

Choosing a Student's School Outside the District in which Parents/Guardians Live A Summary of School Attendance Alternatives in California

Parents/guardians have three options for choosing a school outside the district in which they live.

1. SB 680 (2009) Districts of Choice

The law (Education Code Sections 48300 through 48316) allows, but does not require, each school district to become a "District of Choice;" that is, a district that accepts transfer students from outside the district under the terms of these education code sections. The school board of a district that decides to become a "district of choice" must determine the number of students it is willing to accept in this category each year and make sure the students are selected through a "random and unbiased" process, which usually is a lottery. Students may transfer into a "district of choice" through this mechanism beginning with the 1995-1996 school year. If the district into which a parent/guardian would like his/her child transferred chooses not to become a "district of choice," a parent/guardian may not request a transfer under those provisions. However, a parent/guardian may still request a transfer under either the "Other Interdistrict Transfers" or the "Parental Employment in Lieu of Residency" options described below. Other provisions of SB 680 include:

- Either the district a student would transfer to or the district a student would transfer from may deny a transfer if it will negatively affect the racial and ethnic balance of the district or a court-ordered or voluntary desegregation plan. The district a student would be leaving may also limit the total number of students transferring out of the district each year to a specified percentage of its total enrollment, depending on the size of the district.
- No student who currently attends a school or lives within the attendance area of a school can be forced out of that school to make room for a student transferring under these provisions.
- Siblings of students attending school in the "district of choice" must be given transfer priority.
- A parent/guardian may request transportation assistance within the boundaries of the "district of choice." The district is required to provide transportation only to the extent it already does so.

2. Other Interdistrict Transfers (RJUHSD OPTION)

The law [Education Code Sections 46600 through 46221] allows two or more districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted. There are no statutory limitations on the kinds of terms and conditions districts are allowed to place on transfers. The law on interdistrict transfers also provides for the following:

- Both the school district a parent/guardian is requesting a transfer to and the one a parent/guardian is transferring from must take into consideration the child care needs of the student. If the transfer is approved based on child care needs, the student may be allowed to stay in the new district or the high school district to which it feeds through the 12th grade, subject to certain conditions.
- If either district denies a transfer request, a parent/guardian may appeal that decision to the county board of education. There are specified timelines in the law for filing an appeal and for the county board of education to make a decision.
- No district is required to provide transportation to a student who transfers into the district.

3. Parental Employment in Lieu of Residency Transfers ("Allen Bill Transfers")

The law [Education Code Section 480204(f)] provides that if one or both parents/guardians of an **elementary school student** are employed in the boundaries of a school district other than the one in which they live, the student may be considered a resident of the school district in which his/her parents/guardians work. This code section does not require that the school district automatically accept a student requesting a transfer on this basis, but a student may not be rejected on the basis of race/ethnicity, sex, parental income, academic achievement, or any other "arbitrary" consideration. **Due to impacted enrollment, RJUHSD does not accept "Allen Bill Transfers" from its feeder schools.**

The above summary of the attendance alternatives available to parents/guardians and their children is intended to provide an overview of the laws applying to each alternative. Parents/guardians who are interested in learning more about these options should contact their own school district or the district into which they are considering transferring for more information on the district's policies, procedures and timelines for applying for transfers.