

MADERA COUNTY BOARD OF EDUCATION

Interdistrict Attendance Transfer Appeal Handbook

To aid parents or legal guardians in filing a
complete and timely appeal of the final denial of
an interdistrict attendance transfer request



Tricia Protzman

Madera County Superintendent of Schools

July 2026

Interdistrict Attendance Transfer Appeal Handbook

<u>Contents</u>	<u>Page</u>
Introduction	1
Purpose of an Appeal	1
County Board Authority	2
Actions the County Board of Education May Take During the Process	3
When May an Appeal be Filed with the Madera County Board of Education	3
Submitting the Interdistrict Transfer Appeal Request Paperwork	4
Processing a Request for Interdistrict Attendance Transfer Appeal Hearing	5
Preparing for the Interdistrict Attendance Transfer Appeal Hearing	6
Conducting the Interdistrict Attendance Transfer Appeal Hearing	9
Factors of Consideration	10
Factors that Support Granting an Appeal	12
Factors that Support Denying an Appeal	14
The Conclusion - Next Steps	15
Addenda	
A Madera County Board of Education Bylaws MCBE BB 9640 Interdistrict Attendance Transfer Appeals Madera County Board of Education Administrative Regulation MCBE BB AR 9640 Interdistrict Attendance Transfer Appeals	
B Interdistrict Attendance Transfer Appeal and Request for Hearing Form	
C District Response to the Appeal of Denial of Interdistrict Attendance Transfer Form	
D Interdistrict Attendance Transfer Appeal Hearing Checklist	
E Interdistrict Attendance Transfer Flow Chart	

Introduction

This handbook outlines the official procedures adopted by the Madera County Board of Education for conducting interdistrict attendance transfer appeals.

A statutory responsibility of the Madera County Board of Education (“County Board”) is to schedule and hear appeals when either the district of residence or the district of requested attendance has denied a request for an interdistrict attendance transfer. The County Board has developed this handbook to help explain the interdistrict attendance transfer appeal process. Additional information about interdistrict appeals is contained within Board Bylaw 9640, which is included in this handbook for your reference. We hope that this handbook, along with Board Bylaw 9640, will be useful in describing the appeal process and will help prepare you for the appeal hearing.

The Madera County Board of Education is committed to an objective review of and 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 found in California Education Code Sections 46601-46611, as well as the local School district’s policies and administrative regulations for interdistrict attendance, apply to these appeals.

Policy reference disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority to enact these policies and procedures. Instead, they are provided as additional resources for those interested in the subject matter of the policies and procedures. Our appreciation to Butte, Imperial, Orange, and Placer Counties for sharing their handbooks with our team.

Students and/or their parents/guardians/educational rights holders have the right to review student records at the school district and have the right to consult with and engage the services of an advocate or an attorney.

This Handbook will be useful to you after you have exhausted your appeal rights within your local school district.

Purpose of an Appeal

The Madera County Board of Education has legal authority to review the procedures and reasoning followed by the school district(s) after the school district(s) have rejected or failed to rule on a TK-12 student’s interdistrict attendance request. The Madera County Board of Education will determine whether to grant or deny an interdistrict attendance agreement after reviewing the relevant facts from the student, parent/legal guardian/educational rights holder, and local School district(s) involved.

County Board Authority

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

1. Denial of an interdistrict transfer request based exclusively upon parent physical employment within the district under Ed. Code §48204(b);
2. Denial of an interdistrict transfer request by a student under consideration for expulsion or who has been expelled while expulsion proceedings are pending, or during the term of the expulsion. (Education Code §46601(b)(4)).
3. Denial of an intradistrict transfer between schools within the same District. (Education Code §35160.5(b)).
4. A dispute over the placement of a special education student or the services provided to a special education student pursuant to an Individualized Education Plan [IEP]. Such a dispute should be handled by the District of Residence through special education procedures. (Education Code §56500 et seq.; 20 U.S. Code §1415(f)).
5. A determination by a school district regarding the validity or invalidity of a caregiver affidavit. (Education Code §48204(a)(5) and Family Code §6550 et. seq.).
6. Denial of an application to attend a district other than your district of residence under the School District choice program. School of Choice application denials are not subject to appeal to the Madera County Board of Education under current law.
7. An interdistrict transfer request deemed **abandoned** due to failure to meet district timelines.
8. An existing interdistrict transfer permit that has been **revoked or rescinded** by a district in accordance with district policy. (Education Code 46600.1(d)(2)(B))
9. A denial by the district of proposed enrollment when **no permit has first been issued by the district of residence**.

