



Board Office Use: <b>Legislative File Info.</b>	
File ID Number	22-0250
Introduction Date	3/9/2022
Enactment Number	22-0429
Enactment Date	3/9/2022 er

## Board Cover Memorandum

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
Curtiss Sarikey, Chief of Staff  
Sonali Murarka, Executive Director, Enrollment and Charter Schools

**Meeting Date** March 9, 2022

**Subject** Memorandum of Understanding (MOU) for Interdistrict Attendance Permits with the School Districts of Alameda County, defining the terms and conditions for the issuance of Interdistrict Attendance Permits for pupils who are residents of the District and other Alameda County School Districts

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**Ask of the Board**  Approve Interdistrict Attendance MOU  
 Ratify Interdistrict Attendance MOU

**Services** The Alameda County Office of Education has created a Memorandum of Understanding (“MOU”) for all Alameda County districts that outlines the parameters of interdistrict transfers (“IDT”) between those districts. The MOU aligns with the requirements for such agreements set forth in Ed Code section 46600.

**Term** Start Date: 2021-2022 School Year  
End Date: 2025-2026 School Year

**Not-To-Exceed Amount** \$0

**Competitively Bid** No. This no-cost agreement is under the bidding threshold.

**In-Kind Contributions** By entering this MOU, the District will continue to be obligated to process IDT requests as it already does through the Student Welcome Center. The District may incur some costs related to the provision of transportation

reimbursement for transfer students who receive free and reduced lunch and request said transportation support. The ADA funds captured by the students' enrollment in the District, however, will far exceed any transportation costs.

**Funding Source(s)**

N/A. No-cost agreement.

**Background**

This MOU is necessary to ensure that the District is in compliance with Ed Code section 46600 et seq. and to ensure consistent practices in handling IDTs with other Alameda County districts.

In conjunction with this MOU, the District Enrollment Office is also updating AR 5117.1 Interdistrict Attendance Agreement and the supplemental paperwork that families must submit with an IDT application. With approval of the MOU and the increased specificity of District IDT policies and paperwork, the Enrollment Office hopes to ensure consistent decision making for IDT hardship requests and decrease the number of District residents attending school outside of the District.

**Attachment(s)**

- Memorandum of Understanding for Interdistrict Attendance Permits
- Administrative Regulation 5117.1

## Memorandum of Understanding for Interdistrict Attendance Permits

This agreement is made by and between the school districts of Alameda County, State of California for the 2021-2022 through the 2025-2026 school years.

### RECITALS

**WHEREAS** Alameda County school districts enroll a number of students residing within other Alameda County school district boundaries; and

**WHEREAS** each district has adopted policies and regulations with regard to acceptance, rejection and revocation of interdistrict attendance permits; and

**WHEREAS** Education Code 46600 et seq. provides that the governing boards of two or more school districts may enter into an agreement, for a term not to exceed five school years, for the interdistrict attendance of pupils who are residents of the districts.

**NOW, THEREFORE**, in consideration of the premises and the terms and conditions hereinafter set forth, the parties agree as follows:

➤ Definitions

- District of Residence: the district in which the parent of a student lives; also known as “resident district.”
- District of Attendance: the district in which the student attends school; also known as the “receiving district.”

➤ Terms and Conditions for Permitting or Denying a Transfer

Both the District of Attendance and the District of Residence may permit or deny an interdistrict transfer permit for a student under this Agreement based upon each district’s board policies, administrative regulations governing interdistrict transfers, and applicable law. However, a resident district shall not prohibit the transfer of a student who is a child of an active duty military parent if the District of Attendance approves the application for transfer. Similarly, a student who is a victim of bullying, as defined under Education Code Section 48900(r), may apply for an interdistrict transfer and the school District of Residence shall not prohibit the transfer, if an intradistrict transfer is not available, and the District of Attendance approves the application for transfer.

➤ When a student in transitional kindergarten, kindergarten or any of grades 1 to 12, inclusive, is enrolled in a school, through the agreed interdistrict transfer process, the student shall not have to reapply for an interdistrict transfer, except that any student transitioning from elementary school to middle school and middle school to high school must apply for a new interdistrict attendance permit. A district may request a student to complete an annual “intent to return” form or other annual verification of interdistrict attendance that does not constitute a reapplication that can be denied. A School District of Residence or School District of Attendance shall not rescind existing interdistrict attendance permits for students entering grade 11 or 12 in the subsequent school year, except for revocation reasons stated below.

