

INTERDISTRICT ATTENDANCE

Although students generally must attend school in the district where their residency has been established, the Governing Board recognizes justifiable reasons for occasional interdistrict transfers.

The district Superintendent shall be authorized to execute interdistrict attendance agreements with any other public school district.

Upon request, the Board may accept students from another district and may also allow students who live within the district to attend out-of-district schools.

**SECTION 1:
INTERDISTRICT REQUESTS OUT OF MPCSD**

1.1 Attendance of Menlo Park City School District residents to Other Districts

The Menlo Park City School District does not grant district residents interdistrict transfers to other districts as a matter of routine practice. Exceptions may be made for the following reasons:

- 1.1.2 Tinsley Voluntary Transfer Program: The court ordered voluntary desegregation plan is available to resident students in accordance with the rules and regulations of the court-ordered mandate.
- 1.1.3 Interdistrict Transfer: This voluntary transfer of enrollment must be authorized by both the Menlo Park City District and the district of desired attendance.
- 1.1.4 Allen Bill (employment-related) transfers: This applies when a parent/guardian has his/her primary place of employment outside the boundaries of the school district (e.g., a resident who teaches in another school district and wishes to enroll his/her child(ren) in the school where she/he teaches). Primary place of employment is defined as the employee's business address. Employment is defined as working 40 or more hours per week.
- 1.1.5 Child Care: This enables parents to ensure child care needs of the student (Education Code 46601.5).
- 1.1.6 Special Mental/Physical Health/Educational Needs: This allows for special mental, physical health as certified by a physician, or educational needs, as certified by a school psychologist, or other appropriate school personnel.
- 1.1.7 Siblings: This allows for a student to attend with brother(s) or sister(s)

attending school in a different district, thus avoiding splitting the family's attendance.

- 1.1.8 To allow student to remain with a class graduating that year from an elementary or middle school.
- 1.1.9 To provide a major change in school environment for reasons of personal and social adjustment, on a trial basis.
- 1.1.10 When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district.

1.2 **Application Process for Menlo Park City School District residents to Other Districts**

- 1.2.1 Obtain an interdistrict transfer request form from the Menlo Park City School District registrar located at the District Office.
- 1.2.2 Submit form to desired district.

SECTION 2: INTERDISTRICT REQUESTS INTO MPCSD FOR NEW STUDENTS

The Menlo Park City School District does not permit non-district resident enrollment as a matter of routine practice. Exceptions may be made for the following reasons:

- 2.1 Tinsley Volunteer Transfers according to the court order are automatically approved.
- 2.2 Children of employees (minimum of 0.5 FTE) of the Menlo Park City School District
- 2.3 Extreme hardship or health reasons

SECTION 3: INTERDISTRICT REQUESTS INTO MPCSD FOR CURRENT STUDENTS

The Menlo Park City School District does not permit non-district residents enrollment as a matter of routine practice. Exceptions for current students who move out of the district during the school year may be made for the following reasons:

3.1 Current students who HAVE formally notified the district:

Children of parents/guardians who have formally notified the district of their address change no later than the date of the move will be excluded from the district at the end of the trimester or at the end of the school year based on the date they moved out of the District.

- 3.1.1 End of Trimester: If date of move is before the end of the first trimester
- 3.1.2 End of School Year: If date of move is after the end of the first trimester AND parent completes the requirements for a Short-Term Interdistrict Transfer Agreement

Short-Term Interdistrict Transfer Agreement:

Current students (special consideration for 5th and 8th grade students) may be granted a short-term interdistrict transfer if all of the following conditions are met:

- 3.1.2.1 Submission of approved interdistrict transfer agreement with district of residence within 10 days of the date of move (see section 4 for application process)
- 3.1.2.2 Submission of proof of move-in date; new lease, new rental agreement or new mortgage documents (move-in date must be after the end of the first trimester)
- 3.1.2.3 Parent meets with the Superintendent or designee to sign a Short-Term Interdistrict Transfer Agreement

3.2 Current students who HAVE NOT formally notified the district

Children of parents/guardians **who fail to notify the district** of their address change as required will be excluded from the district at the end of the week. (The Superintendent may consider, as a mitigating factor in a mid-year exclusion, the age of the child.) Parents/guardians who fail to comply with this section will forfeit all future opportunities to apply for an interdistrict transfer.

