

Interdistrict Attendance

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

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Parents/guardians of students requesting an interdistrict attendance permit shall first obtain approval for transfer and attendance from their school district of residence before applying for consideration to transfer to and attend a San Marino Unified School District school. The San Marino Unified School District ("District") accepts interdistrict applications beginning May 1st for the following school year until class space is no longer available. No student's application for an interdistrict attendance permit will be denied for discriminatory reasons, including based upon the protected characteristics set forth in Education Code 220.

Upon receiving a permit for transfer into the San Marino Unified School District that has been approved by the student's school district of residence, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions set by the Governing Board. If the permit request is denied, the Superintendent or designee shall notify the parent/guardian in writing the reasons for the denial and their right to appeal to the County Board of Education. (Education Code 46601)

Conditions for Approval of Interdistrict Attendance

A student residing outside of the District's attendance boundaries may only be admitted to a school within the District under this Board Policy if the student has met all of the following conditions:

1. There is adequate space in the classes that meet the student's educational needs and class sizes are not unreasonably affected by the enrollment. An interdistrict transfer permit may be denied when the student's enrollment creates a situation

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where class sizes or service caseloads exceed the standards set by the Governing Board; and

2. Admission would not result in the creation of a new program at additional cost to the District; and
3. The student's academic achievement, citizenship, and behavior are maintained by a grade of "C" or better for each grading period, or by satisfactory or higher marks for each grade level standard.

Interdistrict Attendance Priority Categories

The Superintendent or designee may approve an interdistrict attendance permit based on the following priority of acceptance established by the Board. These priorities are ranked as follows:

1. Priority 1: Parent Employment-Related Interdistrict Attendance Permits

Attendance may be granted to a student (TK-12) not residing within the District's attendance boundaries if the student's parent/guardian works within the District's attendance boundaries. Proof of parent/guardian "physical" employment shall be required prior to enrollment and shall be verified each year by the Superintendent or designee. Parents/guardians who meet one of the criteria below are eligible to apply for a Parent Employment-Related Interdistrict Attendance Permit (A through B below designates priority of acceptance):

- A. The parent/guardian is employed by the District.
- B. The parent/guardian is employed by the City of San Marino.
- C. The parent/guardian is a registered business owner with a physical business located in the District and has a valid business license issued by the City of San Marino and is "physically" employed a minimum of ten (10) hours per week at that business/workplace location which he or she regularly occupies.
- D. The parent/guardian is "physically" employed a minimum of ten (10) hours per week in a commercial space which he or she regularly occupies within the boundaries of the District.

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2. Priority 2: Legacy Interdistrict Attendance Permits

An interdistrict attendance permit may be granted to a student whose grandparent is currently and has been residing within the District boundaries for a minimum of ten (10) years.

In order to qualify, proof of grandparent residency shall be required prior to enrollment and shall be verified each year by the Superintendent or designee.

3. Third Priority: All Other Grounds Interdistrict Attendance Permits

If a student has met all of the conditions for interdistrict attendance (see “Conditions for Approval of Interdistrict Attendance” above), the Superintendent or designee may approve an interdistrict attendance permit for any of the following reasons (in no prioritized order):

- A. Resident students who move out of the District during the school year and students enrolled in the District based upon a Parent Employment-Related Interdistrict Attendance Permit whose parent/guardian’s employment changes during the school year (provided that the District has a master interdistrict attendance agreement with the student’s new district of residence).
- B. To meet the childcare needs of a student in grades TK-5 who receives childcare within the attendance boundaries of the District, but only so long as the student continues to use a childcare provider within the District’s attendance boundaries.
- C. When there is valid interest in a particular educational program not offered in the student’s district of residence.
- D. When the student has been determined by staff of either the District or the student’s district of residence 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)
- E. When the student has a sibling attending school in the District, to avoid splitting the family's attendance.

Other reasons stated on an interdistrict transfer request will be considered on a case-by-case basis in collaboration with the student’s school district of residence.

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Guidelines and procedures governing interdistrict transfer students will be outlined in Administrative Regulations (AR 5117).

Revocation of Interdistrict Permit

Any interdistrict attendance permit granted under this Board Policy may be revoked immediately in cases when:

1. The student fails to comply with attendance, academic achievement, or behavior agreements; or
2. The student incurs costs in excess of income received by the state when reimbursement for these costs is denied by the school district of residence; or
3. The student submits an application or registration materials that contain false information; or
4. When the student's enrollment creates a situation where reasonable class sizes or service caseloads exceed the standards set by the Board.

In keeping with the provisions of Education Code 52317, district residency is not required for enrollment in ROC CTE or ROP classes (Education Code 52317).

A school district of residence or school district of enrollment shall not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year. (Ed. Code 46600)

Legal Reference:

EDUCATION CODE

41020 Annual District audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

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)

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84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

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>

Adopted: 4/6/56

Revised: 9/66, 12/27/83, 12/09/86, 9/13/88, 5/11/93, 2/27/95, 11/26/01, 03/24/15,
5/12/2020