

Suggested additions to BP 5117.1 – IDT Attendance Appeals. BP 5117.1 was remanded back to the Board Policy Committee by the board on June 2, 2022.

Criteria for consideration in Appeals:

1. *(B) add language: The transfer of a student who is the child of an active military parent may not be prohibited.*
2. *(E) add language: The impacted district(s) must demonstrate in writing that the student's transfer would result in undue hardship on the district's resident students in terms of overcrowding and/or would be a violation of district policy or a collective bargaining agreement regarding class size goals.*
3. *(F) a specialized and specific academic program or service, unavailable in the district of residence, but necessary to the student's career or academic objectives or academic advancement and not based solely on the student's interest or desires, or extracurricular activities or athletics.*
4. *(G) The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district. The student and his/her parent/guardian must offer written proof of their plan to move into the district of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.*
5. *(H) Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellant student or the affected school district. The parent/guardian or school district must specify and describe the type of exceptional or extraordinary circumstances and its effect on the appellant or the resident students of the district.*
6. *(I) Failure to qualify for any of the above listed criteria shall result in denial of the appeal.*

POLICY -- INTERDISTRICT ATTENDANCE APPEALS

BP 5117.1

In accordance with the provisions of California Education Code section 46601, the County Board of Education will consider appeals following the failure or refusal of a school district to issue an inter-district attendance permit or to enter into an agreement allowing inter-district attendance. Any such appeal must be submitted in writing by a person having legal custody of the student denied inter-district attendance and must be filed within thirty (30) calendar days of the failure or refusal of the school district to issue a permit. Failure to appeal within the required time is good cause for denial of the appeal. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted.

Within thirty (30) calendar days of receipt of a written appeal, the County Board of Education will determine whether the student should be permitted to attend in the district in which the student desires to attend and the applicable period of time. The County Superintendent or designee may, for good cause, extend this thirty-day period for an additional five (5) school days if the time requirement for an appeal hearing is impractical for the County Board of Education. Additionally, the County Superintendent or designee may grant a continuance of any applicable time requirement for a specified number of days for any other reason upon good cause shown.

~~Upon receiving the concurrence of the County Board of Education President, the County Superintendent may assign appeal hearings to one or more administrative panel(s) authorized to conduct hearings on its behalf. The panel(s) must consist of at least three (3) impartial and certificated members appointed by the County Board of Education. No member of the impartial administrative panel(s) shall be a member of the County Board of Education, nor be employed by the school district of residence or the district of desired attendance. The administrative panel(s) shall render a recommendation within three (3) school days after the hearing and the County Board of Education shall render a final decision within ten (10) school days of the administrative panel's recommendation.~~

Inter-district transfer appeals may be heard in closed session if necessary, to protect pupil confidentiality, as long as to do so would not violate the Brown Act. The County Board of Education shall deliberate in closed session if the appeal is heard in closed session. In such cases, the decision of the County Board of Education and the vote of each member shall be announced in open session immediately following the closed session.

Families with appeals for multiple children may have the appeals heard separately or as one. The County Board of Education will conduct a separate vote on the appeal of each child.

Adequate notice shall be provided to all parties of the date and time of any hearing scheduled, and of the opportunity to submit written statements and documentation and to be heard on the matter. All written statements and supporting documentation must be

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attached to the appeal or the response to the appeal so that the County Board of Education and the parties have ample time to prepare for the appeal hearing. The County Board of Education may, in its discretion, permit parties to present additional written documentation at the time of the hearing. In exercising that discretion the County Board of Education may consider factors that it deems relevant including but not limited to the following: (1) whether the opposing party will be unfairly prejudiced by the late submission of the additional documentation because it will be unable to adequately respond to the additional documentation; (2) the reasons why the party offering the additional documentation did not timely submit that documentation with their appeal or response; and (3) whether acceptance of the additional documentation will unduly delay the hearing on the appeal or the ability of the County Board of Education to timely rule on the merits of the appeal. An appeal may be remanded for further consideration if local remedies at the district level have not been exhausted or new evidence or grounds for request are produced.

The County Board of Education, in its discretion, may decide to limit the time each party has to present their position at the appeal hearing. The parties will be notified in advance of the hearing of any time limit imposed by the County Board of Education.

