

INTERDISTRICT ATTENDANCE AGREEMENT

This Interdistrict Attendance Agreement (“Agreement”) is made and entered into by the school districts of Humboldt County (see Attachment A) pursuant to California Education Code Section 46600. The parties agree to the terms of this Agreement through June 30, 2019. This Agreement affects student enrollment upon district board approval and through the 2019-20 school year.

I. RECITALS:

- A. California’s Education Code permits two or more school districts to enter into an agreement for a term not to exceed five (5) years to allow pupils to enroll in a school district that is not their district of residence through a process known as “interdistrict transfer.”
- B. California Education Code requires school districts to respond to a parent/guardian’s request for an interdistrict transfer, if made in the current year, within thirty (30) calendar days of the request; and allows for parents/guardians to appeal any failure to approve their request.
- C. California’s Education Code does not address timelines for interdistrict transfer requests for the upcoming school year, except for those requests received 30 calendar days before the commencement of a new school year.
- D. Humboldt County has a history of allowing pupils to attend school districts that are not the pupil’s district of residence where the capacity exists at the receiving district.
- E. This Agreement addresses the interdistrict transfer process for parent/guardian requests to transfer a pupil during the current year or to transfer a pupil the upcoming school year. Parents/guardians benefit from knowing if the student will attend their preferred district in the upcoming school year. Districts benefit from knowing accurate student enrollment projections by early February for the upcoming school year, to determine if layoff notices are warranted in advance of the legally mandated March 15 deadline to issue teacher layoff notices. Districts need to analyze projected enrollment and school boards must consider taking action on teacher layoffs, usually at their February board meetings.
- F. This Agreement establishes deadlines for interdistrict transfers. To the degree that this is a departure from historic processes, the parties recognize that a county-wide information dissemination campaign will be critical to this Agreement’s success.
- G. Each district will maintain board policies and regulations that address acceptance, rejection, revocations and enrollment priorities; and operate in conformance with those policies and regulations. Examples of enrollment priorities may include, but are not limited to, the following: sibling(s) attend, children of staff member, older sibling previously attended the school, and others.
- H. The parties recognize that there are existing interdistrict transfer permits that have been approved for students. This Agreement will not change the terms of any previously approved permits.

II. TERM OF AGREEMENT:

This Agreement shall take effect for each party upon its execution of the Agreement and shall expire on June 30, 2019. The parties understand that as to each party to the Agreement, the Agreement does not take effect until that party's governing board approves the Agreement. The superintendents for the school districts will make good faith efforts to agendize this Agreement for board approval at their January 2018 board meetings. This Agreement supersedes any past county-wide agreements that are in conflict with this Agreement. Interdistrict transfer requests for the 2019-2020 school year shall be governed by this Agreement if the request was made within the timeframes a party was bound by this Agreement.

Districts wishing to opt out of this Agreement for the 2019-2020 school year must do so in writing by October 30, 2018 by notifying the other parties' superintendents in writing, by facsimile, email and U.S. Mail.

A review of this agreement by district superintendents will occur no later than October 30, 2018. Superintendents will again convene by April 30, 2019 to reevaluate and consider modifications for a multiyear countywide interdistrict transfer agreement.

III. DEFINITIONS:

Capacity: A district's determination of the space and resources it has available for students.

Capacity Determination (for purposes of establishing a wait list): A capacity determination is made by the district of attendance no later than 15 days after the close of the Priority One enrollment window. Approval of an interdistrict transfer requires that the receiving district have capacity for the student.

DOA: District of Attendance; the school district in which the parents/guardians seek to enroll their child, outside of their district of residence.

DOR: District of Residence; generally, the school district where the student's parents/guardians reside.

Enrollment Window: The period of time that interdistrict transfer requests for the upcoming year shall be considered by both the District of Residence and the District of Attendance.

Hardship: Extreme difficulty or suffering.

IDT: Interdistrict transfer; the act of a student attending a school district that is not the student's district of residence.

IDT Permit: The form which authorizes an individual interdistrict transfer, signed by both the District of Residence and District of Attendance. The form is attached as Attachment B to this Agreement. Permits are good for one (1) school year. Parents/guardians must re-apply for each school year.

