

San Mateo Union High School District



INTER-DISTRICT ATTENDANCE HANDBOOK

2022-23 School Year

**TO ASSIST PARENTS, GUARDIANS, STUDENTS, AND SCHOOL
DISTRICT STAFF IN UNDERSTANDING THE INTER-DISTRICT
ATTENDANCE APPEAL PROCESS**

San Mateo Union High School District INTER-DISTRICT ATTENDANCE HANDBOOK

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San Mateo Union High School District **INTER-DISTRICT ATTENDANCE HANDBOOK**

INTRODUCTION

The San Mateo Union High School District's Office of Student Services has prepared this Handbook to provide direction and information to students and/or their parents/guardians who wish to apply for an Inter-District Transfer (IDT).

This Handbook serves as the official procedures adopted by the San Mateo Union High School District's Board of Trustees for the granting of IDT's and the appeal process to be followed when IDT's are denied.

In accordance with Board Policies and Administrative Regulations, the Board of Trustees will only consider granting an IDT if compelling reasons are presented which indicate a student's education would be adversely affected if s/he continued in the school district of residence.

The San Mateo Union High School District is committed to an objective review and consideration of all IDT requests and has established an appeal process to allow parents/guardians an opportunity to present their case to an IDT Appeal Panel when their initial application has been denied.

The San Mateo Union High School District utilizes an IDT Panel to review appeals of denials of an IDT request. The IDT Appeal Panel consists of three or more administrators or administrative designees who are familiar with the District's IDT policies and procedures. The IDT Appeal Panel has the authority to make a recommendation to the Board of Trustees to approve or deny an appeal only when the Panel believes that there are "*compelling reasons which indicate a student's education would be adversely affected if s/he continued in the school district of residence.*" At the completion of the IDT Appeal Hearing, the Panel will make a recommendation to the Board of Trustees. The Board of Trustees will review the recommendation and make a final determination to grant or deny the appeal.

The San Mateo Union High School District's IDT policies and procedure adhere to the laws on inter-district attendance computation, inter-district attendance agreements, and inter-district attendance appeals found in the California Education Code Sections 46600-46611, as well as the San Mateo Union High School District's policies and administrative regulations for inter-district attendance, Board Policy 5117 and Administrative Regulations 5117. Students and/or their parents/guardians have the right to review student records at the school district, and the right to consult with and engage the services of an advocate or an attorney at their own expense.

STEPS IN APPLYING FOR AN INTER-DISTRICT TRANSFER

A request for an IDT for regular day school, summer school, adult school classes, and special education classes are initiated at the district of residence. The district of residence is responsible for

conducting an investigation of the request, as necessary; processing the request if granted; and, forwarding the approved IDT Agreement to the San Mateo Union High School's Office of Student Services.

The Director of Student Services serves as the Superintendent's Designee in the review and approval/denial of all IDT requests. The Director of Student Services has the authority to approve/deny all IDT requests for non-special education students. The Director of Student Services will consult with the Director of Special Education before approving any student served by an Individualized Education Plan (IEP).

The Director of Student Services will review the IDT request to ensure that it is compliant with the guidelines for approval as prescribed in the District's Board Policies and Administrative Regulations (BP 1117). The Director of Student Services has the authority to grant an IDT request meeting one or more of the following reasons:

1. To meet a 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)
2. When a student has a sibling(s) attending school in the receiving district, to avoid splitting the family's attendance.
3. To allow a student to complete a school semester if the student is in the last nine weeks of a semester when his/her parents/guardians have moved out of the district. At the end of the semester, the student shall enroll in the school in his/her new district of residence.
4. To let high school seniors attend the same school they attended as juniors, even if their families moved out of the district after the ninth week of the second semester during the junior year. The student must be in good standing and on track to graduate.
5. When the parent/guardian provides written evidence that the family will be moving into the district within six weeks and would like the student to start the year in the district. The family must provide a close of escrow document, letter of residence from employer, or lease agreement when applying for the IDT.
6. When a family is planning to move during a school semester and wishes to enroll a student in the new district of residence prior to the anticipated move, such move must be verified according to regulations established by the Superintendent or designee.
7. If the student is in the last nine weeks of a semester, the school may recommend that to delay the transfer at the time of change of residence is in the best interest of the student. The student shall enroll in the new district of residence not later than the end of the semester.
8. When recommended by the School Attendance Review Board (SARB) 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](#) - Truancy)

The Director of Student Services will automatically deny an IDT request if the student is under consideration for expulsion or has been expelled. Students falling into this category may not appeal the denial of the IDT request while expulsion proceedings are pending, or during the term of the expulsion. (Education Code [46601](#))