**SECTION 4:
INTERDISTRICT APPLICATIONS INTO MPCSD**

Note: Tinsley Voluntary Transfer is not an Interdistrict Transfer Agreement and does not apply to this section. Please contact the Menlo Park City School District registrar for Tinsley information.

4.1 Application Timeline

- 4.1.1 New Students: Applications for interdistrict attendance for new students shall be submitted to the District Office between **November 1 - April 1** of the year preceding the school year for which the student may be transferred. Interdistrict applications will not be reviewed and processed until after the **April 1** deadline.
- 4.1.2 Current Students: Applications for interdistrict attendance for current students who move out of the district during the school year must submit an approved Interdistrict Transfer Agreement from their district of residence within 10 days of the date of move. (see section 3 for more information)

- 4.1.3 Non-Resident New Employees: Applications for interdistrict attendance for students of newly hired non-resident employees shall be submitted following the completion of all paperwork with the district's HR Manager.

4.2 Application Process

- 4.2.1 Parents/guardian apply to their district of residence for an interdistrict transfer application.
- 4.2.2 If the interdistrict transfer application is accepted and approved by the district of residence, it will be forwarded to the receiving district for approval or denial.
- 4.2.3 The district of attendance will claim ADA for revenue purposes.
- 4.2.4 Reimbursement for special education will be considered by the district on an individual basis.
- 4.2.5 Parents/guardians accept full responsibility for transporting their children to and from school.
- 4.2.6 Students granted an interdistrict transfer must maintain satisfactory attendance, scholastic effort and behavior. Failure to do so may cause the agreement to be revoked.
- 4.2.7 Interdistrict Transfer Agreements must be renewed yearly and are subject to space available each year. It is recommended that the district maintain, as a guideline, a 5% reserve of space, based on current staffing ratio, at each K-5 school and a 3% at the middle school for students who may move into the schools' attendance areas during the year. In addition, another major criterion to be considered is the impact on the enrollment in the future at the middle school.
- 4.2.8 The decision to approve any interdistrict agreement requests may be delayed until after the first week of school when actual enrollment is known.
- 4.2.9 Short-term Agreements: agreements for resident and non-resident students may be made by the Superintendent during the time an interdistrict attendance request is being processed if it is the Superintendent's judgment that the request will be sustained at some stage of the process. The duration of these agreements will not exceed the length of time specified in the Education Code.
- 4.2.10 Interdistrict Transfer Agreements may be revoked for cause at any time.

4.3 Administration

- 4.3.1 The district Superintendent will administer the granting of interdistrict agreements in accordance with the law and with the policies of the Menlo Park City School District.

- 4.3.2 The Superintendent shall execute an agreement on behalf of the district with the district in which the student lives. The agreement shall stipulate the terms upon which the interdistrict agreement shall be permitted. The terms of the agreement shall require the transfer of the ADA as determined in the manner provided by Education Code 46600-46618, if applicable.
- 4.3.3 The parent/guardian of the student who is denied an interdistrict transfer shall receive timely notice, in accordance with law, regarding the process for appeal to the County Board of Education. This notice shall be provided by the district denying the request, or, in the absence of an agreement between the districts, by the district of residence.

Legal Reference:

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48317 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional occupational center/program, enrollment of students, interdistrict attendance

CALIFORNIA CONSTITUTION

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

ATTORNEY GENERAL OPINIONS

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

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

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Board Policy Revised/Adopted: March 12, 2019

Previous Adoptions: June 12, 2018, January 14, 2015, May 10, 2011, October 17, 2002, August 11, 1997, July 1, 1959

*Menlo Park City School District
Atherton, CA*