INTERDISTRICT ATTENDANCE APPEALS

A parent, who has been denied an interdistrict attendance permit by the district of residence or by the district of attendance, may file an “Interdistrict Attendance Appeal” on a form prescribed by the County Board. (Education Code 46601)

In order to be timely, an appeal form must be actually received in person or delivered to the LACOE Child Welfare and Attendance (CWA) Unit by U.S. mail no later than the 30th calendar day following the denial, failure or refusal of a school district to issue a permit. If the 30th calendar day falls on a weekend or holiday, the appeal must be received on the following business day.

Once the completed appeal form with the reasons for appeal has been filed with the CWA Unit, the following documents of support must be submitted by the appellant and by the school district within the timeline prescribed.

The appellant must submit within five school days of initiating the appeal:

1. A copy of the final denial letter and/or original request for an interdistrict attendance permit (if available)
2. A one page brief, or summary, outlining the reasons for appeal
3. Copies of all correspondence between the parent and the district denying the permit (including a copy of the final letter of denial from the denying district) (if applicable)
4. Additional supporting documents, limited to ten pages, which the parent wishes to submit to support the request for transfer.

(Example: A request for a transfer based on safety or health issues should be accompanied by documentation to support the claim. Simply stating that a problem exists without evidence may not constitute sufficient grounds for granting an appeal.)

The school district must submit no later than five school days before the fact-finding session:

1. A one page brief or written response to the appeal along with supporting documentation
2. A copy of the local board policy and district procedures regarding the processing of interdistrict attendance appeals;
3. A copy of any agreement between the district of residence and the district of attendance regarding the processing of interdistrict attendance appeals (if applicable)
4. A copy of the original request for interdistrict transfer permit
INTERDISTRICT ATTENDANCE APPEALS (continued)

5. Any additional documentation, limited to ten pages, which may be required to support the district’s decision.

(Example: A district that denies a request for transfer based on class-size reduction issues, special education impacted classes, would need to submit enrollment documentation to support that claim.)

Upon receiving a completed appeal form, a hearing consultant from the CWA office will schedule a meeting to conduct a fact-finding session within 28 calendar days. The purpose of fact-finding is to gather evidence to assist the County Board or administrative panel in determining whether to grant or deny an appeal based on its merits. All parties will be notified in writing of the date, time, and place of the session and the procedures for fact-finding. A postponement may be granted for good cause by an appellant only. The hearing consultant will rule on matters of procedure.

An open hearing will be conducted by the County Board, except in situations where confidential information is discussed. If it is impractical for the County Board to comply with the time requirement for the hearing, the County Board may extend the time period for up to an additional five school days or delegate the authority to the Hearing Consultant to extend the time period for up to an additional five school days if there are no County Board meetings scheduled. The County Board may grant a postponement upon a showing of good cause to the appellant only. (Education Code 46601) Cases involving multiple children are counted as a single case. (Education Code 46601)

The County Board may appoint an impartial administrative panel to hear appeals on behalf of the County Board. Delegation of such authority may occur when more than 25 families' appeal cases are scheduled to be heard at any one County Board meeting, when the County Board has other pertinent County Board business that must be addressed, or when County Board meetings cannot be scheduled, rendering it impractical for the County Board to meet the appeal timeline.

The County Board shall activate the use of an administrative panel to hear the appeals on its behalf in the following manner:

1. The County Board shall review the number of cases that are scheduled for each future County Board meeting. The cases are listed in an order based on time and date of submission to the CWA Unit to ensure equity.

2. Upon review of the number of cases and the County Board agenda for each County Board meeting, the County Board shall determine the number of appeals that can reasonably be heard.

3. When the number of cases scheduled at a County Board meeting exceeds 25 families and the County Board is able to hear up to 25 families’ cases, the County Board may delegate the remaining cases to an administrative panel.
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4. When other pertinent County Board business requires the attention of the County Board for the majority of a County Board meeting, the County Board shall determine the number of cases that can reasonably be heard and may delegate the remaining cases to an administrative panel.

5. When County Board meetings cannot be scheduled, the County Board may delegate the cases scheduled on those days to an administrative panel or an additional meeting may be requested by the CWA Unit.

When the County Board authorizes an administrative panel to hear an appeal on its behalf, a hearing consultant from the Unit will schedule a meeting to conduct a fact-finding session within 28 calendar days. The purpose of fact-finding is to gather evidence to assist the hearing officer or administrative panel in determining whether to grant or deny an appeal based on its merits. The hearing consultant shall not serve on the administrative panel that will either recommend or render a final decision on the matter. A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. The hearing consultant will rule on matters of procedure.

