



# SHASTA COUNTY OFFICE OF EDUCATION

Shasta County Board of Education

## Interdistrict Attendance Appeal Handbook

---

**To assist parents/guardians, students, and  
school districts in understanding the  
interdistrict attendance appeal process**

---

Exhibit 5117.1  
Adopted: December 9, 2009  
Revised: July 14, 2010  
Revised: August 8, 2018

# Shasta County Board of Education Interdistrict Attendance Appeal Handbook

<u>Contents</u>	<u>Page</u>
Introduction	2
Interdistrict Attendance Appeals	3
Filing a Request for an Appeal Hearing	4
Processing the Appeal Hearing Request	5
What About the Student During the Process?	5
Preparing for the Appeal Hearing	6
Facts That Will Be Considered	7
The Appeal Hearing	8
After the Appeal Hearing	9
Request for Interdistrict Attendance Appeal Hearing Form	10

## INTRODUCTION

The Shasta County Board of Education has prepared this handbook to provide direction and information to parents/guardians and students who wish to appeal a school district's decision to not grant an interdistrict attendance agreement. It is also provided as a tool for school districts to assist them in preparing for an appeal hearing.

This handbook constitutes the official procedures adopted by the Shasta County Board of Education for conducting interdistrict attendance appeals. The Shasta County Board of Education is committed to an objective review of and the consideration of appeals for students denied interdistrict attendance agreements from local school districts.

The laws on student attendance, interdistrict attendance agreements, and interdistrict attendance appeals in the California Education Code 46600-46610, as well as the local school district's policies and administrative regulations for interdistrict attendance, also apply in these appeals. Parents and/or students have the right to review student records at the school district, and the right to consult with and engage the services of an advocate or an attorney at their own expense.

The Shasta County Board of Education requires that a parent/guardian with educational rights for the student attend the hearing to ensure the Board is well informed prior to making a decision.

Districts that have denied an interdistrict attendance request being appealed to the Shasta County Board of Education should take all steps to ensure that they are represented at the appeal hearing by the Superintendent or an administrative designee empowered to make commitments and decisions on behalf of the district.

It is hoped that this handbook is a useful tool in understanding the interdistrict attendance appeal process.



## **INTERDISTRICT ATTENDANCE APPEALS**

### ***Shasta County Board of Education Authority***

The Shasta County Board of Education has legal authority to review the procedures and reasoning followed by a school district after the school district has rejected or failed to rule on an interdistrict attendance request. The Shasta County Board of Education will determine whether to grant or deny an interdistrict attendance request after reviewing the relevant facts from the parent, student, and local school district(s) involved.

### ***Limitations on Shasta County Board of Education Authority***

There are limits on the types of appeals the Shasta County Board of Education can hear. For example, the Board has no authority to consider the following interdistrict attendance appeals or issues:

1. To determine the specific school within the school district where the student will be enrolled. This authority is reserved for the school district of attendance, after the Shasta County Board of Education has made its final decision;
2. Denial of an interdistrict transfer request based exclusively upon parent physical employment within the district under [Ed. Code 48204(b)];
3. Denial of an interdistrict transfer request by a student under consideration for expulsion or who has been expelled [Ed. Code 46601(e)];
4. Denial of an intradistrict transfer between schools within the same district [Ed. Code 35160.5(b)];
5. A dispute over the placement of a special education student or the services provided to a student with disabilities. Such a dispute should be handled by the district of residence through special education procedures [Ed. Code 56505(g)-(i); 20 U.S. Code 1415(f)]; or
6. A determination by a school district regarding the validity or invalidity of a caregiver affidavit [Ed. Code 48204(d) and Family Code 6550, et seq.].
7. Denial of an application to attend a district other than the district of residence under the District of Choice program. District of Choice application denials are not subject to appeal to the Shasta County Board of Education under current law.

### ***Shasta County Board of Education Authority in Appeals Involving Two Counties***

If the interdistrict attendance involves school districts located in different counties, the appeal will be heard by the County Board of Education for the district denying an agreement or refusing or failing to enter into an agreement. If both districts in different counties deny an agreement, and refuse or fail to enter into an agreement; the County Board of Education for the district of residence shall hear the appeal. If the appeal is granted, the County Board of Education for the other district will be asked to agree. If the two County Boards of Education do not then agree, the student's appeal shall be denied [Ed. Code 46601 (d)].

