

INTERDISTRICT ATTENDANCE APPEALS

The Board of Education will hear interdistrict attendance appeals properly filed by parents/guardians. The Board's decision will be to either grant, deny or remand the appeal back to the district of residence for further consideration.

The Board will base its decision on the same evidence and reasons presented at the local district level. In the event either party wishes to introduce different information than what the district board had the opportunity to consider, the County Board may remand the interdistrict attendance request back to the local district board for reconsideration.

The County Board shall base its decision to grant or deny an appeal on the following priorities:

- Welfare of the pupil. Will there be a program offered in the proposed district of attendance that will better meet the educational, social, emotional health and/or safety needs of the child than in the district of residence? Will the continuity of the pupil's educational program be furthered?
- Impact on the family. Do special circumstances exist for the child and family that would support a change in school placement? Such circumstances might include, but would not necessarily be limited to, child care, parent employment and/or transportation.
- Impact on the district of residence/district of proposed attendance. Will the change in school enrollment significantly affect either district in terms of its educational program, financial stability, or appropriate multicultural balance?

All parties will be notified of the Board's decision and will be encouraged to implement the decision without delay.

All decisions regarding interdistrict attendance appeals apply only to the school year for which they are either granted or denied.

Legal Reference:

EDUCATION CODE

46600-46609 *Interdistrict attendance computation*

GOVERNMENT CODE

54954.5 *Brown Act—Open Meeting Laws; Closed session items*

INTERDISTRICT ATTENDANCE APPEALS**Preliminary Procedure**

1. In order to initiate the appeal process, the parent/guardian must submit a completed form together with a copy of the original request for interdistrict attendance which was filed with the district of residence or district of proposed attendance to the Director of Student Services of the Humboldt County Office of Education within the timeframe prescribed by law.
2. Upon receipt of the completed form and required accompanying documents, the Director of Student Services shall notice the district of residence and the district of proposed attendance.
3. The appropriate district shall provide the Director of Student Services with a written summary of the rationale as to why the original interdistrict attendance request was denied.
4. The Director of Student Services shall schedule a time for the hearing with the County Board of Education that will enable the Board to hear the matter within 30 calendar days from receipt of the written appeal.

Hearing Process

1. A hearing will be held in open session of the County Board of Education. The hearing may be adjourned by the Board President to closed session when one or more of the following circumstances exists:
 - a. When the case of the person appealing includes allegations against identifiable school district staff members.
 - b. When the case includes information of a personal/confidential nature concerning another identifiable student.
 - c. When the case includes information of a personal/confidential nature concerning the student for whom the transfer is requested and the parent or legal guardian requests a closed session.

The hearing will be considered “informal” in that there will be no swearing in of the parties or witnesses and no verbatim transcript of the hearing will be made. The record shall reflect the names of the parties giving testimony and the action taken.

2. The parent/guardian will be permitted the first opportunity to speak about the proposed request and to provide any clarification of the written materials submitted.

3. The representatives from the district of residence and the district of proposed attendance will be given an opportunity to address the request and/or provide any clarification about the local boards' actions on the matter.
4. Parties may present witnesses to the County Board of Education provided the same witnesses offered testimony before one or both of the local boards.
5. Members of the County Board of Education shall be permitted the opportunity to ask questions about the written materials or about any testimony received.

Decision

1. The County Board of Education may deliberate in closed session after hearing all testimony and make its decision at the time of the hearing or may take the matter under submission. In any event, the decision shall be rendered within 3 school days after the hearing.
2. The County Superintendent of Schools or designee shall inform the parent/guardian and the respective superintendents and boards of the affected districts of the final action taken by the County Board of Education. All parties will be encouraged to implement the decision without delay.
3. The notice of decision shall include a statement that the decision to grant or deny the appeal applies only to the school year for which the interdistrict transfer has been requested.

*Legal Reference:*EDUCATION CODE*46600-46609 Interdistrict attendance computation*GOVERNMENT CODE*54954.5 Brown Act—Open Meeting Laws; Closed session items*