HAPPY VALLEY Est.1954
UNION SCHOOL DISTRICT

INTERDISTRICT ATTENDANCE TRANSFERS

Procedures and Guidelines

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Choosing Your Child's School

California law requires all school boards to inform each student's parents/guardians at the beginning of the school year of the various ways in which they may choose schools for their children to attend other than the ones assigned by school districts. This document provides an overview to the districts and parents/guardians of the various provisions, general requirements and limitations regarding intra and inter-district transfers. Further clarification and emphasis can be found within the various Education Code sections cited. [Education Code Section 48980 (h)]

CALIFORNIA RESIDENCY LAW

The General Rule

Students must attend "the school district in which the residency of either the parent or legal guardian is located". Education Code Section 48200.

Definition of Residency

1. Government Code Section 243 provides as follows:

   Every person has, in law, a residence.

2. Government Code Section 244 provides as follows:

   In determining the place of residence the following rules shall be observed.

   (a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.

   (b) There can be only one residence.

   (c) A residence cannot be lost until another is gained.

   (d) The residence of the parent with whom an unmarried minor child maintains his or her place of abode is the residence of such unmarried minor child.

   (e) The residence of an unmarried minor who has a parent living cannot be changed by his or her own act.

   (f) The residence can be changed only by the union of act and intent.

   (g) A married person shall have the right to retain his or her legal residence in the state of California notwithstanding the legal residence or domicile of his or her spouse.

ESTABLISHING RESIDENCY UNDER EXCEPTIONS

To the

GENERAL RULE

Education Code Section 48204

A. Licensed Children's Institution

A pupil placed within the boundaries of a school district in a regularly established licensed children's institution, or a licensed foster home or a family home pursuant to law is deemed to have complied with the residency requirements for school attendance in that district. [Education Code Section 48204(a)(1)]

B. Interdistrict Attendance

A pupil for whom inter-district attendance has been approved under Education Code Section 46600. [Education Code Section 48204(a)(2)]

C. Emancipation

A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control and authority through emancipation. [Education Code Section 48204(a)(3)]

D. Caregiving Adult

Residency is established by a "pupil who lives in the home of a care-giving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the care-giving adult is a sufficient basis for a determination that the pupil lives in the caregiver's home, unless the school district determines from actual facts that the pupil is not living in the caregiver's home". [Education Code Section 48204(a)(4)]

E. State Hospital

A pupil residing in a state hospital located within the boundaries of that school district is deemed to have complied with the residency requirements for school attendance. [Education Code Section 48204(a)(5)]

F. Employment

Notwithstanding Education Code Section 48200, a school district may deem a pupil to have complied with the residency requirement for school attendance in the school district, provided:

One or both of the parents, or legal guardians, is employed within the boundaries of that school district. [Education Code 48204(b)]

<u>Grounds for Prohibiting Transfers</u>

- Nothing requires the school district where the pupil's parents or guardians are employed to admit the pupil to its schools. Districts may not, however, refuse to admit pupils under this subsection on the basis, except as expressly provided, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

- Either the district of residence or the district of proposed attendance may prohibit the transfer of the pupil under this subsection if the Superintendent and/or Governing Board of either district determines that the transfer would negatively impact the district's court-ordered or voluntary desegregation plan.

- The school district of proposed attendance under this subsection may prohibit the transfer of the pupil if the district determines that the additional cost of educating the pupil would exceed the amount of additional state aide received as a result of the transfer.

- The district of residence may prohibit the transfer if the net transfer of pupils out of the district (calculated as the difference between the number of pupils exiting the district and the number of pupils entering the district) in any fiscal year exceeds the following amounts: (a) 5% of the ADA for districts with ADA of less than 501 for that y ear; (b) 3% of the ADA, or 25 pupils, whichever is greater, for districts with ADA between 501, and 2500 for that fiscal year; (c) 1% of the ADA or 75 pupils, whichever is greater, for districts with ADA over 2500 for that fiscal year.

General Provisions and Parent's Required Notification

Requests for attendance under the "employment" exception starts with the district of employment first. If approved by the district where employment exists, the district of residence need not approve the transfer but may prohibit the transfer based on Education Code Section 48204(b)(2) or (6).

Unlike interdistrict attendance requests, denial of requests under employment cannot be appealed to the Shasta County Board of Education.
Governing Boards prohibiting a transfer pursuant to any reasons listed in "Grounds for Prohibiting Transfers" are encouraged to identify, and communicate in writing to the pupil's parent or guardian, the specific reasons and are encouraged to accurately record in the minutes of the board meeting that determination and reasons. [Education Code 48204(b)(4)]

Time Period

Once a pupil is deemed to have complied with the residency requirements for school attendance pursuant to this subdivision and is enrolled in a school district whose boundaries include the location where one parent or both parents of a pupil is employed, the pupil shall not have to reapply in the next school year to attend school within that school district and the district Superintendent and/or Governing Board shall allow the pupil to attend school through the 8th grade in that district if the parent or guardian so chooses, and if one or both of the pupil's parents or guardians continue to be employed by an employer situated within the attendance boundaries of the school district, subject to Sub Section 1-6 of Education Code 48204(b). [Education Code 48204(b)(7)]

Verification

The District has the right to request verification of employment. Verification could include one or more of the following:

1. Letter/note from employer
2. Payroll Record
3. Location of business, office, or work space with accompanying lease or rental agreement
4. Affidavit of employment
5. Tax documents (W-2 or 1099)
6. Other as determined by district of employment

Districts should define "employment criteria" through their policies. The policy can include verification criteria and "what is employment". Districts may require that employment be verified each year, or more often if there is a reasonable basis to conclude that employment may have terminated. [See Appendix VII: California State Department of Education Legal Advisory March 3, 1995]

G. Charter Schools

Admission to a charter school shall not be determined according to the place of residence of the pupil, or of his or her parent or guardian, within this state, except that any existing public school converting partially or entirely to a charter school under this part shall adopt and maintain a policy giving admission preference to pupils who reside within the former attendance area of that public school. [Education Code 47605(d)]

H. Homeless Children

Under the No Child Left Behind Act (NCLB) homeless students may continue to attend school in the district of residence before the child became homeless or in the district in which the homeless student now lives. (Reference: Education for Homeless Children: Non-Regulatory Guidance March 2003, U.S. Department of Education)

INTERDISTRICT ATTENDANCE

Education Code Section 46600

Interdistrict Attendance Agreement by the Superintendent and/or Governing Board:

(a) The Superintendent and/or Governing Boards of two or more school districts may enter into an agreement, for a term not to exceed five school years, for the inter-district attendance of pupils who are residents of the districts. The agreement may provide for the admission to a district other than the district of residence of a pupil who requests a permit to attend a school district that is a party to the agreement and that maintains schools and classes in kindergarten or any of grades 1 to 8, inclusive, to which the pupil requests admission.

The agreement shall stipulate the terms and conditions under which inter-district attendance shall be permitted or denied.

The Superintendent and/or Governing Board of the district of residence shall issue an approved inter-district transfer verifying the district's approval, pursuant to policies of the board and terms of the agreement, for the transfer and for the applicable period of time. A transfer shall be valid upon concurring endorsement by the designee of the governing board of the district of proposed attendance. The stipulation of the terms and conditions under which the permit may be revoked is the responsibility of the district of attendance.

(b) The district of attendance may revoke a permit under terms and conditions established at each district.

