

# AR 5117: Interdistrict Attendance

Status:  
ADOPTED

Original  
Adopted  
Date:  
01/26/2016

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06/14/2022

Upon request, the Superintendent or designee may accept students from another district and may also allow students who live within the district to attend out-of-district schools. The district shall not deem any student residing outside the district boundaries to be a resident of the district except as required by law, except for children of employees of the Beverly Hills Unified School District, the City of Beverly Hills, of an active duty military Parent, or grandchildren of a grandparent(s) who resides within the attendance boundaries of BHUSD. Interdistrict attendance may be approved on a year-to-year basis pursuant to agreements under Education Code 46600 for reasons outlined in section I.

Every interdistrict attendance permit application shall stipulate the terms and conditions under which the permit may be revoked.

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)

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 44601)

## I. Reasons for Permits

The Superintendent or designee may approve an interdistrict attendance permit for a student for any of the following reasons:

1. To allow children of individuals employed by Beverly Hills Unified School District or by the City of Beverly Hills to attend schools within the district. 1. Children of employees of the district who are employed one-half time or more in a regular assignment, and who have

been released pursuant to an interdistrict permit by the school district of residence, shall be considered to be resident children and, as long as they meet the requirements above, shall be automatically enrolled as students of the district. This provision does not include children of substitute employees, consultants, at-will employees, or adult education teachers.

a) Children of school employees who have permits to attend District schools may participate in the school of choice program, based upon space availability, of the upcoming school year, following the granting of school of choice for students residing in the district, based upon space availability.

b) Children of school employees who are attending BHUSD schools on permits may complete the school year during which their parent ceases employment.

2. Children of employees of the City of Beverly Hills who are employed one-half time or more as regular employees, and who have been released pursuant to an interdistrict permit by the school district of residence, shall be considered to be resident children and, as long as they meet the requirements above, shall be automatically enrolled as students of the district.

3. Children of employees of the district and of the City of Beverly Hills who are attending BHUSD schools while not residing within district boundaries must follow the criteria established by the district and listed in Section II of this policy in order to maintain attendance in BHUSD.

4. Child of An Active Duty Military Parent per Education Codes 48300 and 48301.

5. Grandchildren of grandparents who currently reside within the District's attendance boundaries and who have been released pursuant to an interdistrict permit by the school district of residence, shall be considered to be resident children and, as long as they meet the requirements above, shall be automatically enrolled as students of the district under the following conditions:

a) The grandparent has resided within the District's attendance boundaries for a minimum of ten (10) consecutive years. Proof of grandparent residency is required prior to enrollment and shall be verified each year by the Superintendent or designee.

b) If an interdistrict attendance permit is granted and the grandparent no longer resides in the attendance boundaries of the District, the student may complete the current school year in which they are currently enrolled. At the end of the current school year they will be returned to their home district; unless their parent or guardian establishes residency within the District's attendance boundaries.

6. To allow children whose families move out of the district to maintain continuous enrollment in district schools through their senior year if they are in grades 11 or 12, provided that their families apply for a permit upon moving out of the district and that the student meets the district's terms for interdistrict permits. (Education Code 46600)
7. To provide educational options for children applying for an Open Enrollment Act transfer.
8. 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)

## II.Process for Granting Permits

1. The Board of Education will establish the number for each type of permit to be offered annually.
2. Student eligibility for an Open Enrollment Transfer shall be determined in accordance with the definitions and guidelines set forth in Board policy and administrative regulation 5118.
3. Grandparent Permits will be granted using the criteria listed below:
  - a) Twenty-Five (25) percent of the available space at each grade level TK-12. Additional classes/sections will not be added.
  - b) Sections with less than (10) spaces available will not have permits offered.
  - c) The total number of TK-12 permits will be capped at 100. Permits will be granted on a first-come, first serve basis.
  - d) This is a pilot program, the Board will review this program during the 2023-2024 school year to determine whether or not it will continue.

#### IV. Renewal of Permits

Each year, students attending the district on an interdistrict attendance permit shall submit a renewal packet. In order to be considered a renewal, the conditions under which the permit was originally granted must remain in effect; if the conditions under which the permit was originally granted do not remain in effect the permit shall be revoked.