The Director of Student Services will notify the family within ten (10) school days of receipt of the request if the IDT has been approved or denied.¹ The approved IDT will stipulate the terms and conditions under which the permit may be revoked. All IDT's must be renewed annually subject to verification of compliance with the terms and conditions of the permit.² These terms shall include, but are not limited to, the following:

- Student must maintain a 2.0 GPA (unweighted) or higher.
- Student must adhere to the school/District's attendance policies. *The IDT agreement will be immediately revoked if the student is declared a 'truant' as defined by California Education Code.*
- Student must adhere to the school/District's Student Code of Conduct. *The IDT agreement will be revoked if the student accumulates more than five (5) days of suspension in a single school year and/or commits an expellable offense.*

Students entering the District under an approved IDT agreement will be placed at a non-impacted school at the discretion of the District. Once enrolled in a school, the student has the right to continued attendance at the school of assignment, even if the school becomes impacted at a later date. Students admitted under an IDT are not eligible to participate in the District's intra-district transfer program.

If the Director of Student Services denies an IDT request, the student's parent/guardian may appeal the denial by requesting an appeal before the District's IDT Appeal Panel.

TIMELINES FOR APPLYING FOR APPEAL OF THE DENIAL OF THE IDT

The Office of Student Services will notify the family of the status of their request within ten (10) days of receipt of the IDT, subject to the dates found in Appendix A-1. If the IDT is approved, the student must enroll in the District within five (5) school days of the approval or five (5) days of the start of the school year, as applicable.

If the IDT is denied, the family must submit their request for an appeal within ten (10) calendar days of the date the appeal was initially denied by the Director of Student Services. Upon receipt of the appeal, the Office of Student Services will schedule a time for the student and the parent/guardian to appear before the IDT Appeal Panel, in accordance with the timelines in Appendix A-1

HOW DOES A FAMILY REQUEST AN IDT APPEAL HEARING?

¹ Notification of denial of the inter-district transfer application will be subject to the dates listed on page A-1.

² The IDT's of incoming 11th and 12th grade students will automatically be renewed, providing the student was in good standing the previous year.

The appeal process begins with the completing and filing of a written form called: “**REQUEST TO APPEAL DENIAL OF INTERDISTRICT TRANSFER (IDT)**.” This form is included in the IDT Appeal Handbook and is also available on-line at the District’s website: www.smuhsd.org. The “**REQUEST TO APPEAL DENIAL OF INTERDISTRICT TRANSFER (IDT)**” form must be completed, signed and returned with the supporting documents within the applicable time limits (refer to Appendix A-2).

Parents/guardians are encouraged to read the entire IDT Handbook before completing the form. Your completed appeal form should be accompanied by:

- ✓ Any additional pages submitted with “Reason for Request for Appeal of Denial of the Inter-District Transfer” relating to the reasons for the transfer request;
- ✓ Any documentation from the district of residence regarding the request; and,
- ✓ Any other documentation that may be pertinent to the request.
- ✓ Transcripts and Attendance records

The reason(s) for the appeal must be the same as those stated in the original request for an IDT. If the reasons on the appeal are substantially different, the student and parent/guardian may be asked to reapply for an IDT with their district of residence.

Families are encouraged to contact the Director of Student Services Office if they have questions about completing the form. Contact information is contained in Appendix A-1 of this handbook.

The “**REQUEST TO APPEAL DENIAL OF INTERDISTRICT TRANSFER (IDT)**” form, along with the supporting documents may be delivered in person or by placing it in it in the mail to the following address.

Office of Student Services
San Mateo Union High School District
650 N Delaware St
San Mateo, CA 94401

The effective date of the appeal is the date on which the completed and signed appeal document is received by the San Mateo Union High School District’s Office of Student Services.³

WHAT IF THE REQUEST TO APPEAL THE IDT IS LATE?

Failure to appeal within the required time will result in denial of the appeal unless the parent/guardian can show “good cause for the late appeal.” The explanation of “good cause” must be filed with the appeal. An example of “good cause” would be documentation that the parent/guardian mailed the appeal in a timely manner but the document was lost by the US Postal Service.

³ If the IDT request is mailed, the timeline will begin when the documents are received at the Office of Student Services – not the date of mailing.

HOW IS REQUEST FOR AN IDT APPEAL HEARING PROCESSED?

