

BOARD POLICY 5117: INTERDISTRICT ATTENDANCE

Comparison Chart

Section: Students

SUMMARY OF UPDATE

Summary of Update: The policy was updated to reflect NEW LAW (AB 185, 2022), which extends the School District of Choice program until July 1, 2028. It also incorporates NEW LAW (SB 941, 2022), which allows a district to enter into an Instruction Collaboration Agreement with another local educational agency (LEA). This agreement permits districts to offer the same or similar courses to students from another LEA who have been affected by teacher shortages or disruptions, particularly in science, technology, engineering, and mathematics (STEM) classes, or dual language immersion programs.

CSBA NOTE: The Education Code provides a number of options under which a district may enroll a student whose parent/guardian does not reside within district boundaries. Under an "interdistrict attendance permit" or "reciprocal agreement" pursuant to Education Code 46600-46610, a student may attend school in a different district when both the district of residence and the district of proposed attendance agree (Option 1 below). Alternatively, pursuant to Education Code 48300-48317, as amended by AB 185 (Ch. 571, Statutes of 2022), the Governing Board may, until July 1, 2028, declare the district to be a "school district of choice" willing to accept a specific number of interdistrict transfers into the district through a random selection process (Option 2 below). In order to maintain the integrity of the random selection process, it is recommended that a school district of choice not also accept transfers under the interdistrict attendance permit option except when extraordinary circumstances exist, as provided in Option 2 below. Districts that wish to use both sources of authority should consult CSBA's District and County Office of Education Legal Services or district legal counsel.

In addition to these options, pursuant to Education 48345, as added by SB 941 (Ch. 711, Statutes of 2022), the Board is authorized, until July 1, 2029, to enter into an agreement with other local educational agencies (LEA) to offer courses and coursework to students from another LEA who have been impacted by disruptions or cancellations to specified courses, or teacher shortages to such courses. See the section "Instruction Collaboration Agreements" below.

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES	
PARA	Section	Sub-Section	May 2020		June 2023
1			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.	No change	Pursuant to Education Code 48204, a district may authorize a student whose parent/guardian is employed within district boundaries to attend a school in the district (Allen bill transfer); see AR 5111.1 - District Residency.
			<u>Interdistrict Attendance Agreements and Permits</u>	No change	
1			The Board may enter into an agreement with any other school district, for a term not to	No change	CSBA NOTE: The following section is for use by districts that have entered into an agreement

		exceed five school years, for the interdistrict attendance of students who are residents of the districts.		with one or more other districts to accept student transfers through interdistrict attendance permits pursuant to Education Code 46600-46610. Districts selecting this option should also select Option 1 in the accompanying administrative regulation.
2		The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed upon by both districts for reapplication and/or revocation of the student's permit.	No change	CSBA NOTE: Education Code 46600 requires that the interdistrict attendance agreement specify the terms and conditions under which individual permits may be granted or denied. In addition, pursuant to Education Code 46600, students who have been granted an interdistrict attendance permit must be allowed to continue to attend the school without having to reapply unless the agreement between the two districts contains specific agreed-upon standards for reapplication; see the accompanying administrative regulation. Districts also may include in the agreement the agreed-upon standards for revocation of students' interdistrict attendance. Examples of conditions that may result in revocation include falsification of information stated on the permit application, unsatisfactory attendance, continual disruption, or poor academic achievement.
3		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.	No change	CSBA NOTE: Pursuant to Education Code 46600, it is the responsibility of the Superintendent or designee of the district of residence, subject to Board policies of the district of residence and terms of the agreement, to issue an individual permit verifying the district's approval of an interdistrict transfer out of the district. The permit shall become valid when endorsed by the Board's designee in the district of proposed enrollment.

					See the accompanying administrative regulation for procedures to follow when the permit is denied.
				Instruction Collaboration Agreements	New section and sub-sections added
				<i>The Superintendent or designee may, with board approval, enter into an instruction collaboration agreement (ICA) with another school district, county office of education or charter school to offer the same or similar courses and coursework to students who have been impacted by any of the following:</i>	CSBA NOTE: Pursuant to Education Code 48345, as added by SB 941, the Board may enter into an instruction collaboration agreement (ICA) with school districts, county offices of education or charter schools to offer the same or similar corresponding individual courses and coursework to students from another LEA who have been impacted by teacher shortages, disruptions or cancellations in science, technology, engineering, and mathematics (STEM) classes, or disruptions or cancellations in dual language immersion programs.
				<i>1. Disruptions or cancellations in science, technology, engineering, and mathematics (STEM) classes</i>	
				<i>2. Disruptions or cancellations in dual language immersion programs</i>	
				<i>3. Teacher shortages in STEM classes or dual language immersion programs</i>	
				<i>Prior to accepting students for classes for any of the reasons specified in Items #1-3 above, the Superintendent or designee shall, with Board Approval, determine the maximum number of students that the district can accept for these purposes. The district shall accept students who apply until the district is at maximum capacity.</i>	
				<i>Students shall be admitted to this program through an unbiased process that prohibits an inquiry into, or evaluation or consideration of,</i>	

			<i>whether a student should be authorized to participate in the course or coursework based upon the student's current academic or athletic performance, proficiency in English, physical condition, any of the individual characteristics specified in Education Code 200, or family income. If the number of applicants exceeds the number of seats available, the approval for participation shall be determined by a random public drawing at a regularly scheduled Board meeting.</i>	
			<i>The Superintendent or designee shall publicly post information, including, but not limited to, applicable forms and timelines for submission pursuant to the ICA, to ensure that students and their families are aware of the opportunities to participate</i>	
			<i>When negotiating the ICA, the Superintendent or designee shall collaborate with the other participating LEA(s) to agree upon an appropriate shared cost structure.</i>	CSBA NOTE: Pursuant to Education Code 48345, as added by SB 941, the average daily attendance attributable to a student participating in the ICA shall remain with the LEA of origination for purposes of state apportionment.
		<u>Transportation</u>	No change	
1		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.		

Created: 8/14/2023