

**Jacoby Creek School
Interdistrict Attendance**

AR 5117
Students

In accordance with the Revised 2018 Humboldt County Multi-District Agreement between the District’s Governing Board and the other districts within the County that are parties to the agreement (“Agreement”), and in accord with the District’s Board Policy, a permit authorizing an individual student's attendance outside of his/her district of residence may be issued upon approval of both the district of residence and the district of proposed enrollment. While the District is a party to the Agreement, the Board and Superintendent or designee shall not modify this administrative regulation without first referencing the Agreement, to ensure consistency between policies, regulations and the Agreement.

Districts will honor existing approved multi-year interdistrict permits but will follow the Agreement for new permits or re-applications.

Bases for Approval

Bases for Approval When the District is Either the District of Residence or the District of Proposed Enrollment:

1. When the student has been determined by staff of either the district of residence or district of proposed enrollment to be a victim of an act of bullying as defined in Education Code section 48900(r), the student shall be given priority for interdistrict attendance or placed at the top of the wait list.
2. Renewals and New Sibling Requests for the future school year will be approved, so long as they are received from December 1 through February 1.

Approval When the District is the “District of Residence:”

1. When acting as a district of residence, the District shall not prohibit the transfer of a pupil who is a child of an active military duty parent to a school district of proposed enrollment if the district of proposed enrollment approves the application for transfer. “Active military duty parent” means a parent with full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Military Reserve on active duty orders pursuant to Chapter 1209 (commencing with Section 12301) and Chapter 1211 (commencing with Section 12401) of Part II of Subtitle E of Title 10 of the United States Code.
2. When acting as a district of residence, the District may deny a parent/guardian request for an interdistrict permit received at any time of year if the parent/guardian does not participate in

the district of residence's Reasonable Enrollment Activities, absent good cause such as hardships due to medical conflicts, work schedule, child care, transportation, language barriers, or similar excuse. "Reasonable Enrollment Activities" include a discussion with the District's administration or their designees, attending an orientation meeting, a site visit, and/or review of informational literature.

3. When acting as a district of residence, the District will approve an interdistrict transfer request submitted by a parent/guardian if it is received at the district of residence between December 1st through February 1st at 4:00 p.m. (also known as "the Preferential Enrollment Period" or "the Priority One Open Enrollment Window"). If February 1st falls on a weekend, the deadline will be the next school day after February 1st. Interdistrict transfer requests for the future school year will not be considered prior to December 1.

4. Interdistrict attendance requests received from a parent/guardian for the current school year or requests to attend a school or district the following year, but received after the February 1 Priority One Enrollment Window, will be processed and approved by a district of residence under the following circumstances:

a. Parent/guardian did not reside in Humboldt County school districts' boundaries prior to the Priority One deadline.

b. Parent/guardian moved from one district to another district subsequent to the Priority One deadline.

c. Parent/guardian has a reasonable argument and a compelling reason, including hardship - such as medical conflicts, work schedule, child care, transportation, language barriers - for why the Priority One deadline was not met, or why the circumstance did not warrant a request for an interdistrict at the time of the Priority One deadline (i.e. February 1st or the first school day thereafter).

d. Parent/guardian has a reasonable explanation for not being able to participate in district of residence Reasonable Enrollment Activity.

5. Renewals for an interdistrict transfer must be sought annually if the student's district of residence is a signatory to the Agreement. A district of residence may deny a renewal for an interdistrict transfer if the parent/guardian failed to participate in required Reasonable Enrollment Activities prior to granting a renewal when the student transfer involves a School Level Transition and absent good cause. School Level Transitions are those transitions from one grade span to another, based upon the district of residence's transitions, e.g. elementary school to middle school, or middle school to high school. Where a district is not a signatory to the Agreement, students need not re-apply annually.

Approval When the District is Acting as the District of Proposed Enrollment

1. When acting as the district of proposed enrollment, the District will approve an interdistrict transfer request if the District or desired school has capacity in the desired program. “Capacity” means space in school facilities and available resources, including staff to serve the student. The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited capacity.

2. The District may deny requests for the following reasons:

2a .An earlier interdistrict transfer for the student was revoked.

2b. If the student has been expelled from the sending district or is being processed for expulsion.

2c. The Parent/guardian has no apparent means of arranging for or providing for transportation to and from school.

2d. The school facilities or programs are currently overcrowded at the relevant grade level, or may become so during the school year because of additional resident students.

2e. The student needs a particular service or program to receive an appropriate public education, and 1) the district does not offer that service or program, or 2) that program is full, or may become so during the school year because of additional resident students, or 3) the person(s) who provide(s) that service already has (have) a full case load.

2f. Enrollment of the student would require the district to create a new program or to increase staffing levels, or if the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.

3. If a district of residence granted an interdistrict permit request for the future school year, that approval is valid until the commencement of the district of proposed enrollment’s new school year. This is to allow time for the district of proposed enrollment to determine if there is capacity for the student. The district of proposed enrollment is limited to accepting the equivalent of two students per grade level from its wait list, or 7% of the school’s total enrollment from the waitlist, whichever is greater. The wait list must be established at the time of the district of proposed enrollment’s lottery or capacity determination.

