

ADMINISTRATIVE REGULATION
Interdistrict Attendance
(Pursuant to Agreements Under Education Code 46600(a))

AR __5117____
Students

Upon receipt of a request by of the person(s) having legal custody of a student, the Superintendent or designee may approve or deny requests for interdistrict attendance permits using the standard county-wide form on a case-by-case basis to meet individual student needs and in compliance with the applicable interdistrict attendance agreement, Board Policy, and this Administrative Regulation.

Pursuant to Education Code Section 46600(b), at the request of the person(s) having legal custody of a student who has been determined by personnel of either the district of residence or the district of proposed enrollment to have been the victim of an act of bullying, as defined in Education Code Section 48900(r), committed by a pupil of the district of residence, the student shall be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement.

Subject to the foregoing exceptions, **the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons:**

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 or middle school.
7. When the parent/guardian provides 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 the 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.
(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5113.12 - District School Attendance Review Board)
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.

Unless the Superintendent or designee determines that the reasons for requesting the transfer are compelling, **The Superintendent may deny an indistrict permit based on these considerations:**

1. An earlier interdistrict transfer for the student was revoked.
2. If the student is involved in expulsion proceedings or is within the term of the expulsion.
3. The Parent/guardian has no apparent means of arranging for or providing for transportation to and from school.
4. The school facilities or programs are currently overcrowded at the relevant grade level, or may become so during the school year because of additional resident students.
5. The student needs a particular service or program to receive an appropriate public education and 1) The district does not offer that service or program, or 2) That program is full, or may become so during the school year because of additional resident students, or 3) The person(s) who provide that service already has(have) a full case load.
6. Enrollment of the student would require the district to create a new program or to increase staffing levels or if the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. 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)

The Superintendent or designee may include other terms and conditions on an individual basis that are not arbitrary.

The Superintendent may revoke an indistrict permit based on these considerations:

1. The failure of the student to complete assigned course work and/or homework.
2. The failure of the student to comply with any additional terms or conditions set forth in the Permit.
3. If the information provided on the application form, or provided in support of an application for interdistrict attendance, is discovered to be false or misleading.
4. The parent/guardian is unwilling or unable to provide or arrange for transportation to and from school at no cost to the District.
5. When the conditions on which the approval of the permit was based are no longer met, including, for example, because of a change in the parent/guardian's employment or the student's daycare.
6. Determination by the district of attendance that the continuing presence of the student is not in the student's best educational interest, or will interfere with the needs of other students, or both.
7. Behavior leading to suspension and/or expulsion
8. More than three unexcused pupil absence or more than 18 absences (excused or a combination of unexcused and excused absences)
9. Lack of capacity, such as a student requiring a program that the District does not offer.
10. 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.

The District will give ten days notice to the parent/guardian prior to the revocation of an interdistrict attendance permit.

Appeals

If, within 14 calendar days after the commencement of instruction in a new term in each of the school districts, respectively, when the parent/guardian has so requested separately of each school district not later than 30 calendar days before the commencement of instruction in that term in that school district, the governing board of either school district fails to approve interdistrict attendance in that term, the school district denying the permit shall advise the person requesting the permit of the right to appeal to the county board of education. The parent/guardian has 30 calendar days from the district's failure to grant an interdistrict request to file an appeal with the Humboldt County Board of Education. (Cal. Educ. Code § 46601(b))

For failures to approve a request for an interdistrict transfer request, a parent/guardian wishing to appeal must file the appeal within 30 calendar days of a district's written notice of denial (or within 30 calendar days of a district's failure to respond to a request).

If the Humboldt County Board of Education determines on appeal that the student should be permitted to attend the district of proposed attendance, the district of proposed attendance shall admit the student without delay.

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)

Note: Education Code 46601 requires that, within 30 days of a request for an interdistrict permit, parents/guardians whose permit application was denied must be informed about their right to 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 districts, by the district of residence.

Note: Pursuant to Education Code 46601, parents/guardians may submit their appeal within 30 calendar days of the failure or refusal to issue the permit. The County Board then has 30 calendar days, unless extended by an additional five school days for good cause, to make its determination as to whether the student should be allowed to attend the district of his/her choice. However, as amended by SB 344 (Ch. 461, Statutes of 2017), Education Code 46601 allows a class 1 county (i.e., a county with a 1994-95 average daily attendance (ADA) of 500,000 or more for all districts in the county) 60 calendar days to make its determination, and a class 2 county (i.e., a county with a 1994-95 ADA of 180,000-499,999) 45 calendar days to make its determination.

Note: Pursuant to Education Code 46602, if the County Board determines that the student should be permitted to attend the district of his/her choice, the district shall admit the student without delay.

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