



## Students

**BP 5117.1 (a)**

### Interdistrict Enrollment

The Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. As a condition of granting or renewing permits, parents and interdistrict transfer students are required to comply with the terms of this policy and the rules of the schools within the District.

Parent may request a student transfer in or out of the District for one or more of the following reasons:

#### 1. Transfer of Student – Pending Change of Residence

The student has definite plans for a change of residence either into or out of the Lowell Joint District and can present satisfactory evidence that the move will be completed during the semester in which the application is filed. Failure to move during the semester in which the application is filed may result in the student returning to the school of residence.

#### 2. Transfer of Student - Change of Residence

- a) A student may be permitted to remain in the school of former residence for the remainder of that school year only; however, a student whose change of residence occurs between the end of school in one year and the end of the first month of classes of the next year will not be eligible to remain in the school of former residence.
- b) A student who moves at any time during the school year may be allowed to remain in school of former residence provided an interdistrict attendance permit is approved by both districts.

#### 3. Exceptional Situations

Interdistrict transfers for exceptional reasons may be permitted with the approval of the Superintendent or designee provided a signed interdistrict attendance agreement between the two districts exists. Documentation explaining the exceptional reasons must be provided by the parent/guardian.

#### 4. Specialized Academic Program:

If a specialized academic instructional program meeting the needs of the student is available in a district but not available within a student's district of residence and if the student has proof of acceptance to participate in the specialized academic program, an interdistrict attendance permit may be granted for the student but must be renewed each year.

#### 5. Residency Based on Parental Employment (The "Allen Bill")

Education Code 48204(b) states that a school district may deem a student to have complied with the residency requirements for school district attendance in the school district if at least one (1) parent or legal guardian of the student is physically employed within the boundaries of that school for a minimum of ten (10) hours during the school week.

**Interdistrict Enrollment (continued)**

The Superintendent or designee shall verify employment status for purposes of this section to determine whether residency can be established. If residency cannot be established in accordance with this provision, the Superintendent or designee will inform the parent or legal guardian of the interdistrict transfer process.

**6. Child Care (Grade PK-6<sup>th</sup> Only)**

- a) Education Code states that a school district may deem a student to have complied with the child care requirements for school district attendance in the school district if at least one (1) parent or legal guardian of the student has verified that the child's before/after school child care provider lives within the attendance area of the desired school. The Superintendent or designee shall verify child care provider's residence for purposes of this section to determine whether residency can be established. If residency cannot be established in accordance with this provision, the Superintendent or designee will inform the parent or legal guardian of the interdistrict transfer process.

(cf. 5117 - Interdistrict Attendance)

(cf. 5117.1 - Interdistrict Attendance Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

- b) The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

(cf. 5111.1 - District Residency)

(cf. 5111.11 - Residency of Students with Caregiver)

(cf. 5111.13 - Residency for Homeless Children)

**Interdistrict Attendance Permits**

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs. The interdistrict attendance permit shall be reviewed annually based upon space availability and the student's maintaining good attendance, good citizenship/behavior, and good academic progress (grades).

The Superintendent or designee may deny or revoke interdistrict attendance permits at any time because of overcrowding within District schools, limited District resources, or failure by the student to maintain: good attendance, good citizenship/behavior, and good academic progress (grades).

## Students

BP 5117.1 (c)

### Interdistrict Enrollment (continued)

#### Enrollment Priorities

Consideration for attendance outside a student's attendance area shall be given as follows:

1. If a district school receiving Title I funds is identified for program improvement, corrective action or restructuring, all students enrolled in that school shall be provided an option to transfer to another district school or charter school. (20 USC 6316)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 6171 - Title I Programs)

(cf. 0450 - Comprehensive Safety Plan)

2. If while on school grounds a student becomes a victim of a violent criminal offense, as defined by the State Board of Education, or attends a school designated by the California Department of Education as *persistently dangerous*, he/she shall be provided an option to transfer to another district school. (20 USC 7912)

(cf. 0450 – Comprehensive Safety Plan)

3. The Superintendent or designee may approve a student's transfer to a district school that is at capacity and otherwise closed to transfers upon finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student.

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including but not limited to a law enforcement official or social worker, or a properly licensed or registered professional, including, but not limited to, a psychiatrist, psychologist or marriage and family therapist
  - b. A court order, including a temporary restraining order and injunction
4. Priority may be given to siblings of students already in attendance in that school.

**Interdistrict Enrollment (continued)**

5. Priority shall be given to students whose parent/guardian is assigned to that school as his/her primary place of employment.

For all other applications for enrollment outside a school's attendance area, the Superintendent or designee may use a random, unbiased selection process to determine who shall be admitted whenever a school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions may not be based on a student's academic and/or social performance. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

(cf. 6172 - Gifted and Talented Student Program)

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

(cf. 5116 - School Attendance Boundaries)

Transportation

The district is not obligated to provide transportation for students who attend school outside their attendance area. The Superintendent or designee may authorize transportation contingent upon available space and funds.

Appeal Procedures

A student whose request for transfer has been denied may appeal the decision. All appeals shall be in writing and be directed to the Superintendent or designee. A response to an appeal shall be in writing. The County Board of Education is the final level of appeal for interdistrict transfers. The various levels of appeal are:

- a. Superintendent
- b. District Board of Trustees
- c. County Board of Education

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

**Interdistrict Enrollment (continued)**

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

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

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

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

Management Resources:

WEB SITES

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

California Department of Education:

<http://www.cde.ca.gov>