Step 1: Director of Student Services will Verify Information

After receiving the “**REQUEST TO APPEAL DENIAL OF INTERDISTRICT TRANSFER (IDT)**” form and the supporting documents, the Director of Student Services will review the document. The Director will verify the information, and as necessary, may request additional documentation. The Director of Student Services will verify whether the student is subject to an expulsion or other disciplinary action. A parent cannot appeal the denial of an IDT request if the student is being considered for expulsion or is currently serving an expulsion.⁴ Misinformation and/or falsification of information may cause rejection of the appeal. The Director of Student Services will review the request to determine that all time lines have been honored.

The Office of Student Services may contact the parent to:

1. Explain your rights and the procedures of the case.
2. Request additional documents that may assist the IDT Appeal Hearing Panel in making its determination.

Step 2: Set a Hearing Date

If the written appeal is complete and appropriate, the Director of Student Services will place the matter on the calendar of the Inter-District Appeal Panel’s, in accordance with the calendar found in Appendix A-1.

Step 3: Notification of Hearing Date

The Office of Student Services will notify the family in writing of the date, time, and place of the Appeal Hearing. Normally, the notice will be sent at least ten (10) calendar days prior to the hearing date. If the circumstances dictate, notice of fewer than ten (10) calendar days may be provided pending the approval of the parent/guardian.

PREPARING FOR AN IDT APPEAL HEARING

Filing a Written Statement is Important

Parents/guardians are encouraged to include a written statement with the “**REQUEST TO APPEAL DENIAL OF INTERDISTRICT TRANSFER (IDT)**” form. Parents/guardians may employ an attorney or other advocate, at their own expense, to prepare the written statement for the appeal hearing. This form along with all additional documents must be submitted to the Director of Student Services before an IDT Appeal Hearing will be scheduled. Additional documents may be submitted after the initial request but no later than five (5) days prior to the scheduled hearing date. Additional documents may be sent to the Director of Student Services at the address noted on page 4 and Appendix A1.

⁴ CA Education Code Section 46601(e)

Attach Documentation to your Appeal Form

Adequate documentation is helpful when presenting a case. Evidence is most effective when it is provided in writing, related to the issue(s) at hand, and is the type of evidence “upon which reasonable persons can rely in the conduct of serious affairs.” If the written statement makes references to documents not included in the initial IDT Appeal, the parent/guardian is responsible for ensuring that these documents are available for review by the IDT Hearing Panel at the time of the hearing.

Documents to support an IDT appeal should support the “*compelling reasons*” stated in the Appeal Form. It is important to review the factors that may support a “*compelling reason*” and ensure that the documents support this position. These documents may include, but not limited to, professional recommendations by doctors, educators, psychologists, etc.

Privacy of Documents Provided

There are numerous laws that protect the release of confidential records. For example, there are certain law regarding the privacy and confidentiality of student records.⁵ There are also laws regarding the confidentiality of juvenile court records and medical records. Parents/guardians are encouraged to seek legal counsel if they wish to have the IDT Appeal Panel and the SMUHSD Board of Trustees consider material from confidential records.

Multiple Appeals

Families with multiple appeals may have the appeals heard separately or as one. If the parent/guardian decides to have all of the appeals heard as one, there will still be a separate recommendation made by the IDT Hearing Panel for each student.

Legal Advocate at the Hearing

Although the IDT Appeal Hearing is informal, the parent/guardian may bring legal counsel or a legal advocate to the hearing. The use of any legal counsel will be at the expense of the parent/guardian. The parent/guardian must notify the Director of Student Services at least five (5) days prior to the hearing if they intend to be represented by legal counsel.

A Brief Verbal Presentation

The IDT Appeal Hearing Panel will primarily rely on the written information provided by the parent/guardian in the “**REQUEST TO APPEAL DENIAL OF INTERDISTRICT TRANSFER (IDT)**” form and supporting documents. The parent/guardian should be prepared to respond to all questions the IDT Appeal Panel may have during the hearing. The parent/guardian will be given an opportunity to make a brief oral presentation focusing on the factors he/she believe are relevant under the Board’s policy for deciding IDT appeals. If relevant to the case, the parent/guardian may also bring a witness or witnesses to make a statement on their behalf. Parents/guardians are responsible for ensuring that witnesses are prepared to make a brief presentation and that the information they provide relates to the factors being considered by the Panel under Board policy.

⁵ Please refer to California Education Code Section 49060, *et seq.*

WHAT FACTORS MAY THE IDT APPEAL PANEL CONSIDER?

