

**REQUEST FOR INTERDISTRICT ATTENDANCE AGREEMENT**

IT IS THE RESPONSIBILITY OF THE PARENT OR GUARDIAN TO REQUEST AN INTERDISTRICT ATTENDANCE AGREEMENT. PLEASE COMPLETE THE TOP SECTION OF THIS FORM.

I hereby request that my children residing in the \_\_\_\_\_ School District, be permitted to attend the \_\_\_\_\_ School District.

Reasons for request: (Please be specific) \_\_\_\_\_

<u>PUPIL'S NAMES</u>	<u>GRADE</u>	<u>PUPIL'S NAMES</u>	<u>GRADE</u>
_____	_____	_____	_____
_____	_____	_____	_____

I understand that attendance is subject to compliance with the law and all school policies (especially those related to attendance and discipline) and that this interdistrict attendance agreement may be revoked for failure to comply with the law or school policies or if the principal of the school of attendance determines that the student is a discipline problem.

PARENT/GUARDIAN NAME (print): \_\_\_\_\_ DATE \_\_\_\_\_

PARENT/GUARDIAN SIGNATURE \_\_\_\_\_ PHONE \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

RESIDENCE ADDRESS \_\_\_\_\_

**INTERDISTRICT ATTENDANCE AGREEMENT**

The first named district hereby grants the release of State and Federal Funds earned by said attendance to the second named district. This agreement is also subject to the following terms:

1. Compliance with the law and all school policies (especially those related to attendance and discipline).
2. Continuous academic achievement of at least a 2.0 GPA and satisfactory citizenship.
3. This interdistrict attendance agreement may be revoked for failure to comply with the law or school policies, or if the Principal of the school of attendance determines that the student is a discipline problem.
4. Transportation beyond that normally provided for students living in the district shall be provided by the parent/guardian.

The above students are granted an Interdistrict agreement through June 30, 20\_\_\_\_ in accordance with the provisions of the Education Code.

DISTRICT OF RESIDENCE	DISTRICT OF ATTENDANCE
<u>LUCERNE ELEMENTARY SCHOOL</u>	_____
Approved: _____ Disapproved: _____	Approved: _____ Disapproved: _____
_____ Superintendent/Designee Date	_____ Superintendent/Designee Date

**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. The Board desires to communicate with parents/guardians and students regarding the educational programs and services that are available.

*(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)*

The Board recognizes that the district may be capable of serving additional students. Therefore, the Superintendent or designee may approve Interdistrict attendance agreements with other districts.

**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 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.

**INTERDISTRICT ATTENDANCE**

*Legal Reference:*

**EDUCATION CODE**

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48317 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:*

**WEB SITES**

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

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

Policy

adopted: November 14, 2001

reviewed: November 9, 2005

revised: January 14, 2015; December 13, 2017

**LUCERNE ELEMENTARY SCHOOL DISTRICT**

Lucerne, California

**INTERDISTRICT ATTENDANCE**

**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.

*(cf. 5148 - Child Care and Development)*

3. To meet the student'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 the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance.
5. To allow the 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, middle, 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.
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 the student will be living out of the district for one year or less.

**INTERDISTRICT ATTENDANCE**

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.

**Basis for Denial of Application**

The Superintendent or designee may deny initial requests for Interdistrict attendance permits due to:

1. If capacity has been reached in the relevant grade or program based on the actual enrollment figures of current residents and continuing students for the requested transfer year, or the anticipated enrollment figures for transfers to take effect in the next school year.

For Special Education Classes and Programs

A Resource Specialist Program (RSP)/Specialized Academic Instruction/Mild to Moderate Needs, will be considered at capacity for Interdistrict Transfer Application purposes either when the case carrier's caseload reaches a student: case carrier ratio of 22:1, or the requested grade is at capacity at the requested school.