Each party to the appeal or their counsel may present oral statements to the County Board of Education. Each party may also present the oral statements of witnesses having knowledge of the facts relating to the appeal. The statements of parties and witnesses shall be taken in a narrative form and the parties and witnesses shall not be administered an oath prior to making their statements. No party shall have the right to examine or question the witnesses of the other party. The County Board of Education may do so at its discretion.

The County Superintendent, or designee, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board of Education in reaching a decision.

Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Although the County Board of Education has broad discretion, disposition of inter-district attendance appeals will generally be based upon the presumptions that: (a) the pupil is normally required to attend school in the district of residence of either the parent or the legal guardian; (b) such issues should be settled by the governing boards of the district(s) involved; and (c) only in extraordinary situations would the County Board of Education reverse the decisions of the local school board(s). The County Board of Education's scope of review of an inter-district appeal includes determining whether the subject school

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district(s) acted in compliance with the Education Code regarding inter-district transfers.

The County Board does not conduct the appeal hearing de novo. Instead it acts as an appellate body and examines the record before it to ascertain whether:

- (1) The district's policy was adhered to and consistently applied; and
- (2) The district's decision is supported by substantial evidence;

The County Board grants deference to the decision of governing board and existing district policies where the decision being appealed was made by the governing board and was adequately explained to the parent or guardian and will not override a lawful district policy absent a showing of substantial harm to the student.

In determining whether the appeal presents an extraordinary situation exists that supports a reversal of the decision of the governing board, the County Board may consider the following factors:

- (a) A substantial danger to the student's health or safety. There must be evidence of threats or injuries to the student or evidence that the student's health, welfare or safety is otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance.
- (b) A severe hardship to parents or guardians, which is substantially greater than inconvenience, which would negatively affect the student's success in school. The parent or guardian must specify and describe the type of hardship in writing.
- (c) Continuity of attendance involving situations where a student has been allowed to attend a school in a district of non-residency, but the district alters policy.
- (d) The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).
- (e) Overcrowding/Lack of space for the student in the receiving district, or evidence that the educational goals of the district will be otherwise impaired if it was required to admit the student and similarly situated students.

In applying these factors, the County Board may give them the weight it considers appropriate under the circumstances of each case.

The County Board ordinarily will not consider the following factors in determining whether an extraordinary situation exists:

- (a) The academic performance or reputation of a district or school;
- (b) Matters of preference or inconvenience to parents, the student, or the students' siblings caused by the parents' place of employment, transportation, child care or the availability of after-school options (unless considered under the district's policy)

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that will occur if the student is required to attend school in the student's district of residence.

The County Board's discretion is limited to granting or denying an appeal to attend in a particular district and not with regard to an individual school. The inter-district attendance appeal shall be denied unless the majority of all of the members of the County Board of Education (regardless of the number of members hearing the appeal) vote to grant the appeal. Once the County Board of Education has ruled on an appeal, it may not reconsider that ruling at a subsequent meeting.

ADOPTED BY COUNTY BOARD:
REVISED:

July 3, 1975
January 6, 1994
April 7, 1994
June 12, 2008
December 2, 2010
December 11, 2014

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In accordance with the provisions of California Education Code section 46601, the County Board of Education will consider appeals following the failure or refusal of a school district to issue an inter-district attendance permit or to enter into an agreement allowing inter-district attendance. Any such appeal must be submitted in writing by a person having legal custody of the student denied inter-district attendance and must be filed within thirty (30) calendar days of the failure or refusal of the school district to issue a permit. Failure to appeal within the required time is good cause for denial of the appeal. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted.

Within thirty (30) calendar days of receipt of a written appeal, the County Board of Education will determine whether the student should be permitted to attend in the district in which the student desires to attend and the applicable period of time. The County Superintendent or designee may, for good cause, extend this thirty-day period for an additional five (5) school days if the time requirement for an appeal hearing is impractical for the County Board of Education. Additionally, the County Superintendent or designee may grant a continuance of any applicable time requirement for a specified number of days for any other reason upon good cause shown.

Inter-district transfer appeals may be heard in closed session if necessary, to protect pupil confidentiality, as long as to do so would not violate the Brown Act. The County Board of Education shall deliberate in closed session if the appeal is heard in closed session. In such cases, the decision of the County Board of Education and the vote of each member shall be announced in open session immediately following the closed session.