Actions the County Board of Education May Take During the Process

The Madera County Board of Education may take the following actions:

1. Grant the interdistrict attendance transfer appeal to enroll the student in the new school district; or
2. Deny or Fail to Grant the interdistrict attendance transfer appeal, in which case the student is ordered to return to the school district of residence; or
3. In rare cases, return the case to the school district of residence for further consideration if new evidence or new grounds for the request for interdistrict attendance are introduced.

Education Code §46603 states that 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 Madera County Board of Education upon appeal, regarding interdistrict attendance.

When May an Appeal Be Filed with the Madera County Board of Education?

In general, a parent/legal guardian/educational rights holder must request an appeal hearing **within 30 calendar days** of the date their interdistrict attendance request was denied by the school district of residence. However, there are other circumstances that could trigger the 30-calendar day timeline.

Listed below are three different situations that may lead to an appeal and a description of when the 30-calendar day timeline starts:

1. District Denies Request

In most situations, a school district will act on an interdistrict attendance request either orally or in writing. A parent/legal guardian/educational rights holder must file their appeal with the Madera County Board of Education within 30 calendar days from the date a parent is advised by either school district that a request was rejected.

2. District Fails to Act on Request for Next School Term

If parent/legal guardian/educational rights holder has requested an interdistrict attendance permit at least 30 days prior to the commencement of a new academic year, the school district(s) must respond to the request within 14 calendar days after both school districts' new terms begin. If the school districts fail to act within 14 calendar days of the new term, the parents/legal guardians/educational rights holders must file their appeal with the Madera

County Board of Education within 30 calendar days (i.e., an appeal must be filed within 44 calendar days of the new term). A new term starts on the first day of classes in the school district. If the school districts have different start dates, the 14 calendar days shall run from the latter of the two.

3. District Fails to Act on Request Filed During the School Term

If a parent/legal guardian/educational rights holder has asked for an interdistrict attendance permit for the current school term and the school district(s) fail to respond to the request, parents/legal guardians/educational rights holders must wait 30 calendar days from the date of the request for a response from the school district(s). If parents/legal guardians/educational rights holders do not get a response within the 30 calendar days after making their request, then they have 30 calendar days to file an appeal with the County Board.

Failure to file within the required time will result in denial of the appeal.

Submitting the Interdistrict Transfer Appeal Request Paperwork

The appeal process begins with completing and filing a written form called “Interdistrict Attendance Transfer Appeal and Request for Hearing” form. This form is attached as Addendum B of this Handbook. Parent/legal guardian/educational rights holder may deliver the form in person, send it by mail, fax it, or e-mail it to the following:

Madera County Board of Education

Attn: Superintendent of Schools, Interdistrict Appeal

1105 South Madera Avenue

Madera, CA 93637

Telephone: (559) 662-3870 or (559) 662-3871

Email: jgirado@mcsos.org or etorres-barton@mcsos.org

It is recommended that individuals read the entire Handbook before completing the form, paying special attention to the section “Factors That Support Granting an Appeal” before completing the section of the form entitled “Reason for Appeal.”

A completed appeal form should be accompanied by:

1. A copy of the original request for an interdistrict attendance transfer agreement;
2. Any letters from the district of residence regarding the request;
3. Any letters from the denying district regarding the request; and

4. Any other supporting documentation a parent/legal guardian/educational rights holder wants the Madera County Board of Education to consider.

The parent/legal guardian/educational rights holder may not submit additional written documentation after the appeal is filed, unless required by law.

The Madera County Superintendent of Schools/Designee will accept a date-stamped copy of the request for an interdistrict attendance transfer agreement filed with the district as evidence that the parent/legal guardian/educational rights holder has complied with district procedures in the event that the district fails to act on a parent's/legal guardian's/educational rights holder's original request.

Note: The reason(s) for the appeal must be the same as those stated on the original request to the school district(s) for an interdistrict agreement. If the reasons on the appeal are substantially different, the parent/legal guardian/educational rights holder may be asked to return to the school district and re-apply for an interdistrict agreement based on a new/different reason(s).

The effective filing date of the appeal is the date on which the Madera County Superintendent of Schools receives the completed and signed appeal document and supporting evidence documents.

