

## 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 children in a school in another district.

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5118 - Open Enrollment Act Transfers)

Because of overcrowding within district schools and limited district resources, the Board discourages transfers into the district and will consider approving such transfers only on a case-by-case basis through an interdistrict attendance agreement.

1. Students who are currently enrolled in our schools as of January 1 but who move outside our district attendance boundaries will be only allowed to complete the school year in which they are enrolled. Students are expected to enroll in their home school district for the subsequent and future years.
2. Students who are enrolled in the highest grade of middle school, who moved out of district, may be permitted to complete their last year at the middle school of enrollment if the school has not been determined to have an impacted enrollment.
3. Children of employees of the Sunnyvale School District employed at least twenty (20) hours per week or of employees of the Fremont High School District employed at least (20) hours per week will be permitted to attend on an interdistrict transfer agreement provided all other conditions are met and space is available at the time of enrollment. If employment ends, students who are currently enrolled in our schools as of January 1 will be allowed to complete the school year in which they are enrolled. Students are expected to enroll in their home school district for the subsequent and future years.
4. All other initial requests for an Interdistrict Attendance Permit will be approved or denied based upon the availability of space.

The Superintendent or designee may grant a transfer if extraordinary circumstances prevail. The Board may rescind the transfer at any time based upon financial conditions or other circumstances that would put the best interests of the district at risk.

All interdistrict transfers are subject to a valid release from the student's home school district.

While on an interdistrict transfer, students must maintain satisfactory academic performance, good attendance and behavior. Students who fail to meet these expectations may be disenrolled provided that both the student and parent/guardian have received prior written notification.

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)

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>