Families with appeals for multiple children may have the appeals heard separately or as one. The County Board of Education will conduct a separate vote on the appeal of each child.

Adequate notice shall be provided to all parties of the date and time of any hearing scheduled, and of the opportunity to submit written statements and documentation and to be heard on the matter. All written statements and supporting documentation must be attached to the appeal or the response to the appeal so that the County Board of Education and the parties have ample time to prepare for the appeal hearing. The County Board of Education may, in its discretion, permit parties to present additional written documentation at the time of the hearing. In exercising that discretion the County Board of Education may consider factors that it deems relevant including but not limited to the following: (1) whether the opposing party will be unfairly prejudiced by the late submission of the additional documentation because it will be unable to adequately respond to the additional documentation; (2) the reasons why the party offering the additional documentation did not timely submit that documentation with their appeal or response; and (3) whether acceptance of the additional documentation will unduly delay the hearing.

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on the appeal or the ability of the County Board of Education to timely rule on the merits of the appeal. An appeal may be remanded for further consideration if local remedies at the district level have not been exhausted or new evidence or grounds for request are produced.

The County Board of Education, in its discretion, may decide to limit the time each party has to present their position at the appeal hearing. The parties will be notified in advance of the hearing of any time limit imposed by the County Board of Education.

Each party to the appeal or their counsel may present oral statements to the County Board of Education. Each party may also present the oral statements of witnesses having knowledge of the facts relating to the appeal. The statements of parties and witnesses shall be taken in a narrative form and the parties and witnesses shall not be administered an oath prior to making their statements. No party shall have the right to examine or question the witnesses of the other party. The County Board of Education may do so at its discretion.

The County Superintendent, or designee, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board of Education in reaching a decision.

Students who are under consideration for expulsion or who have been expelled may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Although the County Board of Education has broad discretion, disposition of inter-district attendance appeals will generally be based upon the presumptions that: (a) the pupil is normally required to attend school in the district of residence of either the parent or the legal guardian; (b) such issues should be settled by the governing boards of the district(s) involved; and (c) only in extraordinary situations would the County Board of Education reverse the decisions of the local school board(s). The County Board of Education's scope of review of an inter-district appeal includes determining whether the subject school district(s) acted in compliance with the Education Code regarding inter-district transfers.

The County Board does not conduct the appeal hearing de novo. Instead it acts as an appellate body and examines the record before it to ascertain whether:

- (1) The district's policy was adhered to and consistently applied; and
- (2) The district's decision is supported by substantial evidence;

The County Board grants deference to the decision of governing board and existing district policies where the decision being appealed was made by the governing board and

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was adequately explained to the parent or guardian and will not override a lawful district policy absent a showing of substantial harm to the student.

In determining whether the appeal presents an extraordinary situation exists that supports a reversal of the decision of the governing board, the County Board may consider the following factors:

- (a) A substantial danger to the student's health or safety. There must be evidence of threats or injuries to the student or evidence that the student's health, welfare or safety is otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance.
- (b) A severe hardship to parents or guardians, which is substantially greater than inconvenience, which would negatively affect the student's success in school. The parent or guardian must specify and describe the type of hardship in writing.
- (c) Continuity of attendance involving situations where a student has been allowed to attend a school in a district of non-residency, but the district alters policy.
- (d) The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).
- (e) Overcrowding/Lack of space for the student in the receiving district, or evidence that the educational goals of the district will be otherwise impaired if it was required to admit the student and similarly situated students.

In applying these factors, the County Board may give them the weight it considers appropriate under the circumstances of each case.

The County Board ordinarily will not consider the following factors in determining whether an extraordinary situation exists:

- (a) The academic performance or reputation of a district or school;
- (b) Matters of preference or inconvenience to parents, the student, or the students' siblings caused by the parents' place of employment, transportation, child care or the availability of after-school options (unless considered under the district's policy) that will occur if the student is required to attend school in the student's district of residence.

The County Board's discretion is limited to granting or denying an appeal to attend in a particular district and not with regard to an individual school. The inter-district attendance appeal shall be denied unless the majority of all of the members of the County Board of Education (regardless of the number of members hearing the appeal) vote to grant the appeal. Once the County Board of Education has ruled on an appeal, it may not reconsider that ruling at a subsequent meeting.

