

BOARD POLICY

STUDENTS

INTERDISTRICT ATTENDANCE

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

(cf. 5111.1 – District Residency)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5118 - Open Enrollment Act Transfers)

The 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), 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 of a student's parent/guardian, the Superintendent or designee may authorize transportation for an interdistrict transfer students to and from designated bus stops within the attendance area of the school that the student attends if space is available.

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
48300-48317 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

CALIFORNIA CONSTITUTION

Article 1, Section 31 Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin

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:

WEB SITES

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

Revised: 9/22/15
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(7/12 12/15) 10/17

POLITICA DEL DISTRITO

ESTUDIANTES

Asistencia Entre Distritos

La Mesa Directiva reconoce que padres/tutores de estudiantes que residen en un distrito decidan, por diferentes razones, quieran inscribir a su hijo (a) en otro distrito.

(cf. 5111.1 – District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5118 - Open Enrollment Act Transfers)

La Mesa Directiva autoriza al Superintendente o persona designada a preparar un Memorándum de Entendimiento ('Solicitud de permiso para asistencia entre distritos') para ser firmado por las personas apropiadas en el distrito receptor y el superintendente o persona designado en el Distrito Escolar de Hollister especificando su duración (el término no puede exceder más de cinco años), alcance, las razones para otorgar, negar o revocar el permiso, así como los estándares para la nueva solicitud.

Permiso para asistencia entre distritos

A petición de los padres/tutores del alumno, el superintendente o persona designada puede aprobar un permiso de transferencia a otro distrito escolar dependiendo del caso sujeto a los términos y condiciones del Memorándum de Entendimiento entre distritos, o si no hay un Memorándum de Entendimiento entre distritos, de acuerdo con la Política del Distrito/Reglamento Administrativo 5117 y las disposiciones aplicables del Código de Educación. El Superintendente o la persona designada pueden denegar un permiso de transferencia interdistrital debido a la sobrepoblación, recursos limitados del Distrito Escolar de Hollister, donde la aprobación de tal permiso crearía dificultades financieras para el Distrito o se basaría en otras consideraciones que no son arbitrarias.

A petición de los padres/tutores del alumno, el superintendente o persona designada puede aprobar un permiso de transferencia a otro distrito escolar sujeto a los términos y condiciones del memorando de entendimiento entre distritos, o si no hay un memorando de entendimiento entre distritos, de acuerdo con la Política/Reglamento Administrativo 5117 y las disposiciones aplicables del Código de Educación. El Superintendente o persona designada puede negar un permiso de transferencia a otro distrito escolar si el Superintendente o persona designada determina que la aprobación de un permiso de transferencia fuera del distrito crearía una dificultad financiera para el Distrito o donde la aprobación de un permiso de transferencia saliente causaría el número neto total de transferencias fuera del distrito supera el 1% ó 75 alumnos (la cantidad que sea mayor) de la asistencia diaria promedio (ADA) se define como P2 en el presupuesto adoptado por la Junta de Fideicomisarios de Hollister a partir del 1 de julio del año fiscal actual, el que sea mayor o basado sobre otras consideraciones que no son arbitrarias.

Victimas de Bullying/Intimidación

A petición de los padre o guardián, la consideración prioritaria de una solicitud de transferencia entre distritos bajo cualquier acuerdo interdistrital existente se le dará al estudiante que haya sido determinado por personal del distrito de residencia o del Distrito Escolar de Hollister como víctima de un acto definido en el Código de Educación 48900, subd. (r), relacionado con actos específicos de intimidación. En ausencia de un acuerdo interdistrital, a dicho estudiante se le dará consideración adicional para la creación de un acuerdo de asistencia entre distritos. (Código de Educación 46600)

Transportación

El distrito no proporcionará transportación a cualquier área de asistencia escolar. A solicitud del padre/tutor del estudiante, el Superintendente o su designado puede autorizar el transporte para un traslado interdistrital de los estudiantes hacia y desde las paradas de autobús designadas dentro del área de asistencia de la escuela a la que asiste el alumno si hay espacio disponible.

Distrito Escolar de Elección

El Distrito Escolar de Hollister no ha elegido ser el "Distrito Escolar de Elección", como ese término se define en el Código de Educación, sección 48300 y 48301.

Límite en transferencias de estudiantes fuera del distrito a un distrito escolar de elección.

El Superintendente o la persona designada puede limitar el número de transferencias de estudiantes fuera del Distrito Escolar de Hollister a un "Distrito Escolar de elección" basado en los porcentajes de asistencia diaria promedio especificados en el Código de Educación 48307.

Además, las transferencias del Distrito Escolar de Hollister a una "Distrito Escolar de Elección" pueden estar limitadas durante un año fiscal cuando el Superintendente de Escuelas del Condado haya otorgado al Distrito Escolar de Hollister una certificación presupuestaria negativa o cuando el Superintendente del Condado haya determinado que el Distrito Escolar de Hollister no cumplirá con los estándares y criterios estatales para la estabilidad fiscal en el año subsiguiente exclusivamente como resultado de transferencias de estudiantes del Distrito Escolar de Hollister a un "Distrito Escolar de Elección" (Código de Educación 48307).

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

La Mesa directiva puede negar la transferencia de un estudiante fuera del Distrito Escolar de Hollister a un "Distrito Escolar de Elección" si la Mesa directiva determina que la transferencia impactará negativamente un plan de desegregación ordenado por la corte o voluntario del Distrito. (Código de Educación 48301)

No se le prohibirá a un niño de un padre / tutor con servicio militar activo que se transfiera fuera del distrito a un distrito escolar de su elección, si el otro distrito escolar aprueba la solicitud de transferencia. (Código de Educación 48301)

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

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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.

(cf. 5148 - Child Care and Development)

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. 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.

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

(cf. 5113.12 – District School Attendance Review Board)

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

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Within 30 calendar 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)

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)

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

The district may limit transfers out of the district to a school district of choice under any of the following circumstances: (Education Code 48307)

1. The number of student transfers out of the district to a school district of choice has reached the limit specified in Education Code 48307 based on the district's average daily attendance.
2. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

(cf. 3100 - Budget)

3. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

Transportation

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

(cf. 3250 - Transportation Fees)

(cf. 3540 - Transportation)

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