➤ A permit may be denied, revoked, or rescinded at any time by the District of Attendance according to reasons stated in the District’s Board Policy and Administrative Regulations, including but not limited to the following reasons:

- Student is excessively tardy or absent from school, or is brought to school excessively early or left excessively late;
- Student fails to uphold appropriate behavior standards;
- Student fails to maintain passing grades and/or satisfactory academic progress as determined by the District of Attendance;
- If it is determined that false or misleading information was provided to support a transfer permit application; and
- Other conditions that occur that would render continuance unadvisable and/or unreasonable.

➤ Districts shall utilize the Interdistrict Attendance Application attached hereto.

➤ Each district shall operate in conformity with its individual district policies and/or regulations, which are attached hereto, and will continue to exercise its individual authority for acceptance, rejection, or revocation of individual Interdistrict

Attendance Permits as permitted by law.

- New applications to transfer for the following school year will not be processed until March 1 of the current school year.
- At the beginning of each school year, but no later than September 10th, each District of Attendance will prepare a detailed report of students attending their schools and submit it to the District of Residence, pursuant to the terms of EC 46600 et. seq., and this agreement.
- The District of Attendance shall furnish the transferring students the same advantages, equipment, supplies and services as are furnished to other students in attendance in its schools. The District of Attendance shall not provide transportation beyond its school attendance area. Upon request, a school district superintendent or designee may authorize transportation for interdistrict transfer students to and from designated bus stops within the attendance area if space is available. Upon the request of the parent or guardian, Districts of Attendance must provide transportation assistance to transferring students that are eligible for free or reduced-price meals. In addition, the District of Attendance may provide transportation assistance to any transfer student who is a victim of bullying or who is the child of an active military duty parent, provided these students are eligible for free or reduced-price meals.
- Special Education Students

If the student receives special education services or has in the past been found eligible for special education services, it shall be indicated on the interdistrict transfer application. A copy of the student's most recent IEP detailing needed services must be included with supporting documents for the transfer application. The District of Attendance will determine if it has capacity to meet the student's special education needs with existing special education programs and support staff. The District of Attendance shall not be required to create for a student seeking interdistrict attendance a special education program not already in existence. Additionally, a nonresident student shall not displace a resident student from a special education program, or otherwise prevent or inhibit the participation of a resident student in the special education program. Considering the above, if the District of Attendance has capacity to implement the student's Individualized Education Plan (IEP) the student will not be denied enrollment. The cost of the placement will be the responsibility of the District of Attendance unless costs are negotiated otherwise between the two districts, not including transportation, which shall be provided by the parent, unless otherwise required by law for certain special education students.

If a student's educational needs change during the term of the interdistrict transfer and the District of Attendance can no longer provide Free Appropriate Public Education (FAPE), the Special Education Director for the District of Attendance will contact the Special Education Director for the District of Residence to develop a contract between the two districts that determines how best to meet the student's educational needs, including the financial, program, and FAPE responsibility for the student.

If a student is referred for special education evaluation while under a previously approved interdistrict attendance permit, the District of Attendance is responsible for the "Child Find" and assessment of the student. The subsequent IEP meeting will include representatives from both districts, and the student's eligibility and the provision of services needed to provide the student with a FAPE shall be discussed. If the District of Attendance can meet the student's FAPE needs in its existing special education programs, and has capacity in an existing program at the student's grade level, the student will continue to attend school in the District of Attendance. If the IEP team determines that the student's needs have changed, the District of Attendance will notify the Special Education Director of the District of Residence and schedule a meeting to discuss whether the District of Attendance has the means to provide the IEP services necessary for FAPE.

- Applicability of this agreement shall be limited to the grade levels mutually maintained by the parties. ➤ The District of Attendance shall claim the average daily attendance for state apportionment and revenue limit purposes. No financial obligation shall be incurred by the District of Residence for the services rendered under this agreement.
- This agreement shall supersede all prior interdistrict attendance agreements among the parties.
- Any party may terminate this agreement, effective the beginning of the next school year, by giving ninety (90) days' prior written notice to ACOE and to the other parties.

So agreed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**IN WITNESS WHEREOF**, the parties hereto have caused this agreement to be signed by the designee, clerk, or secretary of their respective governing boards, on their behalf, the day and year first above written.

