

Students

Interdistrict Attendance

The schools of the Lowell Joint School District shall be operated for the benefit of the students resident in the District. Placement of students in classes for instruction and hiring of staff are directly related to student attendance. Consequently, the District must monitor all circumstances affecting attendance in the District to determine if an interdistrict transfer is in the best interest of the children who reside in the district.

The Board of Education assigns the responsibility to approve, deny and revoke interdistrict attendance permits to the Superintendent or designee. The Superintendent will deny an initial request for transfer into the District if school facilities or programs are overcrowded at the relevant grade level. In addition, the Superintendent will deny an initial interdistrict transfer request, or cancel an existing permit, if false information is used as a basis for requesting or securing the permit. Students attending a District school on an interdistrict attendance permit must maintain good grades, good attendance, and good behavior. It is understood that the continuation of an interdistrict attendance permit is only in the student and District's best interests if that student has a positive educational experience. Specific reasons for revoking an interdistrict attendance permit are listed later in this policy.

The Lowell Joint School District has not implemented the optional provisions of Education Code 48204 (f), known as employment related transfers.

An interdistrict attendance permit is for all students attending regular day classes. Requests for Special Education students to attend specific programs should be directed to the North Orange County Special Education Local Plan Area (NOCSELPA). The NOCSELPA coordinates the special programs for the districts within this NOCSELPA.

The Superintendent shall consider approval of an interdistrict attendance permit request only when:

1. The district determines that the granting of the permit will not unduly hinder the existing educational program of resident students.
2. The student's attendance in the District will not exceed class size limits set by State regulations or District guidelines, including provisions of applicable collective bargaining agreements.
3. The parent/guardian verifies childcare needs that can be provided only within the boundaries served by our District.
4. To complete a school year when parents/guardians have moved out of the district during that year.
5. To allow students to remain with a class graduating that year from an elementary or intermediate school.

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6. When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district.
7. When there is valid interest in a particular educational program not offered in the district.
8. The district has obtained written consent from an authorized official of the requesting student's district of residence.
9. A student who has been determined by personnel of either the district of residence or the district of proposed enrollment to have been the victim of an act of bullying committed a student of the district of residence shall, at the request of the person having legal custody of the student, be given priority for inter-district attendance under any existing inter-district attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an inter-district attendance agreement.

(Education Code Section 46600(b))

The issuance and renewal of interdistrict attendance permits shall be further governed by the following:

1. All new interdistrict attendance permits may be withheld for a period of two weeks at the beginning of each school year for the purpose of allowing district residents to attend classes and determine whether the issuance of a permit would violate the standards of class size established by the District.
2. First priority for approval of interdistrict attendance permits shall be granted to verified renewal requests. Second priority for approval will be siblings of currently enrolled students attending a district school. Third priority is given to children of employees of the Lowell Joint School District. All other requests will then be considered. Priority status is only given to applications date stamped prior to June 1st.
3. Following the prioritization of requests, if there is more than one application for an opening, the date stamp showing the earliest receipt of transfer request approval from the district of residence will be used.
4. Requests for renewal of interdistrict attendance permits must be made in writing by the parent or guardian prior to the close of the present school year for which the existing permit is valid. Renewals received after the close of the school year will be considered new permits requests.

Students granted transfer into the Lowell Joint School District through this process are guaranteed no specific school of attendance. Transfer students may be placed only in schools and classrooms where space is available.

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Transportation shall not be provided for students admitted pursuant to an interdistrict attendance agreement. However, upon request, the Superintendent or designee, may authorize transportation if space is available for students living outside of district boundaries to and from a designated bus stop within district boundaries.

The District reserves the right to refuse to accept any interdistrict attendance permit application for any reason determined to be in the best interests of the District.

The District shall not knowingly enroll a student who is not a district resident without an interdistrict attendance permit.

Interdistrict attendance permits shall be reviewed annually and renewed only if space continues to be available and reasons for the transfer continue to meet district policy. If space is no longer available at the student's school of attendance, the student may request another school within the district or return to his/her school district of residence.

The District reserves the right to revoke an interdistrict attendance permit because of:

1. Enrollment in the grade exceeds space available during the year.
2. Unsatisfactory attendance of the student, which includes punctuality relative to school starting and ending times, as well as excessive absenteeism. Unsatisfactory attendance is further defined as being classified as truant.
3. Unsatisfactory citizenship by the student, defined as continual breaking of school rules or upon the commitment of an act warranting two or more days of suspension in any one school year or more than one unsatisfactory rating on the effort section of any report card.
4. Unsatisfactory scholarship from the student, clarified to be achievement below a "C" average on any report card.
5. Determination that the conditions under which the original transfer request was granted no longer apply.
6. A finding that false, misleading or the deliberate omission of information was provided by the parents and used as a basis for the securing or renewing of a permit.
7. A determination that space, facilities, services, or supplies are or will be insufficient at a given site to accommodate resident students or anticipated new resident students within the attendance area.
8. Unwillingness to cooperate with school officials by the student or parent.
9. Any other reasons exist as determined by Education Code or district policy.

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10. A determination that space, facilities, services, or supplies are or will be insufficient at a given site to accommodate resident students or anticipated new resident students within the attendance area.

Per the Education Code, the denial of an interdistrict attendance permit may be appealed ultimately to the County Board of Education. However the decision of the district to revoke an Interdistrict Attendance Permit may not be appealed beyond the District Board of Education.

Timelines for appeal of the denial, first to the District Board and then, if necessary, to the County Board are prescribed in Education Code 46601. Parents of students may not appeal denials or revocations of interdistrict attendance permits during expulsion proceedings or during the term of an expulsion.

Legal Reference:

EDUCATION CODE

35160.5	District policies; rules and regulations
35291	Rules
35351	Assignment of students to particular schools
46600-46611	Interdistrict attendance agreements
48200 et seq	Attendance
48915-48918	Expulsion
48980	Notice at beginning of term

ATTORNEY GENERAL OPINIONS

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

Policy Adopted: March 23, 1987

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