

Davis Joint USD

Board Policy

Interdistrict Attendance

BP 5117

Students

The Board of Education 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.

(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)

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.

The Superintendent or designee may deny initial interdistrict attendance permits because of overcrowding within district schools, limited district resources, or other considerations that are not arbitrary. However, once an interdistrict permit is granted and the student is enrolled in the new school, the district (1) may not require the student to reapply, (2) must allow the student to attend the school unless the permit contains specific standards for reapplication, and (3) along with the district of residence, may not revoke the student's existing permit if he/she is entering grade 11 or 12.

(cf. 0410 - Nondiscrimination in District Programs and activities)

Once a student's interdistrict enrollment is accepted, that shall become the student's home campus for the duration of continuous enrollment, as long as the conditions of acceptance are met.

Limits on Student Transfers out of the District to a School District of Choice

The Superintendent or designee may limit the number of student transfers out of the district to a school district of choice to three percent of its current estimated average daily attendance (ADA) and may limit the maximum number of such transfers for the duration of the program to 10 percent of the ADA for that period. (Education Code 48307)

In addition, transfers out of the district may be limited during a fiscal year when the County Superintendent of Schools has given the district a negative budget certification or when the County Superintendent 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. (Education Code 48307)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

Out of district students seeking admission to any charter school in the district is not required to have an interdistrict transfer so long as they are enrolled in the charter. (See Charter Schools BP 0420.4)

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

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

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:

CSBA PUBLICATIONS

Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

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

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

Policy DAVIS JOINT UNIFIED SCHOOL DISTRICT

adopted: November 15, 2012 Davis, California