IDT Request: The formal process of a parent/guardian seeking written permission from both the District of Residence and the District of [proposed] Attendance for the child to attend a school district outside of his or her district of residence. A District of Residence makes the initial determination as to whether an interdistrict transfer request shall be granted; the District of Attendance then reviews the request and determines whether it will grant the request for the transfer to the District of Attendance.

New Sibling Requests: Requests for a student to attend a District of Attendance when the student's sibling(s) will be enrolled at the District of Attendance in the same year.

Parent/guardian: A person having legal custody of a pupil or individuals who carry educational rights for the pupil.

Reasonable Enrollment Activities: Activities that a District of Residence may require a parent/guardian to participate in to demonstrate the District of Residence's ability to meet the student and/or parent/guardian's needs. "Reasonable enrollment activities" include a discussion with District of Residence's school administration or their designees, attending an orientation meeting, a site visit, and/or review of informational literature.

Renewals: A renewal of a previously granted Interdistrict Transfer Permit. Renewals must be sought annually.

School-level transitions: Transitions from one grade span to another, based upon the District of Residence's transitions, e.g. elementary school to middle school, or middle school to high school.

IV. INTERDISTRICT TRANSFER REQUESTS

Parents/guardians are advised that this Agreement establishes deadlines to apply for enrollment in a school district for the upcoming school year. The first of the IDT deadlines for the upcoming school year will be February 1, 2018.

A. Preferential Enrollment ("Priority One Open Enrollment Window"): Requests for an IDT for the Upcoming School Year Received from December 1 through February 1

1. The DOR will approve an IDT Request submitted by a parent/guardian if it is received at the DOR between December 1st through February 1st at 4:00 p.m. each year if parents/guardians have complied with the process described herein. If February 1st falls on a weekend, the deadline will be the next school day after February 1st. IDT Requests for the upcoming school year may not be submitted prior to December 1.
2. The DOR will have 10 school days after the close of the enrollment window to approve the request and to forward the IDT Request to the DOA. The DOR may deny a parent/guardian request for an IDT if the parent/guardian does not participate in DOR Reasonable Enrollment Activities, absent good cause such as hardships due to medical conflicts, work schedule, child care, transportation,

language barriers, etc. All other IDT Requests received within the Priority One Enrollment Window will be approved by the DOR, unless the parent/guardian withdraws their IDT Request.

3. The DOA will have 15 school days after the close of the Priority One Open Enrollment Window (or 5 school days from receipt of the approved IDT Permit from the DOR, whichever is later) to approve or deny the IDT Request and to notify both the parent/guardian party and DOR of the DOA's decision.
4. Renewals and New Sibling Requests will be approved and will follow the same timelines listed within Priority One, above. A DOR may require a parent/guardian to participate in Reasonable Enrollment Activities prior to granting a renewal when the student transfer involves a School Level Transition (defined above). Districts will honor existing approved multiyear IDT permits.

B. Priority Two Enrollment Window – Requests for an IDT for the Upcoming School Year Received After February 1 and for Requests Made In the Current School Year

IDT Requests received from a parent/guardian for the current school year and for the following year received after the February 1 enrollment window will be processed and approved by a DOR under the following circumstances:

1. For the 2018-2019 school year only: If parent/guardian missed the IDT Priority One deadline, as long as the IDT Request is submitted to the DOR before September 1, 2018.
2. Parent/guardian did not reside in Humboldt County school districts' boundaries prior to Priority One deadline.
3. Parent/guardian moved from one district to another district subsequent to the Priority One deadline.
4. Parent/guardian has a reasonable argument and a compelling reason, including hardship, such as medical conflicts, work schedule, child care, transportation, language barriers, for why the Priority One deadline was not met, or why the circumstance did not warrant a request for a IDT at the time of the Priority One deadline.
5. Parent/guardian has a reasonable explanation for not being able to participate in DOR Reasonable Enrollment Activity.

The DOR may require the parent/guardian to participate in Reasonable Enrollment Activities as outlined in Subsection IV.A.2. (Priority One). If approved by the DOR, IDT Requests will be forwarded to the DOA for approval or denial.

C. Wait Listed Students for the Upcoming Year

If a DOR granted an IDT Request for the upcoming school year, that approval is valid until the commencement of the DOA's new school year. This is to allow time for school districts to determine if there is capacity for the student. Each DOA is limited to accepting the equivalent of two students per grade level from its wait list, or 7% of the school's total enrollment from the waitlist, whichever is greater. The wait list must be established at the time of the DOA's lottery or capacity determination.