All permit renewal applications must include updated and current documentation and shall be reviewed, evaluated, and approved or disapproved by district staff prior to the start of the subsequent school year. Returning students on permits have priority over new permits, provided they continue to meet the criteria and space is available.

##### A. Procedures for Requesting Permits

1. To be considered for a permit in the district, the student must obtain written consent from the district of residence (inter district permit) and provide a copy of that written consent (inter district permit) prior to the annual selection process.
2. A district permit application together with the written consent (inter district permit) from the district of residence must be filed at the Enrollment Center in the BHUSD Student Services Department.
3. In granting permits, priority shall be given to students who qualify for permits under Reason 1 as described in Section A of this regulation.
4. An accurate count of all in-coming and out-going permits will be maintained and kept on file at all times in the BHUSD Student Services Department.
5. It is the responsibility of the applicant to provide the necessary documentation in order to demonstrate eligibility for permits.

#### III. Denying Permits

1. A Permit may be denied when the student's enrollment creates a situation where reasonable class sizes or service caseloads exceed the standards set by the Governing Board and/or Collective Bargaining Agreement.
2. Student was suspended or expelled by the district of residence during the current or preceding two school years.

#### IV. Revocation of Permits

Interdistrict permits may be revoked at any time during the school year for any of the following reasons:

1. Appropriate and sufficient space and/or funding is unavailable in the existing class, school, specialized program or district as determined by the Superintendent or designee.
2. A student does not profit from instruction and/or disrupts the learning environment. This may include excessive absences, tardiness, poor grades or disciplinary incidents.
3. A student had adjustment problems and/or the welfare of the student or other students is compromised or endangered.
4. Violation of school or district rules and/or procedures.
5. The conditions of eligibility under which the permit was originally granted do not remain in effect.
6. A parent/guardian has made false statements or misrepresentations in applying for or maintaining the permit.
7. Student's citizenship and behavior are not "satisfactory" for the current and immediately preceding semesters.
8. Student has not maintained an unweighted grade point average of 2.0 or better for each grading period, or by satisfactory or higher marks, for each class/grade level standard for the current and immediately preceding semesters.
9. If your permit has been revoked, depending on the basis of the revocation, you may not reapply for one calendar year.

#### IV. Special Education and Related Services

If any child eligible for special education and related services, except for a child whose parents have refused the initial provision of special education and related services, is determined to be at risk of having his or her interdistrict attendance permit revoked for one or more of the reasons outlined above, the district shall convene an individual education program ("IEP") team meeting within a reasonable amount of time of such determination to determine whether the student's failure to meet the requirements for maintaining an interdistrict attendance permit was due to a reason related to his or her disability.

If, at the IEP team meeting, it is determined that the student's failure to meet the requirements of this policy was due to reasons related to his or her disability, the district shall not revoke the student's interdistrict permit.

## V. Annual Establishment of Interdistrict Permit Cap

Each year, the Board will review current year enrollment, interdistrict permit numbers, enrollment projections and related budget information as a basis for establishing the interdistrict permit cap for the subsequent school year.

## VI. False Statements or Misrepresentations

A parent/guardian or grandparent who has made false statements or misrepresentations in applying for or maintaining the individual interdistrict permit or in previously establishing or maintaining resident enrollment in the district shall have the permit denied and/or revoked.