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ADOPTED BY COUNTY BOARD:	July 3, 1975
REVISED:	January 6, 1994
	April 7, 1994
	June 12, 2008
	December 2, 2010
	December 11, 2014

Message to County Superintendent, Dr. Susan Salcido from Austin Payne, Legal Counsel:

Dear Susan,

I'm following up on a question about the suggested revision of the SBCEO IDT policy. The question was whether the Board could include the following in BP 5117.1:

"A child of an active military duty parent shall not be denied an interdistrict transfer from the district of residence or the district of requested attendance."

The suggested language is problematic for two reasons:

1. It expands the prohibition from the Education Code from applying to the releasing school district to apply to both the releasing and the receiving school district. Education Code § 46600(d) states

(d)(1) 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.**

The statute only prohibits the *releasing district* from denying the student's release and only if the receiving district has already granted it. The proposed change to BP 5117.1 expands that prohibition to mean that a receiving school district could not deny the transfer. As you see from the underlined language, that is not what the code says, meaning this would be adding to the statute.

2. Adding to the statute conflicts with the Education Code's residency rules, which would make that provision invalid if challenged. Under the doctrine of preemption, when the legislature has already prescribed rules on a topic, then any conflicting policy from a lower body is said to be "preempted." Here, the legislature has said that students should attend their district of residence (§§ 48200, 48204), with narrow exceptions for children from active duty military who are pending transfer (§ 48204.3 and 48204.6). And while the legislature has given individual school districts some leeway to allow certain other students to meet the residency requirements, like a student whose parent works in the district (§ 48204(b)), it has not carved out a role for the County Board to modify the general residency rules.

If the Board Policy Committee wants to modify BP 5117.1 to include the rules about military families, it would be best to hew closer to Education Code §§ 46600(d), 48204.3(b), and 48204.6. Proposed language could include the following:

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. (Cal. Educ. Code § 46600(d).

[Unnecessary but informational language]

For a pupils of military families, districts must comply with the residency requirements of Cal. Educ. Code §§ 48204.3 and 48204.6.

Let me know if you have any questions about this, or if I can clarify anything further.

Austin Payne

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The County Board shall consider an appeal filed against any school district within the county for its denial of an interdistrict transfer request for a student's attendance in another school district. (Education Code 46601)

1. An appeal to the County Board may be requested following the final denial of the interdistrict transfer request. A final denial that may be appealed shall include a district's failure to provide written notification of the district's decision within the required timelines. However, a final decision shall not include any of the following:
 - a. If a request has been deemed abandoned per Section 46000.2 (a)(4), or;
 - b. When an existing interdistrict transfer permit has been revoked or rescinded, or;
 - c. When a request has been denied by the district of proposed enrollment but a permit has not yet been issued by the district of residence.
2. Appeals must be filed within 30 calendar days of the school district's final denial of the request. Failure to appeal within 30 calendar days of the final denial is good cause for rejection of the appeal. Appeals filed after 30 calendar days but before 75 calendar days following the final denial must include the reasons(s) why the appeal is late. The County Board will first review the reason(s) provided to determine whether there is good cause to hear the appeal before considering the merits of the appeal. Appeals filed on or after 75 calendar days following the final denial are deemed late by the County Board and will not be scheduled for hearing.
3. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials while expulsion proceedings are pending, or during the term of their expulsion.
4. The procedure to request an appeal is as follows:
 - a. The appeal shall be made in writing on a form prepared by the County Superintendent. The appeal shall include a copy of the original "Request for Interdistrict Attendance Permit" submitted to the district, and a copy of the denial of the request by the district.
 - b. The appeal shall be accepted only upon verification by the County Superintendent or designee that appeals within the districts have been exhausted within the timelines required by law. (Education Code 46600.2, 46601)
 - c. If the appeal contains new evidence or grounds supporting the request, the County Superintendent or designee may advise the person to provide the new evidence or grounds to the district(s) that denied the request.

