

## INTRODUCTION

The Governing Board believes that children should attend elementary schools where they live, and supports the concept of neighborhood schools. In addition, the Governing Board shall consider requests for interdistrict attendance as prescribed by the Education Code of the State of California, and by Board policy and District Administrative regulation.

### 1. RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT

Education Code 48204(f) provides that an elementary grade student who does not reside in the district shall be deemed to be a resident of the district if the student's parent/guardian works within its boundaries. The decision to admit such students is discretionary with the Board and is based primarily on space availability. If the District admits such students, it may not refuse to admit particular students on the basis of race, ethnicity, gender, parental income, scholastic achievement, or any other arbitrary consideration. The district may deny admission based on non-arbitrary considerations, including if the transfer would adversely affect the District's existing desegregation plan or if the cost of the student's education would exceed any additional state funds that the District would receive.

As space allows, priority will be given to those parents employed full-time in the District. "Employment" is the relationship of employer and employee; it does not include one who performs services as an independent contractor, but does include persons who are self-employed with a permanent place of business within the District. Written verification by the employer or by the parent or guardian, if self-employed, of the parent's employment of at least twenty (20) hours/week and for at least thirty (30) weeks, during school hours, per year will be required and attached to the original application and each subsequent verification.

### 2. RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT - ALLEN BILL TRANSFERS SB200 (SEE EDUCATION CODE SECTION 48204(A)(7))

SB200 was intended to address the concerns of caregivers, nannies, and other such workers who are required to stay overnight at their place of employment. District residency status may be granted to a student if the student's parent (or legal guardian) resides outside the boundaries of the school district but the parent is employed and lives with the student in the parent's place of employment within the boundaries of the school district for a minimum of three days during the school week.

**3. APPROVAL/CONTINUING RESIDENCY BASED ON PARENT/GUARDIAN EMPLOYMENT**

- A. The Superintendent or designee shall notify the district of residence of all children requesting admittance into the district on the basis of parent/guardian place of employment. Unless approved by the student's current district of attendance, no student shall be admitted into the district on the basis of a parent/guardian place of employment in excess of the limits imposed by law. (See Education Code 48204(f)(6). Pursuant to Education Code 48204, any decision to deny admission or transfer out of the district and the reasons for denial must be recorded in the minutes of the Board meeting at which the decision was reached and then transmitted in writing to the student's parent/guardian. A parent/guardian whose request for admittance is based on employment within the District's boundaries does not have the right to appeal a denial to the Marin County Board of Education.
- B. **Employment-Related Transfers:** EC 48204(b)(7) provides that, once admission has been approved for a student based on the location of his/her parent or guardian's employment, the district governing board shall allow the student to attend school through the eighth grade if the parent or guardian so chooses, subject to the limitations described below. Annual verification of employment is required for continued eligibility as an employment-related transfer.
- C. **Limitations on Approval:** Transfer requests for continuing students may be denied or revoked if supporting documentation is incomplete, falsified or not submitted on time as requested by the District; if the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer; or if the transfer implicates any other provisions in EC 48204(b), paragraphs (1) to (6), inclusive.

**4. APPROVAL OF NEW INTERDISTRICT TRANSFER REQUESTS**

All transfer requests will require approval of the district of residence, and will be considered for approval subject to review by the Superintendent of the impact to District finances, class size, student-teacher ratios, facilities and curriculum. If the Superintendent determines that there is insufficient classroom space or programmatic capacity to accommodate all continuing transfer students, the Board will consider each request according to the priorities identified in paragraph B., below.

- A. **Criteria:** Each interdistrict transfer request will be judged on its individual merits. The criteria which shall be used by the Board in acting on a request to transfer to the District from another school district under this policy will include the following:

DIXIE SCHOOL DISTRICT  
INTERDISTRICT TRANSFER AGREEMENTS

Policy 5117

1. Verification of all factual information and supporting documentation submitted with the transfer request. Any transfer request containing or based upon false information or documentation will be denied or revoked, and the parent or guardian responsible referred to legal authorities as provided by law.
2. Classroom space available will be determined by the Board in accordance with the District's Class Size Policy. In order to comply with class size reduction requirements, new interdistrict attendance agreements will only be approved in:
  - Grades K-3, if class size is below a maximum of 21 students per class
  - Grades 4-5, if class size is below a maximum of 25 students per class
  - Grades 6-8, if class size is below a maximum of 25 students per **core** class

Transfer requests for students in special education programs may also be denied, if approval of the request will exceed classroom or caseload capacities.

Class size projections will be prepared for each school and updated periodically for the Board, including all students living in the attendance area and all continuing transfer students. New transfer students are approved after consideration of the school's student population and projected class sizes at each grade level. In the event transfers must be disapproved solely for reasons of class size or program capacity, the students requesting such transfers will be placed on a waiting list for future consideration.