In its discussion and deliberations on an appeal, the IDT Appeal Panel will consider the conditions of, and the reasons for, the parent/guardian's request for a transfer. The parent/guardian has the burden to provide evidence to support its request. Misinformation and/or falsification of information provided by the parent/guardian will result in an automatic recommendation to deny the request.

Factors Which May Support Granting an Appeal

- (1) **The student's desire to remain in his/her school of current attendance for the balance of the semester or school year despite his/her or parent/guardian's change of residence.** The student's desire may be based on his/her anticipated graduation from the school of current attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year. Such written proof may include, but not limited to: copy of student's transcript, attendance record, and/or discipline file.
- (2) **The student's plan to move in the near future and desire to begin the semester or school year in his/her new school district.** The student and his/her parent/guardian must offer written proof of their plan to move into the District. Such written proof may include, but not limited to, a rental agreement, a contract to purchase new property, or a similar document.
- (3) **The acceptance of a sibling of the student for attendance for the current school year by the SMUHSD when requiring the students to attend different districts would cause a hardship on the family.** The student and/or parent/guardian must submit written documentation of the sibling's enrollment and demonstrate a hardship based upon childcare needs, transportation issues, employment location, or other significant factors. Important Notice: Enrollment in an elementary school district within the boundaries of the San Mateo Union High School District does NOT constitute a reason for an IDT into the San Mateo Union High School District.
- (4) **The student's psychological or physical well-being will be seriously adversely impacted by remaining in the district of residence.** Problems with a student's psychological or physical well-being must be supported by the written statement of a qualified medical or behavioral professional having a professional relationship with the student. Families may be asked to submit a Release of Information allowing the IDT Appeal Panel or other District employees to review the documentation.
- (5) **A substantial danger to the student's health or safety exists by remaining in the district of residence.** A danger to the student's health or safety must be supported by the written statement of a qualified health expert, police reports, by school records, or by other documentation.

- (6) **Student has been the victim of an act of bullying.** A student who has been determined by personnel of either the district of residence or the SMUSHD to have been the victim of an act of bullying committed by a student of the district of residence may be granted an IDT *providing* that the student and the parent/guardian can provide proof that they have exhausted all remedies available within the resident district. The student and/or the parent/guardian must specify and describe the type of exceptional or extraordinary circumstance, its effect on the student, and provide any relevant evidence to support the claim.

Bullying, as defined by California Education Code section 48900(r), means “any severe or pervasive physical or verbal act or conduct, including communications made in writing or by a student or group of pupils, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property;
- B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical mental health;
- C) Causing a reasonable pupil to experience a substantial interference with his or her academic performance;
- D) Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.”

“Electronic act” means the transmission of a communication, including but not limited to, a message, text, sound, or image, or a post on a social network, internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication devices, computer, or pager.

“Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her ages, or for a person of his or her age with his or her exceptional needs.

- (7) **A specialized and specific district academic program or service in grades 9-12 is unavailable in the district of residence, and is critical to the educational well-being of the student, because of special circumstances.** An academic program is defined as a series of classes in a single subject or in related subjects extending over more than one (1) year in grades 7-12.
- (8) **A need to change the student’s social environment, as recommended by juvenile authorities such as School Attendance Review Board, county child welfare, and/or social service agency staff.** Written documentation must be provided from a social services agency/staff or a law enforcement agency/staff, that due to documented cases of serious home or community issues, it is inadvisable for the student to remain in the school district of residence.

- (9) A severe and demonstrated hardship, in terms of time and/or costs to the person having physical custody will result if the student is required to attend the district of residence.** The parent/guardian should provide any relevant evidence to support his/her position.
- (10) A severe and demonstrated hardship in obtaining before-school and/or after-school supervision of the student would result if the student is required to attend the district of residence.** The parent/guardian should provide any relevant evidence to support their position, to include a written, signed and notarized statement attesting to the efforts that have been made to obtain suitable supervision.
- (11) Other exceptional or extraordinary circumstance which would support the finding of a “compelling reason” that the student’s education would be adversely affected if he/she remained in the school or district of residence.** The parent/guardian must specify and describe the exceptional or extraordinary circumstance and its effect on the student, and provide any relevant evidence to support that position.

CONDUCTING THE IDT APPEAL HEARING

It is the intent of the IDT Appeal Hearing Panel to conduct the hearing in a fair and sufficiently informal manner to encourage open communication and understanding of the process. The hearing will also be conducted in such a manner that no special legal expertise is necessary and that the family has the opportunity to present its case fairly and completely. California Education Code provides that families may have legal counsel or an advocate present with them at the hearing, if so desired, at their own expense. A record of the hearing may be made.

