

## INTERDISTRICT ATTENDANCE APPEALS

### 1. FILING AN INTERDISTRICT ATTENDANCE APPEAL

An appeal must be filed within thirty (30) calendar days of the refusal or failure of a district to permit interdistrict transfer of attendance. Failure to appeal within the required time is good cause for denial of an appeal. Parents/guardians must first investigate and exhaust any appeals process which exists within the district of denial.

The appellant shall mail, email, fax or hand-deliver the completed, signed, and dated appeal to the Superintendent/designee of the Stanislaus County Office of Education, and shall also provide a copy to the Superintendent/designee of both school districts.

An appeal shall be accepted only upon verification by the County Board's designee that appeals within the school district have been exhausted. Please note that the appeal must be received (not postmarked) by the County Office of Education within thirty (30) days of the denial of the Interdistrict Attendance Transfer request.

#### **Procedures for Filing an Interdistrict Attendance Appeal**

- A. Complete, sign and date the Stanislaus County Board of Education Interdistrict Attendance Appeal Form (attached to this Administrative Regulation). Attach as many additional pages as you need to fully respond to each of the information items listed.
- B. Attach a copy of your original request for Interdistrict Attendance Transfer (IDA Form 1 from your district of attendance) along with a copy of the denial (IDA Form 2 from the denying district). In the event the district has not responded to your request for transfer within thirty (30) days of your request, the Board will accept the date-stamped copy of your request filed with the district in order to proceed with the appeal. Also attach any documentation (i.e., letters from the district, doctors, teachers, pending house contracts, etc.) you wish the Board to consider when hearing your appeal.
- C. Make three (3) copies of the complete appeal. You must provide one (1) copy to the Superintendent/designee of the school district of residence and one (1) copy to the Superintendent/designee of the school district of requested attendance. Keep one (1) copy for your records.
- D. You must mail, email, fax or hand-deliver the Interdistrict Attendance Appeal Form, along with the above mentioned documents to:

**Valerie Escobar, Executive Assistant to the Superintendent**  
**Stanislaus County Office of Education**  
**1100 H Street, Modesto, CA 95354**  
**Phone: (209) 238-1711**  
**FAX: (209) 238-4201**  
**Email: vescobar@stancoe.org**

## 2. PROCESSING THE INTERDISTRICT ATTENDANCE APPEAL

### Administrative Review

Upon receipt of appeal, the matter will be reviewed by the County Superintendent's Office. The County Superintendent's Office will, as soon as possible, confer with the appellant and representatives of both school districts to gather information and confirm that district avenues for appeal have been exhausted. After doing so, the County Superintendent's Office will prepare a Hearing Packet and forward the Hearing Packet to the County Board.

### Setting a Date for Hearing Before the County Board

- A. If the written appeal is complete and appropriate, the County Superintendent's Office will set a hearing on the matter at a regular or special meeting of the County Board to be held no later than thirty (30) days following receipt of the appeal. If it is impractical to schedule the hearing within thirty (30) days, the Superintendent or County Board may extend the time period for up to five (5) additional school days. The Superintendent/designee may approve a request for postponement filed by the appellant or school district for good cause, provided the request is filed in writing at least five (5) calendar days prior to the scheduled hearing date.
- B. The Superintendent's Office will notify the appellant and the appropriate personnel of both school districts of the date, time, and place of the hearing, and the nature of the matter to be heard.

## 3. PREPARING FOR THE INTERDISTRICT ATTENDANCE APPEAL HEARING

### Filing a Written Statement

- A. The appellant, appellant's attorney or representative may file additional written statements and/or documents to support the original appeal. These statements and documents should be submitted no later than ten (10) calendar days before the appeal is to be heard. Copies must also be submitted to both districts.
- B. Each school district may submit, no later than four (4) school days prior to the hearing, a statement clearly describing the school district's response/position on the matter. The denying district is strongly encouraged to provide a written response. Documentation to support the denial should be provided with the district's written statements, such as contract provisions for class size, student transcripts, attendance or discipline data, etc. Copies should be submitted at the same time to the appellant and the other district.
- C. All parties to the appeal are urged to attend the hearing. The student may participate in the hearing at the parent's discretion. Non-attendance by either party may constitute grounds for ruling against that party.

#### 4. HEARING BEFORE THE STANISLAUS COUNTY BOARD OF EDUCATION

Hearings are normally conducted during regular or special Stanislaus County Board of Education meetings held at the following location:

**Stanislaus County Office of Education  
Board Room, 2nd Floor  
1100 H Street, Modesto, CA 95354**

The hearing before the County Board will be conducted in closed session if the hearing would result in protected pupil records being disclosed in a public hearing unless open session is requested by the parent, as these hearings involve consideration or presentation of protected pupil records.

