



HOLLISTER SCHOOL DISTRICT
2690 Cienega Road, Hollister, CA 95023
(831) 630-6300 Office *** (831) 634-2080 Fax ***** www.HESD.org**



INTERDISTRICT ATTENDANCE REQUEST/AGREEMENT

YEAR ISSUED: 2017-2018

Date: _____

STUDENT AND PARENT/GUARDIAN INFORMATION

Please Print Student Name: (Last Name, First Name) Grade for 2017-18 New: _____ Renewal: _____

Student 1: _____ DOB ___/___/___ M__ F__ Grade:___ School Requested: _____

Last Name, First Name

Student 2: _____ DOB ___/___/___ M__ F__ Grade:___ School Requested: _____

Last Name, First Name

Student 3: _____ DOB ___/___/___ M__ F__ Grade:___ School Requested: _____

Last Name, First Name

Parent/Guardian Name: _____

Address: _____ City/Zip: _____

Home Phone: (____) _____

If student(s) receive(s) special services, check which type below:

Resource Specialist Special Day Class Speech 504 Plan

Work Phone: (____) _____

Student 1: (____) (____) (____) (____)

Message Phone: (____) _____

Student 2: (____) (____) (____) (____)

Student 3: (____) (____) (____) (____)

SCHOOL AND DISTRICT TRANSFER INFORMATION

District of Residence: Hollister School District

District Requested: _____

Address: 2690 Cienega Road

Address: _____

City/Zip: Hollister, CA 95023

City/Zip: _____

School(s) of Residence: _____

REASON FOR REQUEST

Please state the reason for your request: (Attach additional pages if necessary)

Employment (attach copy of paystub)

I/We understand the following conditions: (1) this request is subject to available space; (2) approval by both districts is required; (3) student transportation to and from school will be provided by parents; (4) this transfer, if approved, is in force until, and expires on, **June 30, 2021**. If the request is denied and all appeal rights have been exhausted in the district, I/we have the right to appeal the decision to the County Office of Education of the denying district. This request may be revoked upon discovery by either district if any information contained in this permit is fraudulent in nature or misrepresented. I/we hereby certify that all the information provided is accurate, and understand and agree to the stated conditions.

Signature of Parent/Guardian: _____ **Date:** _____ 20__

DECISION – OFFICE USE ONLY

Approval of the District of Residence is conditioned upon the District of Attendance approving all of the terms stated herein, including but not limited to the expiration of this transfer on **June 30, 2021**.

DISTRICT OF RESIDENCE

DISTRICT OF ATTENDANCE

Check One: Approved: _____ Denied: _____

Check One: Approved: _____ Denied: _____

Reason(s) for Decision if Denied: _____

Reason(s) for Decision if Denied: _____

Admin Approval: _____ Date: _____

Admin Approval: _____ Date: _____

<input type="checkbox"/> Allen Bill: Per EC 48204 if enrolled, not approved pursuant EC 46600.	<input type="checkbox"/> Romero Bill	<input type="checkbox"/> NCLB	<input type="checkbox"/> McKinney-Vento
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BOARD POLICY

STUDENTS

INTERDISTRICT ATTENDANCE

The Governing Board recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 5111.12 - Residency Based on Parent/Guardian Employment)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5118 - Open Enrollment Act Transfers)

The Governing Board may enter into an agreement with any other school district(s) for the interdistrict attendance of pupils who are residents of the districts. The Board authorizes the Superintendent or designee to prepare an Interdistrict Memorandum of Understanding ('Interdistrict MOU') to be signed by the appropriate individual(s) in the receiving district(s) and the Superintendent or designee in the Hollister School District specifying its duration (the term may not exceed more than five years), ~~and~~ scope, the reasons for the granting, denial or revocation of the Interdistrict permit, as well as the standards for reapplication.

Interdistrict Attendance Permits

Upon request by a student's parents/guardians, the Superintendent or designee may approve an incoming interdistrict transfer permit with another school district on a case-by-case basis subject to the terms and conditions of the Interdistrict MOU, or if there is no Interdistrict MOU, in accordance with this Board Policy/Administrative Regulation 5117 and applicable Education Code provisions. The Superintendent or designee may deny an incoming interdistrict transfer permit because of overcrowding, limited Hollister School District resources, where approval of such a permit would create a financial hardship for the District, or based upon other considerations that are not arbitrary.

Upon request by a student's parents/guardians, the Superintendent or designee may approve an outgoing interdistrict transfer permit subject to the terms and conditions of the Interdistrict MOU, or if there is no Interdistrict MOU, in accordance with Board Policy/Administrative Regulation 5117 and applicable Education Code provisions. The Superintendent or designee may deny an outgoing interdistrict transfer permit if the Superintendent or designee determines that the approval of an outgoing transfer permit would create a financial hardship to the District or where approval of an outgoing transfer permit would cause the total net number of outgoing transfers to exceed 1% or 75 pupils (whichever amount is greater) of the average daily attendance (ADA) defines as P2 in the

budget adopted by the Hollister Board of Trustees as of July 1 of the current fiscal year, whichever is greater, or based upon other considerations that are not arbitrary.

