

WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT

Board Policy No. 5036: **INTERDISTRICT TRANSFERS**

A. California Law (Education Code section 48200) provides that students shall attend public school in the school district in which the residency of either the parent or the legal guardian of the pupil is located. California law also provides for some additional instances in which a pupil is deemed to be a resident for purposes of school attendance in the following circumstances:

1. A pupil placed within the boundaries of the District in a licensed children's institution or a licensed foster home, or a family home pursuant to a placement or commitment under the Welfare and Institutions Code provided evidence is provided to the District that the placement or commitment is pursuant to law;
2. A pupil for whom interdistrict attendance has been approved;
3. A pupil whose residence is located within the boundaries of the District and whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation;
4. A pupil who lives in the home of a caregiving adult located within the boundaries of the District;
5. A pupil residing in a state hospital located within the boundaries of the District;
6. A pupil for whom one or both parents or legal guardian is employed to regularly work within the boundaries of the District unless the District determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

B. The Governing Board hereby determines that any decision regarding a request for an interdistrict transfer in or out of the District will be made by the Superintendent subject to appeal to the Governing Board. In the absence of any appeal of the Superintendent's decision, that decision shall be the final decision on behalf of the District. An appeal to the Governing Board must be filed with the Superintendent within ten (10) calendar days of receipt of the decision of the Superintendent. No such request shall be granted, however, if a requested transfer in the District would displace any child whose parents or legal guardian reside in the District, or if a child seeking enrollment is currently under an expulsion order from another public school district unless the Governing Board determines to allow enrollment. The Superintendent will provide the parent or legal guardian a

written statement regarding any denial of a request after the parents or legal guardian have been offered an opportunity to meet with the Superintendent.

- C. In order to properly plan for staffing, facilities, and other operational needs of the District, parents or legal guardians requesting an interdistrict transfer out of the District must submit a request to the Superintendent on a form provided by the District on or before April 1 of the year immediately preceding the year of the requested transfer. Parents or guardians requesting a transfer out of the District for the second semester of any school year must submit such request to the Superintendent on or before November 1 of the current school year. Failure to meet the foregoing submission requirements in the absence of extraordinary circumstances may result in the denial of a request.
- D. A request which will result in a net transfer of pupils out of the District, calculated as the difference between the number of pupils exiting the District and the number of pupils entering the district, in any fiscal year in excess of the greater of twenty-five pupils or 3% of the average daily attendance of the District will not be approved.
- E. Within the limitations set forth in paragraphs C and D above, the Superintendent and the Board, if appealed, may consider any relevant factors including, but not limited to, those listed below in any decision to grant or deny a request for an interdistrict transfer in or out of the District. This is not intended to be an exhaustive list, or as a list of considerations in priority order.
1. Childcare needs of the pupil
 2. Educational needs of the pupil
 3. Adverse impact, if any, on the District of approving the interdistrict transfer request
 4. Whether the pupil has any sibling(s) already attending school in the District or in another district
 5. Whether the pupil requires a change in school environment
 6. Whether the pupil will be absent for good reason(s) from the school district which the pupil has regularly attended for only one school year or less and it is educationally advantageous under all of the circumstances for the pupil to continue to attend school in the same school district
 7. Whether the pupil's parents or legal guardian will be moving out of the District after the school year has already started, and it is

educationally advantageous under all of the circumstances for the pupil to continue to attend school in the same school district

8. Whether the pupil's parents or legal guardian will be moving into the District after the school year has already started, and it is educationally advantageous under all of the circumstances for the pupil to commence attending school in the District before the parents or legal guardian finalize their move into the District
9. Legal considerations including, but not limited to, compliance with the federal No Child Left Behind Act of 2001 (NCLBA)
10. Whether expulsion proceedings have been instituted against the pupil or are pending in another school district

F. The District shall provide annual notice to parents and guardians of this Policy.

G. Pursuant to Education Code section 46601, if, within thirty (30) calendar days after the person having legal custody of a pupil has so requested, the District fails to approve interdistrict attendance in the current term, or, in the absence of an agreement between districts, fails or refuses to enter into an agreement, the District Superintendent shall advise the person requesting the permit of the right to appeal to the Imperial County Board of Education. If within fourteen (14) calendar days after the commencement of instruction in a new term in each of the affected school districts, respectively, when the person having legal custody of a pupil has so requested separately of each district not later than thirty (30) calendar days prior to the commencement of instruction in that term in that district, either district fails to approve interdistrict attendance in that term, or, in the absence of an agreement between the districts to permit that attendance, fails or refuses to enter into an agreement, the district denying the permit, or in the absence of an agreement, the district of residence, shall advise the person requesting the permit of the right to appeal to the Imperial County Board of Education. Persons making unsuccessful requests for interdistrict attendance in the District shall be advised by the Superintendent of all of the following:

1. Persons having legal custody may appeal the denial of a permit or refusal to enter into an agreement allowing attendance to the Imperial County Board of Education within thirty (30) calendar days. Failure to appeal within the required time is good cause for denial of an appeal. If new evidence or grounds for the request are introduced on appeal, the County Board may remand the matter for further consideration. In all other cases, the appeal shall be granted or denied on its merits.

2. The County Board shall, within thirty (30) calendar days after the appeal is filed, determine whether the pupil should be permitted to attend in the district in which the pupil desires to attend and the applicable period of time. For good cause the County Board or the County Superintendent may extend the foregoing period for up to an additional five (5) school days. The County shall provide adequate notice to all parties of the date and time of any hearing scheduled and of the opportunity to submit written statements and documentation and to be heard on the matter pursuant to rules and regulations adopted by the County Board of Education. The County Board shall render a decision within three (3) schooldays of any hearing conducted by the Board unless the person who filed the appeal requests a postponement.
3. The County Supervisor of Attendance or other designee of the County Superintendent of Schools shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the County Board in reaching a decision.
4. If the interdistrict attendance involves school districts located in different counties, the County Board of Education having jurisdiction over the district denying a permit, or refusing or failing to enter into an agreement to allow for the issuance of permit, shall have jurisdiction for purposes of an appeal, and, upon granting a pupil's appeal, shall seek concurrence in the decision by the county board of the other county which shall provide adequate opportunity for the district under its jurisdiction to be heard on the matter before making a decision. If the two county boards do not then concur, the pupil's appeal shall be denied.
5. Students who are under consideration for expulsion, or who have been expelled pursuant to Education Code sections 48915 and 48918, may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending, or during the term of the expulsion.

Legal Reference:

Education Code sections 46600 *et seq.*, 48204, 48980(i)

Family Code section 6550 *et seq.*

Welfare & Institutions Code section 200 *et seq.*

Date Policy Adopted By the Board 11/18/04