

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**

SUBJECT: Interdistrict Attendance Appeals

The person having legal custody of a student may appeal to the County Board of Education within 30 calendar days of receiving notification of denial of a request for an interdistrict attendance permit. Appeals must be submitted on the Interdistrict Attendance Appeal form provided by the Ventura County Office of Education ("VCOE").

The appeal will be accepted only upon verification by the County Superintendent or designee that all local appeals or remedies within the school district(s) have been exhausted. The County Superintendent or designee shall investigate to determine whether local remedies in the matter have been exhausted and to inquire as to any additional information that may be useful to the County Board in reaching a decision.

A COMPLETED APPLICATION FOR APPEAL MUST INCLUDE:

From the Parent/Guardian of the Student:

The following documents must be submitted with the 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 local governing board.)
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.)

From the School District:

The following documents must be submitted by the school district:

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 desired district of attendance 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.)
5. If denial of an interdistrict attendance permit is based on meeting interdistrict transfer thresholds as outlined in Education Code 48204 and 43800-48318, the computation form available from VCOE must be completed and submitted.

HEARING PROCEDURE:

Within 30 days after the appeal is filed, the County Board shall determine whether the pupil should be permitted to attend in the district in which he or she desires to attend and the applicable period of time. In the event it is impractical for the Board to comply with the 30-day time requirement, the County Board or the County Superintendent may, with good cause, extend the time period for up to an additional five school days.

Upon acceptance of an appeal, all parties to the matter shall be notified of the date and time of the scheduled hearing. The notification will also advise all parties of the opportunity to submit written statement and documentation, specific to the written request for transfer and/or denials by the school district, and of their right to be heard on the matter, pursuant to these rules and regulations.

If new evidence or grounds for the request are introduced by the parent, the County Board may remand the matter for further consideration by the district or districts. If additional evidence is required from either the parent or district(s) to support their position, the hearing may be continued. In all other cases, the appeal shall be granted or denied based on its specific merits.

All hearings shall be held in open session. The County Superintendent or designee will provide an overview of the appeal documentation. At the hearing, the student and/or his/her legal custodian shall be heard first. They will be invited to provide any supporting information they feel the County Board may need to make a decision. The County Board may ask clarifying questions to fully understand the circumstances. The district will then be invited to explain any written material or to provide any supporting information. Again, the County Board may ask clarifying questions.

The County Board will vote on whether to grant or deny the appeal. If an appeal is granted for an interdistrict permit under Education Code Section 46600, pupils shall not need to reapply for an interdistrict transfer, and the pupil shall be allowed to continue to attend the school in which he or she is enrolled.

However, if the district of residence and district of attendance have entered into an agreement for interdistrict attendance, the agreement may contain standards for reapplication that may not allow continued attendance. The agreement may also stipulate terms and conditions under which the interdistrict permit may be revoked. Neither a district of residence nor a district of attendance may rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.

Written notice of the decision by the Board shall be delivered to the pupil and the parent or legal custodian, and to the governing boards of the school districts involved.

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 school district of residence has the responsibility to provide written documentation to the parent and 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 in 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 parents or guardians, 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 his or her school of current attendance for the balance of the semester or school year.

The student's desire may be based on his or her anticipated promotion from the school of current 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 his or her 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 attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.

9. The parent's desire to have the student attend a school in the school district where the parent 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 desired attendance or of losing the student from the school 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 were 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 receiving district.
The district of proposed attendance 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 or 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 he or she has not falsified any information related to his or her 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.