RELATED LEGISLATION

Family Code § 6550. Authorization affidavits; scope of authority; reliance on affidavit

a. A caregiver's authorization affidavit that meets the requirements of this part authorizes a caregiver 18 years of age or older who completes items 1-4, inclusive, of the affidavit provided in Section 6552 and signs the affidavit to enroll a minor in school and consent to school-related medical care on behalf of the minor. A caregiver who is a relative and who completes items 1-8, inclusive, of the affidavit provided in Section 6552 and signs the affidavit shall have the same rights to authorize medical care and dental care for the minor that are given to guardians under Section 2353 of the Probate Code. The medical care authorized by this caregiver who is a relative may include mental health treatment subject to the limitations of Section 2356 of the Probate Code.

b. The decision of a caregiver to consent to or to refuse medical or dental care for a minor shall be superseded by an contravening decision of the parent or other person having legal custody of the minor, provided the decision of the parent or other person having legal custody of the minor does not jeopardize the life, health, or safety of the minor.

c. A person who acts in good faith reliance on a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for that reliance if the applicable portions of the affidavit are completed. This subdivision applies even if medical or dental care is provided to a minor in contravention of the wishes of the parent or other person having legal custody of the minor as long as the person providing the medical or dental care has no actual knowledge of the wishes of the parent or other person having legal custody of the minor.

d. A person who relies on the affidavit has no obligation to make any further inquiry or investigation.

e. Nothing in this section relieves any individual from liability for violations of other provisions of law.

f. If the minor stops living with the caregiver, the caregiver shall notify any school, health care provider, or health care service plan that has been given the affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor is no longer living with the caregiver.

g. A caregiver's authorization affidavit shall be invalid, unless it substantially contains, in not less than 10-point boldface type or a reasonable equivalent thereof, the warning statement beginning with the word "warning" specified in Section 6552. The warning statement shall be enclosed in a box with 3-point rule lines.

h. For purposes of this part, the following terms have the following meanings:

(1) "Person" includes an individual, corporation, partnership, association, the state, or any city, county, city and county, or other public entity or governmental subdivision or agency, or any other legal entity.

(2) "Relative" means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great", or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

(3) "School-related medical care" means medical care that is required by state or local governmental authority as a condition for school enrollment, including immunizations, physical examinations, and medical examinations conducted in schools for pupils.

Family Code § 6552. Form of authorization affidavit

The caregiver's authorization affidavit shall be in substantially the following form:

Caregiver's Authorization Affidavit

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of minor: _____.
2. Minor's birth date: _____.
3. My name (adult giving authorization): _____.
4. My home address: _____
   _____.
5. [ ] I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of "qualified relative").
6. Check one or both (for example, if one parent was advised and the other cannot be located):
   [ ] I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.
   [ ] I am unable to contact the parent(s) or other person)s) having legal custody of the minor at this time, to notify them of my intended authorization.
7. My date of birth: _____.
8. My California's driver's license or identification card number: _____.

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional Information:

TO CAREGIVERS:

1. "Qualified relative", for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great", or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.

3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor no longer lives with you.

4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.

2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. A person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for that reliance if the applicable portions of the form are completed.

2. This affidavit does not confer dependency for health care coverage purposes.

Education Code § 35160.5(b)(1)

(b)(1) On or before July 1, 1994, the governing board of each school district, as a condition for the receipt of school apportionments from the state school fund, shall adopt rules and regulations establishing a policy of open enrollment within the district for residents of the district. This requirement does not apply to a school district that has only one school or a school district with schools that do not serve any of the same grade levels.

Education Code § 35160.5(b)(2)

(2) The policy shall include all of the following elements:

(A) It shall provide that the parent or guardian of each school age child who is a resident in the district may select the schools the child shall attend, irrespective of the particular locations of his or her residence within the district, except that school districts shall retain the authority to maintain appropriate racial and ethnic balances among their respective schools at the school districts' discretion or as specified in applicable court-ordered or voluntary desegregation plans.

(B) It shall include a selection policy for a school that receives requests for admission in excess of the capacity of the school that ensures that selection of pupils to enroll in the school is made through a random, unbiased process that prohibits an evaluation of whether a pupil should be enrolled based upon his or her academic or athletic performance. The Governing board of a school district shall calculate the capacity of the schools in the district for purposes of this subdivision in a non-arbitrary manner using pupil enrollment and available space. However, school districts may employ existing entrance criteria for specialized schools or programs if the criteria are uniformly applied to all applicants. This subdivision shall not be construed to prohibit school districts from using academic performance to determine eligibility for, or placement in, programs for gifted and talented pupils established pursuant to Chapter 8 (commencing with Section 52200) of Part 28 of Division 4, as that chapter read on January 1, 2014.

(C) It shall provide that a pupil who currently resides in the attendance area of a school shall not be displaced by pupils transferring from outside the attendance area.

Education Code § 46600. Agreements for inter-district attendance; terms and conditions; individual permits verifying district's approval; application

(a)(1) The governing boards of two or more school districts may enter into an agreement, for a term not to exceed five school years, for the inter-district attendance of pupils who are residents of the districts. The agreement may provide for the admission to a school district other than the school district of residence of a pupil who requests a permit to attend a school district of proposed enrollment that is a party to the agreement and that maintains schools and classes in transitional kindergarten, kindergarten or any of grades 1 to 12, inclusive, to which the pupil requests admission. Once a pupil in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, is enrolled in a school pursuant to this chapter, the pupil shall not have to reapply for an inter-district transfer, and the governing board of the school district of enrollment shall allow the pupil to continue to attend the school in which the pupil is enrolled, except as specified in paragraphs (2) and (4).

(2) The agreement shall stipulate the terms and conditions under which inter-district attendance shall be permitted or denied. The agreement may contain standards for reapplication agreed to by the school district of residence and the school district of enrollment that differ from the requirements prescribed by paragraph (1). The agreement may stipulate terms and conditions established by the school district of residence and the school district of enrollment under which the permit may be revoked.

(3) The designee or the superintendent of the school district of residence shall issue an individual permit verifying the school district's approval, pursuant to policies of the governing board of the school district and terms of the agreement for the transfer. A permit shall be valid upon concurring endorsement by the designee of the governing board of the school district of proposed enrollment. The stipulation of the terms and conditions under which the permit may be revoked is the responsibility of the school district of enrollment.

(4) Notwithstanding paragraph (2), a school district of residence or school district of enrollment shall not rescind existing transfer permits for pupils after June 30 following the completion of grade 10, or for pupils in grade 11 or 12.

(b) A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the school district of residence shall, at the request of the parent, be given priority for inter-district attendance.

(c) In addition to the requirements of subdivision (e) of Section 48915.1, and regardless of whether an agreement exists or a permit is issued pursuant to this section, any district may admit a pupil expelled from another district in which the pupil continues to reside.

(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.

(2) A school district of residence shall approve an intradistrict transfer request for a victim of an act of bullying unless the requested school is at maximum capacity, in which case the school district shall accept an intra-district transfer request for a different school in the school district. Notwithstanding any other law, and regardless of whether an agreement exists or a permit is issued pursuant to this section, if the school district of residence has only one school offering the grade level of the victim of an act of bullying and therefore there is no option for an intra-district transfer, the victim of an act of bullying may apply for an inter-district transfer and the school district of residence shall not prohibit the transfer if the school district of proposed enrollment approves the application for transfer.

(3) A school district of proposed enrollment that elects to accept an inter-district transfer pursuant to this subdivision shall accept all pupils who apply to transfer under this subdivision until the school district is at maximum capacity. A school district of proposed enrollment shall ensure that pupils admitted under this subdivision are selected through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a pupil 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 Section 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status.

(4) (A) For purposes of this subdivision, "active military duty parent" means a parent with full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Guard on active duty orders pursuant to Chapter 1209 (commencing with Section 12301) and Chapter 1211 (commencing with Section 12401) of Part II of Subtitle E of Title 10 of the United States Code.