Alameda Unified School District \_\_\_\_\_

Albany Unified School District \_\_\_\_\_

Berkeley Unified School District \_\_\_\_\_

Castro Valley Unified School District \_\_\_\_\_

Dublin Unified School District \_\_\_\_\_

Emery Unified School District \_\_\_\_\_

Fremont Unified School District \_\_\_\_\_

Hayward Unified School District \_\_\_\_\_

Livermore Valley Jt. Unified School District \_\_\_\_\_

Mountain House School District \_\_\_\_\_

Newark Unified School District \_\_\_\_\_

New Haven Unified School District \_\_\_\_\_

Oakland Unified School District \_\_\_\_\_

*G.D. Yee* *K.J. Trammell*  
Gary D. Yee, President, Board of Education. Kyla Johnson-Trammell, Secretary, Board of Education

Piedmont Unified School District \_\_\_\_\_

Pleasanton Unified School District \_\_\_\_\_

San Leandro Unified School District \_\_\_\_\_

San Lorenzo Unified School District \_\_\_\_\_

Sunol Glen School District \_\_\_\_\_

Attachments: Interdistrict attendance policies and regulations  
Interdistrict attendance application form

*J. Sterling Elmore* Approved as to form by OUSD Staff Attorney Sterling Elmore on 10/14/2021.

# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Administrative Regulation**

### AR 5117.1 – Interdistrict Attendance Agreements

In accordance with an agreement between the Board and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts.

The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
  - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
  - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.

Priority for interdistrict attendance shall be given to a student who has been determined, through an investigation by either the district of residence or district of proposed enrollment, to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the district of residence. (Education Code 46600) In such case, the district of residence shall not prohibit the transfer if an intradistrict transfer is not available and the district of proposed enrollment approves the application for transfer.

If the transfer request is for a school year that begins within 15 calendar days of the receipt of the request, the Superintendent or designee shall notify the parent/guardian of the final decision within 30 calendar days of receiving the request. If the transfer request is for a school year that begins more than 15 calendar days after the receipt of the request, the parent/guardian shall be notified of the final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction during that school year. (Education Code 46600.2)

If a student's interdistrict transfer request is denied, the Superintendent or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final denial. (Education Code 46600.2)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

Once a student is admitted to a school on the basis of an interdistrict attendance permit, the student shall not be required to reapply for an interdistrict transfer and shall be allowed to continue to attend the school of enrollment, unless reapplication standards are otherwise specified in the interdistrict attendance agreement. Existing interdistrict attendance permits shall not be rescinded after June 30 following a student's completion of grade 10 or for any student entering grade 11 or 12 in the subsequent school year. (Education Code 46600) (cf. 3250 - Transportation Fees)

### **Interdistrict Attendance Agreements for Outgoing Students**

The Superintendent or designee may approve interdistrict attendance permits for OUSD residents to attend a non-OUSD school for good reason, in accordance with the Alameda County Office of Education Memorandum of Understanding for Interdistrict Attendance Permits or other interdistrict agreements approved by the Board.

The Superintendent or designee will ensure that the Alameda County Office of Education Interdistrict Form will be made available publicly. In line with that form, the below table details the allowable reasons for an outgoing interdistrict transfer and the documentation required by OUSD to request the transfer. Further details about the types of documentation that are acceptable will be available on the publicly-available form. No outgoing interdistrict transfer request is guaranteed to be granted, except when:

1. The student is a child of an active military parent/guardian and the district of proposed

- enrollment has accepted the student’s interdistrict transfer request; or
2. The interdistrict transfer application is based on being the victim of an act of bullying and an intradistrict transfer is not available.

<b>Outgoing Interdistrict Transfer Reason</b>	<b>Documentation Required</b>
<p><b>Child Care (K-6 Only)</b></p> <ul style="list-style-type: none"> <li>• IDT is available if the person(s) providing childcare to the student before and/or after school 4 days per week for at least two hours per school day resides in the receiving district.</li> <li>• Person(s) providing childcare must be responsible for transporting student to or from school.</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of employment of all parents/guardians who are involved in the student’s life on a day-to-day basis</li> <li>• Letter from the adult, center, or organization providing day care</li> <li>• Child care affidavit</li> </ul>
<p><b>Parent Employment (If District of Attendance policy permits)</b></p> <ul style="list-style-type: none"> <li>• IDT is available if the student's parent(s)/guardian(s) are employed within the jurisdictional boundaries of the receiving district for at least 35 hours per week.</li> </ul>	<ul style="list-style-type: none"> <li>• Proof of employment of all parents/guardians who are involved in the student’s life on a day-to-day basis</li> <li>• Letter from parent/guardian explaining the circumstance that an interdistrict permit is necessary under parent employment reasons</li> <li>• Employer affidavit</li> </ul>
<p><b>Sibling</b></p> <ul style="list-style-type: none"> <li>• IDT is available if the student's sibling, who resides with the student, attends school in the receiving district.</li> </ul>	<ul style="list-style-type: none"> <li>• Name, grade and school where the sibling attends (sibling must already attend the proposed District of Attendance)</li> <li>• Copy of sibling’s last report card</li> <li>• Copy of sibling’s release permit from the District of Residence</li> </ul>
<p><b>Health &amp; Safety</b></p> <ul style="list-style-type: none"> <li>• IDT is available if required to meet the student's special mental or physical health and/or safety needs, as certified by a physician, school psychologist or other appropriate certified personnel.</li> </ul>	<ul style="list-style-type: none"> <li>• Letter or report from a doctor, psychologist, or other appropriate person verifying health-related issues (if applicable)</li> <li>• Police or school report supporting safety-related issues (if applicable)</li> <li>• Letter from parent/guardian explaining the circumstance</li> </ul>