During the appeal hearing, the student, parent/guardian, and their witness(es), advocate or legal counsel will take seats at a table in front of the IDT Appeal Panel.

The Appeal Hearing is conducted as follows:

- (1) The Chair of the IDT Appeal Panel will ask for introductions of all present.
- (2) The Director of Student Services/designee will make a brief presentation as to the reasons for denial of the IDT request.
- (3) The parent/guardian, and/or the student, and/or representative of the student, will present its case.
- (4) Members of the IDT Appeal Panel may question any of the parties to the hearing, the staff, and consult with legal counsel, if necessary.
- (5) The Chair of the IDT Appeal Panel will adjourn the hearing. The IDT Appeal Panel will review the evidence presented and make a recommendation to approve or deny the appeal.
- (6) The Director of Student Services will prepare the IDT Appeal Panel’s recommendation and forward the recommendation to the Board of Trustees for consideration and action.

WHAT HAPPENS AT THE CONCLUSION OF THE IDT APPEAL HEARING?

Immediately following the IDT Appeal Hearing, the IDT Appeal Panel will review the evidence presented and make a recommendation to approve or deny the appeal. A representative of the Office of Student Services will notify the parent/guardian of the IDT Appeal Hearing Panel's decision within 48 hours of the hearing.

The Director of Student Services will prepare a packet for review by the Board of Trustees. This packet will include a summary of the IDT Appeal Hearing, the IDT Appeal Hearing Panel's rationale for approving/denying the appeal, and copies of all documents provided by the family. The IDT Appeal will be placed on the Board of Trustees regular meeting calendar no later than thirty (30) days after the IDT Appeal Hearing. The parent/guardian will receive written notification of the final Board action no later than five (5) school days after the Board meeting.

If the Board of Trustees determines that the IDT appeal should be approved, the Director of Student Services will immediately contact the parent/guardian to arrange for enrollment into the District. The student will be placed in a District school at the discretion of the Director of Student Services, based upon District need. The parent/guardian does not have the right to appeal the school of assignment. The Director of Student Services/designee will meet with the student and the parent/guardian to review the terms of the IDT agreement, to include the grounds for revocation of the IDT for failure to adhere to the terms of the IDT agreement.

If the Board of Trustees determines that the IDT appeal should be denied, the Superintendent will send a letter to the parent/guardian that explains the reasons for the denial of the IDT. This letter will also include information regarding how to appeal the case to the San Mateo County Office of Education.

CONTACT INFORMATION

All correspondence should be sent to: San Mateo Union High School District
Attention: Office of Student Services
650 N Delaware St.
San Mateo, CA 94402

Fax: 650-762-0210
Phone: 650-558-2256
E-Mail: czhou@smuhsd.org

2022-23 SY - IMPORTANT DATES

The San Mateo Union High School District's Office of Student Services will begin accepting IDT Requests for the 2022-23 SY on January 3, 2022; however, IDT requests will not be reviewed for acceptance or denial after April 4, 2022. The Office of Student Services will begin to notify parents/guardians of the status of their application on or about April 11, 2022.

"REQUEST TO APPEAL DENIAL OF INTERDISTRICT TRANSFER (IDT)" forms and supporting documents received by the Office of Student Services by:

- **All IDT Appeal Requests submitted between January 3, 2022 and April 4, 2022**
 - IDT Appeal Hearings will be scheduled in May 2022
 - IDT Appeal Hearing Panel recommendations will be forwarded to the SMUHSD Board of Trustees for consideration in June, 2022
- **IDT Appeal Requests received between April 4, 2022 and May 13, 2022**
 - IDT Appeal Hearings will be scheduled in June 2022
 - IDT Appeal Hearing Panel recommendations will be forwarded to the SMUHSD Board of Trustees for consideration in August, 2022
- **IDT Appeal Requests received between May 16, 2022 and June 10, 2022**
 - IDT Appeal Hearings will be scheduled in July 2021
 - IDT Appeal Hearing Panel recommendations will be forwarded to the SMUHSD Board of Trustees for consideration in August 2022
- **IDT Appeal Requests received between June 13, 2022 and July 15, 2022**
 - IDT Appeal Hearings will be scheduled in August 2022
 - IDT Appeal Hearing Panel recommendations will be forwarded to the SMUHSD Board of Trustees for consideration in September 2022
- **IDT Appeal Requests filed on or after July 18, 2022**
 - IDT Appeal Hearings will be scheduled in September 2022
 - IDT Appeal Hearing Panel recommendations will be forwarded to the SMUHSD Board of Trustees for consideration in October 2022

Note: The Office of Student Services will provide updated information on the date(s) the IDT Appeal Hearing Panel will be convening for all appeal requests received after July 18, 2022.