(B) For purposes of this subdivision, a "victim of an act of bullying" means a pupil that has been determined to have been a victim of bullying by an investigation pursuant to the complaint process described in Section 234.1 and the bullying was committed by any pupil in the school district of residence, and the parent of the pupil has filed a written complaint regarding the bullying with the school, school district personnel, or a local law enforcement agency.

(5) (A) Upon request of the parent or guardian on behalf of a pupil eligible for transfer pursuant to this subdivision, a school district of enrollment shall provide transportation assistance to a pupil who is eligible for free or reduced-price meals.

(B) A school district of enrollment may provide transportation assistance to any pupil admitted under this subdivision.

(C) It is the intent of the Legislature that the amount of transportation assistance provided to a pupil pursuant to subparagraph (A) or (B) not exceed the supplemental grant received, if any, for the pupil pursuant to subdivision (e) of Section 42238.02.

Education Code § 46601. Failure to approve inter-district attendance; appeal

(a) A parent may appeal a school district's decision regarding a request for interdistrict transfer, within 30 calendar days of the date of the school district's final denial, to the county board of education.

(b)(1) Failure by the parent to appeal within the required time is good cause for rejection of an appeal. An appeal shall be accepted only upon verification by the county board of education's designee that appeals within the school districts have been exhausted within the timelines provided pursuant to Section 46600.2. If new evidence or grounds for the request are introduced, the county board of education may remand the matter for further consideration by the school district or districts. In all other cases, the appeal shall be granted or denied on its merits.

(2) (A) (i) The county board of education shall, unless clause (ii) or clause (iii) applies, within 30 calendar days after the appeal is filed, determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance.

(ii) Until July 1, 2023, the county board of education in a class 1 county shall, within 60 calendar days after the appeal is filed, determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance.

(iii) Until July 1, 2019, the county board of education in a class 2 county shall, within 45 calendar days after the appeal is filed, determine whether the pupil should be permitted to attend the school district of proposed enrollment and the applicable period of attendance.

(B) In the event that compliance by the county board of education within the time requirement for determining whether the pupil should be permitted to attend the school district of proposed enrollment is impractical, the county board of education or the county superintendent of schools, for good cause, may extend the time period for up to an additional five schooldays. The county board of education shall provide adequate notice 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 pursuant to rules and regulations adopted by the county board of education in accordance with this chapter. The county board of education's rules may provide for the granting of continuances upon a showing of good cause. The county board of education shall render a decision within three schooldays of any hearing conducted by the county board of education unless the parent requests a postponement.

(C) In a class 1 or class 2 county, the county board of education's rules may provide for any hearing pursuant to this section to be conducted by a hearing officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code, or by an impartial administrative panel of three or more certificated persons appointed by the county board of education. Section 27722 of the Government Code applies to a hearing by an impartial administrative panel and, for purposes of this section, the term "hearing officer" in Section 27722 of the Government Code includes an impartial administrative panel. A member of the impartial administrative panel shall not be a member of the county board of education, nor be employed by the school district of residence or the school district of proposed enrollment.

(D) If the hearing officer is not authorized to decide whether the pupil should be permitted to attend in the school district of proposed enrollment, the county board of education, within 10 calendar days of receiving the recommended decision pursuant to subdivision (b) of Section 27722 of the Government Code, shall render a decision.

(3) The designee of the county superintendent of schools 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.

(4) Pupils who are under consideration for expulsion, or who have been expelled pursuant to Sections 48915 and 48918, may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Education Code § 46602. Admission to school without delay upon board approval; counting attendance for revenue purposes; notice of board's decision

(a)If the county board of education determines that the pupil should be permitted to attend the school district of proposed enrollment, the pupil shall be admitted to school in the school district without delay and the attendance may be counted by the school district of enrollment for state apportionment purposes.

(b)Written notice of the decision by the county board of education shall be delivered to the the parent and to the governing boards of the school districts. Notice shall conform to the requirements of Section 48985 and may be provided using any of the following methods:

(1) Regular mail.

(2) Electronic format, if the parent provides an email address.

(3) By any other method normally used to communicate with parents in writing.

Education Code § 46603. Provisional attendance pending appeal on decision regarding inter-district attendance

(a) (1) For a period not to exceed two school months, the governing board of a school district of proposed enrollment may provisionally admit to the schools of the school district a pupil who resides in another school district, pending a decision of the governing boards of the two school districts, or by the county board of education upon appeal, regarding the inter-district attendance. A pupil shall be eligible for provisional attendance only upon providing reasonable evidence that a final decision for a request for inter-district transfer is pending either with the school district of residence, the school district of proposed enrollment, or the county board of education.

(2) The period of provisional attendance begins on the first day of the pupil's attendance in the school.

(3) If a decision by the school districts or the county board of education has not been rendered by the conclusion of two school months, and the school districts or the county board of education are still operating within the prescribed time-lines, the pupil shall not be allowed to continue attendance at the school district of proposed enrollment. The pupil is subject to compulsory full-time education pursuant to Section 48200 and shall enroll in the school district of residence or in another educational program.

(4) Provisional attendance shall not guarantee that a school district or county board of education will approve a request for inter-district transfer.

(b) Regardless of whether the decision on inter-district attendance is allowed, the provisional attendance may be counted by the district of attendance for revenue limit and state apportionment purposes.

Education Code § 46604. Failure by district of residence to pay tuition charges

If the governing board of a school district in which pupils reside who are lawfully attending in another district fails or refuses to pay, when due, the amount required to be paid to the district of attendance for the education of those pupils under any provision of this code, the county superintendent of schools having jurisdiction over the district of residence shall draw a requisition against the funds of the district of residence in favor of the district of attendance in payment of that amount and transmit the requisition to the governing board of the district of attendance.

Education Code § 47605(a)(5)(L)

(L) The public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

Education Code § 48203. Reports of severance of attendance of children with exceptional needs or handicapped children; examination; hearings

(a) The superintendent of a school district and the principal of a private school in each county shall, upon the severance of attendance or the denial of admission of any child who is an individual with exceptional needs, as that term is defined in Section 56026, or who is a qualified handicapped person, as that term is defined in regulations promulgated by the United States Department of Education pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), but who is otherwise subject to the compulsory education laws of California, report the severance, expulsion, exclusion, exemption, transfer, or suspension beyond 10 schooldays to the county superintendent of schools. The report shall include names, ages, last known address, and the reason for the severance, expulsion, exclusion, exemption, transfer, or suspension.

(b) It is the duty of the county superintendent to examine those reports and draw to the attention of the county board of education and governing board of a school district any cases in which the interests of the child or the welfare of the state may need further examination.

(c) After a preliminary study of available information in cases referred to it, the county board of education may, on its own action, hold hearings on those cases in the manner provided in Section 48914 and with the same powers of final decision as therein provided.

Education Code §48204. Residency requirements for school attendance

(a) Notwithstanding Section 48200, a pupil complies with the residency requirements for school attendance in a school district, if he or she is any of the following:

(1) (A) A pupil placed within the boundaries of that school district in a regularly established licensed

(2) A pupil who is a foster child who remains in his or her school of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

(3) A pupil for whom inter-district attendance has been approved pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

(4) A pupil whose residence is located within the boundaries of that school district and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.

(5) A pupil who lives in the home of a care-giving adult that is located within the boundaries of that school district. Execution of an affidavit under penalty of perjury pursuant to Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code by the care-giving adult is a sufficient basis for a determination that the pupil lives in the home of the caregiver, unless the school district determines from actual facts that the pupil is not living in the home of the caregiver.

(6) A pupil residing in a state hospital located within the boundaries of that school district.

(7) A pupil whose parent or legal guardian resides outside of the boundaries of that school district but is employed and lives with the pupil at the place of his or her employment within the boundaries of the school district for a minimum of three days during the school week.

