

## VENTURA COUNTY BOARD OF EDUCATION

**ADMINISTRATIVE REGULATION NO. 5117.1**

**ADOPTED: 02/24/97**

**CLASSIFICATION: Students**

**REVISED: 04/28/03  
01/09/08  
09/21/10  
03/28/11  
11/03/25**

**SUBJECT: Interdistrict Attendance Appeals**

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Appeals must be submitted on the Interdistrict Attendance Appeal form provided by the Ventura County Office of Education (VCOE). The completed appeal form and supporting documents must be received by the VCOE Administrative Services Center within 30 calendar days of the district's final denial of the transfer. If the 30th day falls on a Saturday, Sunday, or holiday, the appeal may be filed the next business day.

### APPEAL DOCUMENTS

The following documents must be submitted by the person having legal custody of the student to initiate an appeal:

1. A completed VCOE Interdistrict Attendance Appeal form, which identifies and documents the specific reasons for appeal.
2. A copy of the original request for an interdistrict attendance permit.
3. Copies of all correspondence between the person having legal custody of the student and the district denying the permit (including a copy of the final written response of denial from the district).
4. Student grade and discipline reports.
5. Additional documents in support of the request as specified in this regulation.  
*(Example: A request for an interdistrict attendance permit based on safety or health issues should be accompanied by documentation to support the claim. Simply stating that a problem exists without proof may not constitute sufficient grounds for granting an appeal.)*

In response to a timely filed appeal, the following documents must be submitted by the school district that issued the denial:

1. A written response to the appeal along with supporting documentation.
2. A copy of the local board policy, administrative regulation, and district procedures regarding the processing of requests, including appeals processes, for interdistrict attendance permits.

3. A copy of any agreement between the district of residence and the district of proposed enrollment regarding the processing of requests for interdistrict attendance permits.
4. Any additional documentation that the district believes will support the district's decision. *(Example: A district that denies a request for an interdistrict attendance permit based on class-size reduction issues would need to submit documentation to support the claim.)*

### FACTORS FOR CONSIDERATION

The County Board may consider the following factors when hearing appeals:

1. The student's psychological or physical well-being.  
  
A written statement from a qualified professional must support problems with a student's psychological or physical well-being.
2. A substantial danger to the student's health or safety.  
  
Any danger to the student's health or safety must be supported by a written statement from a qualified health expert, by police reports, by school records, or by other reliable documentation.
3. A specialized and specific academic program or service, unavailable in the district of residence, but necessary to the student's career or academic objectives.  
  
The person having legal custody of the student must demonstrate that the student is in fact eligible for and committed to taking or being accepted into this class or program. Such a program or service must be related to the student's career objectives or academic advancement and not based solely on the student's interests or desires, or on extracurricular activities or athletics.  
  
The district of residence has the responsibility to provide written documentation to the County Board, prior to the appeal hearing, if they believe that they offer the specialized academic program or service being requested.
4. Hardship resulting from lack of available or appropriate after-school care options for the student in the district of residence.  
  
The person having legal custody of the student must demonstrate attempts to find appropriate care within the attendance boundaries of the district of residence and must describe these attempts in the written materials provided when the appeal is filed. The address of the existing childcare provider must be provided.
5. The receiving school is geographically closer to the student's residence AND such proximity to the school is required for childcare services or other substantial family needs.  
  
The person having legal custody of the student must describe the mileage and/or geographic barriers and must describe, in writing, attempts to secure childcare or attempts to address other specific family needs.
6. A severe and demonstrated hardship to the student's parent/guardian, which could affect the student's success in school.

The person having legal custody of the student must specify and describe the type of hardship in writing; “hardship” excludes inconvenience to the parents/guardians or matters of preference.

7. The student’s desire to remain in the student’s current attendance for the balance of the semester or school year.

The student’s desire may be based on the student’s anticipated promotion from the current school of attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year.

8. The student’s plan to change residence, and a substantial likelihood that the change of residence will occur, and the desire to begin the semester or school year in the new school district.

The person having legal custody of the student must offer written proof of their plan to move into the district of proposed enrollment; such written proof may be a rental agreement, a contract to purchase new property, or similar document.

9. The desire of the parent/guardian to have the student attend a school in the school district where the parent/guardian is currently employed.

The person having legal custody of the student must specify the district/school where they are employed and the position they hold in that school district.

10. The financial impact of educating the student in the school district of proposed enrollment or of losing the student from the district of residence.

In either case, the impacted district(s) must demonstrate in writing that the student’s transfer would place an undue hardship on the district’s resident students in terms of reduced services or other unacceptable financial outcome.

11. The student’s demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies, or the student’s demonstrated failure to fulfill the conditions, purposes, or terms under which a previous interdistrict attendance permit was approved.

The demonstration of such failure must be based on a written explanation of the district’s previous experience with the student under an interdistrict attendance agreement or on other documented evidence.

12. Lack of space for the student in the district of proposed enrollment.

The district of proposed enrollment must demonstrate in writing that the student’s transfer would result in an undue hardship on the district’s resident students in terms of overcrowding and/or would be a violation of district policy or a collective bargaining agreement regarding class size goals.

13. The negative impact of the student’s transfer on a court-ordered or voluntary desegregation plan of either district.

The district must provide details about the court order or desegregation plan and provide written evidence of the anticipated negative impact of the student’s transfer.

14. The material information provided by the parent/guardian is true and correct and that no information was falsified or intentionally omitted.

The person having legal custody of the student must be able to demonstrate that they have not falsified any information related to their efforts to secure an interdistrict attendance permit or seek attendance outside the student's district of residence.

15. Other exceptional or extraordinary circumstances which would weigh heavily in favor of the student or the affected school district.

The person having legal custody of the student or school district must specify and describe the type of exceptional or extraordinary circumstance and its effect on the student or the resident students of the district.

Legal Reference:

<u>EDUCATION CODE</u>	<u>DESCRIPTION</u>
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

<u>GOVERNMENT CODE</u>	
11455.20	Contempt
54950-54963	Ralph M. Brown Act

<u>UNITED STATES CODE, TITLE 20</u>	
1232	Access to student records