

SANTA CRUZ COUNTY OFFICE OF EDUCATION BOARD POLICY

Section 5000: Students

BP 5118.1

INTERDISTRICT ATTENDANCE APPEALS

Education Code Section 46601 et seq. gives the responsibility of hearing interdistrict attendance appeals to the County Board of Education for school districts within the county. The County Board of Education has established the following guidelines for considering appeals.

1. In general, pupils attend school in the district of residence.
2. The County Board of Education will only hear appeals of interdistrict attendance requests that have been denied by the district of residence, or requested district, or if the district failed to rule on the request.
3. School districts should not admit a pupil living in another school district until an interdistrict attendance agreement has been approved by the district of residence, or while an appeal before the County Board of Education is pending.
4. Persons who wish to present an appeal of an interdistrict attendance decision must comply with the timeline established by the County Office of Education and provide all information required for the Board to hear the appeal.
5. It is the responsibility of the person filing the appeal to provide evidence that supports one or more of the criteria specified in this Board Policy for granting an appeal.
6. Preference or convenience of parents or the pupil alone will not constitute basis for granting an appeal.

Timelines

1. Pupils and/or their parents or guardians must request an appeal hearing within thirty (30) calendar days from the date the request was denied by either the school district of residence or the school district of requested attendance, or if a district fails to respond.
2. The County Board of Education shall, within thirty (30) calendar days after the appeal is filed, hear the appeal and determine whether the student should be permitted to attend the district of desired attendance and the applicable period of attendance.

3. If the written appeal is complete and appropriate, the County Superintendent will place the matter on the County Board of Education's agenda for a regular or special meeting to be held no later than thirty (30) calendar days following the effective date of the appeal. In the event that compliance by the County Board within the time requirement for determining whether the pupil should be permitted to attend in the district in which the pupil desires to attend is impractical, the County Board or the County Superintendent of Schools, for good cause, may extend this thirty (30) day period an additional five (5) school days.
4. Any new supporting evidence must be submitted to the Santa Cruz County Office of Education no later than 72 hours prior to the appeal hearing.
5. The County Board of Education may grant a continuance to any party upon showing of good cause. Such continuances shall result in an extension of the timeline for a determination by the County Board to the number of days of the granted extension.

Legal Reference:
Education Code 46601

Limitations on County Board Authority

The County Board of Education has no authority to consider the following interdistrict attendance request appeals or issue:

1. To determine the specific school within the school district where the pupil will be enrolled.
2. Denial of an interdistrict attendance request by a pupil under consideration for expulsion, or who has been expelled.
3. A dispute over the placement of a special education pupil, or the services provided to a special education pupil.
4. Determination by a school district regarding the validity of a caregiver affidavit.
5. Pupils who seek a transfer to a School District of Choice (also known as an "open enrollment district") under Education Code Section 48300 et seq.
6. Pupils who seek a transfer under the Open Enrollment Act (also known as the "Romero Bill"), which relates to transferring from a persistently low achieving school, pursuant to Education Code sections 48350 et seq.
7. Pupils who seek to attend school pursuant to Education Code section 48204(b) in other than their district of residence based solely on the parent/guardian's employment in the district of proposed attendance.
8. Revocations of an interdistrict transfer application.

Consideration of an Appeal by the County Board of Education

The County Board has discretion and authority to determine whether to grant or deny an interdistrict transfer attendance appeal in accordance with this Board Policy and applicable laws and regulations. In deciding whether to grant or deny an appeal, the Board shall consider this Board Policy, applicable laws and regulations, and weigh the evidence that supports the criteria supporting a transfer against the adverse impacts presented by the school district. The County Board will review the basis for the local board action that gave rise to the appeal and consider the merits of each case on an individual basis.

It is the responsibility of the parent/guardian or representative to file a written statement of appeal including evidence to support the appeal. The school district will have an opportunity to rebut the evidence and submit evidence of an adverse impact on the district. If the appellant is unable to present sufficient evidence upon which reasonable persons can rely, the Board may deny the appeal without considering the school district's evidence of an adverse impact.

Misinformation and/or falsification of information provided by either party may be cause for deciding against that party.

After considering the appeal, the Board will take one of the following actions:

1. Grant the appeal.
2. Deny the appeal.
3. Remand the matter for further consideration by the district(s).
This action may be taken only if new evidence or grounds are presented.