It is the intent of the County Board to conduct the hearing in a fair and sufficiently informal manner to encourage open communication and understanding of the appeal. No special legal expertise is necessary, although parents may employ the services of an attorney or advocate at their own expense. Strict rules of evidence as required in court proceedings will not be applied.

#### **Waiver of Privacy of Documents**

There are numerous laws which protect the release of confidential records. If you wish to have the County Board consider material from confidential records, you must understand that turning over the records to the County Board for the purpose of the interdistrict appeal hearing is a waiver of the privacy rights for those records. You may wish to consult legal counsel regarding such documents.

#### **Brief Verbal Presentation**

The County Board will rely on the written information that the appellant and districts have provided, as well as the verbal presentation that is made at the hearing. Persons to be heard will be limited to the pupil, parent/guardian or counsel for the pupil. One person should be designated to present the appeal arguments.

The Superintendent/designee or district's counsel may present the district's arguments. The district's representative may present, but is not required to present the results of any staff investigation of the matter. Members of the County Board may question any of the parties at the hearing.

#### **Decision**

The County Board shall grant or deny the appeal, or if any new information is presented that has not been considered at the local level, the matter may be remanded to the school districts for reconsideration.

Following the close of the hearing, the County Board will deliberate and vote in open session. The vote will be on the following question: "Shall the pupil, (name), be permitted to attend in the school district of desired attendance, (school district name), for the (year)

school year. If the County Board determines that the appeal should be granted, the County Board may order any of the following options:

- A. The attendance is for any school (at the district's discretion), not at a specific school.
- B. The student's attendance in the requested district is for the duration of the present school year, or subsequent school year, depending on the appeal request.
- C. The student shall be admitted to the school district of requested attendance without delay.

The Superintendent shall notify in writing all parties to the matter of the decision of the County Board. The decision of the County Board shall be final and binding, unless either party appeals to the court of competent jurisdiction.

## 5. FACTS THE COUNTY BOARD WILL CONSIDER

In its discussion and deliberations regarding an appeal, the County Board will consider the conditions of and the appellant's reasons for the request of a transfer. In deciding whether to grant or deny an appeal, the County Board weighs the facts which support the criteria favoring a transfer against the adverse impacts presented by the school district(s).

The County Board recognizes a presumption that a pupil is generally required to attend school in the district of residence. However, the County Board also recognizes that certain circumstances necessitate requests for attendance outside the district of residence. It is the County Board's assumption that districts cooperate with each other to provide for such requests when they do not adversely impact the district.

If the appellant is unable to present sufficient evidence to justify a transfer, the County Board may rule against the appeal request without considering the school district's evidence of an adverse impact. If the parent/appellant is able to submit sufficient evidence to justify a transfer, the school district will have an opportunity to rebut the evidence and submit the reasons for denying the transfer, as well as offering any evidence of an adverse impact. The parent/appellant then has an opportunity to respond and offer evidence as to how some or all of the adverse impact on the school district(s) could be alleviated.

Misinformation and/or falsification of information provided by either party may be good cause for deciding against that party. The burden of proof shall rest with the party requesting the interdistrict attendance appeal.

### **Factors Which May Support Granting an Interdistrict Attendance Appeal (Ruling in favor of the pupil)**

- A. **The pupil's desire to remain in his/her school of current attendance for the balance of the semester or school year, despite the parent's change of residence during the school year.** These appeals may be granted for continuity of education or anticipated graduation by the end of the school year.

