



Dear Parent or Legal Guardian:

INTERDISTRICT ATTENDANCE APPEAL

Enclosed is the required form for filing an interdistrict attendance appeal with the Los Angeles County Office of Education. Appeals must be physically received within 30 calendar days following the failure or refusal of a district to issue a permit and will be accepted only after verification that all local administrative remedies have been exhausted.

To file your appeal, please complete the appeal form, attach the following supporting documents and return them to our office:

- (1) A copy of the original request for interdistrict transfer permit;
- (2) Copies of all correspondence between you and the district denying the permit (be sure to include the final denial from the local governing board);
- (3) Additional documents supporting your reason(s) for the permit appeal; and
- (4) Interpreter Assistance Request form.

Please Note: Supporting documents should not be numbered or submitted in notebooks and or spiral folders.

Enclosed you will also find a copy of Board Policy 1380 which includes both rules and procedures. Be sure to read them carefully.

Should you have any questions about the appeal process, please contact my office at (562) 922-6727.

Sincerely,

Catherine Terry

Catherine Terry, Project Director III
Division of Student Support Services
Child Welfare and Attendance Unit

CT:mdp

Enclosures: Interdistrict Attendance Appeal form
1380 Interdistrict Attendance Appeals Board Policy
Interpreter Assistance Request

1380 INTERDISTRICT ATTENDANCE APPEALS

The County Board of Education has appellate authority to determine whether a pupil should be permitted to attend a district in which he or she desires to attend which is not the district of residence and the applicable period for attending such district.

If a student is denied attendance at a school outside his/her district of residence, the student or student's parent/guardian may appeal the denial to the Los Angeles County Board of Education.

I. Definitions

- A. Interdistrict Attendance: school attendance between two or more school districts; may be by agreement or made on a case-by-case basis.
- B. District of Residence: the school district in which the student resides.
- C. District of Attendance: the school district in which the student desires to attend an educational program or activity.
- D. Administrative Hearing Officer: the County Board-delegated, impartial certificated hearing officer authorized to conduct hearings on behalf of the County Board.
- E. SELPA: Special Education Local Plan Area—a district or consortium of districts designed to administer special education programs and services within a specific geographic area.

II. Appeal Process

- A. A parent/guardian must first make a separate request for the student's interdistrict attendance to each district involved.
- B. If the parent/guardian's request, made separately to each district involved, for an interdistrict attendance permit is not approved within thirty (30) calendar days of the request, the parent/guardian must be notified of his/her right to appeal this decision.
 - 1. If there is an interdistrict attendance agreement between the district of residence and the district of attendance, the district denying the permit must notify the parent/guardian of the right to appeal.
 - 2. If there is no interdistrict attendance agreement, the district of residence must notify the parent/guardian of the right to appeal.
 - 3. The above rules apply where the parent/guardian's request for a permit was made at least thirty (30) calendar days prior to the first day of the term and the districts' failure to approve the permit occurs within fourteen (14) calendar days from the start of the term.
- C. Parents/guardians must file their appeals with the Los Angeles County Office of Education (LACOE) within thirty (30) calendar days of receipt of notice of the denial to issue the interdistrict permit.
 - 1. Failure to appeal within thirty (30) calendar days is grounds for denial of the appeal.
 - 2. Designated LACOE staff will verify that appeals within the district have been exhausted.
 - 3. The County Board will grant or deny the appeal based on information provided unless new evidence or grounds for the request are introduced on appeal. If new evidence or

grounds for the request are introduced, the County Board may remand the matter back to the district(s) for further consideration.

- D. The County Board will determine whether to grant or deny the appeal within thirty (30) calendar days of the filing of the appeal.
 - 1. The County Board or Superintendent may extend this time period up to five (5) school days if compliance is impractical.
 - 2. Designated LACOE staff shall provide adequate notice to the parents/guardians and districts of the date and time of all hearings, the opportunity to submit written statements and documentation, and the right to be heard by an administrative hearing officer and the County Board pursuant to LACOE procedures governing interdistrict attendance appeals.
 - 3. The County Board may grant continuances upon a showing of good cause.
 - 4. The administrative hearing officer shall prepare a written recommendation within three (3) school days of conducting the hearing, which shall be distributed to the County Board, the student, and the involved district. The County Board's decision shall be made within ten (10) school days of receipt of the administrative hearing officer's recommendation unless the parent/guardian requests a postponement.

- E. If the interdistrict attendance involves districts in two different counties, LACOE may have jurisdiction over the appeal.
 - 1. LACOE has jurisdiction over appeals where the Los Angeles County school district denied the permit or failed to enter an agreement for interdistrict permits.
 - 2. Where both districts denied the permit, LACOE has jurisdiction to conduct the appeal hearing if the Los Angeles County school district is the district of residence. If the appeal is granted in this hearing, the County Board shall seek agreement with the County Board of the other county, which will afford its school district an opportunity to be heard in the matter. If the two county boards do not agree, the student's appeal is denied.