### ***Actions the Shasta County Board of Education May Take***

The Shasta County Board of Education's review of the appeal may result in:

1. Granting the interdistrict attendance appeal and enrolling the student in the requested school district;
2. Denying the appeal and ordering the student to return to the school district of residence; or,
3. In rare cases, remanding the case to the local school district for further consideration of new evidence or new grounds for the request for interdistrict attendance.

## FILING A REQUEST FOR AN APPEAL HEARING

An appeal hearing must be requested within thirty (30) calendar days of when the request for interdistrict attendance was denied by the school district. Before a request for an appeal hearing is filed, the parent must check the policies of the school district that denied the request for interdistrict transfer to see if there is any type of internal appeal procedure (i.e. decisions by the district superintendent may be appealed to the school district governing board). If there is an internal appeal procedure, it must be followed before an appeal is filed with the Shasta County Board of Education.

The appeal hearing process begins with completing and filing a **“Request for Interdistrict Attendance Appeal Hearing”** form which is provided at the end of this handbook. Please read this entire handbook before completing the form. It is especially recommended that the section “Facts That Will Be Considered” be read thoroughly. The form must be completed legibly, signed, and returned within the applicable timelines. The form can be delivered in person or by placing it in the mail to the following address:

**Shasta County Office of Education  
Attn: Shasta County Superintendent of Schools  
1644 Magnolia Ave.  
Redding, CA 96001**

The completed appeal hearing request form should be accompanied by:

1. A copy of the original Request for Interdistrict Transfer form;
2. A copy of any letters from the district of residence regarding the request;
3. A copy of any letters from the denying school district regarding the request; and
4. Any additional written statement or documentation that is pertinent to the request.

The Shasta County Board of Education will accept a date-stamped copy of the Request for Interdistrict Transfer form filed with the school district as evidence that district procedures have been complied with in the event the district fails to act on the original request.

The reasons for an appeal hearing request must be the same as those stated on the original Request for Interdistrict Transfer form. If the reasons on the appeal hearing request are substantially different, the parent may be asked to reapply for an interdistrict transfer.

The effective date of the appeal hearing request is the date on which the completed and signed appeal hearing request form is received by the Shasta County Superintendent of Schools office.

The Executive Assistant to the Shasta County Superintendent of Schools can be contacted at (530) 225-0227 for any questions regarding the appeal hearing process.

## **PROCESSING THE APPEAL HEARING REQUEST**

### ***Shasta County Superintendent of Schools Office Will Verify Information***

After receiving an appeal hearing request, the Shasta County Superintendent of Schools office will review the information submitted and may seek to verify certain information before an appeal hearing date is scheduled. The Shasta County Superintendent of Schools will verify whether the student is subject to expulsion. A parent cannot appeal the denial of an interdistrict attendance request if the student is up for expulsion or is currently serving an expulsion term.

The Shasta County Superintendent of Schools office will also check to see if any appeal processes in the local school district have been exhausted. If the local appeal channels have not been followed, the parent will be asked to complete the district appeal process before going forward.

The Shasta County Superintendent of Schools office will review the case to determine that all timelines have been honored prior to setting a hearing.

Misinformation and/or falsification of information may cause rejection of an appeal.

### ***Setting a Hearing Date***

If the written appeal hearing request is complete and appropriately filed at the Shasta County Superintendent of Schools office, the Shasta County Superintendent of Schools and the Shasta County Board of Education President will place the matter on the Board agenda for a regular or special meeting to be held no later than thirty (30) calendar days following the effective date of the appeal hearing request. The Shasta County Board of Education may extend this thirty (30) day period an additional five (5) calendar days for good cause [Ed. Code 46601(b)]. The Shasta County Superintendent of Schools has discretion to approve a request for postponement filed by the parent or by the school district for good cause provided the written request is received at least seven (7) calendar days prior to the appeal hearing date, except in an emergency. A postponement by the party who filed the appeal hearing request extends the timeline for the Shasta County Board of Education to make a decision.

