

Interdistrict Attendance

Status as Basic Aid District

The district is a community-funded ("basic aid") school district, unlike most other school districts in the state, and as such, the state does not provide funding to the district to educate children who reside in other school districts. As a result, the enrollment of out-of-district students reduces the educational resources available for resident students and increases class size. It is therefore the district's general policy not to accept interdistrict transfer students who might otherwise be allowed to enroll under Education Code 46600 et seq. or 48350 et seq.

School District of Choice

The district elects not to be a "school district of choice" as defined in Education Code 48300 through 48316, and no transfers will be accepted pursuant to Education Code 48300 et seq.

Transfer Requests

The Board of Education delegates to the Superintendent or designee the authority to grant or deny interdistrict transfer requests. The Superintendent or designee may make exceptions to the district's general policy to deny interdistrict attendance requests in any of the following situations:

1. Children of District Employees

A child seeking enrollment in a district elementary, middle or high school, whose parent/legal guardian residing outside of the district is employed as a regular employee of the district, may be enrolled for so long as the parent/legal guardian maintains district employment.

Once admitted in compliance with these conditions, and so long as the parent/legal guardian maintains employment within the district, the student is deemed a resident and not required to reapply in subsequent years. (84 Ops .Cal. Atty. Gen. 198 (2001).)

As used in this policy, a "regular employee" of the district is defined as:

- a. A certificated employee of the district who works for the district for at least 10 months per year;
- b. A classified employee as defined by Education Code 45103. The definition of classified employee does not include substitute or short-term employees, employed and paid for less than 75 percent of a school year, defined as 195 working days, including holidays, sick leave, vacation and other leaves of absence, irrespective of number of hours worked per day. The definition of classified employee also does not include part-time playground positions, apprentices, or professional experts employed on a temporary basis for a specific project, regardless of length of employment;
- c. A regular employee terminated due to layoff who has reemployment rights, provided that the child in question has been continuously enrolled and maintained regular attendance in a K-12 district school.

2. Severe Educational Hardship

In cases where severe educational hardship will directly result from the denial of interdistrict attendance; provided that (1) permitting the interdistrict attendance will not adversely impact district class size or otherwise result in substantial cost to the district, and (2) that interdistrict attendance for the individual student is approved by the student's district of residence. Examples of the rare circumstances which might warrant approval of interdistrict attendance are as follows:

- a. When a student has been legitimately enrolled as a resident and maintained continuous attendance in a Carmel Unified School District school for more than a year and, if otherwise required to change districts, would suffer severe hardship due to personal circumstances such as a terminal illness in the student's immediate family.
- b. A student who has a documented case of having suffered and/or is under the imminent threat of suffering a serious violent assault or sexual abuse at the student's district of residence, and this district would be the best alternative district for the student.

Interdistrict attendance will not be permitted solely to maintain stability or continuity for students as a result of parental separation or divorce, or where reasonable attendance options in another district exist for the student. The district Superintendent may require any evidence he or she deems necessary to verify a student's circumstances as a precondition for considering any request.

3. Victims of Bullying

At the request of a parent or guardian, priority consideration of an interdistrict transfer request under any existing interdistrict agreement shall be given to students who have been determined by personnel of either the district of residence or this district to have been the victim of bullying as defined in Education Code 48900, subd. (r). In the absence of an interdistrict agreement such a student shall be given additional consideration for the creation of an interdistrict attendance agreement. (Education Code 46600)

4. Mid-Year Change of Residency

If the student has been legitimately enrolled as a resident and maintained continuous attendance in the district, moves out of the district and notifies the district of the change of residency, the student may apply for an interdistrict transfer agreement to allow the student to remain until the end of the current trimester, semester, or school year.

5. Low Average Enrollment of Neighboring District

When the school district of residence is contiguous to the boundaries of the district and the average enrollment per grade level is seven or fewer students, in the district of residence and the district superintendent determines that permitting the transfer will not adversely impact district class size or otherwise result in substantial cost to the district.