As the District establishes new or different classes or programs for which a capacity limit is not included herein, it may establish appropriate capacity, for Interdistrict Transfer Application purposes, for any such class or program.

Capacity limits are intended to allow space for new resident growth. These capacity limits are intended to allow space for District residents who enroll during the summer or enroll in the program(s) during the school year.

2. The attendance of the student would increase the District's class size above the maximums established by the State of California or above the maximums set in a negotiated teacher contract or would place the District at risk of violating such standards, or, in the case of middle or high schools, enrollment would interfere with the appropriate scheduling of the student or other students, as determined by the Superintendent or designee.

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3. The district does not have an appropriate educational program to meet the student's needs.

The student's school records for the preceding 12-month period reflect unsatisfactory attendance, which may include, but is not limited to, a total of three (3) or more unexcused absences and/or unexcused tardy arrivals, or a total attendance rate of less than ninety percent (90%).

4. The student's school records for the preceding 12-month period reflect unsatisfactory academic performance, which may include, but is not limited to, grades that do not "meet standards" in the majority of student's subject areas/courses of study; unexcused, inconsistent completion of homework; regularly coming to class unprepared without an excusable reason; or a failure to maintain a grade point average of at least a 2.0.
5. The student's school records in the preceding 12-month period reflect unsatisfactory behavior which may include, but is not limited to, a history of disciplinary referral(s), detention(s), suspension(s), recommendation(s) for expulsion, or expulsion(s).
6. The Application is incomplete or contains information that is false or misleading.
7. The welfare of the student and/or of other students is compromised or endangered. This may include, but is not limited to, lack of before school or afterschool care.
8. The governing boards of the district and the student's district of residence have not entered into an Interdistrict attendance agreement. (Education Code 46600)
9. The denial would be in the best interests of the District as determined by the Superintendent or designee based on any lawful, non-arbitrary considerations.

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)*

**Application Procedures and Timeline**

All applications for Interdistrict attendance permits must be approved by the student's district of residence prior to submission to the district.

Parents/Guardians should submit applications for Interdistrict attendance permits to the District Office for the requested year of enrollment. Applications should include a "School Districts of Lake County Request for Interdistrict Attendance Permit" application, a copy of the student's current transcript, a copy of student's attendance report for the prior twelve (12) months, a discipline summary, and a copy of the student's Section 504 Plan or Individualized Education Program (IEP), if applicable.

**INTERDISTRICT ATTENDANCE**

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)*

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)

**Bases for Revocation/Termination of Interdistrict Attendance Permit**

Every Interdistrict attendance permit shall stipulate the terms and conditions under which the permit may be revoked. (Education Code 46600)

An Interdistrict attendance permit may be revoked by the Superintendent or designee for any of the following reasons:

1. Unsatisfactory academic performance (as defined above under Bases for Denial) at the district.
2. Unsatisfactory attendance (as defined above under Bases for Denial) at the district.
3. Providing incomplete, false or misleading information on the Application.
4. Repeated disruptive or otherwise unsatisfactory conduct in violation of Education Code sections 48900 et seq.
5. Suspension from the district as authorized by Education Code sections 48900 et seq.

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6. Recommendation for expulsion or expulsion from the district as authorized by Education Code sections 48900 et seq.
7. The welfare of the student and/or of other students is compromised or endangered. This may include, but is not limited to, lack of before school or afterschool care.
8. Any other lawful, non-arbitrary basis for the district to conclude it would be in the best interest of the student, the student's school, or the district for the Interdistrict attendance permit to be revoked.

If an Interdistrict attendance permit is revoked, the parent/guardian of the student may appeal to the Superintendent for further consideration. An appeal must be submitted in writing to the Superintendent and received in the District Office on or before the fifth calendar day following the date of the Notice of Revocation, excluding Saturdays, Sundays and days when the District Office is closed, or the right to appeal shall be deemed waived.

**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 a school district of choice 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 a school district of choice.

*(cf. 3100 - Budget)*