3. A determination that the additional cost of educating the pupil would not exceed the amount of additional State aid received as a result of the transfer.
  4. Parents' agreement to sign, and abide by the terms of the Interdistrict Transfer Student Contract, and parents' willingness to be accessible to school staff to discuss any issues or concerns that may arise.
- B. **Priorities:** The Board will use the following priority list for approving new Interdistrict Transfers:
- Special needs due to extraordinary circumstances (reciprocal relationship with districts)
  - Children of full-time employees of the District
  - Employment related transfers
  - Residency Based on Parent/Guardian Employment (SB 200 Allen Bill Transfers)
  - Other Interdistrict Transfer requests

As space allows, siblings of children already attending school within the District will receive highest priority in each of the above categories.

- C. Except as prescribed by law or specified by the Board, interdistrict transfers will be approved for one year only. Transportation will not be provided for students attending the District on interdistrict attendance agreements.
- D. The District retains the authority to determine the specific school to which the student will be assigned.
- E. A student who has been expelled from other school district may not be admitted to the District on an interdistrict attendance agreement during the period of his/her expulsion. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials while expulsion proceedings are pending, or during the term of the expulsion.
- F. The parent or guardian of a student who is denied a transfer request shall receive notice regarding the appeal process to the District Board of Education.

**5. APPROVAL OF INTERDISTRICT TRANSFER REQUESTS FOR CONTINUING STUDENTS**

In general, the Governing Board shall consider approval of interdistrict transfer requests for continuing students prior to considering new interdistrict transfer requests, subject to the limitations prescribed by applicable law, regulations and District policy.

- A. **Limitations on Approval:** Interdistrict transfer requests for continuing students may be denied if supporting documentation is incomplete, falsified or not submitted on time as requested by the District, *or* if the additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer.
- B. **Other Interdistrict Transfers:** All transfer requests will require approval of the district of residence and will be considered for approval subject to the review by the Superintendent of the impact to District finances, class size, student-teacher ratios, facilities and curriculum. If the Superintendent determines that there is insufficient classroom space to accommodate all continuing transfer students, the Board will consider each request using the following priorities:
  - 1. Educational continuity (i.e., completing K-5 or 6-8, students who move out of the district, number of years in the District, etc.)
  - 2. Special needs due to extraordinary circumstances (reciprocal relationship with other districts).

Transfer requests for students in special education programs may also be denied, if approval of the request will exceed classroom or caseload capacities.

## **6. REVOCATION OF TRANSFERS**

Under the authority of EC 46600, the Dixie School District stipulates the following terms and conditions under which an interdistrict transfer may be revoked:

- A. Failure to comply with all academic and behavioral requirements of the Interdistrict Attendance Contract. These terms are specified in the Interdistrict Attendance Contract, which must be reviewed and signed by parent/guardian and student, and returned to the District Office. Parents/guardians are advised in the contract that their student's interdistrict agreement may be terminated if the terms of the contract are violated during the school year.
- B. Determination by the district that the conditions qualifying the transfer for approval are no longer met.
- C. Determination by the district that the transfer request or supporting documentation contained was based upon false information.
- D. Determination by the Principal that the education program does not meet the student's needs.

## **7. REQUESTS FOR INTERDISTRICT ATTENDANCE AGREEMENTS OUTSIDE OF THE DISTRICT**

Parents/guardians of students wishing to transfer out of the District shall complete an application for transfer. Applications will be approved or denied by the Superintendent or designee. Applicants will be notified in writing if the request is denied, and will be given the reason for the denial. Denials by the District may be appealed to the District Board of Education. If the appeal is denied, the request may be appealed to the Marin County Board of Education.

## **8. CERTIFICATION OF SUPPORTING DOCUMENTS**

The Board requires that all requests for interdistrict attendance and the required supporting documentation be certified by the parent, guardian, child care provider or care giver under penalty of perjury. The Superintendent or designee is responsible for confirming the accuracy of information contained in such requests and documentation; investigating any

reported incidents of falsified information; recommending denial or revocation of transfers or transfer requests; reporting violations to the appropriate law enforcement agencies; and reporting such activities to the Board.

**INVESTIGATION OF RESIDENCY AB1101 (EDUCATION CODE 48204.1, 48204.2)**

- A. When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, an investigation may be initiated to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency.
1. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.
  2. The Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make reasonable efforts to determine whether the student resides in the district.
  3. Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation.
  4. The investigation shall not include the surreptitious collection of photographic or/ video-graphic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view.

Education Code: #46600

*(Replaces Policy 5118 Adopted 4/23/13  
Interdistrict Attendance – District of Choice)*

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