### ***Notification of Hearing Date***

The Shasta County Superintendent of Schools office will notify the parent and the school district(s) involved in writing of the date, time, and place of the appeal hearing.

## **WHAT ABOUT THE STUDENT DURING THE PROCESS?**

For a period not to exceed two (2) school months, the governing board of a school district may provisionally admit to their schools a student who resides in another district, pending a decision of the two boards, or by the Shasta County Board of Education upon appeal, regarding interdistrict attendance (Ed. Code 46603). Although the school district may admit a student to a school in their district pending the appeal, they are not required to admit the student.

## PREPARING FOR THE APPEAL HEARING

### ***Written Statement or Documentation***

After the appeal hearing request is received, the parent and district will be invited to provide a written statement and/or additional documentation that they would like the Shasta County Board of Education to consider. Prior to the hearing, the district will be provided a copy of information submitted by the parent and the parent will be provided a copy of information submitted by the district.

### ***Additional Documentation***

Adequate documentation is helpful when presenting information to the Shasta County Board of Education. Evidence is most effective when it is provided in writing, related to the issue at hand and is the type of evidence upon which reasonable persons can rely in the conduct of serious affairs. Some examples of additional documentary evidence include:

- Professional recommendations by doctors, educators, psychologists, or others.
- Verification of transportation or childcare providers, employment, teachers, or others.
- Brochures or written information about special programs in the school district or community of requested attendance.

### ***Cumulative (CUM) File***

With written consent from the parent, the Shasta County Superintendent of Schools office may request the CUM file (or copy) from the student's current school of attendance to have available at the hearing for review by the Shasta County Board of Education.

### ***Waiver of Privacy of Documents Provided***

There are numerous laws which protect the release of confidential records. For example, there are certain laws regarding the privacy and confidentiality of student records. (See Ed. Code 49060, et seq.) There are also laws regarding the confidentiality of juvenile court records and medical records. If the parent wishes to have the Shasta County Board of Education consider material from confidential records, it is understood that submitting the records to the Board for the purpose of the appeal hearing **is a waiver of the privacy rights in those records**. In other words, the parent consents for the Shasta County Board of Education to review and comment on the records during the appeal hearing. The parent may wish to consult legal counsel regarding such documents.

### ***Multiple Appeals***

Families with multiple appeal hearing requests may have them heard separately or as one. If all the appeals are heard as one, there will be a separate vote on each student, but only one written decision.

### ***Legal Counsel or Advocate at the Hearing***

Although the hearing is informal, the parent may bring legal counsel or an advocate. The use of any legal counsel or advocate will be at the parent's own expense.

### ***Verbal Presentation/Witnesses***

The Shasta County Board of Education will rely on the written information provided prior to the appeal hearing by the parent and the school district, as well as the verbal presentations that are made at the appeal hearing. A brief verbal presentation should be prepared which focuses on the factors that the Shasta County Board of Education will consider during the appeal hearing. Parents may bring a witness or someone who might make a special statement on behalf of the student to the appeal hearing. Witnesses need to be prepared to make a brief presentation.

### ***Conduct of the Appeal Hearing***

The hearing will be conducted in closed session during a Shasta County Board of Education meeting unless the parent requests in writing a public hearing seven (7) calendar days in advance of the hearing.

## FACTS THAT WILL BE CONSIDERED

In its discussion and deliberations on the appeal, the Shasta County Board of Education will consider the conditions of, and reasons for, the parent's request for an interdistrict attendance transfer. In deciding whether to grant or deny an appeal, the Shasta County Board of Education weighs the facts which support the criteria favoring a transfer against the adverse impacts presented by the school district.

The parent will have an opportunity to share with the Board their reason for the transfer and how the transfer will affect their child in a positive manner.

The school district representative will have an opportunity to share with the Board the district's reason for the denial of the transfer.

Documentation from all parties supporting their respective positions regarding the appeal must be submitted by the timelines provided by the Shasta County Superintendent of Schools office prior to the appeal hearing. If timelines are not met, supporting documentation will not be considered. If new evidence or grounds for request are presented at the appeal hearing, the Shasta County Board of Education may remand the case for further consideration to the district denying the transfer request.

