

Parent Guidelines for Enrollment of Students Outside Your School District of Residence

Available Options and
Limitations on Attending
Schools Outside Your
School District of
Residence

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Introduction

This document is intended as a guide for parents who are exploring the possibility of enrolling their child in a school or district where they do not reside (outside of their district of residence).

Enrollment of Students in their District of Residence is the Law in California

The requirement for students to attend schools in their district of residence has been California law since the mid 1800's. Contrary to popular opinion, under California law, parents and children do not enjoy the freedom to choose to attend any school they wish. Parents are required in California, to enroll their children in their district of residence with certain allowable exceptions, which are outlined in the following pages.

Options for Enrollment in a District other than the District of Residence

Students can be enrolled in a school district outside of his/her district of residence in the following ways:

1. District of Choice Program

Parents may apply to attend another school district under the "District of Choice Program." Applications must be submitted to the district of residence no later than January 1st of the school year preceding the school year for which the student is to be transferred. Final acceptance or rejection by the school districts must be made by May 15th of the year preceding the school year for which the student is to be transferred. A school district of residence can prohibit a district of choice transfer if the number of students transferring out of the district of residence exceeds three percent of the current year estimated average daily attendance. The district of choice may also deny admission of the student. Denial of applications under the District of Choice Program is not subject to appeal to the County Board of Education.

2. Caregiver Affidavit

If your child is living in another adult's home and attending school in another school district, he/she may do so only if a signed caregiver affidavit is on file in the district where you wish to enroll your child. Caregiver affidavits are signed under penalty of perjury and are legally binding documents. Schools will require parents to certify, in writing, that they have turned over their parent/caregiver rights to another adult over 21 years of age, and that the student lives in the home with the caregiver. Discovery of fraudulent filing of affidavits by a parent will result in the student being dropped from school enrollment and possible prosecution for perjury.

3. Transfers Based Upon Employment of Parent or Guardian in a School District Outside of the District of Residence

Under Education Code Section 48204(b), "a school district may deem a student as having complied with the residency requirements for school attendance in that district if one or both

Parent Guidelines for Enrollment of Students Outside Your School District of Residence

parents or legal guardians of the student is employed within the boundaries of the school district.”

This law is permissive and does not require the district to accept a student. Also, the district of residence can prohibit such a transfer if the district of residence has had a net transfer out of the district for the fiscal year in question in excess of 5% in districts under 501 and 3% in districts between 501 and 2501.

Parents wishing to enroll their students in districts where they are employed should follow the process below:

- a. Go to the school district where you are employed and request to enroll your child. Be prepared to provide proof of employment.
- b. The district receiving the child will:
 1. Contact your district of residence to determine if they intend to prohibit the transfer based on a net outgoing of students which exceeds either 3% or 5% whichever applies.
 2. Determine if they are willing to accept your student.
 3. Notify you whether or not you may enroll your child.
- c. Denial by either the district of request or the district of residence is final and not subject to appeal to the County Board of Education.

4. Interdistrict Attendance Agreement

Students may be enrolled in a school district outside of their district of residence if the Governing Boards of both the district of residence and the district of requested enrollment approve an application for interdistrict attendance. The process for filing an Interdistrict Attendance Request is as follows:

- a. Obtain an Interdistrict Attendance Request form from your district of residence (copy provided at end of this Guideline). Complete the application and return it to the school district office. We recommend that these applications be submitted no later than June 1st of each year.
- b. Within 30 days, you will receive notification from your district of residence as to whether or not your application has been approved.
 1. If the application is approved, you will then want to check with the requested district of attendance to determine if the application has also been approved on their end. The norm, however, is once it is approved (signed) by the District where Student Desires to Attend, the NCR form is distributed as follows:

Parent Guidelines for Enrollment of Students Outside Your School District of Residence

White (original) copy – District of Residence
Yellow copy – County Office
Pink copy – District Student Desires to Attend
Orange copy – Parent/Guardian

Should the form not be an NCR, then three additional copies will be made plus original and sent to the same distribution list as noted above.

Approval by Districts

If both districts approve, then you may immediately enroll your student in the district of desired attendance. The district of desired attendance will send a signed copy of the approval request to you.

Denial by One or Both District Boards

If one or both districts deny the application, then parents have the right to file an appeal of that decision to the County Board of Education. To obtain guidelines on filing an Interdistrict Attendance appeal, contact Carol Stephens at the Tehama County Department of Education (530/528-7323). The appeal must be filed no later than 30 days following denial by the school district.

Factors which Boards May Consider in Granting an Interdistrict Attendance Request

The Governing Boards of both the district of residence and the requested district of attendance will consider your application for an interdistrict attendance request.

In deciding whether to grant or deny an application, district boards weigh the conditions favoring a transfer against the adverse impacts upon the school districts. Each case is decided upon its merits.

Parents deciding to complete an interdistrict attendance request application are encouraged to consider the following factors as they develop their application:

Factors Which May Support an Application:

1. *The student's desire to remain in his or her school or current attendance for the balance of the semester or school year despite his/her parent's change of residence.* The student's desire may be based on his or her anticipated graduation from the school of current attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year.
2. *The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district.* The student and his or her parent or guardian must offer written

Parent Guidelines for Enrollment of Students Outside Your School District of Residence

proof of their plans to move into the district of proposed attendance. Such written proof may be a rental agreement, a contract to purchase new property, or a similar document.