- B. **The parent's plan to move in the near future and a desire to begin the semester or school year in the new school district.** Appellants are strongly encouraged to provide written documentation supporting their upcoming move, such as a rental agreement, contract to purchase a new property, or similar document.
- C. **One or more siblings have been granted interdistrict attendance in the requested district and separating the siblings would create a hardship on the family.** Appellants are strongly encouraged to submit written documentation of the sibling's enrollment and to demonstrate a hardship based on childcare needs, transportation, employment location or other significant factors. The County Board supports keeping siblings in the same district whenever possible.
- D. **The pupil's psychological or physical well-being will be adversely impacted by remaining in the district of residence.** Acts of bullying fall under this category. Such appeal requests must be supported with written documentation by a qualified medical, educational or behavioral professional who has a relationship with the pupil and/or family. Documentation may also include information from social services, law enforcement agencies or School Attendance Review Board personnel. Acts of bullying must be documented by personnel of the district of residence.
- E. **A substantial danger to the pupil's health or safety exists by remaining in the district of residence.** The danger must be documented by the written statement of a qualified health expert, through police reports, school records or other documentation. Transportation issues may be included under this criterion, if the issues involve the student's safety.
- F. **A specialized and specific district academic program or service in grades 7 - 12 is unavailable in the district of residence, available in the requested district, and critical to the educational well-being of the pupil.** Appellants are encouraged to submit written documentation of the need for this particular academic program or service as related to the student's educational pathway.
- G. **A severe and demonstrated hardship in obtaining before and/or after-school supervision of the pupil would result if the pupil is required to attend the district of residence.** Documentation should be provided, including efforts the parents have made to obtain child care or supervision.
- H. **Whether the district of residence and/or the district of proposed attendance followed the proper procedure, timeline and non-discriminatory practices in consideration of the application for the interdistrict transfer.** Districts must adhere to Education Code Sections 46601 - 46611 and district policy in granting or denying interdistrict transfer requests.
- I. **By reason of the transfer of territory between districts, the residence of the pupil is no longer in the school district which maintains the school the pupil had previously attended.**
- J. **The pupil's residence is located such that ingress and egress on streets on streets or sidewalks in all directions requires travel through the district of**

**requested attendance;** and by virtue of topography, street pattern, and location of homes in the neighborhood, the area is landlocked.

**Factors Which May Support Denying an Interdistrict Attendance Appeal**  
**(Ruling in favor of the district)**

- A. **The negative financial impact of granting the transfer.** The impacted district(s) are encouraged to provide written documentation that the pupil's transfer would place an undue hardship on the district's operations and/or resident pupils. Excessive costs, reduced services or other negative financial outcomes of granting the transfer request may be offered in support of denying the appeal. A written statement by the Superintendent/designee, verifying the accuracy of the financial impact should be included in the evidence.
- B. **The pupil's demonstrated failure to meet reasonable standards relating to behavior, attendance or grades.** Documentation from the student's previous semester(s) in the requested district, or in the previous district of residence must be submitted.
- C. **Overcrowding/lack of space for the pupil in the receiving district.** Documentation should be submitted in writing, stating how the pupil's transfer would result in undue hardship on the district's resident pupils in terms of overcrowding or priority for enrollment in a specific program and/or would be a violation of law, district policy or a collective-bargaining agreement regarding class size or facilities use.
- D. **Acceptance of the interdistrict attendance request would necessitate hiring additional personnel.** Districts should include this documentation in their written Interdistrict Attendance Appeal response.
- E. **The pupil is under suspension or expulsion by the district of residence or any other district.**
- F. **The pupil, or parent or guardian of the pupil, has falsely claimed residence in a given school district for the purpose of school attendance in that district.**
- G. **The pupil, or parent or guardian of the pupil, has not shown that attendance in the requested district is necessary.**

Amended: 10/13/2020 (Originally adopted as AR 8004 4/6/93)

**Stanislaus County Board of Education  
Interdistrict Attendance Appeal Form**

**INSTRUCTIONS:** This form is designed to provide information needed by the County Board of Education in order to consider Interdistrict Attendance Permit appeals to the Board. This form must be filed with the Secretary to the Board (County Superintendent of Schools). Please read the attached policy carefully. This form must be returned to the County Superintendent to start the appeal process.

1. Parent or guardian filing appeal: (Please print or type.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

2. Name(s) of pupil(s) affected:

\_\_\_\_\_ Grade: \_\_\_\_\_

\_\_\_\_\_ Grade: \_\_\_\_\_

\_\_\_\_\_ Grade: \_\_\_\_\_

3. District of residence: \_\_\_\_\_

4. District desired to attend: \_\_\_\_\_

5. Persons from denying district contacted on this matter:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Name: \_\_\_\_\_ Position: \_\_\_\_\_

6. Reasons given to the denying Board by the parent or guardian in support of the request:  
(Attach additional sheets as necessary.)

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7. Reasons for denial given to the parent or guardian by the denying Board: (Attach additional sheets as necessary.)

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8. Date on which the parent or guardian having custody of the pupil requested the district to enter into an interdistrict attendance agreement: \_\_\_\_\_

9. Reasons why denial should be overruled:

a. (pertaining to the welfare of the pupils)

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b. (pertaining to the hardship on the family)

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10. School year or dates during which pupil(s) should be allowed to attend denying district:

From: \_\_\_\_\_ To: \_\_\_\_\_

Signature of Parent or Guardian: \_\_\_\_\_

Date Submitted: \_\_\_\_\_