Criteria That Support Granting an Appeal

1. **The pupil's desire to remain in his/her school of current attendance for the balance of the semester or school year despite his/her change of residence.** The pupil's desire may be based on his or her anticipated graduation from the school of current attendance at the end of the semester or school year, or a need for educational continuity for the remainder of the semester or school year.
2. **The pupil's plan to move in the near future and desire to begin the semester or school year in his or her new school district.** The family must submit written proof of their plan to move into the district of proposed attendance. Such written proof may be a rental agreement, a contract to purchase a new property, or a similar document.
3. **The desire of the appellant to use childcare services that are within the boundaries of the school district.** The appellant must submit evidence substantiating that childcare services outside of the district of residence provide the only satisfactory childcare arrangement available, or that provision of childcare in the district of residence would impose a substantial hardship and/or cost.

4. **The acceptance of a sibling of the pupil for attendance for the current school year by the district of requested attendance when requiring the pupils to attend different school districts would create a hardship on the family.** The appellant must submit written documentation of the sibling's enrollment and demonstrate a hardship based upon childcare needs, transportation issues, employment location, or other significant factors.
5. **Remaining in the district of residence will seriously adversely impact the pupil's psychological or physical well-being.** The appellant must submit a written statement from the pupil's treating medical or mental health professional explaining why he or she has concluded that continuing to attend any school in the district of residence will seriously adversely impact the pupil's psychological or physical well-being.
6. **A substantial danger to the pupil's health or safety exists by remaining in the district of residence.** A danger to the pupil's health or safety must be supported by documentation from a qualified health expert, by police reports, by school records or by other documentation. Substantial danger based upon transportation issues may be included under this criterion. Appellant shall provide an explanation as to why the pupil cannot attend another school in the district.
7. **The pupil has been a victim of bullying.** "Bullying" means any severe or pervasive physical or verbal act, conduct, or written communication (including electronic communications) committed by a pupil or group of pupils that has or can be reasonably predicted to have the effect of one or more of the following on a reasonable pupil:
 - a) Fear of harm to the pupil's person or property
 - b) Experience a substantially detrimental effect on the pupil's physical or mental health
 - c) Experience substantial interference with the pupil's academic performance; and/or
 - d) Experience substantial interference with his or her ability to participate in or benefit from the services, activities or privileges provided by a school.

Appellants must submit written documentation to substantiate the pupil has been the victim of bullying. Written confirmation from a qualified health expert, police report and/or school personnel shall be conclusive.

Legal Reference:
Education Code 48900(r)(1) et seq.

8. **A specialized and specific district academic program or service is unavailable in the district of residence and is essential to the pupil's career or academic objectives.** The appellant must submit written documentation that the program or service is unavailable in the district of residence and essential to the pupil's career or academic objectives. The specific program or service must be directly related to and essential to the pupil's career objectives or academic advancement, and not be based solely on the pupil's interests in extracurricular activities or athletics.
9. **The pupil's residence is located such that the entrance and exit on streets or sidewalks in all directions require travel through the district of requested attendance, and by virtue of topography, street pattern, and location of homes in the neighborhood, the residence is land-locked.** The appellant must provide written documentation substantiating that the residence is land-locked and explain why such conditions make a change in school districts advisable.
10. **Other exceptional or extraordinary circumstances which would weigh heavily in favor of the pupil.** The appellant must specify and describe the type of exceptional or extraordinary circumstance and its effect on the pupil.

Criteria That Supports Denying an Appeal

1. **The negative financial impact of educating the pupil (district of proposed attendance) or losing the pupil (district of residence).** In either case, the impacted district(s) must demonstrate in writing that the pupil's transfer would place an undue hardship on the district's operations and/or resident pupils in terms of costs, reduced services, or other unacceptable outcomes.
2. **The pupil's demonstrated failure to meet reasonable standards relating to behavior, attendance, or attention to studies.** The demonstration of such failure by the district of proposed attendance must be based on a written explanation of the district's previous experience with the pupil under an interdistrict attendance agreement or on other documented evidence of behavior or attendance in the prior district of attendance.
3. **Overcrowding/lack of space for the pupil in the receiving district.** The district of proposed attendance must demonstrate in writing that the pupil's transfer would result in an undue hardship for the district's resident pupils in terms of overcrowding or enrollment in a specific program or school and/or would be a violation of law, facility use agreement, district policy or a collective bargaining agreement regarding class size limits.
4. **The negative impact of the pupil's transfer on a court ordered or voluntary desegregation plan of either district.** The district must provide in writing the details of court-ordered or voluntary desegregation plan and evidence of the anticipated negative impact of the pupil's transfer.

5. **The transfer of the pupil would violate the Education Code, a California Department of Education regulation, or some other law governing school districts.** The district must provide written documentation of the specific law or regulation that would be violated.

6. **Other exceptional or extraordinary circumstances that would weigh heavily in favor of the affected school district.** The school district must provide written documentation describing the exceptional or extraordinary circumstances.

Legal Reference:

Education Code

Sections 46601-46605; 48204, 48900

Adopted: May 15, 2014

Revised: December 17, 2015