

Saratoga USD

Administrative Regulation

Interdistrict Attendance

AR 5117
Students

The Superintendent (or Designee) is responsible for processing Interdistrict Transfer Requests, and the permission for transfer shall be approved through the District's Office of the Superintendent.

The Request for Transfer is initiated by the parent at his or her child's district of residence.

The parent(s) or guardian(s) of the child must be informed that the acceptance of their child for an Interdistrict Transfer shall be contingent upon the parent and the child assuming full responsibility for:

1. Transportation.
2. Satisfactory attendance.
3. Satisfactory behavior.
4. Satisfactory academic progress.
5. Any necessary documentation requested regarding and including childcare K-6, employment, doctor's recommendations, or guardianship documentation.
6. Understanding that the receiving school has the right to rescind any prior approved Interdistrict Transfer if enrollment fluctuates during the course of the school year, or the parent/student does not fulfill the responsibilities listed in #1 - 5 above.

The Interdistrict Transfer shall be valid for only the current school year.

It is the responsibility of each school to ensure that a nonresident student accepted and registered without a valid Permit be returned to the school of residence.

Agreements and Permits

In accordance with an agreement between the Governing Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict

transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
 - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
 - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. A student who lives outside of the school District and is permitted to attend the Saratoga Union School District on an Interdistrict Permit may not participate in the "Open Enrollment" process of this District.

Priority for interdistrict attendance shall be given to a student who 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 48900(r), committed by a student of the district of residence. (Education Code 46600)

(cf. 5131.2 - Bullying)

In addition, the Superintendent or designee may approve or deny individual Applications for Transfers based on the following conditions:

1. The student's family moves into or out of the Saratoga Union School District during the second half of the school year. After discussion with the parents, it is believed by this District that the best interests of the student would be served by the student remaining in the same school for the balance of the school year.

2. The family has completed plans for moving into or out of the District prior to the opening of the school year and can furnish acceptable proof of the intended move, such as a rental agreement and deposit or escrow papers.
3. To allow students who have been continuously enrolled in a school to complete the last year of elementary as a fifth grader, or middle school as an eighth grader.
4. The parent(s) or guardian(s) of students in Grades TK - 5 are employed full-time outside the District boundaries, and the student would be improperly supervised for a period of the day if the Interdistrict Transfer to another district were not permitted.
5. The parent must work full-time within the boundaries of the District requested for attendance. Parents who work full-time at a school will be given priority for an Attendance Permit at that school. Transfer Requests based on parent employment are handled only as Interdistrict Transfers and not as Residency/Allen Bill Transfers. Verification of employment information and reapplication is required annually.
6. Special circumstance, when there are special mental, physical, and/or social-emotional needs of the student as certified by a physician, licensed psychologist/family therapist.
7. When recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence

Conditions for Cancellation of Interdistrict Permits

The sending or receiving school or district has the right to revoke any previously approved Interdistrict Transfer Permit for any of the following reasons:

1. Falsification or misrepresentation of information.
Enrollment fluctuation.
3. Infraction of school rules.
4. Unsatisfactory behavior of student and/or parent/guardian
5. Unsatisfactory attendance, including late arrivals and/or parent/guardian pick-up of student
6. Poor academic effort/achievement.
7. Doctor's recommendations.
8. Inappropriate guardianship documentation.

9. Overcrowding

10. Change in parental employment to outside boundaries of the Saratoga Union School District.

Appeal Procedures

Interdistrict Transfer Requests that are denied by the Saratoga Union School District may be appealed by the parent/guardian to the Santa Clara County Board of Education within ten (10) calendar days of the date of denial.

The appeal is to be in writing and must provide all information and details as to why the denial is being appealed. The Santa Clara County Board of Education's decision is final.

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

(cf. 5145.6 - Parental Notifications)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

The district may revoke a student's enrollment if the student is recommended for expulsion pursuant to Education Code 48918. (Education Code 48309)

Transfers Out of the District

A student whose parent/guardian is in active military duty shall not be prohibited from transferring out of the district, provided the school district of proposed enrollment approves the application for transfer. (Education Code 46600, 48307)

1. The County Superintendent of Schools has given the district a negative budget certification or has determined that the district will not meet the state's standards and criteria for fiscal stability in the subsequent fiscal year exclusively as a result of student transfers from this district to a school district of choice.

(cf. 3100 - Budget)

2. The Board determines that the transfer would negatively impact any of the following: (Education Code 48307)
 - a. A court-ordered desegregation plan
 - b. A voluntary desegregation plan of the district, consistent with the California Constitution, Article 1, Section 31
 - c. The racial and ethnic balance of the district, consistent with the California Constitution, Article 1, Section 31

(7/12 10/17) 3/19