(b) (1) A school district may deem a pupil to have complied with the residency requirements for school attendance in the district if at least one parent or the legal guardian of the pupil is physically employed within the boundaries of that district.

(2) This subdivision does not require the school district within which at least one parent or the legal guardian of a pupil is employed to admit the pupil to its schools. A school district shall not, however, refuse to admit a pupil under this subdivision on the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

(3) The school district in which the residency of either the parents or the legal guardian of the pupil is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the district determines that the transfer would negatively impact the court-ordered or voluntary desegregation plan of the district.

(4) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the school district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(5) The governing board of a school district that prohibits the transfer of a pupil pursuant to paragraph (2), (3), or (4) is encouraged to identify, and communicate in writing to the parents or the legal guardian of the pupil, the specific reasons for that determination and is encouraged to ensure that the determination, and the specific reasons for the determination, are accurately recorded in the minutes of the board meeting in which the determination was made.

(6) The average daily attendance for pupils admitted pursuant to this subdivision is calculated pursuant to Section 46607.

(7) Unless approved by the sending school district, this subdivision does not authorize a net transfer of pupils out of a school district, calculated as the difference between the number of pupils exiting the school district and the number of pupils entering the school district, in a fiscal year in excess of the following amounts:

(A) For a school district with an average daily attendance for that fiscal year of less than 501 pupils, 5 percent of the average daily attendance of the school district.

(B) For a school district with an average daily attendance for that fiscal year of 501 pupils or more, but less than 2,501 pupils, 3 percent of the average daily attendance of the school district or 25 pupils, whichever amount is greater.

(C) For a school district with an average daily attendance of 2,501 pupils or more, 1 percent of the average daily attendance of the school district or 75 pupils, whichever amount is greater.

(8) Once a pupil is deemed to have complied with the residency requirements for school attendance pursuant to this subdivision and is enrolled in a school in a school district the boundaries of which include the location where at least one parent or the legal guardian of a pupil is physically employed, the pupil does not have to reapply in the next school year to attend a school within that school district and the governing board of the school district shall allow the pupil to attend school through grade 12 in that school district if the parent or legal guardian so chooses and if at least one parent or the legal guardian of the pupil continues to be physically employed by an employer situated within the attendance boundaries of the school district, subject to paragraphs (2) to (7), inclusive.

Education Code § 48300. Definitions

For purposes of this article, the following definitions apply:

(a) “Active military duty” means full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Reserve on active duty orders pursuant to Chapter 1209 (commencing with Section 12301) of, and Chapter 1211 (commencing with Section 12401) of, Part II of Subtitle E of Title 10 of the United States Code.

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

(c) "School district of residence" means the school district that a pupil would be directed by this chapter to attend, except as otherwise provided by this article.

Education Code § 48302. Informational hearings on current educational programs

School districts are encouraged to hold informational hearings and make public announcements on the current educational programs the district is offering so that parents may provide input to the school district on methods to improve the current program and so that parents may make informed decisions regarding their children's education.

Educational Code § 48307. Annual outbound transfers of pupils; school district limits

(a) A school district of residence with an average daily attendance greater than 50,000 may limit the number of pupils transferring out each year to 1 percent of its current year estimated average daily attendance.

(b) A school district of residence with an average daily attendance of 50,000 or less may limit the number of pupils transferring out to 3 percent of its current year estimated average daily attendance and may limit the maximum number of pupils transferring out for the duration of the program authorized by this article to 10 percent of the average daily attendance for that period.

(c) A school district of residence that has a negative status on the most recent budget certification completed by the county superintendent of schools in any fiscal year may limit the number of pupils who transfer out of the district in that fiscal year.

(d) Notwithstanding any prior or existing certification of a school district of residence pursuant to Article 3 (commencing with Section 42130) of Chapter 6 of Part 24, if a county superintendent of schools determines that a school district of residence would not meet the standards and criteria for fiscal stability specified in Section 42131 for the subsequent fiscal year exclusively due to the impact of additional pupil transfers pursuant to this article in that year, the school district of residence may limit the number of additional pupils who transfer in the upcoming school year pursuant to this article up to the number that the county superintendent of schools identifies beyond which number of additional transfers would result in a qualified or negative certification in that year exclusively as a result of additional transfers pursuant to this article.

(e) A school district of residence, upon receiving notification of a pupil’s acceptance into the school district of choice, may prohibit the transfer of a pupil under this article or limit the number of pupils so transferred if the governing board of the school district of residence determines that the transfer would negatively impact any of the following:

(1) The court-ordered desegregation plan of the school district of residence.

(2) The voluntary desegregation plan of the school district of residence, consistent with the provisions of Proposition 209, an initiative measure adopted by the voters at the November 5, 1996, General Election.

(3) The racial and ethnic balance of the school district of residence, consistent with the provisions of Proposition 209, an initiative measure adopted by the voters at the November 5, 1996, General Election.

(f) Notwithstanding any other provision of this article, a school district of residence shall not prohibit the transfer of a pupil who is a child of an active military duty parent.

(g) A school district of residence shall not adopt policies that in any way block or discourage pupils from applying for transfer to a school district of choice.

(h) Notwithstanding any other provision of this article, a pupil attending a school district of choice or a pupil who received a notice of acceptance into a school district of choice before the school district of residence restricted further transfers pursuant to subdivision (c) or (d) shall be permitted to attend the school district of choice.

Education Code § 48312. Information regarding programs, policies and procedures; availability to interested persons

Each school district may make information regarding its schools, programs, policies, and procedures available to any interested person upon request.

Education Code § 46600(b)

In addition to the requirements of subdivision (e) of Section 48915.1, and regardless of whether an agreement exists or a permit is issued pursuant to this section, any school district may admit a pupil expelled from another district in which the pupil continues to reside.

Education Code § 46601(e)

Pupils who are under consideration for expulsion, or who have been expelled pursuant to Sections 48915 and 48918, may not appeal inter-district attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Education Code § 48915.1 Expelled individuals; enrollment in another school

(a) If the governing board of a school district receives a request from an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for enrollment in a school maintained by the school district, the board shall hold a hearing to determine whether that individual poses a continuing danger either to the pupils or employees of the school district. The hearing and notice shall be conducted in accordance with the rules and regulations governing procedures for the expulsion of pupils as described in Section 48918. A school district may request information from another school district regarding a recommendation for expulsion or the expulsion of an applicant for enrollment. The school district receiving the request shall respond to the request with all deliberate speed but shall respond no later than five working days from the date of the receipt of the request.

(b) If a pupil has been expelled from his or her previous school for an act other than those listed in subdivision (a) or (c) of Section 48915, the parent, guardian, or pupil, if the pupil is emancipated or otherwise legally of age, shall, upon enrollment, inform the receiving school district of his or her status with the previous school district. If this information is not provided to the school district and the school district later determines the pupil was expelled from the previous school, the lack of compliance shall be recorded and discussed in the hearing required pursuant to subdivision (a).

(c) The governing board of a school district may make a determination to deny enrollment to an individual who has been expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915, for the remainder of the expulsion period after a determination has been made, pursuant to a hearing, that the individual poses a potential danger to either the pupils or employees of the school district.

(d) The governing board of a school district, when making its determination whether to enroll an individual who has been expelled from another school district for these acts, may consider the following options:

(1) Deny enrollment.

(2) Permit enrollment.

(3) Permit conditional enrollment in a regular school program or another educational program.

(e) Notwithstanding any other provision of law, the governing board of a school district, after a determination has been made, pursuant to a hearing, that an individual expelled from another school district for an act other than those described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, shall permit the individual to enroll in a school in the school district during the term of the expulsion, provided that he or she, subsequent to the expulsion, either has established legal residence in the school district, pursuant to Section 48200, or has enrolled in the school pursuant to an interdistrict agreement executed between the affected school districts pursuant to Chapter 5 (commencing with Section 46600).

