

## **Board Policy 5117**

### **Interdistrict Permit Prioritization**

The Governing Board recognizes that students who reside in one district may choose to attend school in another district and that such choices are made for a variety of reasons. Requests for residents of the district to attend school in another school district shall be granted except in extraordinary circumstances as determined by the Superintendent or designee. The Board believes the educational experience available to interdistrict students is a privilege.

#### Criteria for Granting and Prioritizing Interdistrict Permits

The Superintendent or designee shall grant interdistrict permits on a year-to-year basis to any non-resident student for whom a district employee is the student's legal guardian or to any non-resident 11th or 12th grader who completed 10th grade in the district.

#### Criteria for Granting and Prioritizing Interdistrict Permits if Space is Available

For each year, the Superintendent or designee shall determine whether space is available for non-resident students to enroll in the district via interdistrict permits. If space is available, the Superintendent or designee shall decide whether to grant interdistrict permits and how many.

If the Superintendent or designee determines that space is available and decides to grant interdistrict permits, those interdistrict permits shall be granted on a year-to-year basis to non-resident students in order based on the following priorities:

1. A non-resident student who (i) was granted an interdistrict permit in the prior year based on any of the priorities, (ii) continues to satisfy the conditions of the priority, and (iii) has met the following academic and behavioral standards in the prior year unless the Superintendent or designee determines, on a case-by-case basis, that different conditions should be required:
  - The non-resident student was not absent (excluding excused absences) for more than 10 school days in the prior academic year;
  - For a middle school non-resident student, the non-resident student earned an average grade of a 2 or higher in the prior academic year;
  - For a high school non-resident student, the non-resident student earned a grade point average of a 2.0 or higher in the prior academic year; and
  - The non-resident student was not suspended more than one time in the prior academic year.

If the Superintendent or designee intends to not renew an interdistrict permit, the Superintendent or designee shall inform the non-resident student in writing. In doing so, the

Superintendent or designee shall inform the non-resident student that s/he may, within 14 calendar days of being notified, submit a request, in writing, for a meeting with the Superintendent or designee to discuss the reasons for the non-resident student's failure to meet the academic and behavioral standards and request reconsideration. The Superintendent or designee shall timely grant this request. The meeting does not constitute a hearing and no appeal or additional review shall be available afterwards.

2. Extenuating circumstances are present for a non-resident student. This shall include, but is not limited to a non-resident student who has been the victim of an act of bullying committed by another student in the non-resident student's school district.
3. A non-resident student with a sibling who is a resident of the district and is attending school in the district.
4.
  - A. A non-resident high school student who has moved out of the district on or after the first school day of their 9th grade year. This provision is intended to give priority (after priorities #1-3) to a non-resident high school student who has moved out of the District during his/her high school term to remain enrolled in the District for the remainder of his/her high school term.
  - B. A non-resident middle school student who has moved out of the district on or after the first school day of their 6th grade year. This provision is intended to give priority (after priorities #1-3) to a non-resident middle school student who has moved out of the District during his/her middle school term to remain enrolled in the District for the remainder of his/her middle school term. For the non-resident student to receive an interdistrict permit to attend high school in the District, another provision of this Policy would need to apply.
  - C. A non-resident elementary school student who has moved out of the district on or after the first school day of their kindergarten or transitional kindergarten year, but only for the remainder of that school year. This provision is intended to give priority (after priorities #1-3) to a non-resident elementary school student who has moved out of the District during his/her elementary school term to remain enrolled in the District for the remainder of the school year. For the non-resident student to receive an interdistrict permit to attend school in the District for the following year (or any year after that), another provision of this Policy would need to apply.
5. A non-resident student who was previously enrolled in the district for at least a year and who ceased to be enrolled in the district because of a change of residence. Within this priority, preference shall be given to those non-resident students who were enrolled in the district for a greater amount of time.
6. A non-resident student with a parent/legal guardian/caretaker who graduated from high school in the district. This provision is intended to give priority (after priorities #1-5) to a non-resident student to enroll in the district if his/her parent/legal guardian/caretaker graduated from high school in the district.

7. Anyone else at the Superintendent or designee's discretion.

For applicants with the same priority, preference shall be given to those non-resident students with the Diversity Category for which there is an opening. For applicants with the same priority and same Diversity Category, preference shall be given by lot.

The Superintendent or designee shall not grant an interdistrict permit based on one of the above priorities unless he/she finds that there is sufficient documentation to demonstrate that the priority has been met. The burden to provide sufficient documentation is on the student and/or the parent/legal guardian/caretaker requesting the permit into the district.

If a non-resident student possesses a disability under state or federal law, the Superintendent or designee may not, consistent with state and federal law, refuse to renew an interdistrict permit if the non-renewal is a result of a manifestation of the non-resident student's disability.

#### Criteria for Revoking Interdistrict Permit Mid-Year

The Superintendent or designee may revoke an interdistrict permit mid-year only if the non-resident student is absent more than 18 school days for any reason in an academic year or if the non-resident student is suspended for a combination of more than five days. However, if a non-resident student possesses a disability under state and federal law, the Superintendent or designee may not, consistent with state and federal law, revoke an interdistrict permit if the revocation is a result of a manifestation of the non-resident student's disability.

#### Denial of Interdistrict Permit

The parent/guardian/caretaker of a non-resident student who is denied an interdistrict permit requested pursuant to Education Code sections 46600-46611 shall receive timely notice, in accordance with the law, regarding the process for appeal first to the district Superintendent or designee, and followed by the County Board of Education.

Pursuant to Education Code 46601, non-resident students who are under consideration for expulsion or who have been expelled may not appeal interdistrict permit denials or decisions while expulsion proceedings are pending, or during the term of the expulsion.

#### Scope

This policy applies to interdistrict permits granting enrollment into the district. Unless otherwise explicitly stated, it does not address the school assignment process.

This policy does not apply to homeless students or students covered under the McKinney-Vento Act as the Board has adopted separate policies regarding the enrollment of homeless students or students covered under the McKinney-Vento Act.

#### Effective Date

This Policy shall take effect starting with interdistrict permits for the 2018-19 school year.

Policy BERKELEY UNIFIED SCHOOL DISTRICT

Adopted: February 6, 2002 Berkeley, California

Revised: June 14, 2017 Berkeley, California