The administrative panel shall consist of three certificated persons. No member of the impartial administrative panel shall be a member of the County Board, nor be employed by the school district of residence or the district of desired attendance.

The hearing with the consultant or administrative panel will be held in open session unless the appellant requests, or hearing consultant recommends with appellant agreement that it be held in closed session. All parties will be notified in writing of the date, time, and place of the hearing and its procedures. A postponement may be granted to the appellant for good cause.

Interdistrict Appeal Board Options

The County Board believes that interdistrict permit appeals are among the most important business that the County Board undertakes. Therefore, every County Board member present for such an appeal should, absent some disqualifying conflict of interest, participate in the decision on such appeals. Accordingly, the County Board strongly discourages abstentions on appeal decisions. Four affirmative votes of the County Board are required for the interdistrict appeal to be granted.

In cases where the hearing officer or administrative panel has been authorized to hear an appeal on behalf of the County Board and recommend a final decision, the County Board may act upon more than one recommendation by a single vote through the use of a consent agenda. In accordance with law, the public has a right to comment on any consent item. At the request of any member of the County Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item. The County Board shall render a decision within 10 calendar days of receiving the hearing officer’s or administrative panel’s recommended decision.
AR 5117(d)

INTERDISTRICT ATTENDANCE APPEALS (continued)

In cases where the administrative panel has been authorized to render a final decision on behalf of the County Board, two affirmative votes of the administrative panel are required for the interdistrict appeal to be granted. The administrative panel’s final decision, together with the record of proceeding, shall be filed with the secretary to the County Board within three days after such decision is rendered.

The County Board/administrative panel/hearing officer may consider an interdistrict attendance permit for a student for any of the following reasons: (Education Code 46601)

Factors Regarding Students

1. The student has expressed a genuine interest in an educational class or program which is both available and beneficial to the student, which cannot be reasonably provided by the district of residence, and the student is in fact eligible for, and has committed to taking or has been accepted into, the desired class or program

2. There is evidence of threats or injury to the student, or evidence that the student’s health, welfare or safety are otherwise in clear, present, and continuing jeopardy or danger in the district of residence. Written documentation and/or supporting information from doctors, psychologists, or other persons should be provided to verify health-related issues

3. There is evidence that the student has a genuine and substantial fear of attending the district of residence. Written documentation and/or supporting information should be provided to verify the presence of substantial fear and/or impact on the student

4. That transportation problems exist which create a hardship for the student which are resolved by transfer to the district of desired attendance

5. The receiving school in the district of desired attendance is geographically closer to the student’s residence and such proximity to the school is required for child care services or other substantial family needs

6. The district of desired attendance will accept the student

7. There is present intent to change residence and a substantial likelihood that the change of residence will occur. Supporting information, such as escrow documents, should be provided to verify intent

8. The proposed transfer would not create a significant, adverse financial or educational impact on student programs or classes in the district of residence or in the district of desired attendance

9. Continued enrollment in the district of desired attendance will promote an important level of continuity that is in the best interest of the student
INTERDISTRICT ATTENDANCE APPEALS (continued)

10. Such other considerations as the County Board may deem appropriate in each case to render a decision on the merits

Factors Regarding Procedural and Other Matters

1. The material information provided by the parent is true and correct and that no information has been falsified or intentionally omitted

2. All appeals have been exhausted by the parent at the local level prior to being appealed to the County Board

3. The student is neither under consideration for expulsion nor currently under an expulsion order

4. An interdistrict permit was revoked because the student did not fulfill the conditions, purpose, or terms under which that previous interdistrict permit was approved

5. A transfer to the receiving school would not violate any district policies, provisions of the Education Code, or other applicable law

6. The sending or receiving school district has failed to follow a material aspect of its own interdistrict attendance policies

7. The interdistrict transfer would not negatively impact voluntary or court ordered desegregation plans or the racial-ethnic balance of the district of residence

Failure of the parent to pursue the appeal in a timely manner, within 30 calendar days or to appear at scheduled meetings, may be deemed an abandonment of the appeal and the matter may be dismissed.

Failure of the school district to participate in the appeal in a timely manner, or to appear at scheduled meetings, may be deemed an abandonment of the defense of the appeal and the County Board may grant the interdistrict transfer.