

Students

INTERDISTRICT ATTENDANCE

Interdistrict Attendance Agreements and Permits

Pursuant to Education Code section 46600, a student who is not a resident of the Fruitvale School District may apply for an interdistrict transfer and, if granted by the district of residence as well as the Fruitvale School District, such student may enroll but only subject to revocation criteria set out below. The Superintendent or his/her designee shall grant, deny or revoke all interdistrict transfer applications on a case-by-case basis pursuant to the criteria set forth below.

Applications are approved for enrollment in the District but not for a specific school. The Superintendent or his/her designee is responsible for assigning the school. School assignments are contingent upon available space in existing classes and may be reassigned if that situation changes. The District has defined class size for this situation to normally be 28 students per class. In grade levels participating in the Class Size Reduction Program, this number will normally be 18. For special day classes, the availability of space shall be determined by the Director, Special Education Support Services.

Interdistrict attendance agreements and permits must be renewed annually prior to the start of the next school year.

Parents of interdistrict transfer students must provide transportation to and from the receiving school.

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

The placement of students living within the District's boundaries, and requests made on the basis of Parent Employment within the District's boundaries have priority over interdistrict attendance requests. Siblings requesting future attendance in Fruitvale School District will not automatically be approved. If overcrowding in a grade level needs to be relieved by transferring students to another District school, students on Interdistrict agreements or permits may be transferred first.

Criteria for Granting Interdistrict Transfers

The Superintendent or designee may, at his or her discretion, approve interdistrict attendance permits for the following reasons:

1. A student who has been previously enrolled as an interdistrict transferee unless an earlier interdistrict transfer was revoked.
2. When the student has sibling(s) attending school in the District to avoid splitting the family's attendance unless the earlier interdistrict transfer was revoked.

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3. To meet the child care needs of the student due to parent's employment schedule but only if the student's child care provider is located within District boundaries. An interdistrict transfer based on this criteria automatically terminates upon the discontinued use of a child care provider located within District boundaries.
4. When a parent or guardian is employed by the District or within District boundaries. This criteria may not be construed as a grant of residency as discussed in Education Code 48204(b) and Board Policy 5111.1.
5. When the student and his/her family are moving into the District during the school year and provide adequate supporting documentation.
6. To allow a student to complete a school year when his/her parents/guardians have moved out of the District during that year.
7. To allow students to remain with a class graduating that year from an elementary or junior high school.
8. To provide a change in school environment necessary to address a need for personal or social adjustment or physical and mental health needs, which are adequately documented and in the judgment of the Superintendent require the transfer.
9. When recommended by the School Attendance Review Board or by county child welfare, probation or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.

Criteria for Denying Interdistrict Transfers

The Superintendent or designee shall deny an application for interdistrict transfer if:

1. An earlier interdistrict transfer was revoked.
 - a. If during a prior school year, grounds for revoking the interdistrict attendance agreement/permit arose, even though the pupil's agreement/permit was not actually revoked or processed for revocation.
2. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Education Code 48204 (c)).
3. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan, if any. (Education Code 48204)
4. The school facilities or programs are overcrowded at the relevant grade level.
5. Parent/guardian has no apparent means of arranging for or providing for transportation to and from school.

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6. The individual student needs a particular service or program in order to receive an appropriate public education and the District does not offer that necessary service or program.
7. If a program necessary for the student to receive an appropriate public education is full.
8. If the staff who provide that necessary service already has a full case load.
9. If enrolling the student would require the District to create a new program and/or hire additional staff.
10. If the student has been expelled from the sending district or is being processed for expulsion.
11. If the student's parent or guardian is a "registered sex offender" as defined by Penal Code section 290 or a "specified drug offender" as defined by Penal Code section 626.85.
12. Misleading or incorrect information is knowingly submitted to the District in support of an interdistrict transfer request.
13. Misleading or altered documentation is knowingly submitted to the District in support of an interdistrict transfer request.

Appeal of the Decision to Deny an Application for Interdistrict Transfer

The decision of the Superintendent or designee to deny an Interdistrict Transfer may be appealed to the County Board of Education within 30 calendar days of the decision to deny. The District shall provide such parents and guardians with written notice of their appeal rights. The written notice shall conform to the requirements of Education Code 46601.

Criteria for Revoking Interdistrict Transfers

Interdistrict attendance is a privilege and not a right. The District has the right to revoke the interdistrict attendance permit if a reasonable determination is made that a student's continuing presence would interfere with the needs of the District. An interdistrict attendance permit may be revoked for failure to comply with academic, behavior and attendance requirements of the District and any other terms and conditions set forth in the agreement or permit.

Interdistrict transfers may be revoked at any time for one or more of the following reasons:

1. The commission of misconduct prohibited by the Education Code. This includes suspension from school for violations of Education Code Sections 48900 48900.2, 48900.3, 48900.4 or 48900.7, or being classified as truant under Education Code Section(s) 48260, et. seq.
2. The commission of misconduct prohibited by the Penal Code;
3. Five or more unexcused absences;

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4. Ten or more unexcused tardies;
5. The student's failure to maintain a minimum GPA of 2.0;
6. Parent/guardian is unwilling or unable to provide or arrange for transportation to and from school at no cost to the District;
7. The commission of a violation of the Penal Code on or within 1000 feet of school grounds by a student's parent or guardian;
8. The commission of a violation of the Vehicle Code on or within 1000 feet of school grounds by a student's parent or guardian;
9. Parent/guardian makes a threat to inflict physical harm directed at a student or staff at any time or anywhere;
10. Parental/guardian use of offensive words or engaging in a course of conduct directed at students or staff which are likely to cause substantial emotional distress or provoke a violent response;
11. If a parent or guardian has at any time been directed to leave school grounds or other District property pursuant to either Penal Code sections 626.4, 626.6, 626.7, 626.8 or 626.85.
12. The commission of conduct tantamount to that described in Penal Code section 415 (disturbing the peace) by a parent or legal guardian against another adult including, but not limited to, another parent or legal guardian with a child enrolled in the District, and that conduct is perpetrated on or within 1000 feet of school grounds. Such conduct includes: fighting or challenging another to a fight; maliciously and willfully disturbing another by loud and unreasonable noise; and the use of offensive words which are inherently likely to provoke an immediate violent reaction.
13. Knowingly providing misleading or incorrect information to the District in support of an interdistrict transfer request.
14. Knowingly providing misleading or altered documentation to the District in support of an interdistrict transfer request.

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion. (Education Code 46601)

Appeal of Revocation Decision

If an interdistrict transfer is revoked, the parents or guardian will be given the opportunity to meet with the Superintendent or designee to discuss the reasons for the revocation and request reconsideration. Such a meeting must be requested within three (3) school days of the revocation decision.

If the a parent or guardian remains unsatisfied with the decision they may appeal to the Fruitvale Board of Trustees by submitting a written request for reconsideration to the Board of Trustees which explains the basis for the request. The appeal request must be received by the Superintendent or designee within five (5) school days of the decision to deny reconsideration of the revocation. The Superintendent shall agendize the appeal for the next regularly scheduled Board meeting. The decision of the Board of Trustees is final.

Regulation Approved: **May 12, 2009**

Fruitvale School District, Bakersfield, CA

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