

Albany USD

Board Policy

Interdistrict Attendance

BP 5117

Students

Interdistrict Permits

California state law and the rules and regulations of the California Board of Education state a preference that students attend schools in their district of residency. The district Board of Education believes that children should attend schools where they live. The Board shall consider requests for interdistrict permits in accordance with this general principle.

The Board recognizes that students who reside in one school district may wish to attend school in another school district and that such choices are made for a variety of reasons. Because of capacity issues within the district and due to limited resources, the Board will consider approving such permits on a case-by-case basis through an interdistrict permit agreement with another school district. In the case of a student wishing to transfer into the district, the request will be considered when class enrollment or program availability permits the attendance of an out-of-district student.

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 permits 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)

(cf. 5116.1 - Intradistrict Open Enrollment)

The Superintendent or designee of the district shall review all requests for interdistrict permits. The Superintendent is authorized to grant or deny interdistrict permit requests.

The decision to admit out-of-district students is discretionary. When capacity exists, interdistrict permit requests may be approved based on the following priorities:

* 1st Priority: Students whose parent/guardian is an employee of the Albany Unified School District (must work .40 FTE or more)

* 2nd Priority: Students whose parent/guardian is an employee of the City of Albany, (employed at least 20 hours a week)

* 3rd Priority: Students whose sibling(s) is/are ongoing interdistrict permit students; or to ensure educational continuity of students.

* 4th Priority: Students whose parent/guardian has been a business owner/operator within the City of Albany for a period of at least 12 months prior to their application.

* 5th Priority: All other applicants.

Notwithstanding these priorities, the Superintendent or designee may grant a permit request if, in the judgment of the Superintendent or designee, the parent/guardian provides evidence of extraordinary circumstances warranting a transfer.

The Board believes in educational continuity and feels that an interdistrict permit student, once granted a non-temporary interdistrict permit, should not be exited except for violation of their Interdistrict Attendance Contract or under extraordinary circumstances (such as a threat of physical harm to a student or student is a victim of bullying as defined in Education Code 48900[r]) warranting a transfer.

The Superintendent or designee may deny applications for interdistrict permits due to space limitations or other nondiscriminatory reasons. The Superintendent or designee may also revoke an interdistrict permit for nondiscriminatory reasons.

The parent/guardian of a student who is denied an interdistrict permit pursuant to Education Code 46600-46611 shall receive timely notice, in accordance with law, regarding the process for appeal to the Albany Unified School District Board, and to the County Board of Education. A student whose request for an interdistrict permit is based on his/her parent's employment within the district's boundaries, including employment by the district, shall not have the right to appeal a denial to the County Board.

Students who have been expelled from other school districts may not be admitted to the district on interdistrict permits during the period of their expulsions. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict permit denials while expulsion proceedings are pending, or during the term of the expulsion.

The district shall furnish the transferring student the same advantages, equipment, supplies and services as are furnished to other students in attendance in its schools. The district shall not provide transportation beyond its district attendance area. Upon request, the superintendent or designee may authorize transportation for interdistrict permit students to and from designated bus stops within the district if space is available.

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>

Policy ALBANY UNIFIED SCHOOL DISTRICT

Adopted: December 2, 2008 Albany, California

Revised: June 15, 2010

Revised: November 22, 2016