

Board Policy

Interdistrict Attendance

BP 5117

Students

The Board of Education recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

(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)

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

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.

Because the Beverly Hills Unified School District is a "basic aid" district, enrollment of pupils whose parents or guardians reside in other school districts shall be denied if the enrollment will negatively impact the capacity of a program, class, grade level, or school building or will have an adverse financial impact on the district.

The interdistrict attendance permit shall not exceed a term of one year and shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. (Education Code 46600)

The district shall not provide transportation for any permit program.

Members of the Board shall not attempt to directly or indirectly influence any decisions to issue or not issue a permit to any particular applicant.

The Superintendent or designee shall instruct all employees involved with permit decisions to report any attempt by a member of the Board to influence any individual permit decision to the

Superintendent.

If an applicant for a permit attempts to influence the decision by implying Board Member(s) support, then the employee involved in permits should report this concern to the Superintendent.

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 BEVERLY HILLS UNIFIED SCHOOL DISTRICT

adopted: January 26, 2016 Beverly Hills, California

Administrative Regulation

Interdistrict Attendance

AR 5117

Students

Upon request, the Superintendent or designee may accept students from another district and may also allow students who live within the district to attend out-of-district schools. The district shall not deem any student residing outside the district boundaries to be a resident of the district except as required by law, except for children of employees of the Beverly Hills Unified School District or the City of Beverly Hills. Interdistrict attendance may be approved on a year-to-year basis pursuant to agreements under Education Code 46600 for reasons outlined in section. I.

Every interdistrict attendance permit shall stipulate the terms and conditions under which the permit may be revoked.

Within 30 days of a request for an interdistrict permit, 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. (Education Code 46601)

Students who are under considerations 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 44601)

I. Reasons for Permits

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

A. To allow children of individuals employed by Beverly Hills Unified School District or by the City of Beverly Hills to attend schools within the district.

1. Children of employees of the district who are employed one-half time or more in a regular assignment, and who have been released pursuant to an interdistrict permit by the school district of residence, shall be considered to be resident children and, as long as they meet the requirements above, shall be automatically enrolled as students of the district. This provision does not include children of substitute employees, consultants, at-will employees, or adult education teachers.

a) Children of school employees who have permits to attend District schools may participate in the school of choice program, based upon space availability, of the upcoming school year, following the granting of school of choice for students residing in the district, based upon space availability.

b) Children of school employees who are attending BHUSD schools on permits may complete the school year during which their parent ceases employment.

2. Children of employees of the City of Beverly Hills who are employed one-half time or more as regular employees, and who have been released pursuant to an interdistrict permit by the school district of residence, shall be considered to be resident children and, as long as they meet the requirements above, shall be automatically enrolled as students of the district.

3. Children of employees of the district and of the City of Beverly Hills who are attending BHUSD schools while not residing within district boundaries must follow the criteria established by the district and listed in Section II of this policy in order to maintain attendance in BHUSD.

B. To allow children whose families move out of the district to maintain continuous enrollment in district schools through their senior year if they are in grades 11 or 12, provided that their families apply for a permit upon moving out of the district and that the student meets the district's terms for interdistrict permits. (Education Code 46600)

To provide educational options for children applying for an Open Enrollment Act transfer.

1. The Board of Education will establish the number of such permits to be offered each year, and should there be more qualified applicants than available spaces, students will be chosen via random lottery.

2. Student eligibility for an Open Enrollment Transfer shall be determined in accord with the definitions and guidelines set forth in Board policy and administrative regulation 5118.

C. Bullying

1. When the student 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 under any existing interdistrict attendance agreement or, in the absence of an agreement, shall be given consideration for the creation of a new permit. (Education Code 46600)

(cf. 5131.2 - Bullying)

II. Renewal of Permits

Each year, students attending the district on an interdistrict attendance permit shall submit a renewal packet. In order to be considered a renewal, the conditions under which the permit was originally granted must remain in effect; if the conditions under which the permit was originally granted do not remain in effect the permit shall be revoked. All permit renewal applications must include updated and current documentation and shall be reviewed, evaluated, and approved or disapproved by district staff prior to the start of the subsequent school year.

Returning students on permit have priority over new permits, provided they continue to meet the criteria and space is available.

A. Procedures for Filing Permits

1. To be considered for a permit in the district, the student must obtain written consent from the district of residence and provide a copy of that written consent prior to the annual selection process.
2. A district permit application together with the written consent must be filed at the Child Welfare and Attendance Office of the district.
3. In granting permits, priority shall be given to students who qualify for permits under Reason 1 as described in Section A of this regulation.
4. An accurate count of all in-coming and out-going permits will be maintained and kept on file at all times in the Child Welfare and Attendance Office.
5. It is the responsibility of the applicant to provide the necessary documentation in order to demonstrate eligibility for permits.

III. 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 does not profit from instruction and/or disrupts the learning environment. This may include excessive absences, tardiness, poor grades or disciplinary incidents.
3. A student had 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.

IV. Special Education and Related Services

If any child eligible for special education and related services under the Individuals with

Disabilities Improvement Act of 2004, except for a child whose parents have refused the initial provision of special education and related services, is determined to be at risk of having his or her interdistrict attendance permit revoked for one or more of the reasons outlined above, the district shall convene an individual education program ("IEP") team meeting within a reasonable amount of time of such determination to determine whether the student's failure to meet the requirements for maintaining an interdistrict attendance permit was due to a reason related to his or her disability.

If, at the IEP team meeting, it is determined that the student's failure to meet the requirements of this policy was due to reasons related to his or her disability, the district shall not revoke the student's interdistrict permit.

V. Annual Establishment of Interdistrict Permit Cap

Each year, the Board will review current year enrollment, interdistrict permit numbers, enrollment projections and related budget information as a basis for establishing the interdistrict permit cap for the subsequent school year.

VI. False Statements or Misrepresentations

A parent/guardian who has made false statements or misrepresentations in applying for or maintaining the individual interdistrict permit or in previously establishing or maintaining resident enrollment in the district shall have the permit denied and/or revoked.

VII. Displacement of Students Due to Lack of Space

1. The district will make every attempt to minimize displacement of students due to lack of space.

2. If a student is displaced he/she will not be moved again.

3. If displacement is necessary, the process and priority order for displacement shall be as follows:

a. Volunteers will be requested from the impacted class/site. First priority will be given to resident family requests as per Board Policy and Administrative Regulation 5116.1, followed by requests made by families of students on interdistrict attendance permits. When requests made by families of students on interdistrict attendance permits are able to be honored, requests to join siblings or to return to a school from which the student was previously displaced will be honored first.

b. The most recently enrolled non-special education students without IEP's attending on a permit to provide educational options for students from other districts will then be relocated.

c. The last students on interdistrict attendance permits to be moved shall be the children of district employees. Children of employees will not be involuntarily transferred from one site to

another based upon lack of classroom space following two years of continuous employee service and two continuous years of student attendance in the school years immediately preceding.

d. Students who are placed in a school for documented mental or physical health needs will not be reassigned to a different school site.

Regulation BEVERLY HILLS UNIFIED SCHOOL DISTRICT
approved: January 26, 2016 Beverly Hills, California