Within 10 days of receipt of an appeal, the County Office will notify the parents/guardians, the district of residence and the district of requested attendance of the date, time, and place of the appeal hearing. The County Board shall also notify all parties of the opportunity to submit written statements and documentation and that the appeal shall be heard pursuant to the rules established herein and in the County Office's "Interdistrict Attendance Transfer Appeal Handbook ("IDA Handbook"). The County Board has 30 days after an appeal is filed to conduct a hearing and determine if the student shall attend the requested district. If the time requirement

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to hear the appeal is impractical, the County Superintendent or the County Board may extend this period an additional five school days. (Education Code 46601(b)) Additionally, the County Board may grant a continuance to the parent/guardian upon a showing of good cause. Such continuances shall result in an extension of the time line for a determination on the appeal by the County Board equal to the number of days of the granted extension.

A designee of the County Superintendent shall investigate and determine whether the remedies at the district have been exhausted as well as provide any additional information that may be useful to the County Board in reaching a decision.

Upon appeal to the County Board, the governing board of the district of requested attendance may provisionally admit the student whose parent/guardian has filed the appeal. (Education Code 46603)

Hearings are conducted during regular or special County Board meetings held at:

PLACER COUNTY OFFICE OF EDUCATION
360 Nevada Street
Auburn, California 95603

The Board President shall preside over the hearing which will be conducted in open session unless one or more of the following circumstances exists, in which case the appeal will be conducted in closed session:

- When the appeal includes student information of a confidential nature that will be presented during the hearing concerning the student for whom the transfer is requested, and if such confidential student information could be significant in the County Board's determination of the appeal.
- When the appeal includes information of a confidential nature concerning another identifiable student.
- When appeal includes complaints or charges against identifiable staff members.

It is the intent of the County Board to conduct the hearing in a fair and sufficiently informal manner to encourage open communication and understanding. The hearing will be conducted in such a manner so that no special legal expertise will be necessary and so that all parties have the opportunity to present their case fairly and completely. Please note: both the burden of proof and the burden of presenting evidence is on the party requesting the interdistrict transfer.

All persons presenting during the hearing shall do so under oath. A description of the appeal hearing process is included in the IDA Handbook which shall be provided to every person requesting an appeal. Below is a brief description of the hearing process.

The time allocated for presentations will be regulated by the President. Presentations by the parent/guardian ("Appellant"), the district that denied the transfer request which is the party subject to the appeal ("Respondent"), and if present, by the other district involved in the transfer request ("Non-Party") shall be limited as indicated below. Ordinarily, the order of

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presentation will be as follows:

- a. Presentation by Appellant (up to five minutes)
- b. Questions by the County Board
- c. Presentation by Respondent district (up to five minutes)
- d. Questions by the County Board
- e. Presentation by Non-Party district (up to three minutes)
- f. Questions by the County Board
- g. Closing statement by Appellant (up to five minutes)
- h. Closing statement by Respondent (up to five minutes)

Following closing statements, the President will ask for a motion to close the hearing. The County Board will deliberate the matter in open session except when the hearing is held in closed session, the County Board will deliberate in closed session. If new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the school district or districts. Otherwise, the County Board shall grant or deny the appeal after considering the facts of the request and the merits of the appeal.

In reaching a decision, the County Board will consider the following:

- a. Whether all statutory and regulatory requirements have been satisfied including:
 - i. Verification by the County Superintendent or designee of exhaustion of in-district appeals;
 - ii. Completion by the district(s) of the procedures established in its interdistrict transfer policy and/or administrative regulation(s) including, but not limited to: 1) not prohibiting the transfer of a student who is the child of an active military parent, 2) giving priority to transfer requests of a student who, as determined by either district's personnel, has been the victim of an act of bullying as "bullying" is defined in Education Code 48900 (r), or 3) not prohibiting the interdistrict transfer of a student who has been the victim of an act of bullying as "bullying" is defined in Education Code 46600 (d), and who has gone through the intradistrict transfer procedures in a district that has only one school offering the grade level of the victim.
 - iii. Receipt of an appeal within thirty (30) calendar days of the denial of the interdistrict attendance transfer request;
 - iv. Compliance with state laws governing interdistrict attendance requests.
- b. Whether or not the transfer is necessary for any/or all of the followings reasons:
 - i. A specialized and specific academic program or service, unavailable in the district of residence, and available in the district of requested attendance, but necessary to the student's career or academic objectives. Such a program or service must be related to the student's career objectives or academic

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advancement and not based solely on the student's interests or desires, or on extracurricular activities or athletics.

