

INTERDISTRICT ATTENDANCE

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)

(cf. 5118 – Open Enrollment Act Transfers)

The Mountain Union Elementary School District Governing Board may enter into an agreement with any other school district, for a term not to exceed eight (8) 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 district shall not provide transportation beyond any school attendance area. 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

48300-48315 Student attendance alternatives

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 ROP, enrollment of students, interdistrict attendance

INTERDISTRICT ATTENDANCE (CONTINUED)

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

GOVERNMENT CODE

6250-6270 Public Records Act

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

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

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

Policy
adopted: January 27, 2010
Revised: October 17, 2018

MOUNTAIN UNION ELEMENTARY SCHOOL DISTRICT
Montgomery Creek, California

INTERDISTRICT ATTENDANCE

Interdistrict Attendance Agreements

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.

Reasons

The Superintendent or designee may approve interdistrict agreement permits 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)
2. To meet the child care needs of a 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.
(cf. 5148 – Child Care and Development)
3. 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)
4. When a student has a sibling(s) attending school in the receiving district, to avoid splitting the family's attendance.
5. To allow a student to complete a school year when his/her parents/guardians have moved out of the district during that year.
6. To allow the student to remain with a class graduating that year from an elementary, junior, or senior high school
7. 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.

INTERDISTRICT ATTENDANCE (continued)

8. 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.
9. When a student will be living out of the district only for one year or less.
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)
(cf. 5113.12 – District School Attendance Review Board)
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 reasons of personal and social adjustment.

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district recourses, 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 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.

(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 (continued)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Transfers 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 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 another school district 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 another school district.

(cf. 3100 – Budget)

3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
 - a. A court-ordered desegregation plant
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

CONTRACT FOR INTER-DISTRICT AGREEMENT TRANSFER

Welcome! As a new member to our school and the Mountain Union Elementary School District we are excited to work with your family in making sure all children meet their full potential. Students from other districts are welcome at our school, but also must realize that an inter-district transfer is a courtesy and a privilege, but not a right. The Mountain Union Elementary School District accepts this inter-district transfer on the condition that the student continues to meet the following minimum requirements:

- Absences will not exceed 10 per academic year (95%).
- Late to class will not exceed 10 tardies per year.
- A student will maintain a 2.0 GPA and or grade level standards with no F’s or U’s and will work to their fullest potential.
- The student will not be suspended from school.
- Parents will work cooperatively with the school to insure that attendance, academic, and behavior standards are adhered to.
- Any other agreed upon conditions will be written within the contract.

If any of the above expectations are not met, the District will have the right to revoke the Inter-district agreement.

Other Conditions:

Student’s Name (please print)

Grade

Student’s Signature

Date

Parent’s Signature

Date

Copies to: Attendance Office and Principal’s Office