REQUEST TO APPEAL DENIAL OF INTERDISTRICT TRANSFER (IDT)

(Please print or type all material except signature)

Notice: The SMUHSD's IDT Appeal Panel may only make a *recommendation* to the Board of Trustees to approve or deny the request. If the SMUHSD Board of Trustees approves the request, student will be assigned to a school within the District at the discretion of the Director of Student Services, based upon District need. The parent/guardian does not have the right to appeal the school of assignment. If the SMUHSD Board of Trustees denies the request, the parent may appeal to the San Mateo County Board of Education, in accordance with their policies.

IDENTIFYING INFORMATION – PARENT/GUARDIAN

Name of Parent/Guardian (Appellant): _____

Address of Residence: _____ ☐ Own ☐ Rent

How long at this address? _____

Have you ever lived within the boundaries of the SMUHSD: ☐ No ☐ Yes (If yes, list previous address below)

Previous SMUHSD Address: _____

From _____ to _____ (Insert dates)

Resident School District: _____ Resident School: _____

Residence Telephone: _____ Other Telephone: _____

E-mail: _____

Attorney or Representative (if Applicable): _____ Telephone: _____

ADDITIONAL INFORMATION – STUDENT

Student: _____ Age: ____ Grade: ____ Current School: _____

ADDITIONAL INFORMATION – INTER-DISTRICT TRANSFER REQUESTS

Date of Initial Request of Inter-District Transfer to the SMUHSD: _____

Date of Denial of Inter-District Transfer by the SMUHSD: _____

Is this the first year an Inter-District Transfer request has been made for this student: ☐ Yes ☐ No If "No" please answer the following questions:

- A. Indicate the first school year the agreement was granted: _____ (School Year, e.g., 2022-23)
- B. Student's Grade during the first year agreement was granted: _____
- C. Transfer from _____ (Resident District) to _____ (Requested District)
- D. Reason for the Inter-District Transfer the first year transfer was granted: _____

- E. Has parent been required to submit a new Inter-District Transfer request each year since the first year?
☐ NO ☐ YES

ADDITIONAL INFORMATION – OTHER SIBLINGS

Please provide the following information about other Siblings in the home: (Attach additional sheet if necessary)

Name: _____ **Age:** _____ **School/District Attending:** _____

Name: _____ **Age:** _____ **School/District Attending:** _____

GROUND'S FOR APPEALING THE DENIAL OF THE INTER-DISTRICT TRANSFER

Advisory: San Mateo Union High School District's Board Policy 5117 specifically states: *"The Board of the district will only consider inter-district transfers if compelling reasons are presented which indicate a student's education would be adversely affected if s/he continued in the school district of residence."*

Reason for Request for Appeal of Denial of the Inter-District Transfer [Note: The request for appeal will not be accepted without a complete statement of reasons. See Section A, pages 7-9 of the San Mateo Union High School District's Appeal Handbook - "Factors Which MAY Substantiate a Compelling Reason for Granting of an Inter-District Transfer." Please reference, by number the factors (1-11) that pertain to your situation. Attach additional pages if more space is needed to complete this item.]

Factor _____ **Additional Information:** _____

Factor _____ **Additional Information:** _____

Please attach the following items to this "Appeal of Denial of Inter-District Attendance":

- (1) Any additional pages submitted with "Reason for Request for Appeal of Denial of the Inter-District Transfer" as noted above, relating to the reasons for the transfer request
- (2) Any documentation from your district of residence regarding your request
- (3) Any other documentation that you believe is pertinent to your request

PARENT/GUARDIAN CERTIFICATION

I hereby certify that: (1) All of the information I have provided in this form and the attached documents is true and correct and to the best of my knowledge; and, (2) If the IDT is approved, the student will be subject to the terms stated in the IDT Agreement and student will be assigned to a school at the discretion of the District

Signature of Parent/Guardian Filing Appeal

Date

Regulation 5117: Interdistrict Attendance

Status: ADOPTED

Original Adopted Date: 08/08/2019 | **Last Revised Date:** 04/02/2020 | **Last Reviewed Date:** 04/02/2020

Interdistrict Attendance Agreements and Permits

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
 - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status. (Education Code 46600)

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries
2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel
3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's

attendance

4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school
6. To allow a high school senior to attend the same school attended as a junior, even if the student's family 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 school 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
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 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 shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