- ii. To remedy a specific and serious existing or reasonably imminent threat to a student's health, physical safety, or well-being; and/or,
- iii. To accommodate a specific, serious family crisis or medical condition for which no reasonable alternatives exists.
- c. The needs of the concerned districts and their communities as a whole in light of space availability and of potential short term and/or long term fiscal impact; and,
- d. Other exceptional or extraordinary circumstances which would weigh heavily in favor of the Appellant student or the affected school district. The parent/guardian or school district must specify and describe the type of exceptional or extraordinary circumstance and its effect on the Appellant student or the resident students of the district.

Families with multiple appeals may have them heard separately or as one appeal. Regardless of the hearing format, the County Board may decide to issue more than one decision.

If the County Board determines that the interdistrict appeal should be approved, the student shall be admitted to the district of requested attendance without delay. The County Board may only order attendance in the requested district and not in a specific school of the district. (Education Code 46602)

The County Board shall render a decision within three schooldays of the hearing unless the parent/guardian requests a postponement. (Education Code 46601)

Written notice of the decision by the County Board shall be delivered to the student and the parent/guardian of the student and to the governing boards of both districts. (Education Code 46602, 48985)

The notice of the County Board's decision shall include the statement that the student shall attend the district of requested attendance pursuant to the terms of the interdistrict attendance agreement and/or permit signed by each district. In the instance when an agreement or permit is not signed by both districts, the student shall attend pursuant to the terms of the board policy/regulation of the district of requested attendance.

The decision of the County Board shall be final. However, the County Board may later take action to rescind its decision and re-hear the appeal if it makes a finding that new evidence, which in the exercise of reasonable diligence, could not have been produced at the appeal hearing, and if introduced, may have resulted in the Board making a different decision on the appeal. The County Board may also take action to rescind its prior decision and re-hear the appeal if a finding is made that there is sufficient evidence that a person falsified information while under oath and as a result, a different decision may have been made by the County Board if the falsification(s) had not been made.

A re-hearing may be limited to just the presentation of the newly discovered evidence or to the evidence that a person falsified information under oath if such evidence may have been

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significant in the County Board's determination of the appeal. Any re-hearing may take place at the same meeting a decision to rescind the prior decision is made but only if all the parties have been notified of the possibility of a re-hearing. Any action to approve a motion to support the prior action of the County Board shall require a majority vote of the Board's total membership or four (4) votes. Any action to approve a motion to rescind the prior action of the County Board and to re-hear the appeal shall require a 2/3rds vote of the Board's total membership or five (5) votes.

Any request to place an action item on the County Board's agenda to rescind the prior decision of the County Board on an interdistrict transfer attendance appeal must be received by the County Office no later than the conclusion of a student's first semester or first trimester at the school the student is attending during the school year following the decision by the County Board.

Legal Reference:

EDUCATION CODE

35146 Closed Session

46600 Agreements for Interdistrict Attendance

46601 Failure to Approve Interdistrict Attendance; Appeal

46601.1 Definitions

46600.2 Posting Interdistrict Transfer Timelines and Notice to Parents

46602 Admission to School without Delay upon Board Approval; Notice of Decision

46603 Provisional Attendance Pending an Appeal

48204 Residency Based on Employment in District

48301 Interdistrict Transfers Accepted by a "School District of Choice"

48900 Grounds for Suspension and Expulsion-Bullying

48916 Expulsion Orders

48917 Suspension of Expulsion Orders

Management Resources:

PCOE Interdistrict Attendance Transfer Appeal Handbook

Adopted	August 10, 2006
Revised	March 10, 2011
Revised	April 14, 2011
Revised	November 8, 2012
Revised	February 9, 2017
Revised	April 9, 2020

The Interstate Compact on Educational Opportunity for Military Children

June 2015

A Guide for Schools and Local School Districts

What is the Interstate Compact on Educational Opportunity for Military Children?

- The Compact addresses the educational challenges of military children and their frequent relocations.
- It provides for uniform treatment of military children in regards to educational opportunities as they transfer between school districts and states.
- All 50 states and the District of Columbia have passed legislation to join the Compact.

What are the responsibilities of school officials and local school districts?