- F. The County Board shall deliver its decision, in writing, to the parent/guardian of the student, the district of residence and the district of attendance.

- G. Students with pending expulsion hearings or who have been expelled may not appeal interdistrict attendance denials until the hearing is conducted and/or the term of expulsion expires.

III. Appeal Procedures

A. Statement of Intent

It is the desire of the County Board that interdistrict attendance appeals be prepared and presented as quickly as possible consistent with giving the pupil and the school district an opportunity to prepare and present their cases within time limits set by law.

A Consultant for the County Office of Education will assist the pupil and the school district with County Board procedures for filing an appeal, scheduling of sessions, and submission of documents.

B. Informal Solutions

The County Board believes that in some cases it may be possible to resolve an appeal informally. With this in mind, and with assistance from a Consultant, all parties are encouraged to explore solutions.

Although informal solutions are encouraged; any party to an appeal is free to reject a proposed solution without prejudice to any rights on appeal.

C. Initiating an Appeal

A person having legal custody of a pupil in kindergarten or grades one (1) to twelve (12), who has been denied an interdistrict attendance permit by the district of required attendance or the district of desired attendance, may file an "Interdistrict Attendance Appeal" on a form prescribed by the County Board.

An appeal will be accepted only upon verification by designated staff that all other remedies or appeals available within the districts have been exhausted.

D. Deadline to File

In order to be timely, an appeal form must be actually received by the Child, Welfare and Attendance (CWA) unit of the County Board within 30 calendar days of the failure or refusal of a school district to issue a permit. The office address is Child, Welfare and Attendance Services, Los Angeles County Office of Education, 9300 Imperial Highway, ECC Room 258, Downey, California 90242-2890. Forms mailed and postmarked but not actually received by the CWA office within 30 calendar days will not be accepted.

E. Required Documents

Documents to support the appeal must be filed by the pupil within five (5) days of initiating the appeal, and shall include:

For the Appellant

The following documents should be submitted with the Appeal:

(1) A completed Interdistrict Attendance Appeal form 202-022 which includes the reasons for appeal; (2) A copy of the original request for an interdistrict attendance permit; (3) Copies of all correspondence between the pupil and the district denying the permit (including a copy of the final letter of denial from the local governing board); (4) Pupil grade reports; and (5) Additional supporting documents the pupil 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 proof may not constitute sufficient grounds for granting an appeal.)

For the School District

The following documents should 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 and district procedures regarding the processing of interdistrict attendance appeals; (3) A copy of any agreement between the district of residence and the desired district of attendance regarding the processing of interdistrict attendance appeals; and (4) Any additional documentation 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 would need to submit documentation to support that claim.)

All school district documents, in response to an appeal, must actually be received no later than five (5) days before the scheduled fact finding session.

F. Fact Finding

Upon receiving a completed appeal form, the county Consultant will schedule a meeting to conduct a fact finding session within 20 calendar days. The Consultant will notify the parties in writing of the date, time, and place of the session and the procedures for fact finding. Continuances may be granted for good cause.

Fact finding will be conducted by a hearing officer designated by the County Board of Education. Fact finding sessions are open to the public. The hearing officer will rule on matters of procedure.

The purpose of fact finding is to provide for the gathering of evidence to support the granting or denying of an appeal on the merits as further discussed in Section V: DECISION.

Fact finding normally proceeds as follows:

1. Hearing Officer opens the meeting and inquires if the record is correct and complete and necessary changes are made to the record.
2. Parties are asked to verify the record is complete.
3. Parties may make an oral presentation to the hearing officer as follows:
 - a. Pupil (5 minutes)
 - b. District (5 minutes)
4. Hearing Officer may direct questions to the parties.
5. Upon completion of questions by the Hearing Officer, the officer declares the session closed.
6. The Hearing Officer will then prepare Findings and Conclusions and submit them to the County Board for its consideration and decision.

G. Board Hearing

Following the completion of fact finding an open hearing will be conducted by the County Board.

Board hearings normally proceed as follows:

1. Board President opens the meeting, identifies all participants and addresses procedural matters.
2. Parties may make an oral presentation to the Board as follows:
 - a. Pupil (5 minutes)
 - b. District (5 minutes)
3. Following oral presentations, Board members may direct questions to the parties.
4. Following completion of questions by Board members, the Board President declares the hearing completed.
5. If clarification on an issue is required, the Board President may reopen the hearing to ask question(s) of the parties. Once clarification is provided, the Board President again closes the hearing.
6. Board members then deliberate in open session.
7. Following deliberation, the Board will render a final decision in the matter.

IV. Termination of Appeal

Failure of the pupil to pursue the appeal in a timely manner or to appear at scheduled meetings may be deemed an abandonment of the appeal and the County Office may dismiss the matter.

