

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5117.1

ADOPTED: 02/24/97

CLASSIFICATION: Students

**REVISED: 12/09/02
01/09/08
10/25/10
03/28/11
09/24/12
REPLACED 11/17/25**

SUBJECT: Interdistrict Attendance Appeals

When a school district within the jurisdiction of the Ventura County Board of Education fails or refuses to issue an interdistrict attendance permit to a student or fails to provide written notification of its decision within prescribed timelines, the student's parent/guardian may appeal the decision to the County Board.

An appeal shall be filed in writing by a person having legal custody of the student, within 30 calendar days of the district's final denial of the transfer. An appeal shall be accepted only upon verification by the Ventura County Superintendent of Schools or designee that appeals in the district have been exhausted.

Failure to appeal the district decision to the County Board within 30 calendar days is good cause for rejection of the appeal.

In addition, the County Board shall not consider appeals of any of the following:

1. An interdistrict attendance request that was deemed abandoned due to the parent/guardian's failure to meet district timelines
2. An existing interdistrict transfer permit that has been revoked or rescinded in accordance with the policy of the district's governing board
3. The denial of a request by the district of proposed enrollment when no permit has first been issued by the district of residence
4. An interdistrict attendance request submitted for a student who is being considered for expulsion or has been expelled, while expulsion proceedings are pending or during the term of the expulsion

HEARING

Prior to making its determination, the County Board shall hold a hearing at which the district(s) and the student's parent/guardian will have an opportunity to present their positions on the denial of the interdistrict attendance permit.

Prior to the hearing, the secretary to the County Board shall serve a notice of the hearing upon the student's parents/guardians, the district of residence, and the district of proposed enrollment. The notice shall include details of the date, time, and place of the hearing. It shall also notify the parents/guardians of the opportunity to be heard during the hearing and to submit written statements and documentation to the County Board prior to the hearing.

The hearing shall be conducted in open session, except when the County Superintendent or designee determines, prior to the hearing and upon review of the submitted interdistrict appeal application, that information to be presented about the student is confidential. The County Board may also decide at any time during open session to reconvene in closed session if necessary to protect confidential information about the student that may be presented during the hearing.

Regardless of whether the hearing is conducted in open or closed session, any action related to the hearing shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law.

FINAL DECISION OF THE COUNTY BOARD

The County Board shall, within 30 calendar days after the appeal is filed, determine whether the student should be permitted to enroll in the district of proposed enrollment. The County Board or the County Superintendent may extend the time period for up to an additional five school days for good cause. The County Board may permit additional continuances for good cause.

A decision shall be rendered on the appeal within three school days of the hearing unless the student's parent/guardian requests a postponement.

The County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, the County Board may remand the matter to the district for further consideration.

When the County Board determines that a student should be permitted to attend school in the district of proposed enrollment, the student shall be admitted to school in that district without delay.

Written notice of the decision by the County Board shall be delivered to the parent/guardian of the student and to the governing boards of both districts.

Legal Reference:

<u>EDUCATION CODE</u>	<u>DESCRIPTION</u>
35146	Governing Board Meetings
46600-46610	Interdistrict attendance agreements
48204	Residency requirements for school attendance
48209-48209.17	Student attendance alternatives
48660-48666	Community day schools
48900-48926	Suspension and expulsion
49073-49079	Privacy of student records

GOVERNMENT CODE

11455.20

54950-54963

Contempt

Ralph M. Brown Act

UNITED STATES CODE, TITLE 20

1232

Access to student records