

INTERDISTRICT ATTENDANCE

The board of Trustees recognizes that there are certain instances in which a student who resides in one district may request to attend school within another district and that such choices are made for a variety of reasons. However, the Board also believes that it is important that there be a reasonable ability for the District to project its enrollment effectively and to consider the fiscal and programmatic impact of interdistrict transfers with knowledge that the District offers a full range of programs and opportunities that can meet the needs of students. Therefore, the Board has determined that interdistrict transfers for students residing within the Penn Valley Union Elementary School District, not otherwise provided for by law, be limited.

The Board of Trustees has delegated authority to accept or reject interdistrict transfer requests to the Superintendent and/or designee. The Superintendent or designee may deny applicants for interdistrict transfers because of overcrowding within the District schools or limited District resources.

(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 5111.1 - District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5118 - Open Enrollment Act Transfers)

Interdistrict Attendance Permits

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs.

The Superintendent or designee shall ensure that interdistrict permits specify the terms and conditions agreed to by both districts for the granting, denial, or revocation of the permit as well as the standards for reapplication. (See Exhibit E5117 Board Approved May 8, 2014)

The Superintendent or designee may deny the granting of an interdistrict attendance permit because of fiscal and programmatic impact of interdistrict transfers including overcrowding within district schools or limited district resources.

Parents requesting interdistrict transfers after attending district schools will be asked to meet with the appropriate staff to determine if their concerns can be remedied. In cases where such concerns cannot be remedied, the Superintendent may approve the interdistrict transfer.

Parents requesting interdistrict transfers for Kindergarten or new students will require a meeting with the Principal before the request will be considered.

Transportation

The district shall not provide transportation outside any school attendance area. However, upon request, the Superintendent or designee may authorize transportation for students living outside an attendance area to and from designated bus stops within the attendance area if space is available. Priority for such transportation shall be based on demonstrated financial need.

Limits on Student Transfers out of the District to a School District of Choice

(This is a district that has filed with the California Department of Education that they are a "District of Choice" program.)

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 Education Code 48307. (*Education Code 48307 "A district with less than 50,000 ADA may limit the number of students transferring out under the program (District of Choice) to three percent of its current estimated ADA and may limit the maximum number of such transfers for the duration of the program to 10 percent of the ADA for that period."*)

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. (*Education Code 48307 authorizes a district of residence that has a negative status on the most recent budget certification made by the County Superintendent of Schools to limit the number of student transfers out of the district during that fiscal year to other districts that have designated themselves as a district of choice. In addition, when a County Superintendent has determined that the district would not meet the state's standards and criteria for fiscal stability for the subsequent fiscal year exclusively as a result of the impact of student transfers under the district of choice program, Education Code 48307 allows the district of residence to limit the number of transfers out of the district. The limitation is based on the number of additional transfers that the County Superintendent has identified that would exclusively result in a qualified or negative fiscal certification. However, Education Code 48307 provides that these limitations do not apply to students who, prior to June 30, 2009 had already transferred out and were already attending a school district of choice."*)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

The district may deny a transfer of a student out of the district to a school district of choice if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the district. (Education Code 48301)

A CHILD OF AN ACTIVE MILITARY DUTY PARENT/GUARDIAN SHALL NOT BE PROHIBITED FROM TRANSFERRING OUT OF THE DISTRICT TO A SCHOOL DISTRICT OF CHOICE, IF THE OTHER SCHOOL DISTRICT APPROVES THE APPLICATION FOR TRANSFER. (EDUCATION CODE 48301)

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
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

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>

Adopted: 2/9/16

(11/07 11/09 11/10 07/12) 12/15