Education Code § 48915.2. Expelled pupil; enrollment during and after period of expulsion

(a) A pupil expelled from school for any of the offenses listed in subdivision (a) or (c) of Section 48915, shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a county community school pursuant to subdivision (c) of Section 1981, or a juvenile court school, as described in Section 48645.1, or a community day school pursuant to Article 3 (commencing with Section 48660) of Chapter 4 of Part 27.

(b) After a determination has been made, pursuant to a hearing under Section 48918, that an individual expelled from another school district for any act described in subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, the governing board of a school district may permit the individual to enroll in the school district after the term of expulsion, subject to one of the following conditions:

(1) He or she has established legal residence in the school district, pursuant to Section 48200.

(2) He or she is enrolled in the school pursuant to an inter-district agreement executed between the affected school districts pursuant to Chapter 5 (commencing with Section 46600) of Part 26.

Education Code § 48915.5. Suspension or expulsion of pupils with exceptional needs; schools; school buses

(a) An individual with exceptional needs, as defined in Section 56026, may be suspended or expelled from school in accordance with Section 1415(k) of Title 20 of the United States Code, the discipline provisions contained in Sections 300.530 to 300.537, inclusive, of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal law and regulations.

(b) A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with Section 1412(a)(1) of Title 20 of the United States Code and Section 300.530(d) of Title 34 of the Code of Federal Regulations.

(c) If an individual with exceptional needs is excluded from school bus transportation, the pupil is entitled to be provided with an alternative form of transportation at no cost to the pupil or parent or guardian provided that transportation is specified in the pupil's individualized education program.

(d) If the individual with exceptional needs is a foster child, as defined in Section 48853.5, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare agency shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

(e) If the individual with exceptional needs is a homeless child or youth, as defined in Section 11434a(2) of Title 42 of the United States Code, and the local educational agency has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the local educational agency liaison for homeless children and youth designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of the United States Code shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. The invitation may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.

Education Code § 48916. Expulsion orders; readmission date; rehabilitation plan

(a) An expulsion order shall remain in effect until the governing board, in the manner prescribed in this article, orders the readmission of a pupil. At the time an expulsion of a pupil is ordered for an act other than those described in subdivision (c) of Section 48915, the governing board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. If an expulsion is ordered during summer session or the intersession period of a year-round program the governing board shall set a date, not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. For a pupil who has been expelled pursuant to subdivision (c) of Section 48915, the governing board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district, except that the governing board may set an earlier date for readmission on a case-by-case basis.

(b) The governing board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.

(c) The governing board of each school district shall adopt rules and regulations establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion of the readmission process, the governing board shall readmit the pupil, unless the governing board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered.

(d) If the governing board denies the readmission of an expelled pupil pursuant to subdivision (c), the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.

(e) The governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying the pupil re-admittance into the regular school district program. The written notice shall also include the determination of the educational program for the expelled pupil pursuant to subdivision (d). The expelled pupil shall enroll in that educational program unless the parent or guardian of the pupil elects to enroll the pupil in another school district.

Education Code § 48980. Notice at beginning of term of rights and responsibilities; required content

(a) At the beginning of the first semester or quarter of the regular school term, the governing board of each school district shall notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under Sections 35291, 46014, 48205, 48207, 48208, 49403, 49423, 49451, 49472, and 51938 and Chapter 2.3 (commencing with Section 32255) of Part 19 of Division 1 of Title 1.

(b) The notification also shall advise the parent or guardian of the availability of individualized instruction as prescribed by Section 48206.3, and of the program prescribed by Article 9 (commencing with Section 49510) of Chapter 9.

(c) The notification also shall advise the parents and guardians of all pupils attending a school within the school district of the schedule of minimum days and pupil-free staff development days, and if minimum or pupil-free staff development days are scheduled thereafter, the governing board of the school district shall notify parents and guardians of the affected pupils as early as possible, but not later than one month before the scheduled minimum or pupil-free day.

(d) The notification also may advise the parent or guardian of the importance of investing for future college or university education for their children and of considering appropriate investment options, including, but not limited to, United States savings bonds.

(e) The notification also shall include a copy of the written policy of the school district on sexual harassment established pursuant to Section 231.5, as it relates to pupils.

(f) The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an inter-district and intra-district basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options, including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.

(g) It is the intent of the Legislature that the governing board of each school district annually review the enrollment options available to the pupils within its district and that the districts strive to make available enrollment options that meet the diverse needs, potential, and interests of the pupils of California.

(h) The notification shall advise the parent or guardian that a pupil shall not have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

(i) A school district that elects to adopt a policy regarding the transfer of pupils pursuant to Article 1.5 (commencing with Section 48929) shall inform parents or guardians of the policy in the notification required pursuant to this section.

EDUCATION CODE
48354 and 48356

48354 (a) The parent of a pupil enrolled in a low-achieving school may submit an application for the pupil to attend a school in a school district of enrollment pursuant to this article.

(b) (1) Consistent with the requirements of Section 1116(b)(1)(E) of the federal Elementary and Secondary Education Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first day of the school year, or, if later, on the date the notice of program improvement, corrective action, or restructuring status is required to be provided under federal law the district of residence shall provide the parents and guardians of all pupils enrolled in a school determined in subdivision (a) of Section 48352 with notice of the option to transfer to another public school served by the school district of residence or another school district.

(2) An application requesting a transfer pursuant to this article shall be submitted by the parent of a pupil to the school district of enrollment prior to January 1 of the school year preceding the school year for which the pupil is requesting to transfer. The school district of enrollment may waive the deadline specified in this paragraph.

(3) The application deadline specified in paragraph (2) does not apply to an application requesting a transfer if the parent, with whom the pupil resides, is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.

(4) The application may request enrollment of the pupil in a specific school or program within the school district of enrollment.

(5) A pupil may enroll in a school in the school district of enrollment in the school year immediately following the approval of his or her application.

(6) In order to provide priority enrollment opportunities for pupils residing in the school district, a school district of enrollment shall establish a period of time for resident pupil enrollment prior to accepting transfer applications pursuant to this article.

48356 (a) A school district of enrollment may adopt specific, written standards for acceptance and rejection of applications pursuant to this article. The standards may include consideration of the capacity of a program, class, grade level, school building, or adverse financial impact. Subject to subdivision (b), and except as necessary in accordance with Section 48355, the standards shall not include consideration of a pupil's previous academic achievement, physical condition, proficiency in the English language, family income, or any of the individual characteristics set forth in Section 200.

(b) In considering an application pursuant to this article, a nonresident school district may apply its usual requirements for admission to a magnet school or a program designed to serve gifted and talented pupils.

(c) Subject to the rules and standards that apply to pupils who reside in the school district of enrollment, a resident pupil who is enrolled in one of the district's schools pursuant to this article shall not be required to submit an application in order to remain enrolled.

(d) A school district of enrollment shall ensure that pupils enrolled pursuant to standards adopted pursuant to this section are enrolled in a school with a higher Academic Performance Index than the school in which the pupil was previously enrolled and are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based on his or her individual academic or athletic performance, or any of the other characteristics set forth in subdivision (a), except that pupils applying for a transfer pursuant to this article shall be assigned priority for approval as follows:

(1) First priority for the siblings of children who already attend the desired school.

(2) Second priority for pupils transferring from a program improvement school ranked in decile 1 on the Academic Performance Index determined pursuant to subdivision (a) of Section 48352.

(3) If the number of pupils who request a particular school exceeds the number of spaces available at that school, a lottery shall be conducted in the group priority order identified in paragraphs (1) and (2) to select pupils at random until all of the available spaces are filled.

