

**STUDENTS**  
**INTERDISTRICT ATTENDANCE**

**BP 5117**

Note: The Education Code authorizes several different methods under which a student can attend school in a district other than the district where he/she resides. Under an "interdistrict attendance permit," pursuant to Education Code 46600-46611, a student can attend a different district when both the district of residence and the district of proposed attendance agree (Option 1 below). Under the "school district of choice program," pursuant to Education Code 48300-48316, the Governing Board may declare the district to be a "district of choice" willing to accept a specific number of interdistrict transfers into the district (Option 2 below).

Note: In addition, Education Code 48204 authorizes a student to be declared a "resident" to attend a school in the district where his/her parent/guardian is employed (Allen bill transfer); see AR 5111.12 - Residency Based on Parent/Guardian Employment. A student attending a "low-achieving" school on the state's Open Enrollment List may transfer to a school in any other district in the state pursuant to Education Code 48350-48361; see BP/AR 5118 - Open Enrollment Act Transfers.

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons.

(cf. 0520.3 - Title I Program Improvement Districts)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5118 - Open Enrollment Act Transfers)

**OPTION 1: Interdistrict Attendance Permits**

Note: The following section is for use by districts that accept transfers through interdistrict attendance permits pursuant to Education Code 46600-46611. Districts selecting this option should also select Option 1 and delete Option 2 in the accompanying administrative regulation.

Upon request by students' parents/guardians, the Superintendent or designee may approve interdistrict attendance permits with other districts on a case-by-case basis to meet individual student needs.

Note: Education Code 46600 provides that an interdistrict permit may not exceed a term of five years. As amended by AB 2444 (Ch. 263, Statutes of 2010), Education Code 46600 specifies new terms and conditions for the permit; see the accompanying administrative regulation.

The Superintendent or designee shall ensure that interdistrict permits specify the terms and conditions agreed to by both districts for the granting, denial, or revocation of the permit as well as the standards for reapplication.

The Superintendent or designee may deny the granting of an interdistrict attendance permit because of overcrowding within district schools or limited district resources.

**INTERDISTRICT ATTENDANCE**

Note: Although the provisions in Education Code 48301 relative to racial and ethnic balance remain in law, because of the continuing legal uncertainty, the following paragraph does not reflect those provisions of Education Code 48301. Districts that choose to deny interdistrict transfers on that basis should consult legal counsel.

Note: The following optional paragraph is for use by districts with either court-ordered or voluntary desegregation plans.

The district may deny a transfer of a student out of the 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)

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

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**

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

Management Resources:

**STUDENTS**  
**INTERDISTRICT ATTENDANCE**

**BP 5117**

**WEB SITES**

CSBA: <http://www.csba.org>

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

(11/07 11/09) 11/10

1<sup>st</sup> Reading 06/08/2011

2<sup>nd</sup> Reading 07/13/2011

Adoption 07/13/2011