Victims of Bullying

At the request of a parent or guardian, priority consideration of an interdistrict transfer request under any existing interdistrict agreement shall be given to students who have been determined by personnel of either the district of residence or the Hollister School District to have been the victim of an act defined in Education Code 48900, subd. (r), related to specific acts of bullying. In the absence of an interdistrict agreement such a student shall be given additional consideration for the creation of an interdistrict attendance agreement. (Education Code 46600)

Transportation

The district shall not provide transportation beyond any school attendance area. Upon request, the Superintendent or designee may authorize transportation for interdistrict transfer students to and from designated bus stops within the attendance area if space is available, and to the extent the district otherwise provides transportation assistance to students.

School District Of Choice

The Hollister School District has not elected to be a “School District of Choice” as that term is defined in Education Code section 48300 and 48301.

Limits on Student Transfers out of the District to a School District of Choice

The Superintendent or designee may limit the number of student transfers out of the Hollister School District to a “School District of Choice” based upon the percentages of average daily attendance specified in Education Code 48307.

In addition, transfers out of the Hollister School District to a “School District of Choice” may be limited during a fiscal year when the County Superintendent of Schools has given the Hollister School District a negative budget certification or when the County Superintendent has determined that the Hollister School District will not meet the state’s standards and criteria for fiscal stability in the subsequent year exclusively as a result of student transfers from the Hollister School District to a “School District of Choice.” (Education Code 48307)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

The Board may deny a transfer of a student out of the Hollister School District to a “School District of Choice” if the Board determines that the transfer would negatively impact a court-ordered or voluntary desegregation plan of the District. (Education Code 48301)

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the district to a school district of choice, if the other school district approves the application for transfer. (Education Code 48301)

(cf. 6173.2 - Education of Children of Military Families)

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

48900 Grounds for suspension or expulsion; definition of bullying

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

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192

Cal.App.4th 234

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

Management Resources:

CSBA PUBLICATIONS

Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Revised: 2/15/11

(11/07 11/09) 11/10

Revised: 9/22/15

(11/09 11/10) 7/12

ADMINISTRATIVE REGULATION

STUDENTS

INTERDISTRICT ATTENDANCEInterdistrict Attendance Permits

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance.

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. 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. (Education Code 46600)

(cf. 5131.2 - Bullying)

2. To meet the child care needs of the student. Such a student may be allowed to continue to attend district schools only as long as he/she continues to use a child care provider 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

(cf. 6159 - Individualized Education Program)

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 his/her parents/guardians have moved out of the district during that year
6. To allow the student to remain with a class graduating that year from an elementary, middle, or senior high school
7. To allow a high school senior to attend the same school he/she attended as a junior, even if his/her family moved out of the district during the junior year.

8. 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 year in the district.
9. When the student will be living out of the district for one year or less
10. 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

(cf. 5113.1 – Chronic Absence and Truancy)

11. When there is valid interest in a particular educational program not offered in the district of residence
12. To provide a change in school environment for reasons of personal and social adjustment, and as specified in the Interdistrict MOU.

Denial of Interdistrict Attendance Permit

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, if overcrowding of school facilities at the relevant grade level, or other considerations that are non-arbitrary. However, once a student is admitted, the district may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

Revocation of Interdistrict Attendance Permit

A student's interdistrict attendance permit may be revoked at any time during the school year due to unsatisfactory attendance or tardiness, behavior, poor academic performance, disruption of educational program, or because it is determined that the student's interdistrict attendance permit contains false statements or misrepresentations.

Within 30 days of a request for an interdistrict permit, the Superintendent or designee shall notify the parents/guardians of a student who is denied interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

(cf. 5145.6 - Parental Notifications)

Pending a decision by the two districts or an appeal by the County Board, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months. (Education Code 46603)

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. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Reapplication

Once a student is admitted to a school on the basis of an interdistrict attendance permit, he/she shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school in which he/she is enrolled, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded for students entering grade 11 or 12 in the subsequent school year. (Education Code 46600)

The district also may give priority for attendance to children of military personnel. (Education Code 48306)

Any existing entrance criteria for specialized schools or programs shall be uniformly applied to all applicants. (Education Code 48305)

Not later than 90 days after the district receives an application for transfer, the Superintendent or designee shall notify the parent/guardian in writing whether the application has been provisionally accepted or rejected and of the student's position on any waiting list.

Whenever the number of applicants exceeds the number of interdistrict transfers that may be accepted as determined by the Governing Board, students accepted for transfer shall be selected by a random drawing of the provisionally accepted applications.

Final acceptance or rejection of applications shall be made by May 15 preceding the school year for which the student may be transferred. (Education Code 48308)

However, if an application is submitted for a student who is residing with a parent/guardian enlisted in the military and that parent/guardian was relocated by the military 90 days prior to the submission of the application, then the district shall make a final decision to accept or reject the application within 90 days of its receipt. If the student's application has been submitted less than 90 days prior to the beginning of the school year, then the district shall accept or deny the application before the school year begins. Upon his/her acceptance, the student may immediately enroll in a district school. (Education Code 48308)

Transportation

Transportation shall not be provided for students attending on an interdistrict agreement.

(cf. 3250 - Transportation Fees)
(cf. 3540 - Transportation)

Revised: 2/15/11
Revised: 9/22/15

(11/07 11/09) 11/10
(11/09 11/10) 7/12