

## Students

### INTERDISTRICT ATTENDANCE TRANSFER APPEALS

Education Code Section 48200 provides that students should attend a school in the district where their parents or guardians reside. At the same time, Education Code Sections 46600 authorizes parents or guardians to request a permit to attend a district other than the district of residence.

According to Education Code Section 46601, if, within 30 calendar days after the person having legal custody of a pupil has so requested, the governing board of either school district fails to approve interdistrict attendance in the current term or, in the absence of an agreement between the districts, fails or refused to enter into an agreement, the district of residence, shall advise the person requesting the permit of the right to appeal to the county board of education.

- a) An appeal shall be accepted only upon verification by the County Board or County Superintendent's designee that appeals within the districts have been exhausted.
- b) The County Board of Education shall, within 30 days after filing of the appeal, determine whether the student(s) should be permitted to attend in the district in which he/she desires to attend and for what period of time. If compliance by the County Board with this time frame is impracticable, the County Board or County Superintendent or designee, for good cause, may extend the time period for up to an additional five school days.
- c) The County Board or County Superintendent or designee may continue the hearing upon the request of any party who shows good cause for such continuance. Failure by either party to send a representative to the hearing will not result in a postponement of the hearing. If either party fails to send a representative to the hearing, the hearing will be conducted at the scheduled date and time provided in the notification. If the unrepresented party has previously submitted written statements, the statements will be read into the record during the hearing.
- d) 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.
- e) The County Board of Education shall base its decision to approve or deny the appeal on a review of the evidence presented to the district issuing the denial. If new evidence is presented to the County Board that the Board believes would have affected the district's decision, the Board may remand the case back to the district issuing the denial for further consideration.
- f) Pupils 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.
- g) If the County Board of Education determines that the pupil should be permitted to attend in the district in which he or she desires to attend, the pupil shall be admitted to a school in the district without delay.
- h) For a period not to exceed two school months, the governing board of a school district may provisionally admit to the schools of the district a pupil who resides in another district, pending a decision of the two boards, or by the County Board of Education upon appeal, regarding the interdistrict attendance.

Under Section 48204(b) of the California Education Code, a school district may deem a pupil to have complied with the residency requirements for school attendance in the district if at least one parent or the legal guardian

of the pupil is physically employed within the boundaries of that district for a minimum of 10 hours during the school week. Enrollment pursuant to Section 48204(b) is not an interdistrict transfer. If a school district refuses to enroll a student whose parent or guardian is employed within the district boundaries because enrollment would negatively impact the district's court-ordered or voluntary desegregation plan, or if the additional cost of educating the student would exceed the additional state assistance received for the student, or for other lawful, non-arbitrary reasons, the parent or legal guardian may not appeal this denial of enrollment under 48204(b) to the County Board of Education.

*Legal Reference:*

EDUCATION CODE

46600 (*Terms of Interdistrict Agreements*)

46601 (*Appellate Provisions upon Board's Neglect or Refusal to enter into an Interdistrict Agreement*)

46602 (*Admission to school without Delay upon Board approval*)

46603 (*Maximum Duration of Provisional Admission Pending Board decision*)

48200 (*Residence of parents or legal guardians determines school district*)

48204(b) (*Use of parent or legal guardian employment to establish residency*)

Policy

adopted: March 28, 1984

Policy

amended: April 24, 1996  
May 20, 2015

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