

**INTERDISTRICT ATTENDANCE**

The Governing Board 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. 5111.12 - Residency Based on Parent/Guardian Employment)*  
*(cf. 5116.1 - Intradistrict Open Enrollment)*  
*(cf. 5118 - Open Enrollment Act Transfers)*

**Interdistrict Attendance Permits**

The Superintendent or designee may approve interdistrict attendance agreements 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.

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 wishes 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.

**Transportation**

The district shall not provide transportation beyond any school attendance area. Upon request, the Superintendent or designee may authorize transportation for interdistrict transfer students to and from designated bus stops within the attendance area if space is available.

**Limits on Student Transfers Out of the District to a School District of Choice**

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.

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)

*(cf. 3100 - Budget)*  
*(cf. 3460 - Financial Reports and Accountability)*

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)

**INTERDISTRICT ATTENDANCE** (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)

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

adopted: January 13, 1998

revised: August 14, 2014

revised: December 17, 2015

**LIVINGSTON UNION SCHOOL DISTRICT**

Livingston, California

**INTERDISTRICT ATTENDANCE**

A permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance.

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

1. To students that it has been determined by staff of either the district of residence or district of proposed attendance to be a victim of an act of bullying as defined in Education Code 48900(r). Such a student shall be given priority for interdistrict attendance. (Education Code 46600)
2. To meet the child care needs of the student. Such a student may be allowed to continue to attend district schools only as long as he/she continues to use a child care provider within district boundaries.
3. To meet the student's special mental or physical health needs, as certified by a physician, school psychologist or other appropriate school personnel.
4. When the student has a sibling(s) attending school in the receiving district, to avoid splitting the family's attendance.
5. To complete a school year when parents/guardians have moved out of the district during that year.
6. To allow the student to remain with a class graduating that year from an elementary or middle school.
7. When the parent/guardian provides written evidence that the family will be moving to the receiving district in the immediate future and would like the student to start the year in that district.
8. When a 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 staffs in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.
10. When there is a valid interest in a particular educational program not offered in the district of residency.
11. To provide a change in school environment for reasons of personal and social adjustment.
12. To children of active military personnel.

## **INTERDISTRICT ATTENDANCE**

The Board of Trustees hereby adopts the following terms and regulations relating to interdistrict attendance of regular day students as provided by Education Code Sections 46600 – 46611.

1. Out of district students will be permitted to attend Livingston schools with prior approval of the district of residence.
2. Livingston students will be permitted to attend out of district schools with prior approval of the Livingston School District.
3. There shall be no tuition charges to the district of residence for approved attendance.
4. Should any student be inadvertently enrolled in the district schools without prior approval of the district of residence, the student may be required to transfer to his district of residence.
5. A student's interdistrict agreement may be revoked as a result of falsification of information stated on the permit application, excessive truancy, continual disruption of the educational program or poor academic achievement as determined by the site administration.
6. Transportation shall not be provided for students admitted pursuant to an interdistrict attendance agreement. However, upon request, the Superintendent or designee may authorize transportation if space is available for students living outside of district boundaries to and from a designated bus stop within district boundaries.
7. 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 may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.
8. The Superintendent or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601.
9. 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)

Regulation  
approved: January 13, 1998  
revised: August 14, 2014  
revised: December 17, 2015

**LIVINGSTON UNION SCHOOL DISTRICT**  
Livingston, California