3. *The acceptance of a sibling of the student for attendance for the current school year by the district of requested attendance when requiring the students to attend different districts would cause a hardship on the family.* The student and/or parent must submit written documentation of the sibling's enrollment and demonstrate a hardship based upon childcare needs, transportation issues, employment location, or other significant factors.
4. *The student's psychological or physical wellbeing will be seriously adversely impacted by remaining in the district of residence.* Problems with a student's psychological or physical wellbeing must be supported by the written statement of a qualified medical or behavioral professional having a professional relationship with the student.
5. *A substantial danger to the student's health or safety exists by remaining in the district of residence.* A danger to the student's health or safety must be supported by the written statement of a qualified health expert, by police reports, by school records, or by other documentation. Substantial danger based upon transportation issues may be included in this criterion.
6. *A specialized and specific district academic program or service in grades 9-12 is unavailable in the district of residence, and is essential to the student's career or academic objectives.* Such a distinct program or service must be directly related to and be essential to achieve the student's career objectives or academic advancement and not be based solely on the student's interests or desires, or on extracurricular activities or athletics. An academic program is defined as a series of classes in a single subject or in related subjects extending over more than one (1) year in grades 7-12, which has a specific occupational or educational objective.
7. *The student previously has been granted an interdistrict attendance agreement, specifically based on that student's childcare needs, and the student must be allowed to continuously enroll in the school district pursuant to Education Code Section 46601.5.* The parent or guardian must provide evidence of the previous interdistrict attendance agreement, the current and prior childcare location(s), and any documentation from the school district(s) regarding the prior agreement and current request.
8. *A need to change the student's social environment, as recommended by juvenile authorities, such as School Attendance Review Board, county child welfare, and/or social service agency staff.* You must provide written documentation from a social services agency/staff or a law enforcement agency/staff that, due to documented cases of serious home or community problems, it is inadvisable for the student to remain in the school district of residence.
9. *By reason of transfer of territory between districts, the residence of the student is no longer in the district, which maintains the school where the student has previously attended.* You must show location of residence and the negative impact, if any, due to the transfer of territory.
10. *The student's residence is located such that entrance and exit on streets or sidewalks in all directions require transfer through the district of requested attendance, and by virtue of topography, street pattern, and location of homes in the neighborhood, the area is land-locked.*

Parent Guidelines for Enrollment of Students Outside Your School District of Residence

You must provide written documentation of the land-locked situation and how such a situation makes a change in school districts advisable.

11. *Affordable and dependable childcare for the student is available for the student in the requested district of attendance.* If childcare is given as the reason for the request, adequate supporting documentation must be submitted regarding child safety and financial need. A certification of childcare form must be attached to the Interdistrict Attendance Request form.
12. *Other exceptional or extraordinary circumstances which would weigh heavily in favor of the student.* You must specify and describe the type of exceptional or extraordinary circumstance and its effect on the student. School attendance with friends, relatives, and/or former classmates are not considered extraordinary circumstances.

Adverse Impacts Upon the District

Governing Boards may consider one or more of the following adverse impacts in weighing their decision to approve or deny an interdistrict attendance application.

1. The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).
2. The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies based on prior school attendance.
3. Overcrowding/lack of space for the student in the receiving district.
4. The negative impact of the student's transfer on a court ordered or voluntary desegregation plan of either district.
5. The transfer of the student would violate the California Education Code, a state department regulation, or some other law governing school districts.
6. Other exceptional or extraordinary circumstances, which would weigh heavily in favor of the affected school district.

Summary

In California, students are required by law to attend the elementary and high school districts in which they reside. However, there are four ways in which students can legally enroll in schools outside their district of residence. Those options are:

- 1) District of Choice
- 2) Parent Employment Transfer
- 3) Caregiver Affidavit
- 4) Interdistrict Attendance Agreement

Parents are encouraged to work with school superintendents and principals to determine whether or not any of these options fit their needs.

Sample

Tehama County Schools
Tehama County Department of Education

INTERDISTRICT ATTENDANCE REQUEST FOR THE _____ SCHOOL YEAR



Name of Student

Current District of Residence

Address, City, Zip

District Student Desires to Attend

Phone Number(s)

Name of School Currently Enrolled

Parent or Guardian (please print)

Present Grade Level:

Grade Level for Requested Year:

Parent or Guardian Signature

Date of Birth:

IEP: ___ Yes ___ No

Special Program(s) assigned:

State Reason for Request:

(Use additional sheets if necessary)

For Office Use Only

The Governing Board of the _____ School District of Tehama County and the _____ School District of _____ County agree to permit the student(s), while residing in the first-named district, to attend school in the second-named district during the school year ending _____, on the following terms:

1. District of attendance accrues ADA for its revenue limit and Foundation Program. No tuition will be charged to the district of residence.
2. Under terms of a general agreement between the two districts a copy of which shall be filed with the County Superintendent of Schools.
3. Under terms of a special agreement as attached.
4. Transportation will not be provided, nor will in-lieu transportation be paid.

ACTION OF DISTRICT OF RESIDENCE

Approved _____ Denied _____ Date of Action _____
Signature of Superintendent _____

ACTION OF DISTRICT WHERE STUDENT DESIRES TO ATTEND

Approved _____ Denied _____ Date of Action _____
Signature of Superintendent _____

If the interdistrict request is denied by either district, an appeal may be made to the County Board of Education within 30 days of the denial.