

BP 5117(a)

## **INTERDISTRICT ATTENDANCE**

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

### **Transportation**

The district shall not provide transportation beyond its geographical boundaries. 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)*

BP 5117(b)

## INTERDISTRICT ATTENDANCE (continued)

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)

### *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

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:*

#### CSBA PUBLICATIONS

*Transfer Law Comparison, Fact Sheet, March 2011*

#### WEB SITES

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

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

## **PALO VERDE UNION SCHOOL DISTRICT**

Policy adopted: November 13, 2013 Tulare, California

Policy Revised: July 11, 2018 Tulare, California

## **Students**

AR 5117

### **Interdistrict Attendance**

The Governing Board has the authority to enter into agreements with surrounding school districts and to accept, insofar as facilities permits, students residing in other districts and allow students living in the Palo Verde School District to attend surrounding districts, but only with no tuition charge, with the district of attendance credited with the pupil attending for apportionment purposes and the revenue limit pursuant to Education Code 42238.

1. Length of and revocation of permit: Any Interdistrict Attendance Permit will be in effect only for the school year beginning July 1st and ending June 30th of that given year. However, Palo Verde School District may revoke an interdistrict permit at any time during the effective year as set forth below
2. Case-by-case basis: The Palo Verde School District will consider each interdistrict permit request on a case-by-case basis. The Palo Verde School District shall review every request for interdistrict attendance, whether the student is transferring into or out of the district.
3. Selection process: Palo Verde School District will allow interdistrict transfers into the district to meet the enrollment needs of each grade level. Priority will be given to children or grandchildren of Palo Verde school staff and board members, children or grandchildren of Palo Verde Foundation Staff and board members, grandchildren of any booster board member, or active PTO member that has served for 15 or more years of that board, students with siblings that meet enrollment needs at more than one grade level. All things being equal, students will be allowed into the district on a first come-first served basis, providing that they meet all the requirements for interdistrict enrollment and have completed the initial requirements for consideration as specified by the Board and the Superintendent. In addition, the Board always reserves the right to make special exceptions to the interdistrict selection procedure.
4. Interdistrict permit approval: The Palo Verde School District may approve interdistrict permits for the following reasons:
  - a. Brother or sister attending school in district: When the student has brother(s) or sister(s) attending school in a receiving district, to avoid splitting the family attendance.
  - b. Moved during school year: To complete a school year when the parents/guardians have moved out of the district during the year, as long as attended Palo Verde School District for one year (180 consecutive days) prior to the move.
  - c. Remain with class: To allow students to remain with a class during graduating that year from the Palo Verde School District
  - d. Personal and social adjustment: To provide a change in school environment for reasons of personal and social adjustment.
  - e. When a 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 489000(r). Such a

student will be given priority for interdistrict attendance under any existing interdistrict agreement or, in the absence of an agreement, shall be given consideration for the creation of a new agreement.

f. When a valid interest in a particular educational program not offered in the district of residence.

### Behavioral Performance and Attendance

The superintendent or designee, prior to approving an interdistrict attendance permit request to transfer into the district, may contact the student's district of residence to determine whether the student meets the Palo Verde School District standards of behavioral performance and attendance

1. District right to deny permit: The Palo Verde School District reserves the right to deny any interdistrict attendance permit request before the student is enrolled in this district for the following reasons:

a. Behavioral standards: The student is failing to maintain behavioral standards established by his/her district of residence.

b. Attendance: The student has experienced difficulty in regularly attending and/or arriving on time for his/her district of residence.

c. Classes overcrowded: Classes in this district are determined to be overcrowded and space is needed to allow the enrollment of additional students who reside in this district.

d. Class size limit: The Palo Verde School District may invoke a class size limit for individual grades at any time during the school year.

e. Academic standards: The Palo Verde School District may not accept any student that is not working up to the student's individual ability level.

f. Interdistrict contract: All parents of interdistrict students will be required to sign a contract outlining the requirements for being granted an interdistrict permit. Any violation of the contract may result in the interdistrict being revoked and/or the interdistrict permit not being granted in subsequent years.

2. District right to revoke permit: The Palo Verde School District reserves the right to revoke any interdistrict attendance permit at any time during the school year for the following reasons:

a. Failure to maintain behavioral standards: The student is failing to maintain behavioral standards established by the district.

b. Attendance/tardy problems: The Student has been tardy or truant without valid excuse in excess of three occasions.

c. Overcrowded: Once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

d. Academic achievement:

(1) If the district feels that the student is not working up to his/her potential.

(2) If the student is not completing the assigned work in the classroom to the satisfaction of the classroom teacher.

e. Additional financial burden: If our interdistrict transfer student requires additional financial support beyond the amount generated by the ADA revenue, intended for that child.

f. Parental Involvement. The Palo Verde School District strongly recommends that the parents of all interdistrict students be involved in the school program. This is clearly defined to the parents and multiple opportunities for involvement are presented.

3. Transportation. The Palo Verde School District shall not provide transportation for a student on an interdistrict permit.

4. Timely notice: The parent/guardian of a student who is denied a transfer request pursuant to Education Code 46600-46611 shall receive timely notice, in accordance with law, regarding the process for appeal to the County Board of Education. This notice shall be provided by the district denying the request.

Pending a decision by the two districts or an appeal to the County Board, the Superintendent or designee may provisionally admit a student who resides in another district for the period not to exceed two school months. (Education Code 44603)

5. Appeal denied: 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 expulsion. (Education Code 46601)

A student who is enrolled in a district on the basis of an interdistrict attendance permit is required to reapply and be approved each school year in order to continue to attend in the district of enrollment.

Regulation	PALO VERDE UNION ELEMENTARY SCHOOL DISTRICT	
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