

Twin Hills Union School District

Regulation 5117: Interdistrict Attendance

Procedure

All interdistrict attendance requests must originate with the district of residence.

Parent(s)/guardian(s) wishing to request their child be transferred from their district of residence to the Twin Hills Union School District ("District") must complete the "Sonoma County Interdistrict Transfer Agreement" and submit it to their district of residence. This form may be obtained from the resident district's administrative office.

When approved by their district of residence, the district of residence must forward the request to the District.

The Board authorizes the Superintendent or designee to grant or deny interdistrict attendance requests for up to five school years pursuant to the rules in this Regulation. The Superintendent or designee may make exceptions to this general policy for any lawful reason.

If the request is approved, the parent(s)/guardian(s) may proceed to the assigned school site and register.

The Superintendent or designee may revoke/rescind the interdistrict permit for any lawful reason. Interdistrict permits will remain in force only if the student meets attendance, behavior, and academic requirements of the District.

In accordance with an agreement between the district and 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 website the procedures and timelines for requesting an interdistrict transfer permit, including a link to Board Policy 5117 - Interdistrict Attendance and Administrative Regulation 5117 – Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision

4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received
 - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Reasons to Grant or Deny

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

1. To meet the child care needs of the student, only as long as the student's child care provider remains within district boundaries
2. To meet the student's special mental or physical health needs as certified by a physician, school psychologist, or other appropriate school personnel
3. When the student has a sibling attending school in the receiving district, to avoid splitting the family's attendance
4. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
5. To allow the student to remain with a class graduating that year from an elementary or middle school
6. 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
7. When the student will be living out of the district for one year or less

8. 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
9. When there is valid interest in a particular educational program not offered in the district of residence
10. To provide a change in school environment for reasons of personal and social adjustment

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

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are transferred through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether 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)

The Superintendent or designee may deny initial requests for interdistrict attendance permits due any lawful reason, to include:

1. Limited district resources
2. Overcrowding of school facilities at the relevant grade level
3. Capacity of special education programs
4. Other considerations that are not arbitrary.

However, once a student is transferred, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

The District sets capacities to ensure it has space for resident students who might transfer in mid-year. These capacities are not reflective of overall class size capacities that are negotiated in any bargaining agreement. Capacities per class per school site are as follows:

- General Education Transitional Kindergarten: 18 students
- General Education Kindergarten: 22 students
- General Education Grades One to Three: 22 students

- General Education Grades Four through Eight: 26 students
- Resource/Education Specialist Program: 18:1 (caseload per certificated staff)
- Speech and Language Instruction: 25:1 (caseload per certificated staff)
- Occupational Therapy: 25:1 (caseload per certificated staff)

The Superintendent or designee shall deny interdistrict permits to any student who requires an educational program that the District does not operate.

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

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

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

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally transfer 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 transferred. (Education Code 46603)

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

Revoking/Rescinding an Interdistrict Permit

Interdistrict attendance permits may be revoked at any time during the school year for any of the following reasons:

1. A student disrupts the learning environment, which may include disciplinary incidents as defined in Education Code section 48900 *et seq.*
2. A student has excessive absences, defined as 5 unexcused absences, 5 unexcused tardies over 30 minutes, or 10 unexcused tardies under 30 minutes in a single school year, or any combination of these at the discretion of the Superintendent or designee
3. Violation of school or District rules and/or procedures
4. The conditions of eligibility under which the permit was originally granted do not remain in effect
5. A parent/guardian made false statements or misrepresentations in applying for or maintaining enrollment in the District
6. A student demonstrates insufficient scholastic progress
7. A parent/guardian has failed to submit a request for interdistrict attendance for renewal, per the terms of an existing interdistrict attendance agreement
8. A parent/guardian has demonstrated a pattern of behavior in violation of Board Policy 1313 - Civility

Transfers Out of the District

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

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

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

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance
 2. The County Superintendent of Schools has given the district a qualified or negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice
 3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31
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Policy Reference Disclaimer:

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

State	Description
CA Constitution Article 1, Section 31	<u>Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin</u>
Ed. Code 200	Educational equity
Ed. Code 41020	<u>Requirement for annual audit</u>
Ed. Code 46600-46611	Interdistrict attendance agreements
Ed. Code 48204	<u>Residency requirements for school attendance</u>
Ed. Code 48300-48317	<u>Student attendance alternatives; school district of choice program</u>
Ed. Code 48900	<u>Grounds for suspension or expulsion</u>
Ed. Code 48915	<u>Expulsion; particular circumstances</u>

Ed. Code 48915.1	Expelled individuals; enrollment in another district
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents/guardians in language other than English
Ed. Code 52317	Regional Occupational Center/Program; enrollment of students; interdistrict attendance
Ed. Code 8151	Apprentices; exemption from interdistrict attendance agreement
Management Resources	Description
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 198 (2001)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 132 (2004)
Court Decision	Walnut Valley Unified School District v. the Superior Court of Los Angeles County (2011) 192 Cal.App.4th 234
Court Decision	Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA

Cross References

Code	Description
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
3460	Financial Reports And Accountability
3460	Financial Reports And Accountability
3540	Transportation

3541	<u>Transportation Routes And Services</u>
3553	<u>Free And Reduced Price Meals</u>
3553	<u>Free And Reduced Price Meals</u>
5020	<u>Parent Rights And Responsibilities</u>
5020	<u>Parent Rights And Responsibilities</u>
5111	<u>Admission</u>
5111	<u>Admission</u>
5111.1	<u>District Residency</u>
5111.1	<u>District Residency</u>
5112.2	<u>Exclusions From Attendance</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.12	<u>District School Attendance Review Board</u>
5113.12	<u>District School Attendance Review Board</u>
5116	<u>School Attendance Boundaries</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5119	<u>Students Expelled From Other Districts</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
6146.3	<u>Reciprocity Of Academic Credit</u>

6146.3	<u>Reciprocity Of Academic Credit</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
6173.2	<u>Education Of Children Of Military Families</u>
6173.2	<u>Education Of Children Of Military Families</u>
7160	<u>Charter School Facilities</u>
7160	<u>Charter School Facilities</u>
9000	<u>Role Of The Board</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>