

**SUMMARY OF INTERDISTRICT ATTENDANCE, TRANSFERS AND CHANGES IN RESIDENCY**

	<b>Interdistrict Attendance Agreements between Two Districts (EC 46600 et seq.)</b>	<b>Student Deemed to Have Met Residency Requirements (EC 48204(a))</b>	<b>Student Residency Based on Employment of Parent/Legal Guardian (EC 48204(b))</b>	<b>Transfer into School District of Choice (“SDC”) (EC 48300 et seq.)</b>	<b>Romero Bill/Open Enrollment Act Transfers (EC 48350 et seq.)</b>
Terms and Conditions	Agreement must contain terms and conditions for granting/denial of permits. Terms and conditions of <i>revocation</i> are responsibility of district of attendance	Students are district residents if they are: (1) Placed in licensed children’s institute, foster home, or family home w/in district; (2) Emancipated minor residing in district; (3) Living with caregiver residing in district (with signed affidavit); or (4) Placed in state hospital within district	District <i>may</i> deem student to be resident if parent/legal guardian of student is <i>physically</i> employed within district boundaries	District must elect, by resolution, to become an SDC. SDC transfers are subject to statutory timelines for transfer applications and notice of acceptance. Students permitted to transfer into an SDC must be selected based on random, unbiased process	If student is accepted for transfer, student is deemed to have fulfilled residency requirements of EC 48204, and students accepted for enrollment are not required to resubmit applications to remain enrolled
Requires Approval of Sending District	Yes	No	No, but the # allowed to transfer out of a district is limited by statute based on ADA formula	No, but the # allowed to transfer out of a district to an SDC is limited by statute based on ADA formula or status of sending district	No, but the # allowed to transfer out may be limited in full or in part if certain conditions exist in sending district
Requires Approval of Receiving District	Yes	No	Yes	Yes	Yes
Limits on Receiving District Discretion	Broad discretion to deny or revoke for any legitimate, nondiscriminatory reason	No discretion. District must admit students deemed to have met residency requirements listed above	Some discretion. Refusal cannot be based upon race, ethnicity, sex, parental income, scholastic achievement, or other arbitrary consideration *	Very limited discretion. Selection must be based on random, unbiased process and not on basis of athletic or academic qualifications**	Some discretion to adopt standards for acceptance and rejection of transfer applications, but discretion limited by statute
<u>In Granting</u> May Board Consider: 1. Discipline/Behavior 2. GPA 3. Special Education Status	1. Yes 2. Yes 3. No, unless no space is available in program or district would have to implement new program or service for student	1. No 2. No 3. No	1. Yes 2. No 3. No, unless no space is available in program or district would have to implement new program or service for student	1. No 2. No 3. No, unless the district would have to implement new program or service for student, except as that the district may not reject the transfer of a student with special needs or who is an English learner	1. Currently, no 2. No 3. Currently, no
Is it Revocable?	Yes, if revocation terms are specified in the agreement	No; can only revoke if reason for residency no longer exists	No; can only revoke if parent/guardian is no longer employed within district boundaries	No	No

	<b>Inter-district Attendance Agreements between Two Districts (EC 46600 et seq.)</b>	<b>Pupil Deemed to Have Met Residency Requirements (EC 48204(a))</b>	<b>Pupil Residency Based on Employment of Parent/Legal Guardian (EC 48204(b))</b>	<b>Transfer into School District of Choice (“SDC”) (EC 48300-48315)</b>	<b>Romero Bill/Open Enrollment Act Transfers (EC 48350 et seq.)</b>
<b>In Revoking May Board Consider:</b> 1. Discipline and/or Behavior 2. GPA 3. Special Education Status	1. Yes, contingent on terms of revocation 2. Yes, contingent on terms of revocation 3. No	1. No. Must use expulsion process. 2. No 3. No	1. No. Once pupil is deemed to be resident, must be held to same discipline standards as other residents 2. No 3. No	N/A	N/A
<b>Reapplication Required Annually?</b>	Dependent on terms and conditions of agreement. Districts may agree to attendance for a term not to exceed five school years	No. Once admitted cannot require pupil to reapply, but OK to require verification that condition still exists	No. Once admitted, cannot require pupil to reapply, but OK to verify parent/guardian continues to be employed w/in district boundaries	No	No; but unclear when student moves on to feeder school
<b>Is District’s Decision Appealable?</b>	Yes, to the County Office of Education	No	Not under 48204, but some COE’s consider appeal as an inter-district transfer	No	No; the only available relief is judicial relief in the courts

\* Either transferring or accepting district may prohibit transfer if it would negatively affect court-ordered or voluntary desegregation plan. (See EC 48204(b)(2)-(3).) Receiving district may prohibit transfer if additional cost of educating pupil would exceed amount of additional state aid received as a result of the transfer.

\*\* Either transferring or accepting district may prohibit transfer if it would negatively affect court-ordered or voluntary desegregation plan or the racial and ethnic balance of the district. (See EC 48301.) School district of choice may prohibit transfer if the transfer would require the district to create a new program to serve a student, except that a school district of choice shall not reject the transfer of a special education student or an English learner. (See EC 48303).