



**Santa Barbara  
SCHOOL DISTRICTS**

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Date: September 14, 2009  
To: Dr. J. Brian Sarvis, Superintendent  
From: Michael J. Gonzalez, Director of Student Services and Compliance  
Subject: Revision to Board Policy 5117, "Interdistrict Attendance"

Consent Agenda     X    

Background

On August 25, 2009 the board adopted revisions to Board Policy 5117, "Interdistrict Attendance" to reflect one policy that serves both the elementary and secondary district.

Staff is recommending that the March 1 application deadline for interdistrict attendance transfers adopted in BP 5117 be changed to March 31 to be in alignment with the application deadline for Board Policy and Administrative Regulation 5116.1 "Intradistrict Open Enrollment."

Fiscal Impact

No cost.

Recommendation

It is recommended that the board of education adopt the March 31 revised application deadline to Board Policy 5117, "Interdistrict Attendance".

<b>Attachment(s)?</b>	<input checked="" type="checkbox"/> <b>Yes</b> (if so, please attach)	<input type="checkbox"/> <b>No</b>	<input type="checkbox"/> <b>Powerpoint</b>	<input type="checkbox"/> <b>Overhead</b>	<input type="checkbox"/> <b>Consultant</b>
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Adams Elementary School	Harding Elementary School	Peabody Charter School	Goleta Valley Junior High School	Dos Pueblos High School
Cesar Chavez Charter School	McKinley Elementary School	Roosevelt Elementary School	La Colina Junior High School	La Cuesta Continuation High School
Cleveland Elementary School	Monroe Elementary School	Santa Barbara Charter School	La Cumbre Junior High School	San Marcos High School
Franklin Elementary School	Open Alternative School	Santa Barbara Community Academy	Santa Barbara Junior High School	Santa Barbara High School
		Washington Elementary School		

# Santa Barbara School Districts

## Board Policy

BP 5117

### Students

#### INTERDISTRICT ATTENDANCE: SANTA BARBARA SCHOOL DISTRICTS

##### **Allowance of Interdistrict Transfers into Santa Barbara School Districts**

Because of negative fiscal impacts, the Santa Barbara School Districts do not accept interdistrict transfer students, except in the following limited cases:

1. Students who are children of district employees. The rules for admission of these students are set forth in Administrative Regulation 5111.12.
2. Students who complete the eleventh grade in a Santa Barbara Secondary District School during the 2009-2010 school year may be permitted to complete the twelfth grade during the 2010-2011 school year.
3. Students who are enrolled during the 2009-2010 school year in a high school academy or other unique high school academic program not replicated in the student's district of residence may be permitted to complete the program at the same high school through the twelfth grade, space permitting. Such programs include the Multimedia Arts and Design Academy, Visual Arts and Design Academy, Green Academy, Academy of Public Policy and Leadership, Health Academy, Engineering Academy, and the International Baccalaureate Programme.
4. Tenth-grade students who participate in a high school interscholastic sports program during the 2009-2010 school year may be permitted to complete attendance at the same high school through the twelfth grade in order to compete in the same sport at the varsity level only where a transfer to the district of residency would result in loss of eligibility to compete in the same sport at the varsity level under applicable California Interscholastic Federation rules.
5. Students who qualify for and are approved on the basis of extraordinary hardship as defined below.

Any student qualifying for an interdistrict transfer under any of the above exceptions may be denied a transfer request based on overcrowding, unsatisfactory performance or non-participation in the special academic or varsity athletic program that formed the basis for admission, or violation of the terms and conditions of an existing interdistrict transfer agreement. Interdistrict transfers are subject to revocation, upon 30 days written notice, for non-participation in the special academic or varsity athletic program that formed the basis for admission, or violation of the terms and conditions of an existing interdistrict transfer agreement. The Superintendent has the authority to extend the 30 day release time to the end of the school year in cases where, in the discretion of the Superintendent, circumstances warrant.

##### **Extraordinary Hardship Exemption**

A student who will suffer or whose immediate family member(s) will suffer an extraordinary hardship due to a denial of their interdistrict transfer request may apply for an exemption. "Extraordinary hardship" is defined as a documented severe and exceptional financial, educational, safety, or health impact on the student or an immediate family member of the student.

An exemption for extraordinary hardship will be granted only in very rare and unique situations where there is a profound negative impact upon a student or immediate family member that cannot be reasonably mitigated by other means. The Superintendent or designee may require evidence that he or she deems necessary to verify a claim of extraordinary hardship.

