

# Mt. Diablo USD

## Board Policy

### Interdistrict Attendance

BP 5117

#### Students

The Governing 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. The Superintendent or designee shall establish procedures for the selection and transfer of students between districts in accordance with law, Board policy, and administrative regulation.

Pursuant to Education Code 48204 and 46600, it is the policy of the Governing Board of the district to admit to its schools or classes students who reside in another school district.

Interdistrict transfers may be denied if the transfer would negatively impact the district based on an analysis of capacity or financial impact.

The interdistrict transfer of students may be permitted only when one or more of the following conditions exist:

1. It is the student's final year of attendance in an elementary (5th grade), intermediate/middle (8th grade), or high school (12th grade). An interdistrict transfer granted for that final year does not guarantee an interdistrict transfer for the following year.
2. The parents/guardians of the student provide tangible proof of their imminent move into or out of the district, such as a rent receipt, escrow agreement, letter from contractor, or other documentation.
3. The student receives child care in TK – 8<sup>th</sup> grades within the boundaries of the district. To establish child care, the application must include verification of enrollment in a local child care program or a written statement from a private child care provider. A transfer based on child care needs shall only remain in effect so long as the child remains at the child care provider within the school's attendance area. Parents/guardians must provide child care documentation annually.
4. There is a compelling educational reason for transfer based on the safety of student and/or staff. Whether a particular case presents a compelling educational basis for transfer will be considered on an individual basis and on the merits of that particular case.
  - a. The requested district is not required to admit a student, but may not refuse admission on the basis of race, sex, parental income, scholastic achievement, or any other arbitrary consideration.
  - b. The school district of residence or the requested district may prohibit the transfer if that transfer would negatively impact that district's court-ordered or voluntary desegregation plan.

c. The receiving district may prohibit the transfer if it is determined that the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.

Transportation shall not be provided for students attending the district on the basis of an interdistrict agreement.

A student who has been expelled from a school other than a school in the district shall not be admitted to a school in the district except as provided for in Policy 5119. Students who are under consideration for expulsion or who have been expelled pursuant to Education Code 48915 and 48918 may not appeal interdistrict attendance denials or decisions while expulsion proceedings are pending or during the term of the expulsion.

A student's interdistrict transfer may be revoked because of excessive truancy or continual disruption of the educational program, or failure to progress towards graduation.

The district shall not knowingly accept students who are not district residents without an interdistrict attendance permit. However, such permits will not be required for students enrolling in ROC or ROP.

Within 30 days of their request, denied parties must be informed of their right to appeal with the County Board of Education pursuant to Education Code 46600 and the appeal process involved. This notice shall be provided by the district denying the request, or in the absence of an agreement between the districts, by the district of residence. When separate requests are made to each district not later than 30 days before the academic year begins, the notification regarding appeal must be given within 14 days of the beginning of the academic year. This right of appeal to the County Board of Education does not exist for interdistrict transfer requests made pursuant to Education Code 48204(f), parent employment provisions.

(cf. 0430 Comprehensive Local Plan for Special Education)

Legal Reference:

EDUCATION CODE

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48315 Student attendance alternatives

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

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**

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

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

**Policy MT. DIABLO UNIFIED SCHOOL DISTRICT**

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