Processing Interdistrict Transfer Requests:

An individual permit will first be submitted to the district of residence for approval, and then will be sent to the district of proposed enrollment if the district of residence approved the interdistrict

transfer. The district of proposed enrollment will then decide whether to grant or deny the request. The Superintendent or designee shall notify the parent/guardian of a student who is denied interdistrict attendance regarding the process for appeal to the Humboldt County Board of Education.

Requests for an Interdistrict Transfer for the Future School Year Received from December 1 through February 1, “the Priority One Enrollment Window”:

As a district of residence, the District will have 10 school days after the close of the Priority One Enrollment Window to approve the request and to forward the interdistrict permit request to the district of proposed enrollment. Alternatively, if the district of residence denies the request, the District has 10 school days to notify both the parent/guardian party and district of proposed enrollment of the decision.

As the district of proposed enrollment, the District will have 15 school days after the close of the Priority One Open Enrollment Window, or five school days from receipt of the approved interdistrict permit from the district of residence, whichever is later, to approve or deny the request and to notify both the parent/guardian party and district of residence of the district of proposed enrollment’s decision.

Requests Made for an Interdistrict Transfer Outside of the Priority One Enrollment Window:

Future year requests: A “future year request” is a request for an interdistrict transfer received by the District up until fifteen calendar days before the commencement of instruction in the year for which the interdistrict transfer is sought. The District must respond to future year requests outside of the Priority One Enrollment Window as follows:

Requests for the following school year made prior to December 1 will be denied.
Parent/guardian may apply within the Priority One Open Enrollment Window or thereafter.

Requests for the following school year made after February 1, or, if February 1 falls on a weekend, the first school day after February 1, must be approved or denied no later than the first 14 calendar days after the commencement of instruction in the school year for which the transfer is sought.

Current year requests: A “current school year request” is a request for an interdistrict transfer received by the District beginning fifteen calendar days before the commencement of instruction in the school year for which the interdistrict transfer is sought and thereafter within that school year. The district of residence and district of proposed enrollment have 30 calendar days to approve all current school year requests.

Appeals

A parent/guardian has 30 calendar days from a denial of a request to appeal to the Humboldt County Board of Education. For purposes of appealing to the Humboldt County Board of Education, a “denial” includes a school district's failure to provide written notification of the school district's decision within the timelines prescribed in this administrative regulation.

A “denial” shall not include any of the following:

1. An abandoned appeal, i.e. the failure of a parent/guardian to meet timelines established by the District.
2. An existing interdistrict transfer permit that has been revoked or rescinded in accordance with the policy of the governing board of the school district.
3. A denial by the school district of proposed enrollment when no permit has been first issued by the school district of residence.

If the Humboldt County Board of Education determines on appeal that the student should be permitted to attend the district of proposed enrollment, the district of proposed enrollment shall admit the student without delay.

Students who are under consideration for expulsion or who have been expelled pursuant to Education Code sections 48915 and 48918 may not appeal interdistrict attendance denials while expulsion proceedings are pending or during the term of the expulsion.

Provisional Enrollment:

Generally, the District of proposed enrollment will not grant provisional enrollment of pupils pending an appeal before Humboldt County Board of Education, with the exception of students who have been attending the school in the immediate past and who have been historically and continuously enrolled. For example, a district of proposed enrollment may provisionally enroll a student when a parent/guardian moves from District A in April to District B, but wants her child to continue attending District A for continuity.

On the rare occasion a student is provisionally enrolled, the governing board of a school district of proposed enrollment may provisionally admit to the schools of the school district a pupil who resides in another school district, pending a decision of the governing boards of the two school districts, or by the county board of education upon appeal, regarding the interdistrict attendance for a period not to exceed two months. A pupil shall be eligible for provisional attendance only upon providing reasonable evidence that a final decision for a request for interdistrict transfer is pending either with the school district of residence, the school district of proposed enrollment, or the county board of education. The period of provisional attendance begins on the first day of the pupil's attendance in the school. If a decision by the school districts or the Humboldt County

Board of Education has not been rendered by the conclusion of two school months, and the school districts or the Humboldt County Board of Education are still operating within the prescribed timelines, the pupil shall not be allowed to continue attendance at the school district of proposed enrollment. The pupil is subject to compulsory full-time education pursuant to Education Code section 48200 and shall enroll in the school district of residence or in another educational program.

Revocations

Individual interdistrict transfer permits may stipulate bases for revocation of the permit. In addition to any bases listed on an interdistrict transfer permit, the District may revoke a permit for:

- (1) Behavior leading to suspension and/or expulsion;
- (2) Parent/guardian providing false of facts within interdistrict transfer request;
- (3) More than three unexcused pupil absences;
- (4) Lack of capacity, such as a student requiring a program that the District does not offer; and/or
- (5) Any other lawful, non-arbitrary basis for the district to conclude it would be in the best interest of the student, the student's school, or the district for the interdistrict attendance permit to be revoked.

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