Absent such dire circumstances, interdistrict transfers will not be granted (1) because of special characteristics of a particular school, (2) due to child care considerations, (3) because of employment within the district, (4) on account of transportation issues, or (5) as a result of parental separation or divorce.

An extraordinary hardship exemption shall not be granted if permitting the attendance will adversely impact district class size or otherwise result in unacceptable cost to the district.

### **Application Review and Process**

All applications for interdistrict transfer must be received by the district in writing, using the approved form, by ~~March 1~~ March 31 of each year. All grounds supporting the application must be set forth in a single application. Multiple or successive applications will not be considered by the district. Transfer applications for children of newly hired district employees will be accepted within thirty (30) days following the date of hire.

The board delegates to the Superintendent or designee the authority to grant or deny interdistrict transfer requests. Any claim of exemption due to extraordinary hardship must be documented in writing and submitted with the interdistrict transfer application. The district may require additional documentation to support the claim of extraordinary hardship. In the event of a claim of extraordinary hardship based upon medical or similar reasons, a written statement from the physician or other provider should accompany the application. The district retains the right to independently confirm all information provided.

No interdistrict transfer application shall be approved without the prior written approval by the district of residence.

### **Agreements With Other Districts**

The Superintendent may enter into reciprocal or other agreements with other districts to allow for interdistrict transfers under reasonable conditions that will avoid negative financial impacts to the Santa Barbara Elementary School Districts. In such case, interdistrict transfers may be permitted in a manner that is fair and impartial, based upon procedures developed as a consequence of any such agreement.

### **Appeal**

All persons who are denied interdistrict transfer requests shall have a right of appeal to the Santa Barbara School Districts Board of Education. All requests for appeal must be filed within fifteen (15) days of issuance of the written denial and must state in detail the grounds for appeal. No new information shall be considered by the board outside of that which was considered by the Superintendent or designee in denying the appeal. The board may act to grant or deny an appeal without hearing, and may take up any such appeals in closed session if necessary to protect pupil confidentiality, as long as to do so would not violate the Brown Act.

Following the final denial of an interdistrict transfer by the Santa Barbara School Districts, an appeal may be submitted within thirty (30) days to the Santa Barbara County Board of Education. An appeal may be submitted to the Santa Barbara County Board of Education without appealing the denial to the Santa Barbara School Districts Board of Education.

### **Term of Transfer**

All interdistrict transfer requests shall be approved only for one year, and students must reapply for readmission to the district prior to each school year. The grant of an interdistrict transfer request is not the grant of district residency status within the meaning of Education Code section 48204(b).

In no event shall an interdistrict transfer be approved, and any approval previously granted shall be immediately revoked, if false or materially misleading information has been provided to the district in the pupil's transfer or enrollment application.

If a student moves out of the district during the course of the school year, the parent or legal guardian shall notify the district of the change of residency and the student may apply for an interdistrict transfer agreement to allow the student to remain until the end of the current school year. In such case, the Superintendent or designee is authorized in their discretion to grant the interdistrict transfer through the end of the current school year.

The parent or legal guardian of any student enrolled under this policy shall immediately notify the district of any change in circumstances which would affect their eligibility for admittance under this policy. Failure to do so shall result in disenrollment and disqualification from future enrollment under this policy or the district's residence policy.

### **Conditions of Acceptance**

Every interdistrict attendance agreement shall stipulate the terms and conditions under which the agreement may be revoked. (Education Code 46600) Each student and parent or legal guardian must sign a positive behavior and attendance contract. If the contract requirements are not met, the interdistrict transfer may be revoked.

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 46601)

Students who are granted interdistrict transfers shall not receive transportation services from the Santa Barbara School Districts.

*(cf. 5119 – Students Expelled from Other Districts)*  
*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

### **Transfers Out of the District**

Applications to transfer out of the district must be submitted to the Superintendent or designee. Per Education Code 46600, interdistrict transfer permits require the approval of both the district of residence and the receiving district. Transfer permits will be authorized for one year only. Denials of transfers out of the district may be appealed to the Santa Barbara County Office of Education.

*Legal Reference:*

EDUCATION CODE  
46600-46611 *Interdistrict attendance agreements*

Policy: SANTA BARBARA SCHOOL DISTRICTS  
Adopted: March 10, 2009 Santa Barbara, California  
Revised: August 25, 2009