Definitions:

- Receiving state: the state a child of a military family moves to
- Sending state: the state a child of a military family moves from

Enrollment

Education records

- The receiving state will enroll a military child using unofficial or hand-carried education records, which include attendance records, academic information and grade placement.
- The child must attend class to be considered enrolled; completing paperwork alone is not sufficient.
- Upon a request from the receiving state, the sending state will furnish official education records within 10 days.

The Interstate Compact on Educational Opportunity for Military Children

Immunization records

- The student has 30 calendar days from the date of enrollment to obtain the proper immunizations.
- For a series of immunizations, the student must obtain initial vaccinations within 30 calendar days.

Kindergarten and first grade entry age

- The receiving state allows the student to continue his or her enrollment at the grade level of the sending school.
- The receiving school promotes the student if he or she has satisfactorily completed prerequisite requirements in the sending school, regardless of age.
- A student transferring after the school year begins will enter school at the same grade and course level from the accredited sending school.

Placement and attendance

Course placement

- The receiving school will honor the student's placement based on previous enrollment or education assessments.
- The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment.

Special education services

- The receiving school must comply with the Individuals with Disabilities Education Act.
- The receiving school will provide comparable services to the student based on his or her current individualized education program or IEP.
- The receiving school will make reasonable accommodations and modifications for students with disabilities.
- The receiving school may perform subsequent evaluations to ensure appropriate placement.

Placement flexibility

- Local school districts have flexibility in waiving course or program prerequisites.

The Interstate Compact on Educational Opportunity for Military Children

Absences related to deployment activities

- Students may be granted additional excused absences at the discretion of the local school district superintendent or school principal.

Eligibility

- A student may be enrolled using a special power of attorney or by a relative with guardianship.
- The local school district cannot charge tuition when the transitioning student resides in a jurisdiction other than that of the custodial parent.
- A transitioning military child may continue to attend the school in which he or she was enrolled.
- Transitioning military children will have the opportunity to participate in extracurricular activities, if qualified, regardless of application deadlines.

Graduation

Waiver requirements

- Specific required courses may be waived if similar course work has been satisfactorily completed.
- If a waiver is denied, the local school district will provide an alternative means of acquiring coursework so the student may graduate on time

Exit exams

- States will accept the following exams:
 - Exit or end-of-course exams
 - National norm-referenced achievement tests
 - Alternative testing

Note: If the alternatives listed above cannot be accommodated, the sending and receiving local school district will ensure the student receives a diploma from the sending school district, if the student has met the graduation requirements of the sending school district.

The Interstate Compact on Educational Opportunity for Military Children

Transferring at the beginning or during the senior year

- If a student is ineligible to graduate after all alternatives have been considered, the sending and receiving local school district will ensure the student receives a diploma from the sending school district if all graduation requirements have been completed.

How can schools and administrators get more information about their state's Interstate Compact process?

Each state has a council to serve as an advisory body to state policy makers concerning operations and procedures of the Compact. The language of individual states may differ, but all states operate within the rules of the Interstate Compact.

For additional information about the Interstate Compact on Educational Opportunity for Military Children, visit [Military Interstate Children's Compact Commission](#) or contact your [state commissioner](#).

State of California

EDUCATION CODE

Section 48204.3

48204.3. (a) For purposes of this section, the following definitions apply:

(1) “Active military duty” means full-time military duty status in the active uniformed service of the United States, including members of the California National Guard and the State Guard on active duty orders pursuant to Title 10 or 32 of the United States Code or Part 1 (commencing with Section 100) of Division 2 of the Military and Veterans Code.

(2) “Military installation” means a base, camp, post, station, yard, center, home port facility for any ship, or other activity under the jurisdiction of the United States Department of Defense or the United States Coast Guard.

(3) “Parent” means the natural or adoptive parent or guardian of a dependent child.

(b) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district, if the pupil is a pupil whose parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.

(c) A school district shall accept applications by electronic means for enrollment, including enrollment in a specific school or program within the school district, and course registration for pupils described in subdivision (b).

(d) (1) The parent shall provide proof of residence in the school district within 10 days after the published arrival date provided on official documentation.

(2) For purposes of paragraph (1), a parent may use any of the following addresses as related to their military move:

(A) A temporary on-base billeting facility.

(B) A purchased or leased home or apartment.