6. Completion of Senior Year

If the student has successfully completed his or her junior year at a district high school as a resident, the student may apply for an interdistrict transfer agreement to allow the student to complete his or her senior year at the same district high school. Such interdistrict transfers shall only be granted to students who:

- a. Are in good academic standing, defined herein as having at least a 2.00 Grade Point Average through the end of his or her junior year;
- b. Have completed sufficient units to be reasonably within reach of earning a diploma by the end of his or her senior year; and
- c. Do not have a record of serious misbehavior resulting in the imposition of student discipline.
- d. Do not have a record of excessive tardies and/or classification as a habitual truant
- e. Have completed a residency affidavit affirming that they have resided within district boundaries through the end of their junior year and provide supporting documentation.

An interdistrict transfer approved under this exception may be canceled during the school year due to class size, or because of unsatisfactory attendance, academic progress towards graduation or student behavior.

7. Open Enrollment Act Transfers ("Romero Bill" Transfers)

An out-of-district student attending a school that is one of the state's 1,000 lowest performing schools, as identified on the Academic Performance Index ("API"), identified by the California State Department of Education as being on the "Open Enrollment Schools List" may apply for an interdistrict transfer by completing the application and review process as outlined in district Board Policy 5118 and Administrative Regulation 5118.

Updated and Accurate Information

Any student enrolled in the district pursuant to this policy shall immediately notify the district of any change in circumstances which would affect their eligibility for admittance under this policy. Failure to do so shall result in disenrollment and disqualification from future enrollment under this policy or the district's Student Residency Policy.

In no event shall interdistrict attendance be approved, and any such permission for attendance previously approved shall be immediately revoked, if false information has been provided to the district in the child's transfer application or in any initial or subsequent claim of residency to the district.

If false information is provided to the district for the purpose of enrolling a student or if the parent(s)/guardian(s) do not immediately notify the district of a change to their district of residence, parent(s)/guardian(s) shall be held liable for the expense to the district of investigating the child's residency.

Initial Requests

The Director for Student Services may deny initial requests for interdistrict attendance permits if school facilities are overcrowded at the relevant grade level, if such transfer into the District would require the employment of an additional employee or 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.

Within 30 days of the receipt of a request for an interdistrict permit, the Director for Student Services shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal.

Annual Re-enrollment

Unless otherwise specified by law, students admitted to the district as interdistrict transfers must apply for readmission to the district prior to each school year.

An interdistrict attendance permit shall not exceed a term of five years. Each permit shall stipulate the terms and conditions established by both districts under which interdistrict attendance shall be permitted, denied, or revoked, and any standards for reapplication. (Education Code 46600)

Once a student is enrolled in a school, 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 reapplication standards are otherwise specified in the permit. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

Appeal Process

An appeal to the Superintendent must be filed within 10 calendar days of the date listed on the denial by the Director for Student Services. The parent/guardian(s) will be offered an opportunity to meet with the Superintendent within 10 calendar days after the appeal was filed. The Superintendent will give his/her decision, in writing, to the parent/guardian(s) within 20 calendar days after their meeting. Except in cases where good cause is shown, the record shall not be reopened to consider evidence or argument which was not presented in the initial interdistrict transfer request.

If denied, an appeal to the Board must be filed within 10 calendar days of the date listed on the written denial by the Superintendent. Within 30 calendar days after the appeal was filed, excluding the month of July, the Board will conduct a hearing. The decision of the Board shall be reduced to writing and sent to the parents within two weeks of the hearing. If the Board denies the appeal, the Superintendent or designee shall advise the person requesting the interdistrict transfer regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

Revocation of Permits

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

1. Appropriate and sufficient space and/or funding is unavailable in the existing class, school, specialized program or district as determined by the Superintendent or designee.
2. A student disrupts the learning environment. This may include excessive absences, tardiness, or disciplinary incidents.
3. A student has adjustment problems and/or the welfare of the student or other students is compromised or endangered.
4. Violation of school or district rules and/or procedures.
5. The conditions of eligibility under which the permit was originally granted do not remain in effect.
6. A parent/guardian has made false statements or misrepresentations in applying for or maintaining the permit or in previously establishing or maintaining resident enrollment in the district.

(cf. 5145.6 - Parental Notifications)

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

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)

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:

CSBA PUBLICATIONS

Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

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

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

Policy CARMEL UNIFIED SCHOOL DISTRICT

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