V. STATUTORY PREFERENCES

A. Victims of Bullying

Notwithstanding any other terms of this agreement, a pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined in subdivision (r) of Section 48900, committed by a pupil of the school district of residence shall, at the request of the parent/guardian, be given priority for interdistrict attendance.

B. Children of Active Military Service Men and Women

Notwithstanding any other terms of this agreement, a DOR shall not prohibit the transfer of a pupil who is a child of an active military duty parent to a school district of proposed enrollment if the DOA approves the application for transfer. "Active military duty parent" means a parent with full-time military duty status in the active uniformed service of the United States, including members of the National Guard and the State Military Reserve on active duty orders pursuant to Chapter 1209 (commencing with Section 12301) and Chapter 1211 (commencing with Section 12401) of Part II of Subtitle E of Title 10 of the United States Code.

VI. APPEALS

Parents/guardians have a right to appeal to the Humboldt County Office of Education ("HCOE") when a school district fails to approve an IDT Request. HCOE shall process these appeals in accordance with California Education Code section 46601, the terms of this Agreement, and HCOE's Board Policies and Regulations. Parents/guardians are entitled to notice of their right to appeal to HCOE. Failure to appeal within the required time is good cause for denial of an appeal.

Appeals must be filed within the following timelines:

A. District Failure to Approve Requests Made 30 Calendar Days or Less Before the Commencement of Instruction:

If, within 14 calendar days after the commencement of instruction in a new term in each of the school districts, respectively, when the parent/guardian has so requested separately of each school district not later than 30 calendar days before the commencement of instruction in that term in that school district, the governing board of either school district fails to approve interdistrict attendance in that term, the school district denying the permit shall advise the person

requesting the permit of the right to appeal to the county board of education. The parent/guardian has 30 calendar days from the district's failure to grant an IDT Request to file an appeal with HCOE. (Cal. Educ. Code § 46601(b))

B. District Failure to Approve All Other Interdistrict Transfer Requests

For all other IDT Request, a parent/guardian may appeal within the following timeframes:

1. By March 15, if the parent participated in Priority One enrollment
2. When a district fails to admit a student within 30 calendar days of a district's written notice of denial (or within 30 calendar days of a district's failure to respond to a request), unless the parent/guardian participated in the Priority One enrollment period.

Notwithstanding Education Code section 46603, the parties agree that no DOA will grant provisional enrollment of pupils pending an appeal before HCOE except for students who have been attending the school in the immediate past and who have been historically continuously enrolled. For example, a parent/guardian moves from District A in April to District B, but wants her child to continue attending District A for continuity.

VII. REVOCATIONS:

Any IDT Permit may be revoked pursuant to the policies and regulations of either the DOA or DOR, or as set forth on the IDT Permit itself, as permitted by law. Neither a DOR nor DOA may revoke an IDT for a student in grades 11 or 12 for the subsequent school year. If a school district revokes an IDT Permit, it will promptly provide written notice of the revocation to the other district.

VIII. CHANGES IN LAW:

If any law modifies or conflicts with a provision of this Agreement, the new law shall prevail as if written into the Agreement. A change in law, or a finding that one portion of this Agreement is not legally compliant, shall not invalidate the other terms of the Agreement.

For Each Party:

School District Name: _____

Signature of Superintendent and Date: _____

Board approval date: _____

ATTACHMENT A: LIST OF PARTIES
ATTACHMENT B: IDT REQUEST FORM

ATTACHMENT A: LIST OF PARTIES

Arcata School District
Big Lagoon Union School District
Blue Lake Union School District
Bridgeville School District
Cuddeback Union School District
Cутten School District
Eureka City Schools District
Ferndale Unified School District
Fieldbrook School District
Fortuna Union Elementary School District
Fortuna Union High School District
Freshwater School District
Garfield School District
Green Point School District
Hydesville School District
Jacoby Creek School District
Klamath Trinity Joint Unified School District
Kneeland School District
Loleta Union School District
Maple Creek School District
Mattole Unified School District
McKinleyville Union School District
Northern Humboldt Union High School District
Orick School District
Pacific Union School District
Peninsula Union School District
Rio Dell School District
Scotia Union School District
South Bay Union School District
Southern Humboldt Unified School District
Trinidad Union School District

