

## ATTENDANCE OF NON-RESIDENTS / INTERDISTRICT ATTENDANCE

The Board of Trustees 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.

In order to provide priority enrollment opportunities for pupils residing in the school district, the District will complete resident pupil enrollment prior to considering interdistrict transfer applications. Therefore, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between March 1<sup>st</sup> and June 30<sup>th</sup> of the preceding school year for which the transfer is requested. This deadline does not apply if the parent or guardian is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.

The District will select applications through an unbiased process. The District may consider the capacity of a program, class, grade level, school building, staffing levels or adverse financial impact in making its decision to accept or reject transfer applications. The District will not consider the pupil's physical condition, English proficiency, family income, race, gender, sexual orientation, or religion. Furthermore, the academic achievement of a pupil requesting a transfer under the Open Enrollment Act from a school ranked in decile 1 on the API determined by the California Department of Education will not be considered.

Pursuant to Education Code 48356, the Board has adopted the following standards for approval and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.

As applicable, the Superintendent or designee may deny a transfer application under any of the following circumstances:

1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, class, grade level, or school building, including:
  - a. The class or grade level exceeding the district's limits pursuant to the state Class Size Reduction Program or the Morgan/Hart Class Size Reduction Program for Grades 9-12
  - b. The site, classroom, or program exceeding the maximum student-teacher ratio specified in the district's collective bargaining agreement
  - c. The site or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document
  - d. The class or grade level exceeding capacity pursuant items #a-#c above in subsequent years as the student advances to other grade levels at the school
2. Upon a determination that approval of the transfer application would have an adverse financial impact on the district, including:
  - a. The hiring of additional certificated or classified staff

- b. The operation of additional classrooms or instructional facilities
- c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students

The District is currently in a Basic Aid funding status. Notwithstanding Section 48359.5 of the California Education Code, admittance of interdistrict transfers has adverse fiscal and programmatic effects on the instructional program as inadequate funding is provided by the state for this purpose. Until which time the District is no longer in this funding status, the District will not accept any new interdistrict attendance permits except as provided below.

Students who are in good standing in attendance, behavior and scholarship who are currently enrolled on interdistrict attendance permits may continue to attend a school within the District until they graduate. Students' standing (attendance, behavior and scholarship) will be periodically reviewed. In addition, as per the bargaining agreement, employees of the San Dieguito Union High School District may apply for interdistrict attendance permits for their students.

The administrative regulations that correspond to this policy will apply only to students in good standing and currently enrolled under an interdistrict attendance permit or students of employees of the District, as long as the District is in a Basic Aid funding status.

The interdistrict attendance permit shall be valid for the school year and renewed annually not to exceed a term of five (5) years and shall stipulate terms and conditions under which interdistrict attendance shall be permitted, denied or revoked. [Pupils who are admitted under the Open Enrollment Act do not need to reapply for enrollment regardless of whether the student's school of residence remains on the open enrollment list.](#)

Transportation shall not be provided for pupils attending on an interdistrict attendance agreement. The Board of Trustees of the San Dieguito Union High School District, when making its determination whether to enroll an individual who has been expelled or pending expulsion from another school district for acts other than Education Code 48915 a and c, will consider the following options:

1. Deny enrollment.
2. Permit enrollment.
3. Permit conditional enrollment in a regular school program or another education program.

Notwithstanding any other provision of law, the Board of Trustees, after a determination has been made, pursuant to a hearing, that a student expelled from another school district for an act other than those described in Subdivision (a) or (c) of Section 48915 does not pose a danger to either the pupils or employees of the school district, may permit the student to enroll in a school in the district during the term of expulsion, provided that he or she, subsequent to the expulsion, has established legal residence in the District, pursuant to Section 48200 of the Education Code. The enrollment may be on a conditional basis until the period of the expulsion has ended.

**LEGAL REFERENCES****EDUCATION CODE**

- 46600 - 46611 Interdistrict Attendance Agreements
- 48204 Residency Requirements for school Attendance
- 48300 - 48315 Student Attendance Alternatives
- 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 Admission of Persons Including Non-residents to Attendance Area: Workers' Compensation for Pupils

**GOVERNMENT CODE**

- 6250-6270 Public Records Act

**ATTORNEY GENERAL OPINIONS**

- 84 Ops.Cal.Atty.Gen. 198 (2001)
- 87 Ops.Cal.Atty.Gen. 132 (2004)

**COURT DECISIONS**

- Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275