	<p>that an interdistrict permit is necessary under health and safety reasons</p> <ul style="list-style-type: none"> <li>• Medical affidavit or Safety affidavit</li> </ul>
<p><b>Specialized Program</b></p> <ul style="list-style-type: none"> <li>• IDT is available if student has a legitimate interest in a particular educational program not offered in any of the schools in the district of residence or there is no space in the District's existing specialized educational program.</li> <li>• The program must be offered in the student's grade level and be a sequential course of study up to the highest grade level in the receiving district.</li> <li>• The program must constitute at least 50% of each school day.</li> <li>• Teachers of the specialized program must have specialized certification and/or training.</li> <li>• Before and after school programs, a single course, and sports are not considered valid specialized programs.</li> <li>• If granted, the IDT is only approved in so far as student will participate in the specialized program.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of the flyer, brochure, or other informational material detailing the specialized program in which the student is interested</li> <li>• Letter from parent/guardian expressing the extent of the student's interest in the specialized program, and how the program is either unavailable or not comparable at the District of Residence</li> <li>• Specialized program supplemental form</li> </ul>
<p><b>Continuing Enrollment</b></p> <ul style="list-style-type: none"> <li>• IDT is available to allow the student to continue attending the same school when parents/guardians have moved out of their current district and to attend until the highest grade at current school.</li> <li>• Continuing enrollment does not apply to students matriculating from elementary to middle or middle to high school.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of student's last report card</li> <li>• Letter from parent/ guardian stating the enrollment history (grade and school/district) of the student since kindergarten</li> </ul>
<p><b>Final Year</b></p> <ul style="list-style-type: none"> <li>• IDT is available to allow the student to remain with a class graduating that year from elementary, middle, or high school.</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of student's last report card</li> </ul>
<p><b>Change in Residence</b></p>	<ul style="list-style-type: none"> <li>• Copy of escrow documents/ rental agreements</li> </ul>
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• In exceptional circumstances, an IDT may be available for reasons other than those outlined above. IDTs granted for other reasons are extremely rare.</li> </ul>	<ul style="list-style-type: none"> <li>• Letter from parent/guardian explaining the circumstances under which an interdistrict permit is necessary</li> <li>• Additional documentation may</li> </ul>

### **Interdistrict Attendance Agreements for Incoming Students**

The Superintendent or designee may approve interdistrict attendance permits for non-OUSD residents to attend an OUSD school for good reason, in accordance with the Alameda County Office of Education Memorandum of Understanding for Interdistrict Attendance Permits or other interdistrict attendance agreement approved by the Board.

The Superintendent or designee may deny initial requests for interdistrict attendance permits due to limited district resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the district shall not deny continued attendance because of overcrowded facilities at the relevant grade level.

Until the district is at maximum capacity, the district shall not prohibit the interdistrict transfer of a student who is the child of an active duty military parent/guardian. (Education Code 46600)

Interdistrict attendance agreements or applications shall not be required for students enrolling in a Regional Occupation Center or Program. (Education Code 52317)

A student's interdistrict permit may be revoked because:

1. Student is excessively tardy or absent from school, or is brought to school excessively early or left excessively late;
2. Student fails to uphold appropriate behavior standards;
3. Student fails to maintain passing grades and/or satisfactory academic progress as determined by the District of Attendance;
4. If it is determined that false or misleading information was provided to support a transfer permit application; and
5. Other conditions that occur that would render continuance inadvisable and/or unreasonable.

Transportation shall not be provided for students admitted pursuant to an interdistrict attendance agreement, unless otherwise required by law for certain special education students.

Pending a decision by the two districts or by the County Board on appeal, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, provided the district is the district of proposed enrollment. If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)