

# West Contra Costa 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. ***Because of capacity issues within the district and due to limited resources, the Board will consider approving such transfers on a case-by-case basis through an interdistrict transfer agreement with another school district. In the case of a student wishing to transfer into the district, the request will be considered when class enrollment or program availability will permit the attendance of an out-of-district student.***

*(cf. 5116.1 - Intradistrict Open Enrollment)*

*(cf. 5118 - Open Enrollment Act Transfers)*

~~The Board desires to communicate with parents/guardians and students regarding the district's educational programs and services.~~

#### 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 Superintendent or designee may ~~approve~~ ***deny the granting of an*** interdistrict attendance permits ***because of overcrowding within district schools or other non-discriminatory reasons, including limited district resources. Once the interdistrict attendance permit is granted, however, it may not be revoked during the specified period due to district overcrowding.*** ~~for the following reasons:~~

1. ~~—— To meet the child care needs of K – 8 students. ——~~

~~Such students may be allowed to continue to attend district schools only as long as they continue to use a child care provider within district boundaries. ——~~

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

3. ~~—— When a student has a sibling(s) attending school in the receiving district, to avoid splitting the family's attendance~~

- ~~4. To allow a student to complete a school year when his/her parents/guardians have moved out of the district during that year~~
- ~~5. To allow students to remain with a class graduating that year from an elementary, junior, or senior high school~~
- ~~6. To let high school seniors attend the same school they attended as juniors, even if their families moved out of the district during the junior year~~
- ~~7. 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~~
- ~~8. When a student will be living out of the district for one year or less~~
- ~~9. 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~~
- ~~10. When there is valid interest in a particular educational program not offered in the district of residence~~
- ~~11. To provide a change in school environment for reasons of personal and social adjustment~~

~~The interdistrict attendance permit shall not exceed a term of five years and shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. (Education Code 46600)~~

~~The Superintendent or designee may deny interdistrict attendance permits because of overcrowding within district schools or limited district resources.~~

#### **Interdistrict Agreements**

~~Interdistrict attendance agreements can be considered only when the class enrollment in the district will permit the addition of out of district students, and when there is no financial burden to the district. However, once the interdistrict attendance agreement is entered into, it may not be revoked during the specified period of the agreement due to district overcrowding.~~

~~Interdistrict requests must be submitted at the beginning of each school year, and approval will be contingent upon continued space availability in the school or district. Interdistrict agreements are for the district, not for individual school sites. West Contra Costa Unified School District students will be given a priority for enrollment in attendance area schools. Second priority shall be given to students residing within the district who apply for Open Enrollment agreements to attend other schools of choice.~~

~~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)~~

~~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)~~

~~All permits shall be reviewed annually. If the conditions of the permit have changed, the permit may not be renewed.~~

*Interdistrict permit applications may be submitted in January of the school year preceding the school year for which the transfer is requested. Approval will be contingent upon continued space availability in the school or district. Interdistrict agreements are for the district, not for individual school sites. West Contra Costa Unified School District students will be given a priority for enrollment in attendance area schools. Second priority shall be given to students residing within the district who apply for Open Enrollment agreements to attend other schools of choice.*

*An interdistrict attendance permit shall not exceed a term of one school year and shall stipulate the terms and conditions under which the interdistrict attendance permit shall be permitted, denied or revoked. (Education Code 46600.) All students attending district schools under an interdistrict attendance permit must reapply annually.*

### *Transportation*

*The district shall not provide transportation outside any school attendance area.*

### *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 based on the percentages of average daily attendance specified in 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)*

Legal Reference:

EDUCATION CODE

**41020 Annual district audits**

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-483156 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

**GOVERNMENT CODE**

~~6250-6270—Public Records Act~~

**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 WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: August 20, 2008      Richmond, California

revised: January 7, 2009

***revised: \_\_\_\_\_, 2017***