(e) The initial application of a pupil for transfer to a school within a school district of enrollment shall not be approved if the transfer would require the displacement from the desired school of any other pupil who resides within the attendance area of that school or is currently enrolled in that school.

(f) A pupil approved for a transfer to a school district of enrollment pursuant to this article shall be deemed to have fulfilled the requirements of Section 48204.

INTERDISTRICT ATTENDANCE

The Governing Board recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

(cf. 5111.1 - District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the inter-district attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which inter-district attendance shall be permitted or denied. It also may contain standards agreed upon by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the inter-district attendance agreement.

INTERDISTRICT ATTENDANCE (continued)

Transportation

Upon parent/guardian request, the district shall provide transportation assistance to a student receiving an inter-district transfer who is eligible for free and reduced-price meals and is the child of an active duty military parent/guardian or a victim of bullying, as defined in Education Code 46600. (Education Code 46600)

(cf. 3553 - Free and Reduced Price Meals)

In addition, upon request of a student's parent/guardian, the Superintendent or designee may authorize transportation for any inter-district transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

Legal Reference:

EDUCATION CODE

8151 Apprentices, exemption from interdistrict attendance agreement
41020 Annual district audits
46600-46610 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48300-48317 Student attendance alternatives, school district of choice program
48900 Grounds for suspension or expulsion; definition of bullying
48915 Expulsion; particular circumstances
48915.1 Expelled individuals; enrollment in another district
48918 Rules governing expulsion procedures
48980 Notice at beginning of term
48985 Notices to parents in language other than English
52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County (2011) 192 Cal.App.4th 234
Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)
84 Ops.Cal.Atty.Gen. 198 (2001)

Management Resources:

WEB SITES

CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

INTERDISTRICT ATTENDANCE

Inter-district 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 inter-district transfer permit, including a link to BP 5117 – Inter-district 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 inter-district 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 inter-district 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 inter-district transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the inter-district 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 inter-district transfer permit may be revoked or rescinded

Priority for inter-district 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)

INTERDISTRICT ATTENDANCE (continued)

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5131.2 - Bullying)

Until the district is at maximum capacity, the district shall accept any student whose inter-district 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 inter-district attendance permit for a student for any of the following reasons when stipulated in the agreement:

1. To meet the childcare needs of the student, only as long as the student's childcare provider remains within district boundaries

(cf. 5148 - Child Care and Development)

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

(cf. 6159 - Individualized Education Program)

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

INTERDISTRICT ATTENDANCE (continued)

9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

(cf. 5113.1 - Chronic Absence and Truancy)
(cf. 5113.12 - District School Attendance Review Board)

10. When there is valid interest in a particular educational program not offered in the district of residence

11. To provide a change in school environment for reasons of personal and social adjustment

The Superintendent or designee may deny initial requests for inter-district 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.

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

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 inter-district 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)

(cf. 5145.6 - Parental Notifications)

All notices to parents/guardians regarding the district's decision on any request for inter-district 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)

INTERDISTRICT ATTENDANCE (continued)

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 inter-district attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Once a student is admitted to a school on the basis of an inter-district attendance permit, the student shall not be required to reapply for an inter-district transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the inter-district attendance agreement. Existing inter-district 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)

INTERDISTRICT ATTENDANCE (continued)

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 intra-district 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.

INTERDISTRICT ATTENDANCE (continued)

(cf. 3100 - Budget)

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

SHASTA COUNTY OFFICE OF EDUCATION

Shasta County Board of Education

Interdistrict Attendance Appeal Handbook

To assist parents/guardians, students, and school districts in understanding the interdistrict attendance appeal process

Exhibit 5117.1
Adopted: December 9, 2009
Revised: July 14, 2010
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Revised: December 18, 2019

Shasta County Board of Education
Interdistrict Attendance Appeal Handbook

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INTRODUCTION

The Shasta County Board of Education has prepared this handbook to provide direction and information to parents/guardians and students who wish to appeal a school district's decision to not grant an interdistrict attendance agreement. It is also provided as a tool for school districts to assist them in preparing for an appeal hearing.

This handbook constitutes the official procedures adopted by the Shasta County Board of Education for conducting interdistrict attendance appeals. The Shasta County Board of Education is committed to an objective review of and the consideration of appeals for students denied interdistrict attendance agreements from local school districts.

The laws on student attendance, interdistrict attendance agreements, and interdistrict attendance appeals in the California Education Code 46600-46610, as well as the local school district's policies and administrative regulations for interdistrict attendance, also apply in these appeals. Parents and/or students 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.

The Shasta County Board of Education requires that a parent/guardian with educational rights for the student attend the hearing to ensure the Board is well informed prior to making a decision.

Districts that have denied an interdistrict attendance request being appealed to the Shasta County Board of Education should take all steps to ensure that they are represented at the appeal hearing by the Superintendent or an administrative designee empowered to make commitments and decisions on behalf of the district.

It is hoped that this handbook is a useful tool in understanding the interdistrict attendance appeal process.



INTERDISTRICT ATTENDANCE APPEALS

Shasta County Board of Education Authority

The Shasta County Board of Education has legal authority to review the procedures and reasoning followed by a school district after the school district has rejected or failed to rule on an interdistrict attendance request. The Shasta County Board of Education will determine whether to grant or deny an interdistrict attendance request after reviewing the relevant facts from the parent, student, and local school district(s) involved.

Limitations on Shasta County Board of Education Authority

There are limits on the types of appeals the Shasta County Board of Education can hear. For example, the Board has no authority to consider the following interdistrict attendance appeals or issues:

1. To determine the specific school within the school district where the student will be enrolled. This authority is reserved for the school district of attendance, after the Shasta County Board of Education has made its final decision;

2. Denial of an interdistrict transfer request based exclusively upon parent physical employment within the district under [Ed. Code 48204(b)];

3. Denial of an interdistrict transfer request by a student under consideration for expulsion or who has been expelled [Ed. Code 46601(e)];

4. Denial of an intradistrict transfer between schools within the same district [Ed. Code 35160.5(b)];

5. A dispute over the placement of a special education student or the services provided to a student with disabilities. Such a dispute should be handled by the district of residence through special education procedures [Ed. Code 56505(g)-(i); 20 U.S. Code 1415(f)]; or

6. A determination by a school district regarding the validity or invalidity of a caregiver affidavit [Ed. Code 48204(d) and Family Code 6550, et seq.].

7. Denial of an application to attend a district other than the district of residence under the District of Choice program. District of Choice application denials are not subject to appeal to the Shasta County Board of Education under current law.

Shasta County Board of Education Authority in Appeals Involving Two Counties

If the interdistrict attendance involves school districts located in different counties, the appeal will be heard by the County Board of Education for the district denying an agreement or refusing or failing to enter into an agreement. If both districts in different counties deny an agreement, and refuse or fail to enter into an agreement; the County Board of Education for the district of residence shall hear the appeal. If the appeal is granted, the County Board of Education for the other district will be asked to agree. If the two County Boards of Education do not then agree, the student's appeal shall be denied [Ed. Code 46601 (d)].

Actions the Shasta County Board of Education May Take

The Shasta County Board of Education's review of the appeal may result in:

1. Granting the interdistrict attendance appeal and enrolling the student in the requested school district;
2. Denying the appeal and ordering the student to return to the school district of residence; or,
3. In rare cases, remanding the case to the local school district for further consideration of new evidence or new grounds for the request for interdistrict attendance.

FILING A REQUEST FOR AN APPEAL HEARING

An appeal hearing must be requested **within thirty (30) calendar days** of when the request for interdistrict attendance was denied by the school district. Before a request for an appeal hearing is filed, the parent must check the policies of the school district that denied the request for interdistrict transfer to see if there is any type of internal appeal procedure (i.e. decisions by the district superintendent may be appealed to the school district governing board). If there is an internal appeal procedure, it must be followed before an appeal is filed with the Shasta County Board of Education.