Ultimately the Board will make their decision based on what they believe is in the best interest of the student.

The Shasta County Board of Education weighs all the facts in each case and makes a decision based on the merits. Misinformation and/or falsification of information provided by either party shall be good cause for deciding against that party.

### *Factors Which May Support Denying an Appeal*

The Shasta County Board of Education, in its discretion, may determine that evidence provided by the affected district to justify one of the adverse impacts listed below outweighs facts supporting one or more of the above criteria justifying granting the appeal:

1. **The negative financial impact of educating the student (district of desired attendance) or losing the student (district of residence).** In either case, the impacted district must demonstrate in writing that the student's transfer would place an undue hardship on the district operations and/or resident students in terms of costs, reduced services, or other unacceptable outcomes.
2. **The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence 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 student 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 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 or priority for enrollment in a specific program and/or would be a violation of law, district policy, or a collective bargaining agreement regarding class sizes or facilities use.
4. **The negative impact of the student's transfer based on a court order.** The parent must provide the court order and written evidence of the anticipated negative impact of the student's transfer.

5. **Other exceptional or extraordinary circumstances, which would weigh heavily in favor of the affected school district.** The school district must specify and describe the type of exceptional or extraordinary circumstance.

## THE APPEAL HEARING

Appeal hearings are conducted during a regular or special meeting of the Shasta County Board of Education at the following location:

**Shasta County Office of Education  
1644 Magnolia Ave.  
Redding, CA 96001**

The Shasta County Board of Education will hold a hearing within thirty (30) calendar days following receipt of the appeal hearing request unless the parent or the school district requests a postponement.

Either the parent or the school district may request a postponement by submitting a written request, including the reason, to the Shasta County Superintendent of Schools office at least seven (7) calendar days prior to the hearing. The request shall be acted upon within two (2) days after determining whether the request is based on good cause. Any request for postponement made less than seven (7) calendar days prior to the hearing will be considered by the Shasta County Board of Education at the appeal hearing. The request will be granted only upon a finding that a compelling reason or an emergency exists.

Both the parent and the school district will be sent notice of the appeal hearing date by mail prior to the hearing. The notice will specify the date, time, and place of the hearing. The Shasta County Board of Education usually holds its regular meetings on the second Wednesday of each month at 1:30 p.m. Appeal hearings are normally scheduled to coordinate with a regular meeting. The Shasta County Board of Education may be required to schedule a special meeting on a different date for the appeal hearing.

The hearing will be conducted in closed session unless the parent requests in writing a public hearing seven (7) calendar days in advance of the hearing.

It is the intent of the Shasta County Board of Education to conduct the hearing in a fair and sufficiently informal manner to encourage open communication and understanding of the system. The hearing will also be conducted in such a manner that no special legal expertise is necessary and so that all parties have the opportunity to present their case fairly and completely. Strict rules of evidence as required in court proceedings will not be applied.

Persons to be heard will be limited to the parent, student or student representative, witnesses, representatives of the school district, and the Shasta County Superintendent of Schools and/or designee(s). The law provides that the parent may have legal counsel or an advocate present if they wish. The Shasta County Board of Education requires that a parent/guardian with educational rights for the student attend the hearing.

During the appeal hearing the parent, student or student representative, witnesses, and the representative of the school district will take seats at a table in front of the Shasta County Board of Education. The hearing is conducted as follows:

1. There are seven (7) members on the Shasta County Board of Education; four (4) members must be present for a quorum to conduct the hearing.
2. After introduction of all parties, the Shasta County Superintendent of Schools, or designee, will serve as a facilitator for the hearing and will explain the procedures to be followed during the hearing.

