

Mt. Diablo USD

Board Policy

Interdistrict Attendance

BP 5117

Students

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district. ~~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, and subject to 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. ~~it is the policy of the Governing Board of the district to admit to its schools or classes students who reside in another school (Education Code 46600.) district.~~ Approval of a request for interdistrict attendance does not guarantee placement at a specific school.

Interdistrict transfers may be denied if transfer would negatively impact the district based on an analysis of capacity or financial impact. The Superintendent or designee may deny interdistrict attendance transfer requests for reason(s) that include but are not limited to overcrowding within District schools and/or District programs or limited District resources.

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

1. To allow students to remain with a class graduating that year from an elementary, junior/middle, or senior high school. 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~~ graduating 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~~ least agreement, completed escrow papers or agreement, evidence of the construction of a private home ~~letter from contractor, or other documentation.~~

3. The student receives child care (exclusive to grades TK – 8) 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 child remains at the child care provider within the school's attendance area. Parents/guardians must provide child care documentation annually.

4. To allow the victim of an act of bullying, as defined in Education Code section 48900(r), committed by a pupil of the district of residence, as determined by either the district of residence or district of proposed enrollment, and at the request of the person having legal custody of the pupil, to attend a new district. These pupils shall be given priority for interdistrict attendance under any existing interdistrict transfer agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement. (Education Code section 46600(b).))

5. To meet a child's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel.

6. To allow a student to complete a school year when his/her parents/guardians have moved out of the District during that year.

7. When the parents/guardians are employees of Mount Diablo Unified School District and they are employed at least ten hours per week for the District within District boundaries.

~~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 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~~

8. A school district of residence or school district of enrollment shall not rescind existing transfer permits for pupils after June 30 following the completion of grade 10, or for pupils in grade 11 or 12. Education Code 46600).

9. Notwithstanding any other law, and regardless of whether an agreement exists or a permit is issued pursuant to this section, a school district of residence shall not prohibit the transfer of a pupil who is a child of an active duty military parent to a school district of proposed enrollment if the school district of proposed enrollment approves the application for transfer. (Education Code 46600).

a. “Active military duty parent” means a parent with full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Military Reserve on active duty orders pursuant to Chapter 1209 (commencing with Section 12301) and Chapter 1211 (commencing with Section 12401) of Part II of Subtitle E of Title 10 of the United States Code. (Education Code 46600).

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. (Education Code 46601)

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 a Regional Occupational Center or Program. ROC or ROP.

The parent/guardian of a student who is denied a transfer request shall receive timely notice, in accordance with the law, regarding the process for appeal to the County Board of Education. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the district, by the district or residence. (Education Code 46600-46611)

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

48300-48317~~5~~ Student attendance alternatives

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 ProgramOP, 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

Walnut Valley Unified School District v. the Superior Court of Los Angeles County (2011) 192 Cal.App.4th 234

Management Resources:

WEB SITES

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

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

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: February 24, 2009 Concord, California

revised: June 2020 Concord, California