The appeal hearing process begins with completing and filing a **"Request for Interdistrict Attendance Appeal Hearing"** form which is provided at the end of this handbook. Please read this entire handbook before completing the form. It is recommended that the section "Facts That Will Be Considered" be read thoroughly. The form must be completed legibly, signed, and returned within the applicable timelines. The form can be delivered in person or by placing it in the mail to the following address:

Shasta County Office of Education
Attn: Shasta County Superintendent of Schools
1644 Magnolia Ave.
Redding, CA 96001

The completed appeal hearing request form should be accompanied by:

1. A copy of the original Application for Interdistrict Transfer Permit;
2. A copy of any letters from the district of residence regarding the request;
3. A copy of any letters from the denying school district regarding the request; and
4. Any additional written statement or documentation that is pertinent to the request.

The Shasta County Board of Education will accept a date-stamped copy of the Application for Interdistrict Transfer Permit filed with the school district as evidence that district procedures have been complied with in the event the district fails to act on the original request.

The reasons for an appeal hearing request must be the same as those stated on the original Application for Interdistrict Transfer Permit. If the reasons on the appeal hearing request are substantially different, the parent may be asked to reapply for an interdistrict transfer.

The effective date of the appeal hearing request is the date on which the completed and signed appeal hearing request form is received by the Shasta County Superintendent of Schools office.

The Executive Assistant to the Shasta County Superintendent of Schools can be contacted at (530) 225-0227 for any questions regarding the appeal hearing process.

PROCESSING THE APPEAL HEARING REQUEST

Shasta County Superintendent of Schools Office Will Verify Information

After receiving an appeal hearing request, the Shasta County Superintendent of Schools office will review the information submitted and may seek to verify certain information before an appeal hearing date is scheduled. The Shasta County Superintendent of Schools will verify whether the student is subject to expulsion. A parent cannot appeal the denial of an interdistrict attendance request if the student is up for expulsion or is currently serving an expulsion term.

The Shasta County Superintendent of Schools office will also check to see if any appeal processes in the local school district have been exhausted. If the local appeal channels have not been followed, the parent will be asked to complete the district appeal process before going forward.

The Shasta County Superintendent of Schools office will review the case to determine that all timelines have been honored prior to setting a hearing.

Misinformation and/or falsification of information may cause rejection of an appeal.

Setting a Hearing Date

If the written appeal hearing request is complete and appropriately filed at the Shasta County Superintendent of Schools office, the Shasta County Superintendent of Schools and the Shasta County Board of Education President will place the matter on the Board agenda for a regular or special meeting to be held no later than thirty (30) calendar days following the effective date of the appeal hearing request. The Shasta County Board of Education may extend this thirty (30) day period an additional five (5) calendar days for good cause [Ed. Code 46601(b)]. The Shasta County Superintendent of Schools has discretion to approve a request for postponement filed by the parent or by the school district for good cause provided the written request is received at least seven (7) calendar days prior to the appeal hearing date, except in an emergency. A postponement by the party who filed the appeal hearing request extends the timeline for the Shasta County Board of Education to make a decision.

Notification of Hearing Date

The Shasta County Superintendent of Schools office will notify the parent and the school district(s) involved in writing of the date, time, and place of the appeal hearing.

WHAT ABOUT THE STUDENT DURING THE PROCESS?

For a period not to exceed two (2) school months, the governing board of a school district may provisionally admit to their schools a student who resides in another district, pending a decision of the two boards, or by the Shasta County Board of Education upon appeal, regarding interdistrict attendance (Ed. Code 46603). Although the school district may admit a student to a school in their district pending the appeal, they are not required to admit the student.

PREPARING FOR THE APPEAL HEARING

Written Statement or Documentation

After the appeal hearing request is received, the parent and district will be invited to provide a written statement and/or additional documentation that they would like the Shasta County Board of Education to consider. Prior to the hearing, the district will be provided a copy of information submitted by the parent and the parent will be provided a copy of information submitted by the district.

Additional Documentation

Adequate documentation is helpful when presenting information to the Shasta County Board of Education. Evidence is most effective when it is provided in writing, related to the issue at hand and is the type of evidence upon which reasonable persons can rely in the conduct of serious affairs. Some examples of additional documentary evidence include:

- Professional recommendations by doctors, educators, psychologists, or others.
- Verification of transportation or childcare providers, employment, teachers, or others.
- Brochures or written information about special programs in the school district or community of requested attendance.

Cumulative (CUM) File

With written consent from the parent, the Shasta County Superintendent of Schools office may request the CUM file (or copy) from the student's current school of attendance to have available at the hearing for review by the Shasta County Board of Education.

Waiver of Privacy of Documents Provided

There are numerous laws which protect the release of confidential records. For example, there are certain laws regarding the privacy and confidentiality of student records. (See Ed. Code 49060, et seq.) There are also laws regarding the confidentiality of juvenile court records and medical records. If the parent wishes to have the Shasta County Board of Education consider material from confidential records, it is understood that submitting the records to the Board for the purpose of the appeal hearing **is a waiver of the privacy rights in those records**. In other words, the parent consents for the Shasta County Board of Education to review and comment on the records during the appeal hearing. The parent may wish to consult legal counsel regarding such documents.

Multiple Appeals

Families with multiple appeal hearing requests may have them heard separately or as one. If all the appeals are heard as one, there will be a separate vote on each student, but only one written decision.

Legal Counsel or Advocate at the Hearing

Although the hearing is informal, the parent may bring legal counsel or an advocate. The use of any legal counsel or advocate will be at the parent's own expense.

Verbal Presentation/Witnesses

The Shasta County Board of Education will rely on the written information provided prior to the appeal hearing by the parent and the school district, as well as the verbal presentations that are made at the appeal hearing. A brief verbal presentation should be prepared which focuses on the factors that the Shasta County Board of Education will consider during the appeal hearing. Parents may bring a witness or someone who might make a special statement on behalf of the student to the appeal hearing. Witnesses need to be prepared to make a brief presentation.

Conduct of the Appeal Hearing

The hearing will be conducted in closed session during a Shasta County Board of Education meeting unless the parent requests in writing a public hearing seven (7) calendar days in advance of the hearing.

FACTS THAT WILL BE CONSIDERED

In its discussion and deliberations on the appeal, the Shasta County Board of Education will consider the conditions of, and reasons for, the parent's request for an interdistrict attendance transfer. In deciding whether to grant or deny an appeal, the Shasta County Board of Education weighs the facts which support the criteria favoring a transfer against the adverse impacts presented by the school district.

The parent will have an opportunity to share with the Board their reason for the transfer and how the transfer will affect their child in a positive manner.

The school district representative will have an opportunity to share with the Board the district's reason for the denial of the transfer.

Documentation from all parties supporting their respective positions regarding the appeal must be submitted by the timelines provided by the Shasta County Superintendent of Schools office prior to the appeal hearing. If timelines are not met, supporting documentation will not be considered. If new evidence or grounds for request are presented at the appeal hearing, the Shasta County Board of Education may remand the case for further consideration to the district denying the transfer request.

Ultimately the Board will make their decision based on what they believe is in the best interest of the student.

The Shasta County Board of Education weighs all the facts in each case and makes a decision based on the merits. Misinformation and/or falsification of information provided by either party shall be good cause for deciding against that party.

Factors Which May Support Denying an Appeal

The Shasta County Board of Education, in its discretion, may determine that evidence provided by the affected district to justify one of the adverse impacts listed below outweighs facts supporting one or more of the above criteria justifying granting the appeal. There is no point system, it is up to Board Members to decide which factors are important or which ones outweigh the other. The decision is based explicitly on the following five factors.