V. Decision

In rendering its decision, the County Board may give consideration to the following criteria as may be appropriate or applicable in each case:

A. Factors Regarding Students

1. That 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. That there is evidence of threats or injuries to the student, or evidence that the student's health, welfare or safety are otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance. Written documentation and/or supporting information from doctors, psychologists, or other persons should be provided to verify health-related issues;
3. That there is evidence that the student has a genuine and substantial fear of attending the school 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 attendance at the receiving school;
5. That the receiving school is geographically closer to the student's residence AND that such proximity to the school is required for child care services or other substantial family needs;
6. That the receiving school will accept the student;
7. There is present intent to change residence and a substantial likelihood that the change of residence will occur;
8. That 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. That continued enrollment in the desired district will promote an important level of continuity that is in the best interest of the student; and
10. Such other considerations as the Board may deem appropriate in each case to render a decision on the merits.

B. Factors Regarding Procedural and Other Matters

1. That the material information provided by the student or his parent is true and correct and that no information has been falsified or intentionally omitted;
2. That all appeals have been exhausted by the student and/or his parents, guardians or other caregivers at the local level prior to being appealed to the Board;
3. That the student is neither under consideration for expulsion nor currently under an expulsion order;
4. That the student did not fulfill the conditions, purpose or terms under which a previous interdistrict permit was approved;
5. That the transfer to the receiving school would not violate any district policies or provisions of the Education Code or other applicable law;
6. That the sending or receiving school district has failed to follow a material aspect of its own interdistrict attendance policies; and
7. That the interdistrict transfer would not negatively impact voluntary or court ordered desegregation plans or the racial-ethnic balance of the district of residence.

- C. If new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the district or districts. In all other cases, the appeal shall be granted or denied on its merits.

VI. Attendance during Appeal

Pending a decision by the involved school districts or the County Board, the district of attendance may provisionally admit the student for a period not to exceed two school months. The district of attendance may count this provisional attendance for revenue limit and state apportionment purposes.

VII. Attendance after Appeal

- A. Upon a successful appeal to the County Board, the student shall be admitted to the school in the district of attendance without delay. The district of attendance may count this attendance for revenue limit and state apportionment purposes.
- B. If the district of residence fails to pay the amount due to the district of attendance for a student lawfully attending a school in the district of attendance, the Superintendent may draw a requisition of funds in the amount due to the district of attendance and transmit those funds to the governing board of the district of attendance.

VIII. Inter-SELPA Permits

For questions regarding inter-SELPA permits, students and their parents/guardians should contact the SELPA director for their area.

LEGAL AUTHORITY: EC 35160, 46601, 46602, 46603, 46604.

Adopted 12-04-01



INTERDISTRICT ATTENDANCE APPEAL

NAME OF PUPIL		DATE OF BIRTH	GRADE
ADDRESS OF PUPIL: NUMBER, STREET, APARTMENT NUMBER, CITY, STATE, AND ZIP CODE			
SCHOOL DISTRICT OF RESIDENCE	NAME OF SCHOOL		COUNTY
SCHOOL DISTRICT NOW ATTENDING	NAME OF SCHOOL		COUNTY
SCHOOL DISTRICT PUPIL DESIRES TO ATTEND	NAME OF SCHOOL		COUNTY
NAME OF PARENT OR GUARDIAN	HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER	
	()	()	
ADDRESS OF PARENT OR GUARDIAN: NUMBER, STREET, APARTMENT NUMBER, CITY, STATE, AND ZIP CODE			

PLEASE CHECK THE APPROPRIATE BOX: PERMIT WAS DENIED BY THE DISTRICT OF RESIDENCE PERMIT WAS DENIED BY THE DISTRICT OF DESIRED ATTENDANCE

WHAT ARE YOUR REASON(S) FOR REQUESTING ADMISSION TO A SCHOOL IN THE DISTRICT IN WHICH THE PUPIL DOES NOT LIVE?

WHAT IS THE PUPIL/PARENT'S UNDERSTANDING OF WHY THE PERMIT WAS DENIED?

SIGNATURE OF PARENT OR GUARDIAN	DATE DELIVERED OR MAILED
---------------------------------	--------------------------

PLEASE ANSWER BOTH QUESTIONS COMPLETELY, THEN SIGN AND DATE THIS FORM BEFORE MAILING OR DELIVERING TO:

THE LOS ANGELES COUNTY OFFICE OF EDUCATION
DIVISION OF STUDENT SUPPORT SERVICES
CHILD WELFARE AND ATTENDANCE UNIT
9300 IMPERIAL HIGHWAY – CLARK #258
DOWNEY, CALIFORNIA 90242-2890

PLEASE ATTACH COPIES OF THE PERMIT APPLICATION AND THE FINAL DECISION LETTER TO THIS FORM



INTERPRETER ASSISTANCE REQUEST

Please check the appropriate response below.

I would like to have the assistance of an interpreter at the Interdistrict Attendance hearing before the County Board of Education.

Yes, I would like an interpreter.

No, I do not require an interpreter.

If the response above is yes, please specify the language to be spoken by the interpreter:

(Language)

Signature of Parent or Guardian

Date Signed

Please return this form to:

Los Angeles County Office of Education
Division of Student Support Services
Child Welfare and Attendance Unit
9300 Imperial Highway -Clark 258
Downey, California 90242-2890