

INTERDISTRICT ATTENDANCE AGREEMENTS**General Policy**

The Board of Trustees recognizes that parents/legal guardians of students who reside in one District may, for a variety of reasons, desire to enroll their child in a school in another district. The interdistrict transfer process applies only to those parents/legal guardians who wish their children to attend a school in a district other than the one designated for the area in which they reside. The District provides a full range of curricular and co-curricular programs to meet the needs of its students and it is the intent of the Board of Trustees that students residing within District boundaries attend District schools. However, the Board of Trustees recognizes that some parents/legal guardians may prefer a school of attendance other than their school of residence. All District interdistrict attendance agreements will be acted upon by the Superintendent or designee.

Limits on Student Transfers into the District

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited District resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the District shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

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)

Limits on Student Transfers out of the District

The Superintendent or designee may limit the number of student transfers out of the District to a school district of choice based on the percentages of average daily attendance specified. In addition, transfers out of the District may be limited during a fiscal year when the County Superintendent of Schools has given the District a negative budget certification or when the County Superintendent 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. The District may deny a transfer of a student out of the District to a school district of choice if the Superintendent or designee determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the District.

Interdistrict Transfer Process

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

INTERDISTRICT ATTENDANCE AGREEMENTS (continued)

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 are further defined in this policy.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.

Transfer Priorities

Priority for interdistrict attendance shall be given to a student who has been determined by staff of 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)

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)

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

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

INTERDISTRICT ATTENDANCE AGREEMENTS (continued)

6. To allow a high school senior to attend the same school attended as a junior, even if the student's family moved out of the district during the junior year
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
8. When the student will be living out of the district for one year or less
9. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems that make it inadvisable for the student to attend the school of residence
10. When there is valid interest in a particular educational program not offered in the district of residence
11. To provide a change in school environment for reasons of personal and social adjustment

Attendance Agreements – Conditions

1. A parent/guardian found to have falsified information that was used as a basis for enrollment in any school in the District shall have the attendance agreement revoked. The revocation shall be immediate and notice promptly given to the student and parent/guardian.
2. Applicants must provide corroborating documentation when requested. This may include academic transcripts, attendance records, employment details, and other information to support the application. The District reserves the right to contact the employer to verify employment.
3. Attendance agreements shall be valid only for the balance of the school year remaining after the date the agreement is approved. Continuing grades 11 and 12 students do not need to apply for interdistrict attendance agreements. Furthermore, the agreement shall be valid only while the conditions stated in the request are maintained and only as long as the student's behavior, attendance, citizenship, and scholarship are satisfactory; except for pupils entering grades 11 or 12.
4. Attendance agreements must be renewed each year after their initial approval. All students and schools are subject to all California Interscholastic Federation (CIF) athletic eligibility rules and regulations. An approved attendance agreement in no way waives any CIF rule or regulation.
5. Transportation is not the responsibility of the District and shall be the sole responsibility of the parent/guardian. District bus passes will not be issued to students

INTERDISTRICT ATTENDANCE AGREEMENTS (continued)

residing outside of District. There will be no exceptions made. If a student is a child of an active military duty parent/guardian or a victim of an act of bullying, upon parent/guardian request, the District shall provide transportation assistance to those students who are also eligible for free and reduced price meals, as set forth under Education Code section 46600.

6. Child care, if needed, shall be the responsibility of the parent/guardian.
7. Should the behavior, attendance, citizenship, and/or scholarship of the student be found unsatisfactory, the attendance agreement may be revoked, except for pupils entering grades 11 or 12. A recommendation to revoke an attendance agreement shall be forwarded in writing to the Superintendent or designee, by the administration of the school where the student is enrolled.
8. When a student's residence is changed, the parent or guardian shall notify the school of the change in residence.

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

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

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

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603) Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

INTERDISTRICT ATTENDANCE AGREEMENTS (continued)

Legal Reference:

EDUCATION CODE

41020 *Annual district audits*

46600-46611 *Interdistrict attendance agreements*

48204 *Residency requirements for school attendance*

48300-48316 *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*

ATTORNEY GENERAL OPINIONS

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

4 *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

Policy

Adopted: August 18, 1997

Revised: February 4, 2000

Revised: September 15, 2000

Revised: June 30, 2003

Revised: March 28, 2005

Revised: March 8, 2011

Revised: December 9, 2015

Revised: October 21, 2020

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California