

**STUDENTS**

**Attendance**

**BP 5130 Inter-District Agreements**

If, for any reason the governing board of a school district does not enter into an interdistrict agreement or otherwise denies interdistrict attendance within thirty (30) days after the person having legal custody of any student(s) has requested an interdistrict transfer:

- a. The person may appeal to the County Board of Education having jurisdiction over the school district in which the student(s) lives.
- b. The County Board of Education shall, within 30 days after filing of the appeal, determine whether the student(s) should be permitted to attend in the district in which he/she desires to attend and for what period of time. If compliance by the County Board with this timeframe is impractical, the County Board or County Superintendent or designee, for good cause, may extend the time period for up to an additional five school days.
- c. The County Board of Education or County Superintendent or designee may continue the hearing upon the request of any party who shows good cause for such continuance.

The County Board is given authority by law to adopt rules and regulations establishing procedures for interdistrict attendance appeals. In an effort to make such legal procedures understandable to parents, guardians, students and school districts, the County Board has reviewed and adopted the contents of the “Interdistrict Attendance Appeal Process Handbook”. The Handbook is established as an administrative regulation to govern interdistrict attendance appeals filed with the County Board.

The County Board has established limits on the types of appeals it will consider regarding interdistrict attendance agreements. These limitations are set forth in detail in AR 5130: Interdistrict Attendance Appeal Process Handbook.

Although the law allows total discretion by the County Board to determine whether to grant or deny an interdistrict attendance agreement on appeal, the County Board has adopted certain criteria to guide its decision. The County Board believes that it is the responsibility of the person filing the appeal to provide facts which meet one or more of the criteria. Even if the parent/guardian submits such facts, the County Board will also consider any adverse impacts to the school district(s) in question and balance the competing factors. The criteria to be considered by the County Board is set forth in the Handbook.

Legal Reference: E.C. §§ 35146, 46600, 46601, 46601.5, 46602, 46603,  
46604, 48204, 49073  
Title 20 UNITED STATES CODE, SC 1232g.  
Family Educational and Privacy Rights Act

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