



April 2019

## CHANGES IN THE INTERDISTRICT ATTENDANCE RULES

### AB 2826 - EFFECTIVE 1/1/2019

#### INFORMATION MUST BE POSTED TO THE DISTRICT WEBSITE

The most widely used procedure for transferring students out of a district or into a district is the interdistrict attendance agreement procedures set out in Education Code sections 46600 - 46611. AB 2826, effective January 1, 2019, revises those rules.

#### Pre-January 1, 2019:

The general gist of interdistrict attendance procedures is that school districts may agree between themselves on the circumstances in which each may enroll the students of the other. Such an agreement may be an express written agreement, verbal agreement or agreement implied from a course of past conduct. The agreement is frequently implied from a course of past conduct.

Typically, the terms of such agreements are found in the district's board policies (BP) and local administrative regulations (AR), such as BP and AR 5117. In other words, each school district, by its own BP and AR 5117, sets the criteria for agreeing to enroll a student who resides in another district and the circumstances when it may agree to allow its own students to enroll in another district. For example, a commonly used criteria is to meet the family's child care needs.

Also, the state legislature may require such polices to have certain provisions. For instance, school districts are required to give priority to a student who is a victim of bullying. Additionally, the state legislature requires that when a request for an interdistrict transfer is denied by either the sending or receiving district, the student may appeal the denial to the County Board of Education, which may overrule a district decision and allow the transfer to take place.

### Post-January 1, 2019:

In addition to the pre-January 1, 2019 rules, AB 2826 requires that each school district post its procedures and time lines pertaining to requesting an interdistrict transfer on its internet website. The post must include the following advisements:

- The date when the district will begin accepting and processing interdistrict transfer requests for the next school year;
- The criteria used by the district for granting or denying interdistrict transfer requests;
- The documents or other information which must be submitted to support the request;
- The process and timelines for appealing a denial to the district's governing board, if applicable;
- Regarding interdistrict transfer requests submitted for a subsequent school year, the district must make a final decision as soon as possible, but in no case, more than 14 calendar days after the first day of school for the year in which the transfer was requested (note: if the transfer request is not acted on within this time line, it is deemed denied);
- Regarding interdistrict transfer requests submitted for the current school year, a final decision must be made no more than 30 calendar days following the receipt of the request by the district (note: if the transfer request is not acted on within this time line, it is deemed denied);
- A denial of an interdistrict transfer request may be appealed to the County Board of Education within 30 calendar days of a final denial by a district and the parents must be so advised in writing by either regular mail, email or any other way normally used to communicate with parents in writing;
- The failure to meet any timeline established by the District is deemed an abandonment of the interdistrict transfer request;
- A student may provisionally attend the district to which he/she seeks to transfer so long as the receiving district agrees, the parent can provide reasonable evidence that a final decision is pending before either the sending or receiving school district or before the County Office of Education and the duration of provisional attendance has not exceeded two months; and
- The circumstances in which an existing interdistrict transfer may be revoked or rescinded.

In addition, the district's website must include a link to the district's interdistrict attendance policy. The district's BP and AR 5117 should be revised accordingly.

If you have any questions concerning this or related issues, do not hesitate to contact our office.

— Alan B. Harris

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