(C) Federal government or public-private venture off-base military housing.

(Amended by Stats. 2020, Ch. 97, Sec. 2. (AB 2193) Effective January 1, 2021.)

State of California

EDUCATION CODE

Section 48204.6

48204.6. (a) For purposes of this section, the following definitions apply:

(1) “Local educational agency” means a county office of education, a school district, or a charter school.

(2) “Pupil who is a child of a military family” means a pupil who meets the definition of “children of military families” in Section 49701.

(3) “School of origin” means the school in which the pupil is enrolled at the time that a change in residence occurs.

(b) Notwithstanding Section 48200, the local educational agency serving a pupil who is a child of a military family shall do either of the following:

(1) Allow the pupil to continue his or her education in the school of origin, regardless of any change of residence of the military family during that school year, for the duration of the pupil’s status as a child of a military family.

(2) For a pupil whose status changes due to the end of military service of his or her parent during a school year, comply with either of the following, as applicable:

(A) If the pupil is enrolled in kindergarten or any of grades 1 to 8, inclusive, allow the pupil to continue his or her education in the school of origin through the duration of that academic school year.

(B) If the child is enrolled in high school, allow the pupil to continue his or her education in the school of origin through graduation.

(c) To ensure that the pupil who is a child of a military family has the benefit of matriculating with his or her peers in accordance with the established feeder patterns of school districts, the following apply:

(1) If the pupil who is a child of a military family is transitioning between school grade levels, the local educational agency shall allow the pupil who is a child of a military family to continue in the school district of origin in the same attendance area.

(2) If the pupil who is a child of a military family is transitioning to a middle school or high school, and the school designated for matriculation is in another school district, the local educational agency shall allow the pupil who is a child of a military family to continue to the school designated for matriculation in that school district.

(3) The new school shall immediately enroll the pupil who is a child of a military family even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended or is unable to produce clothing or records normally required for enrollment, such as previous academic records, medical records, including, but not limited to, records or other proof of immunization history pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code, proof of residency, other documentation, or school uniforms.

(d) Unless otherwise required by federal law, this section does not require a local educational agency to provide transportation services to allow a pupil subject to paragraph (1) or (2) of subdivision (b) or subdivision (c) to attend a school pursuant to this section.

(Added by Stats. 2018, Ch. 327, Sec. 1. (AB 2949) Effective January 1, 2019.)

State of California

EDUCATION CODE

Section 51251

51251. (a) A governing board of a school district and a county office of education may undertake any or all of the following in order to properly address the needs of military dependents:

(1) Establish a course credit transfer policy for schoolage military dependents provided that, under the policy, the military dependents would still substantially meet the graduation requirements prescribed by the governing board. A school district may require a military dependent, within reason, to meet the graduation requirements of the district, established pursuant to paragraph (2) of subdivision (a) of Section 51225.3, that are in addition to state graduation requirements.

(2) Provide early entry transfer, pretranscript evaluation, pupil support services, and other similar assistance to aid schoolage military dependents in meeting graduation requirements.

(b) A governing board of a school district may take the actions described in subdivision (a) if both of the following circumstances have been met:

(1) The parent or legal guardian of the military dependent is serving on active duty or has been discharged from military service within the last year.

(2) The transfer of the military dependent to a new school is the direct result of a military transfer or discharge of the parent or legal guardian of the dependent.

(c) For purposes of this section, the following terms have the following meanings:

(1) "Early entry transfer" means that a pupil shall have completed the transfer process prior to arriving on the campus of the school to which the pupil is transferring and that upon arrival at the school to which the pupil is transferring, the pupil shall be able to attend his or her assigned classes and participate in his or her desired extracurricular activities, if the pupil meets the eligibility requirements for those activities.

(2) "Pretranscript evaluation" means that the school to which the pupil is transferring shall review the coursework-to-date of the pupil, including any unofficial transcripts, prior to the receipt of official transcripts or the arrival of the pupil. This evaluation process shall be designed to clarify any questions about the placement of the pupil in classes at the school to which the pupil is transferring and shall include communication with school counselors and teachers at the school from which the pupil is transferring by any or all of the following means: videoconferencing, e-mail correspondence, and telephone calls.

(Amended by Stats. 2007, Ch. 130, Sec. 74. Effective January 1, 2008.)