The process for student transfers into the district under the school district of choice program, including, but not limited to, any applicable form, the timeline for a transfer, and an explanation of the selection process, shall be posted on the district's web site. (Education Code 48301)

Parents/guardians shall submit applications for interdistrict attendance to the district office before January 1 of the school year preceding the school year for which the student is requesting to be transferred. The application deadline may be waived upon agreement between the district and the student's district of residence. (Education Code 48308)

The application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48308)

Any existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Education Code 48305)

The district may deny a transfer into the district under the school district of choice program if the transfer would require the district to create a new program to serve that student, except that the district shall not reject the transfer of a student with disabilities or an English learner. (Education Code 48303)

Whenever the number of transfer applications exceeds the number of interdistrict transfers that may be accepted as annually determined by the Board of Trustees, students accepted for transfer shall be selected by a random drawing held in public at a regularly scheduled Board meeting before February 15 of the school year preceding the school year for which the transfer is sought. (Education Code 48301)

Priority for transfer under the school district of choice program shall be granted as follows: (Education Code 48306)

1. First priority shall be given to siblings of students already in attendance in the district.
2. Second priority shall be given to students eligible for free or reduced-price meals.
3. Third priority shall be given to children of military personnel.

No later than February 15 of the school year preceding the school year for which the student is requesting to be transferred, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected or of the student's position on any waiting list. (Education Code 48308)

If a student's application for transfer is accepted, the Superintendent or designee shall so notify the student's district of residence no later than February 15 of the school year preceding the school year for which the student is requesting to be transferred. (Education Code 48308)

The number of students accepted for transfer into the district, by school and grade level, shall be reported to the district of residence on or before February 15. (Education Code 48308)

If a student's application is denied, the Superintendent or designee shall notify the student's parents/guardians that the number of students requesting to transfer exceeded the district's capacity and that the student was not selected during the random drawing. Such determination shall be accurately recorded in the minutes of the Board meeting at which the determination was made. (Education Code 48308)

For a student whose parent/guardian was relocated by the military less than 90 days prior to the submission of the application, the district shall make a final decision to accept or reject the application within 90 days of its receipt. If the student's application has been submitted less than 90 days prior to the beginning of the school year, then the district shall accept or deny the application before the school year begins. Upon acceptance, the student may immediately enroll in a district school. (Education Code 48308)

Vacancies may be filled from the waiting list until May 1 of the school year preceding the school year for which students are requesting to be transferred. (Education Code 48308)

The final number of students enrolled in the district through the school district of choice program, by school and grade level, along with the names of the students, shall be reported to the district of residence on or before May 2. (Education Code 48308)

Students admitted through the school district of choice program are deemed to have fulfilled district residency requirements pursuant to Education Code 48204. (Education Code 48301)

Final acceptance of the transfer is applicable for one school year and shall be renewed automatically each year unless the Board, by adoption of a resolution, withdraws from participation in the program and no longer accepts transfer students from other districts. (Education Code 48308)

Even if the district withdraws from participation in the program, students who attended or received a notice of acceptance into the district before the Board's resolution of withdrawal shall be permitted to attend school in the district, and admitted high school students may continue attending school in the district until they graduate from high school. (Education Code 48307, 48308)

The district may accept any completed coursework, attendance, and other academic progress credited to an accepted student by any district(s) the student has previously attended and may grant academic standing to the student based upon the district's evaluation of the student's academic progress. (Education Code 48309)

The district may revoke a student's enrollment if the student is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

If the district is unable to provide an intradistrict transfer to a student who is a victim of an act of bullying, as defined in Education Code 46600, the district shall not prohibit the student from transferring out of the district if the district of proposed enrollment approves the application for transfer. (Education Code 46600)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or 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.
3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

Policy Reference Disclaimer:These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

CA Constitution Article 1, Section 31

Ed. Code 41020

Ed. Code 46600-46610

Description

Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin - <https://simbli.eboardsolutions.com/SU/0KVbaGNrEyhaRaN0U2VmUQ==>

Requirement for annual audit

Interdistrict attendance agreements

Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48300-48317	Student attendance alternatives, school district of choice program
Ed. Code 48900	Grounds for suspension or expulsion; definition of bullying
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48915.1	Expelled individuals; enrollment in another district
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Notice at beginning of term
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52317	Regional Occupational Center/Program, enrollment of students, interdistrict attendance
Ed. Code 8151	Apprentices, exemption from interdistrict attendance agreement

