Book	Board Policies
Section	5000: Students
Title	Interdistrict Attendance
Code	BP 5117
Status	Active
Adopted	October 18, 2004
Last Revised	September 5, 2023
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Prior Revised Dates	March 17, 2008; March 15, 2010; December 13, 2010; October 8, 2012; June 15, 2015; February 16, 2016; December 4, 2017; May 20, 2019; February 18, 2020; September 5, 2023

BP 5117

INTERDISTRICT ATTENDANCE

The Board of Education recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

(cf. 0520.3 – Title I Program Improvement Districts)
(cf. 5116.1 – Intradistrict Open Enrollment)
(cf. 5118 – Open Enrollment Act Transfers

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 wished 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 interdistrict attendance agreement.

Legal Reference:

EDUCATION CODE
41020 Annual district audits
46600-46611 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48300-48315 Student attendance alternatives
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 ROP, enrollment of students, interdistrict attendance
ATTORNEY GENERAL OPINIONS
84 Ops.Cal.Atty.Gen. 198 (2001)
87 Ops.Cal.Atty.Gen. 132 (2004)

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:
CSBA PUBLICATIONS
Tranfer Law Comparison, Fact Sheet, March 2011
WEB SITES
California Department of Education: http://www.cde.ca.gov
CSBA: http://www.csba.org

Policy **TORRANCE UNIFIED SCHOOL DISTRICT**
approved: October 18, 2004 Torrance, California
revised: March 17, 2008; March 15, 2010; December 13, 2010; October 8, 2012; June 15, 2015; February 16, 2016; December 4, 2017; May 20, 2019; February 18, 2020; September 5, 2023

Book	Administrative Rules
Section	5000: Students
Title	Interdistrict Attendance
Code	AR 5117
Status	Active
Adopted	October 18, 2004
Last Revised	February 18, 2020

AR 5117

INTERDISTRICT ATTENDANCE

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

1. The date upon which the District will begin accepting and processing interdistrict transfer requests for the following school year

2. The reasons for which the District may approve or deny a request, and any information or documents that must be submitted as supporting evidence

3. If applicable, the process and timelines by which a denial of a request may be appealed within the District before the District renders a final decision

4. A statement that failure of a parent/guardian to meet any timelines established by the District shall be deemed an abandonment of the request

5. Applicable timelines for processing a request, including the following statements:

    a. For an interdistrict transfer request received by the District 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the District will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.

    b. For an interdistrict transfer request received by the District more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the District will notify the parent/guardian of ist final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.

6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by the 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)

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

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

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

1. To meet the child care needs of a student

2. When the student has a sibling attending school in a receiving district, to avoid splitting the family's attendance

3. To allow the student to complete a school year when his/her parents/guardians have moved out of the District during that year

4. To allow the student to remain with a class graduating that year from an elementary, middle or high school

5. To allow a high school senior to attend the same school he/she attended as a junior, even if his/her family moved out of the District during the junior year

6. When the parent/guardian provides written evidence that the family will be moving to the receiving district within sixty days and would like the student to start the year in that district

7. When a 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

(cf. 5113.1 – Truancy)

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

Interdistrict attendance permits or applications shall not be required for students enrolling in a regional occupational center or program. (Education Code 52317)

A student's interdistrict permit request may be denied because of poor scholastic achievement, unsatisfactory effort, excessive tardies, absences, truancy, continual disruption of the educational program, or falsification and/or omission of any enrollment documents; in addition, if the school is at capacity, the requested grade level is at capacity, or if the Special Education caseload at the requested school is at capacity.

A student's interdistrict permit agreement may be revoked at any time during the school year because of poor scholastic achievement, unsatisfactory effort, excessive tardies, absences, truancy, continual disruption of the educational program, falsification and/or omission of information requested in any enrollment documents, and/or failure of parent/guardian to respond to school or District inquiries. A notice of revocation shall be provided to the parent stating the reason(s) for revocation of the interdistrict permit as well as the procedure for appealing the revocation. Once a student's permit is revoked, the family may not reapply for 12 months for that student. If a parent wishes to appeal revocation of the permit, the appealing party must submit a written request to the Superintendent or designee specifying the reasons why the decision should be overruled. This written appeal must be received by the designee within 10 days from the date of the notice of revocation.

The Superintendent or designee may deny initial requests for interdistrict attendance permits if the school's facilities are overcrowded at the relevant grade level and based on other considerations that are not arbitrary. However, once a student is admitted, the District may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

(cf. 0410 – Nondiscrimiantion in District Programs and Activities)

The school district will (a) notify a parent submitting a current year request of its final decision within 30 calendar days from the date the request was received and (b) notify a parent submitting a future year request of its final decision as soon as possible, but no later than 14 calendar days after the beginning of instruction in the school year for which interdistrict transfer is sought.

* A "current year request" is an interdistrict transfer request received starting 15 days before school begins for the school year. (Education Code 46600.1 (c).)

* A "future year request" is a request received up until 15 days before school begins for the school year. (Education Code 46600.1 (e).)

(cf. 5145.6 – Parental Notification)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials for decisions 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)

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)

(cf. 5145.6 – Parental Notifications)

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 an appeal by the County Board, 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)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless the student's interdistrict permit was revoked for any of the causes referenced herein, or reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded for students entering grades 11 or 12 in the subsequent school year. (Education Code 46600).

Transfers Out of the District

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

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

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

1. The number of student transfers out of the District to a school district of choice has reached the limit specified in Education Code 48307 based on the District's average daily attendance.

2. The County Superintendent of Schools has given the District a negative budget certification or has determined that the District will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from the District to a school district of choice.

(cf. 3100 – Budget)

Regulation **TORRANCE UNIFIED SCHOOL DISTRICT**
approved: October 18, 2004 Torrance, California
revised: March 17, 2008; March 15, 2010; December 13, 2010; June 4, 2012; October 8, 2012; December 4, 2017; July 16, 2018; March 4, 2019; May 20, 2019; February 18, 2020