1. **The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).** In either case, the impacted district must demonstrate in writing that the student's transfer would place an undue hardship on the district operations and/or resident students in terms of costs, reduced services, or other unacceptable outcomes.

2. **The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies.** The demonstration of such failure by the district of proposed attendance must be based on a written explanation of the district's previous experience with the student under an interdistrict attendance agreement or on other documented evidence of behavior or attendance in the prior district of attendance.

3. **Overcrowding/Lack of space for the student in the receiving district.** The district of proposed attendance must demonstrate in writing that the student's transfer would result in an undue hardship on the district's resident students in terms of overcrowding or priority for enrollment in a specific program and/or would be a violation of law, district policy, or a collective bargaining agreement regarding class sizes or facilities use.

4. **The negative impact of the student's transfer based on a court order.** The parent must provide the court order and written evidence of the anticipated negative impact of the student's transfer.

5. **Other exceptional or extraordinary circumstances, which would weigh heavily in favor of the affected school district.** The school district must specify and describe the type of exceptional or extraordinary circumstance.

Unlike some other items that come before the Board, there is not enough information to make a recommendation until the Board hears comments from the parent and the district at the appeal hearing.

THE APPEAL HEARING

Appeal hearings are conducted during a regular or special meeting of the Shasta County Board of Education at the following location:

Shasta County Office of Education
1644 Magnolia Ave.
Redding, CA 96001

The Shasta County Board of Education will hold a hearing within thirty (30) calendar days following receipt of the appeal hearing request unless the parent or the school district requests a postponement.

Either the parent or the school district may request a postponement by submitting a written request, including the reason, to the Shasta County Superintendent of Schools office at least seven (7) calendar days prior to the hearing. The request shall be acted upon within two (2) days after determining whether the request is based on good cause. Any request for postponement made less than seven (7) calendar days prior to the hearing will be considered by the Shasta County Board of Education at the appeal hearing. The request will be granted only upon a finding that a compelling reason or an emergency exists.

Both the parent and the school district will be sent notice of the appeal hearing date by mail prior to the hearing. The notice will specify the date, time, and place of the hearing. The Shasta County Board of Education usually holds its regular meetings on the second Wednesday of each month at 1:30 p.m. Appeal hearings are normally scheduled to coordinate with a regular meeting. The Shasta County Board of Education may be required to schedule a special meeting on a different date for the appeal hearing.

The hearing will be conducted in closed session unless the parent requests in writing a public hearing seven (7) calendar days in advance of the hearing.

It is the intent of the Shasta County Board of Education to conduct the hearing in a fair and sufficiently informal manner to encourage open communication and understanding of the system. The hearing will also be conducted in such a manner that no special legal expertise is necessary and so that all parties have the opportunity to present their case fairly and completely. Strict rules of evidence as required in court proceedings will not be applied.

Persons to be heard will be limited to the parent, student or student representative, witnesses, representatives of the school district, and the Shasta County Superintendent of Schools and/or designee(s). The law provides that the parent may have legal counsel or an advocate present if they wish. The Shasta County Board of Education requires that a parent/guardian with educational rights for the student attend the hearing.

During the appeal hearing the parent, student or student representative, witnesses, and the representative of the school district will take seats at a table in front of the Shasta County Board of Education. The hearing is conducted as follows:

1. There are seven (7) members on the Shasta County Board of Education; four (4) members must be present for a quorum to conduct the hearing.

2. After introduction of all parties, the Shasta County Superintendent of Schools, or designee, will serve as a facilitator for the hearing and will explain the procedures to be followed during the hearing.

3. The parent, student or student representative, will present the reasons for requesting the student attend the district of requested attendance. The speaker will have a specified amount of time [normally fifteen (15) minutes] to summarize his/her position. During this time, the speaker will also respond to questions from the Board, if any.

4. The school district representative will be given the opportunity to describe its position and the action taken by the district [normally fifteen (15) minutes)]. During that time, the school district representative will respond to questions from the Board, if any.

5. The parent will be given additional time to present any rebuttal information to the information presented by the school district and give any closing remarks. The school district representative will also have additional time for closing and/or response.

6. Board Members may ask questions to clarify the issues. The Board may also ask questions of the staff and/or legal counsel.

7. The Shasta County Superintendent of Schools, or designee, may at this time present any factual information or other consideration not already covered by others present.

8. Following the hearing, the parent, student, and student representative as well as the school district representative shall be excused and the Board shall convene to a closed deliberation.

9. When the Board President determines that deliberations are complete, they will then open the closed session and report action taken in the closed session deliberation.

10. A majority of the Board Members must vote "yes" for the appeal to be granted. If a majority of the members present do not vote to grant the appeal, it will be denied. There are seven (7) members on the Board, four (4) members constitutes a majority regardless of the number of members present (BB 9323).

The Shasta County Board of Education shall render a decision within three (3) school days of the hearing, unless the person who filed the appeal requests a postponement. The decision of the Board may only be to:

1. Approve the appeal
2. Deny the appeal, or
3. Remand the case back to the school district.

The Shasta County Board of Education may order attendance in a school district, but not in a specific school within the district. The decision rendered by the Board will be recorded in the Board minutes.

AFTER THE APPEAL HEARING

Following the Shasta County Board of Education rendering their decision, a written decision incorporating the Board's rationale will be mailed to all parties within three (3) school days.

If the Board determines that the appeal is approved, the student shall be enrolled in the school district of requested attendance without delay.

If the Board determines that the appeal is denied, the student shall be enrolled in the school district of residence without delay.

Shasta County Board of Education

REQUEST FOR INTERDISTRICT ATTENDANCE APPEAL HEARING

(Please print or type all material except signature)

[**Note**: This appeal hearing request shall be submitted to the Shasta County Superintendent of Schools office within thirty (30) calendar days following the date of a school district's failure or refusal to enter into an agreement allowing interdistrict attendance.]

Student Name: _____ Birth Date: _____ Grade: _____

Parent/Guardian Name(s): _____

Residence Address: _____
Address City State/Zip

Primary Phone: _____ E-Mail: _____

Name of anyone other than the person completing this form that has educational rights for the student, if none, write "N/A": _____

School District in which student lives: _____

School District student is now attending: _____

School District student desires to attend: _____

1. How many other children in the home? _____ If any, give ages: _____

2. Do they attend school in the district of residence? Yes ◯ _____ No ◯ _____

Explain, if answer to #2 is no: _____

_____

_____

Explain why you have requested an interdistrict attendance transfer. The information provided will be reviewed by the Shasta County Board of Education to help them arrive at a decision regarding your appeal. Include any facts that you believe will help your appeal. You are invited to explain your request in more detail to the Board at the hearing. If you need more space, please attach a separate sheet to this form. _____

_____

_____

_____

Please attach to this form the following:

1. A copy of the original Application for Interdistrict Transfer Permit;
2. A copy of any letters from your district of residence regarding your request;
3. A copy of any letters from the denying district regarding your request; and
4. Any additional written statement or documentation that is pertinent to your request.

This request is submitted in accordance with Education Code 46601 and the Shasta County Board of Education Board Policy 5117.1. I understand that the Shasta County Board of Education will rely upon the information submitted to decide my appeal. I hereby certify that I have read the Shasta County Board of Education Interdistrict Attendance Appeal Handbook and that the information I have provided is true and correct to the best of my knowledge.

In addition, if anyone is listed above as having educational rights for the student other than myself, I hereby certify that I have consulted with the person(s) named and they are in agreement with this request for an appeal hearing.

_____ _____

Signature of Parent/Guardian or Adult Student Filing Appeal Hearing Request Date

Submit to:
Shasta County Office of Education • Attn: Superintendent's Office • 1644 Magnolia Ave. • Redding, CA 96001