## VII. Displacement of Students Due to Lack of Space

1. The district will make every attempt to minimize displacement of students due to lack of space.
  2. If a student is displaced he/she will not be moved again.
  3. If displacement is necessary, the process and priority order for displacement shall be as follows:
    - a. Volunteers will be requested from the impacted class/site. First priority will be given to resident family requests as per Board Policy and Administrative Regulation 5116.1, followed by requests made by families of students on interdistrict attendance permits. When requests made by families of students on interdistrict attendance permits are able to be honored, requests to join siblings or to return to a school from which the student was previously displaced will be honored first.
    - b. The most recently enrolled non-special education students without IEPs attending on a permit to provide educational options for students from other districts will then be relocated.
    - c. The last students on interdistrict attendance permits to be moved shall be the children of district employees. Children of employees will not be involuntarily transferred from one site to another based upon lack of classroom space following two years of continuous employee service and two continuous years of student attendance in the school years immediately preceding.
    - d. Students who are placed in a school for documented mental or physical health needs will not be reassigned to a different school site.
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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
CA Constitution Article 1, Section 31	<u>Nondiscrimination on the basis of race, sex, color, ethnicity, or national origin</u>
Ed. Code 41020	Requirement for annual audit
Ed. Code 46600-46610	Interdistrict attendance agreements
Ed. Code 48204	Residency requirements for school attendance
Ed. Code 48300-48317	Student attendance alternatives, school district of choice program
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48915	Expulsion; particular circumstances
Ed. Code 48915.1	Expelled individuals; enrollment in another district
Ed. Code 48918	Rules governing expulsion procedures
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 52317	Regional Occupational Center/Program, enrollment of students, interdistrict attendance
Ed. Code 8151	Apprentices, exemption from interdistrict attendance agreement

Management Resources	Description
Attorney General Opinion	84 Ops.Cal.Atty.Gen. 198 (2001)
Attorney General Opinion	87 Ops.Cal.Atty.Gen. 132 (2004)
Court Decision	Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275
Court Decision	Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>

Cross References

Code	Description
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>

1312.3-E PDF(1)	<u>Uniform Complaint Procedures</u>
3460	<u>Financial Reports And Accountability</u>
3460	<u>Financial Reports And Accountability</u>
3553	<u>Free And Reduced Price Meals</u>
3553	<u>Free And Reduced Price Meals</u>
5020	<u>Parent Rights And Responsibilities</u>
5020	<u>Parent Rights And Responsibilities</u>
5111	<u>Admission</u>
5111	<u>Admission</u>
5111.1	<u>District Residency</u>
5111.1	<u>District Residency</u>
5112.2	<u>Exclusions From Attendance</u>
5113.1	<u>Chronic Absence And Truancy</u>
5113.1	<u>Chronic Absence And Truancy</u>
5116	<u>School Attendance Boundaries</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5119	<u>Students Expelled From Other Districts</u>
5119	<u>Students Expelled From Other Districts</u>
5131.2	<u>Bullying</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5145.6	<u>Parental Notifications</u>
5145.6-E PDF(1)	<u>Parental Notifications</u>
6146.3	<u>Reciprocity Of Academic Credit</u>
6146.3	<u>Reciprocity Of Academic Credit</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
9000	<u>Role Of The Board</u>



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The Board of Education recognizes that students who reside in one district may choose to attend school in Beverly Hills Unified School District (BHUSD) and that such choices are made for a variety of reasons. Such reasons are as follows:

1. Child(ren) of individual(s) employed by BHUSD.
2. Child(ren) of individual(s) employed by the City of Beverly Hills.
3. Grandchild(ren) of grandparent(s) who reside within the attendance boundaries of BHUSD.
4. Child(ren) of an active military duty parent(s). (Education Codes 48300, 48301)
5. 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)

All such applications are accepted throughout the year—no window.

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)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

Due to the fact that the Beverly Hills Unified School District is a community funded district, enrollment of pupils whose parents or guardians reside in other school districts shall be denied if the enrollment will negatively impact the capacity of a program, class, grade level, or school building or will have an adverse financial impact on the district.

The interdistrict attendance permit shall not exceed a term of one year and shall stipulate the terms and conditions under which interdistrict attendance shall be permitted or denied. (Education Code 46600)

The District shall not pay any excess costs for students for any permit program including but not limited to providing transportation.

Members of the Board shall not attempt to directly or indirectly influence any decisions to issue or not issue a permit to any particular applicant.

The Superintendent or designee shall instruct all employees involved with permit decisions to report any attempt by a member of the Board to influence any individual permit decision to the Superintendent.

If an applicant for a permit attempts to influence the decision by implying Board Member(s) support, then the employee involved in permits should report this concern to the Superintendent.

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