

# CAMBRIAN SCHOOL DISTRICT

## Board Policy

Administrative Procedure 5117

Adopted: June 11, 2002

Revised: November 13, 2012

Adopted:

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## STUDENTS

### Interdistrict Attendance ~~Agreements~~ **and Permits**

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts, valid for one school year, and subject to availability of space.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements: (Education Code 46600.2)
  - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
  - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school

year for which transfer is sought.

6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded

~~I. No student shall be enrolled in other than the district of residence except as provided by the policies below. The district of residence shall give first consideration for transfer under the terms of the policies below. The superintendent or designee shall give first consideration for transfer into the Cambrian School District under the terms of the policies below.~~

### Approval

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600)

~~A. 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. (Ed Code 46600)~~

Until the district is at maximum capacity, the district shall accept any student whose interdistrict transfer application is based on being the victim of an act of bullying or a child of an active duty military parent/guardian. The district shall ensure that such students are admitted through an unbiased process that prohibits an inquiry into or evaluation or consideration of whether or not a student should be enrolled based on academic or athletic performance, physical condition, proficiency in English, family income, or any of the individual characteristics set forth in Education Code 220, including, but not limited to, race or ethnicity, gender, gender identity, gender expression, and immigration status. (Education Code 46600)

In addition, the Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

- ~~1. Children of fulltime employees of the Cambrian School District on a priority level after resident students and before interdistrict students with siblings.~~ Children of Cambrian School District employees who work for a minimum of 20 hours per week at the school site that is being requested, or Employees who work at multiple school sites or work at the District Office location.
2. To meet the child care needs of the student, only as long as the student's child care provider remains 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 attending school in the receiving district, to avoid splitting the family's attendance.
5. To allow the student to complete a school year when the student's parents/guardians have moved out of the district during that year
6. To allow the student to remain with a class promoting that year from an elementary or middle school
7. When the parent/guardian provides written evidence that the family will be moving into the district in the immediate future and would like the student to start the school year in the district
8. 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
9. When there is valid interest in a particular educational program not offered in the district of residence
10. To provide a change in school environment for reasons of personal and social adjustment

~~A. Extenuating Circumstance Pupils should attend school in the district in which they live except when circumstances indicate that the best interests of the pupil and/or the district would be served by attendance in another district or program.~~

### **Denial**

- II. 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 shall not deny continued attendance because of overcrowded facilities at the relevant grade level.**

**If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)**

**All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)**

### ~~IV. Parents Appeal to Local Board of Trustees~~

~~If the Superintendent either refuses the request or neglects to act on it within thirty (30) days after the person having custody of the pupil has made the request, the person~~

~~may appeal to the Board of Trustees.~~

#### ~~V. Parents Appeal to County Board of Education~~

~~If the Board of either district neglects or refuses to enter into such an agreement within 30 days after the person having custody of any pupil has requested the Board to do so, the person may appeal to the County Board of Education. The County Board shall, within 30 days after the filing of the appeal, determine whether the pupil should be permitted to attend in the district in which he desires to attend.~~

#### ~~VI. Provisional Admission Pending Board Decision~~

~~A pupil may be admitted provisionally to the schools of a district, other than that in which he lives, by the Board of the district for a period not to exceed two school months, pending decision by the Boards of the school districts concerned or by the County Board of Education relative to his admittance.~~

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

#### ~~IV. Expulsion or Under Consideration of Expulsion~~

~~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.~~

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)

#### Right to Appeal a denied Interdistrict Transfer:

All appeals must be made in writing by the person who has legal custody of the student and follow the steps listed below.

#### Step 1: Cambrian School District Enrollment Department

- Provide a written notice for reconsideration of the Interdistrict transfer to the Cambrian School District Enrollment Department. The Enrollment Department has thirty (30) days from receipt of the appeal to determine whether the transfer shall be permitted or denied

### Step 2: Local Board of Trustees

- If the request is denied again or the enrollment department neglects to act on it within thirty (30) days after the request for reconsideration has been made, the person may appeal to the Cambrian School Board of Trustees by providing a written notice for reconsideration of the Interdistrict transfer.

### Step 3: County Board of Education

- If either or both districts deny the request or fail to respond to the request within the timelines noted above, the parents/guardians have the right to file an appeal with the County Board of Education. The written appeal must be filed within 30 calendar days of the district's failure or refusal to issue a permit or to enter into an agreement allowing the interdistrict transfer. Failure to appeal within the required time is good cause for denial of an appeal. (Education Code 46601) Appeals can be filed at:

Santa Clara County Office of Education  
100 Ridder Park Drive • San Jose, CA 95131-2398 • Phone (408) 453-6509

### ~~III.—Costs~~

#### ~~A.—Regular Classes~~

~~That for regular education classes and summer classes the average daily attendance for such attendance shall be credited to the district of attendance for purposes of determining State apportionments and revenue limits pursuant to appropriate Education Code Sections.~~

#### ~~B.—Special Classes~~

~~For attendance in programs for Special Education the cost factors shall be based on the SELPA Local Plan.~~

#### ~~C.—Districts With Mutually Satisfying Agreements~~

~~It is recognized that several districts may have or may desire to have an agreement between the two districts requiring payment of actual costs. This policy does not prohibit any such agreement.~~

#### ~~D.—Inter-District Attendance Appeals to County Board of Education~~

~~If the County Board of Education determines in favor of the student, the County Board shall permit the attendance without payment of tuition. The District of Attendance shall report and receive the appropriate apportionment attendance per average daily attendance on account of such attendance less all State and Federal funds apportioned to the district on account of such attendance.~~

#### ~~IV. Availability of Space~~

~~Agreement to inter-district attendance by a district would always be subject to availability of space, and the class cap specified in certificated negotiate agreements may not be exceeded in the district of attendance as determined by that district.~~

#### ~~VII. Revocation~~

~~A student's interdistrict permit may be revoked at any time because of due to excessive truancy or continual disruption of the educational program.~~

#### **Transfers Out of the District**

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

If the district is unable to provide an intradistrict transfer to a student who is a victim of an act of bullying, as defined in Education Code 46600, the district shall not prohibit the student from transferring out of the district if the district of proposed enrollment approves the application for transfer. (Education Code 46600)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit of 3% of Cambrian's current year estimated average daily attendance as specified in Education Code 48307.
2. The County Superintendent of Schools has given the district a negative budget certification or 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.
3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
  - a. A court-ordered desegregation plan
  - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
  - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31