian of the student continues to be physically employed in the district's boundaries. There is no right to appeal to the County School Board about any denial under this provision.

You are encouraged to review the district's governing board policy for further information, additional parent /legal guardian rights and additional requirements of the district, if any.