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 2026-2027 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 _____

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

INTERDISTRICT TRANSFER APPLICATION FOR SCHOOL DISTRICTS IN ALAMEDA COUNTY

ALAMEDA COUNTY OFFICE OF EDUCATION
L. K. Monroe, Superintendent

Step 1: ***To be completed by parent/guardian*** (Please print)
Interdistrict Transfers will not begin to be processed for the following school year until March 1 of each year.

School Year: Current year Future year 20 - 20	Grade Requested / Date of Request
Student Name: (Last, First)	Birth Date
Current or Last School of Attendance	Current or Last District of Attendance
School of Residence	School Requested
District of Residence	District Requested
Parent/Guardian Name	Contact number: Home Work Cell
Email Address	Contact number: Home Work Cell
Address	City/Zip

Is the student currently pending disciplinary action or under an expulsion order? Yes No

Has the student ever been assessed for special education services? Yes: District(s)? _____ No

What special services has the student been found eligible for or received? (*Check all that apply; attach proof of enrollment in special program and most recent IEP including FAPE offer.*)
Gifted (GATE) Section 504 Special education English Language Learner

If the student is receiving Special Education services, what is his/her current placement? (*Please attach IEP.*)
Special Day (SDC) Resource (RSP) General Education with other accommodations/modifications
Non-Public School (NPS) Pending Assessment

What is /are the reason(s) for the request? (*Check all that apply. See "Documentation Required" section for supporting evidence to justify reason(s).*)

Child Care (K-6 ONLY) Parent Employment Sibling Health & Safety Specialized Program
Continuing Enrollment Complete Final Year at Current School Proposed Change in Residence Other (Please specify in a letter)

I have read the terms and conditions on page 2 of this application and understand the regulations and policies governing interdistrict attendance permits and hereby submit my application. I declare under penalty of perjury that the information provided above is true and accurate. I understand that the information provided is subject to verification and that the mere act of completing this application and providing all the required documentation **DOES NOT** guarantee that the request will be approved. **FALSIFICATION OF ANY INFORMATION INVALIDATES THIS TRANSFER APPLICATION.**

Parent/Guardian Signature _____ **Relationship to Student** _____

STEP 2: *District of Residence*

Decision: Approved Denied

Authorizing Signature: _____

Title: _____

District: _____

Comments: _____

_____

Date: _____

STEP 3: *Proposed District of Attendance*

Decision: Approved Denied

Authorizing Signature: _____

Title: _____

District: _____

Comments: _____

_____

Date: _____

Terms and Conditions

All applications must include a copy of the most current transcript, report card, attendance and discipline reports, most recent IEP (if eligible), and the documentation required to support the reason(s) for the interdistrict transfer request based on the chart below. All documentation must be attached to the application at the time of submission. Please note that incomplete applications will not be processed. Requests will be considered based on local board policies and individual merit.

Reason for Request	Documentation Required
Child Care **(K-6 Only)**	▪ Proof of employment of all parents/guardians who are involved in the student's life on a day–to-day basis – Copy of a recent pay stub – Letter on the employer's stationary verifying schedule (hours and days) and location of employment – If self-employed, letter stating schedule (hours and days) and location of employment ▪ Letter from the adult, center, or organization providing day care – Name, address and contact information of the adult, center or organization – Child care license number and fees, if applicable – Hours of operation for the center or organization, or the hours that the student is under care – Length of time student has been under care by the adult, center or organization ▪ Letter from parent/guardian explaining the circumstance that an interdistrict permit is necessary under child care reasons
Parent Employment (If District of Attendance policy permits)	▪ Proof of employment of all parents/guardians who are involved in the student's life on a day–to-day basis – Copy of a recent pay stub – Letter on the employer's stationary verifying schedule (hours and days) and location of employment – If self-employed, letter stating schedule (hours and days) and location of employment ▪ Letter from parent/guardian explaining the circumstance that an interdistrict permit is necessary under parent employment reasons
Sibling	▪ Name, grade and school where the sibling attends (sibling must already attend the proposed District of Attendance) ▪ Copy of sibling's last report card ▪ Copy of sibling's release permit from the District of Residence
Health & Safety	▪ Letter or report from a doctor, psychologist, or other appropriate person verifying health-related issues (if applicable) ▪ Police or school report supporting safety-related issues (if applicable) ▪ Letter from parent/guardian explaining the circumstance that an interdistrict permit is necessary under health and safety reasons
Specialized Program	▪ Copy of the flyer, brochure, or other informational material detailing the specialized program in which the student is interested ▪ 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
Continuing Enrollment	▪ Copy of student's last report card ▪ Letter from parent/ guardian stating the enrollment history (grade and school/district) of the student since kindergarten
Final Year	▪ Copy of student's last report card
Change in Residence	▪ Copy of escrow documents/ rental agreements

- An Interdistrict permit is granted or denied per the terms and conditions stipulated in a district's board policy.
- Approval by the District of Attendance is subject to space availability in the district and the district's capacity to provide special education services, if applicable.
- Approval may not be at the school site requested.
- Students who are eligible for Special Education Services may be asked to obtain an Inter/Intra-SELPA Agreement for Individuals with Exceptional Needs.
- A permit may be denied, revoked, or rescinded at any time by the District of Attendance for the following reasons:

Terms and Conditions

- 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 make appropriate academic efforts.
- False or misleading information was provided.
- Other conditions that occur that would render continuance unadvisable.

- Once an interdistrict permit has been granted, a student is not required to reapply, 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 above.
- If the student participates in any athletic program governed by the California Interscholastic Federation (CIF), he/she may not be eligible to participate at the new school. Parent/Guardian should check the CIF rules before submitting this application.
- No financial obligation shall be incurred by the District of Residence for services rendered under this agreement unless otherwise agreed to between the District of Residence and the District of Attendance.
- The parent/ guardian is responsible for providing transportation to and from school for all students, unless otherwise required by law for certain special education students.