Management Resources References

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Website

Website

Description

84 Ops.Cal.Atty.Gen. 198 (2001)

87 Ops.Cal.Atty.Gen. 132 (2004)

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

California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

CSBA - <https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

1312.3

1312.3

3460

3460

3540

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3541

3553

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5020

Description

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/jKtGcYKUOJfso8fzzfipluscQ==>

Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/lgK2dDNX38NrGeAJz3bNw==>

Financial Reports And Accountability - <https://simbli.eboardsolutions.com/SU/JpCOFnIx1AfjnplusnUkI5uiw==>

Financial Reports And Accountability - <https://simbli.eboardsolutions.com/SU/IBNiZerqi36asTbEe5Arqw==>

Transportation - <https://simbli.eboardsolutions.com/SU/Q5TfPFvJcplusE5slshjnYaH62EQ==>

Transportation - <https://simbli.eboardsolutions.com/SU/8pLctEQhyPq8uRdmJepvOg==>

Transportation Routes And Services - <https://simbli.eboardsolutions.com/SU/VTjN9AcBQyT4yXUZkzRd7g==>

Free And Reduced Price Meals - <https://simbli.eboardsolutions.com/SU/AsP5dMTSgtBD9apulusDFJAI7g==>

Free And Reduced Price Meals - <https://simbli.eboardsolutions.com/SU/pWbvSE4RfoG0p35P4cASgw==>

Parent Rights And Responsibilities - <https://simbli.eboardsolutions.com/SU/K4KNk3ER8juWE9rcrHhY6A==>

Parent Rights And Responsibilities - <https://simbli.eboardsolutions.com/SU/QnpPkyNfjQeBslshezoCvhwBg==>

5111	Admission - https://simbli.eboardsolutions.com/SU/yDEMn6LJLgRn5AHsPavLFw==
5111	Admission - https://simbli.eboardsolutions.com/SU/I9N7aVQJBEmoZlkGvsOTHW==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/JPwVRMNWJrOeZGEyITTsA==
5111.1	District Residency - https://simbli.eboardsolutions.com/SU/CAMsvKU8p3plusRGPLR957MTg==
5112.2	Exclusions From Attendance - https://simbli.eboardsolutions.com/SU/l1bM1P56BW2ydl5pFLxNdA==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/Zf4uefcCmtkeiKUJKJyCbg==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/NuRclwSTFomJKqslshZqErXVQ==
5113.12	District School Attendance Review Board - https://simbli.eboardsolutions.com/SU/sQFTpZNGz06Dr5QLIAc8XQ==
5113.12	District School Attendance Review Board - https://simbli.eboardsolutions.com/SU/9xj28QyzYMisshJGuslsh1H6h9w==
5116	School Attendance Boundaries - https://simbli.eboardsolutions.com/SU/zvU74yqdi1MRxnKcOvYkCA==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/P1zM8Zea9GX6i6zAHzajw==
5116.1	Intradistrict Open Enrollment - https://simbli.eboardsolutions.com/SU/k3QnLrMKnAlvqSMWNplusATSQ==
5119	Students Expelled From Other Districts - https://simbli.eboardsolutions.com/SU/VTAvuOfNPxBHNOXtx9kH1A==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/r62xXFUHBlll8JqY3Znqyg==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/EwExcBSxE9HhFsSxFzHgyw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/EwXOhJGC8H8aoRbTplusn08cg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/wbuM7iTzplusoKEPvGen1l5gg==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/HSplusl5EdimsQWlajjME8a1Q==
5145.6-E(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/JrOp3f0tfpJWpEwcxhUE4Q==
5148	Child Care And Development - https://simbli.eboardsolutions.com/SU/MA06VajCwpmK6dEEF1wOuww==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/S5SKDy7muNRT0olUvrKpJA==
6146.3	Reciprocity Of Academic Credit - https://simbli.eboardsolutions.com/SU/FfCCMwx0axKwcVMUGj2u5w==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/mAb7i9vjYWOs0ISJPYslshMvA==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/GVgfgwlhtnl0YIEVPTmslshlw==
6173.2	Education Of Children Of Military Families - https://simbli.eboardsolutions.com/SU/XUFmee6l6LCKf2MZWBNbnbw==

6173.2	Education Of Children Of Military Families - https://simbli.eboardsolutions.com/SU/8jwryYpp9gkaH8s2elTrxw==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/T4uM11nCLuOjpyznfX3plusmw==
7160	Charter School Facilities - https://simbli.eboardsolutions.com/SU/mDXiHcfMy2JA4zqFslshNbl5w==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/kPEIkRPiGWqPj7FmhiZ66w==