3. The parent, student or student representative, will present the reasons for requesting the student attend the district of requested attendance. The speaker will have a specified amount of time [normally fifteen (15) minutes] to summarize his/her position. During this time, the speaker will also respond to questions from the Board, if any.
4. The school district representative will be given the opportunity to describe its position and the action taken by the district [normally fifteen (15) minutes]. During that time, the school district representative will respond to questions from the Board, if any.
5. The parent will be given additional time to present any rebuttal information to the information presented by the school district and give any closing remarks. The school district representative will also have additional time for closing and/or response.
6. Board Members may ask questions to clarify the issues. The Board may also ask questions of the staff and/or legal counsel.
7. The Shasta County Superintendent of Schools, or designee, may at this time present any factual information or other consideration not already covered by others present.
8. Following the hearing, the parent, student, and student representative as well as the school district representative shall be excused and the Board shall convene to a closed deliberation.
9. When the Board President determines that deliberations are complete, they will then open the closed session and report action taken in the closed session deliberation.
10. A majority of the Board Members must vote "yes" for the appeal to be granted. If a majority of the members present do not vote to grant the appeal, it will be denied. There are seven (7) members on the Board, four (4) members constitutes a majority regardless of the number of members present (BB 9323).

The Shasta County Board of Education shall render a decision within three (3) school days of the hearing, unless the person who filed the appeal requests a postponement. The decision of the Board may only be to:

1. Approve the appeal
2. Deny the appeal, or
3. Remand the case back to the school district.

The Shasta County Board of Education may order attendance in a school district, but not in a specific school within the district. The decision rendered by the Board will be recorded in the Board minutes.

## **AFTER THE APPEAL HEARING**

Following the Shasta County Board of Education rendering their decision, a written decision incorporating the Board's rationale will be mailed to all parties within three (3) school days.

If the Board determines that the appeal is approved, the student shall be enrolled in the school district of requested attendance without delay.

If the Board determines that the appeal is denied, the student shall be enrolled in the school district of residence without delay.

**Shasta County Board of Education**  
**REQUEST FOR INTERDISTRICT ATTENDANCE APPEAL HEARING**

(Please print or type all material except signature)

[Note: This appeal hearing request shall be submitted to the Shasta County Superintendent of Schools office within thirty (30) calendar days following the date of a school district's failure or refusal to enter into an agreement allowing interdistrict attendance.]

Student Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Name(s): \_\_\_\_\_

Residence Address: \_\_\_\_\_  
Address City State/Zip

Primary Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Name of anyone other than the person completing this form that has educational rights for the student, if none, write "N/A": \_\_\_\_\_

School District in which student lives: \_\_\_\_\_

School District student is now attending: \_\_\_\_\_

School District student desires to attend: \_\_\_\_\_

1. How many other children in the home? \_\_\_\_\_ If any, give ages: \_\_\_\_\_

2. Do they attend school in the district of residence? Yes \_\_\_\_\_ No \_\_\_\_\_

Explain, if answer to #2 is no: \_\_\_\_\_

Explain why you have requested an interdistrict attendance transfer. The information provided will be reviewed by the Shasta County Board of Education to help them arrive at a decision regarding your appeal. Include any facts that you believe will help your appeal. You are invited to explain your request in more detail to the Board at the hearing. If you need more space, please attach a separate sheet to this form. \_\_\_\_\_

***Please attach to this form the following:***

1. A copy of the original Request for Interdistrict Transfer form;
2. A copy of any letters from your district of residence regarding your request;
3. A copy of any letters from the denying district regarding your request; and
4. Any additional written statement or documentation that is pertinent to your request.

**This request is submitted in accordance with Education Code 46601 and the Shasta County Board of Education Board Policy 5117.1. I understand that the Shasta County Board of Education will rely upon the information submitted to decide my appeal. I hereby certify that I have read the Shasta County Board of Education Interdistrict Attendance Appeal Handbook and that the information I have provided is true and correct to the best of my knowledge.**

**In addition, if anyone is listed above as having educational rights for the student other than myself, I hereby certify that I have consulted with the person(s) named and they are in agreement with this request for an appeal hearing.**

Signature of Parent/Guardian or Adult Student Filing Appeal Hearing Request \_\_\_\_\_ Date \_\_\_\_\_

<b>Submit to:</b> Shasta County Office of Education • Attn: Superintendent's Office • 1644 Magnolia Ave. • Redding, CA 96001
---