ATTACHMENT B: IDT REQUEST FORM

District of Residence
Proposed School & District of Attendance

Date Request Received by DOR:

ANNUAL INTERDISTRICT ATTENDANCE TRANSFER AGREEMENT
FOR SCHOOL DISTRICTS IN HUMBOLDT COUNTY

Part A

Parent/Guardian: Complete applicable steps on page 1 and then submit it to the School District of Residence (DOR). If it is approved, it will be forwarded to the Proposed School District of Attendance (DOA). **Only new requests submitted between December 1st and February 1st will be approved by the DOR, subject to reasonable enrollment activities.** (See the district office for exceptions in the 2018-19 school year and for information on reasonable enrollment activities). If both districts approve, and you agree to any additional terms and conditions required by the district(s), you may enroll your student in the Proposed School District of Attendance.

STEP 1: To be completed by parent/guardian (PLEASE PRINT)		<input type="checkbox"/> New Application <input type="checkbox"/> Sibling at school? Sibling Name/Grade: _____	<input type="checkbox"/> Renewal <input type="checkbox"/> No change in address <input type="checkbox"/> Address change
School Year: <input type="checkbox"/> Current Year <input type="checkbox"/> Future Year 20__-20__ (annual renewal required) Have you applied for a transfer to any other district for this same school year? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, list all:		Grade Requested	
Student Name (Last, First):	Birth Date:	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	
Current or Last School of Attendance			
Student Address			City, Zip Code
Parent / Guardian Name			
Home Phone	Work Phone	Cell Phone	Email address
STEP 2: To be completed for NEW applications only			
Reason for Request: <input type="checkbox"/> Childcare <input type="checkbox"/> Parent Employment <input type="checkbox"/> Other (Explain below)			
If reason is parent employment or childcare, provide name, address, and phone number of childcare or work below. Any additional information you wish to provide may be included below (use additional pages as needed):			
If reason is "Other", please explain (use additional pages as needed):			
What special services has the student received? (Check all that apply) <input type="checkbox"/> Gifted (GATE) <input type="checkbox"/> Section 504 <input type="checkbox"/> Special Education <input type="checkbox"/> English Language Learner			
If the student is receiving Special Education services, what is their current placement (Please attach IEP) <input type="checkbox"/> Special Day (SDC) <input type="checkbox"/> Resource (RSP) <input type="checkbox"/> Pending Assessment			
Is the student currently pending disciplinary action or under an expulsion order? <input type="checkbox"/> Yes <input type="checkbox"/> No			
I have read the terms and conditions and understand the regulations and policies governing interdistrict attendance permits and hereby submit my application. I also understand that approval or denial of this application and revocation of the Permit is subject to the terms of this Permit and the policies and/or regulations of the individual districts.			
I understand that this information may be verified and that inaccurate or false information may subject my request to denial or revocation. I certify under penalty of perjury that the information provided above is true and correct to the best of my knowledge and belief. I also understand and agree to the above terms.			
Parent/Guardian Signature _____			Date _____

Student Name _____

PART B: Terms and Conditions:

The following terms and conditions apply to this Permit if it is approved by both districts:

1. Students will be required to re-apply for interdistrict attendance for any subsequent school year.
3. As permitted by law, the Permit may be revoked by either district pursuant to its policies and regulations and any applicable terms and conditions in Part C and/or D. Grounds for revocation of the Permit include, but may not be limited to, the failure of a pupil to attain satisfactory academic progress, follow established rules of conduct, or maintain regular attendance, as determined by desired district of attendance.
4. Neither district will be responsible for pupil transportation.
5. The District of Attendance will be responsible for special education services and related costs.
6. Approval of this Permit does not guarantee athletic eligibility.

PART C: Action of District of Residence:

Decision: Approved Denied Date _____

Comments:

Authorizing

Signature: _____

Title: _____

District: _____

PART D: Action of District of Attendance:

Decision: Approved Denied Date _____

Comments:

Authorizing

Signature: _____

Title: _____

District: _____

If one or both districts deny the permit you may contact the Humboldt County Office of Education at 445-7171 if you wish information on the appeal process or go online at <http://www.hcoe.org/sps/seif.php>. **(An interdistrict attendance appeal request must be filed with the Humboldt County Board of Education within thirty (30) calendar days of notification that the request was denied.)**

The parent/guardian and each district shall be provided with and retain a copy of this form.