Processing a Request for Interdistrict Attendance Transfer Appeal Hearing (County Superintendent or Designee Will Verify Information)

After receiving an appeal request, the Madera County Superintendent or designee will review the appeal to verify certain information before a hearing date is scheduled. In addition to other information, the Madera County Superintendent or designee will verify if the student is subject to expulsion. The denial of an interdistrict attendance permit cannot be appealed if the student is being considered for expulsion or is currently serving an expulsion term. (Education Code § 46601(b)(4)).

The Madera County Superintendent's office or designee will verify whether the petitioner has exhausted all appeal processes in the local school district(s). If petitioner has not used all the local appeal options, they will be asked to complete the local appeal process before going forward with a request for an interdistrict attendance transfer appeal hearing before the Madera County Board of Education. (Education Code § 46601(b)(3)).

The Madera County Superintendent or designee will also verify that all timelines have been honored prior to setting a hearing. Misinformation and/or falsification of information may cause rejection of an appeal. As stated above, if new evidence or

grounds for the request are introduced, the Madera County Board of Education may send the matter back to the district(s).

Setting a Hearing Date

If the written appeal is complete and appropriate, the Madera County Superintendent will schedule a hearing date with the Madera County Board of Education and render a decision no later than 30 school days following the effective date of the appeal. The Madera County Board of Education or the Madera County Superintendent may extend this period an additional five (5) school days for good cause. (Education Code §46601(b)(2)(B)).

The Madera County Board of Education or the Madera County Superintendent, or designee, has discretion to approve a request for postponement filed by a parent/legal guardian/educational rights holder or by the school district(s) for good cause provided the request is filed in writing at least five (5) calendar days prior to the hearing date, except in an emergency. A postponement by a party extends the timeline for the Madera County Board of Education to make a decision.

Notification of Hearing Date

The Madera County Superintendent's office will notify parent/legal guardian/educational rights holder and the district(s) involved of the date, time, and place of the appeal hearing. When possible, the notice will be sent at least ten (10) calendar days before the date of the hearing. *If the circumstances dictate notice of less than ten (10) calendar days, the timelines for written argument will also be adjusted.*

Preparing for the Interdistrict Attendance Transfer Appeal Hearing

Filing a Written Argument Is Important

The parent/legal guardian/educational rights holder or representative must file a pre-hearing written statement with the Madera County Board of Education. (Please submit a typewritten argument, if possible.) Any written statement must be filed at least ten (10) calendar days prior to the date set for the hearing before the Madera County Board of Education. Additional written statements may **not** be submitted after the appeal is filed, except as required by law. Parent/legal guardian/educational rights holder must also send or deliver copies of their argument to the school district of residence and the school district of requested attendance when they file their written argument with the Madera County Board of Education. They may employ an attorney or other advocate at their own expense.

District Written Response

The school district(s) denying the transfer may submit a written reply argument to the Madera County Board of Education. The school district(s) statements must be filed at least five (5) calendar days prior to the hearing date. Each school district electing to submit a written argument shall deliver a copy of the written argument to the parent/legal guardian/educational rights holder filing the appeal and the other district on the same date the statement is filed with the Madera County Board of Education.

Documentation to Support an Interdistrict Attendance Transfer Appeal

Adequate documentation is helpful when presenting a case. Pupils and/or their parent/legal guardian/educational rights holder have the right to review and obtain copies of student records from the school district. Petitioners will find that evidence is most effective when it is provided in writing, is related to the issues(s), and is the type of evidence upon which reasonable persons can rely on in the conduct of serious affairs.

Some examples of documentary evidence include:

1. A copy of the original request for an interdistrict attendance transfer agreement and any written denial(s) (*if not already provided with the appeal form*).
2. Documents to support a request for an interdistrict attendance transfer. For example, when reviewing the factors that the Madera County Board of Education will consider, certain documents may support a parent's/legal guardian's/educational rights holder's position. Those documents could be professional recommendations by doctors, educators, psychologists, or others. Verifications of participation or non-availability of childcare providers, transportation providers, teachers, or others could be helpful. Brochures or written information about special programs in the requested school district or its surrounding community may also be supportive evidence.

Waiver of Privacy of Documents Provided

There are numerous laws that protect the release of confidential records. For example, there are certain laws regarding the privacy and confidentiality of student records. There are also laws regarding the confidentiality of juvenile court records and medical records. **If a parent/legal guardian/educational rights holder wishes to have the Madera County Board of Education consider material from confidential records, parent/legal guardian/educational rights holder must understand that turning these records over to the Madera County Board of Education for the purpose of the interdistrict attendance transfer hearing is a waiver of the privacy rights in those records.**

In other words, parent/legal guardian/educational rights holder consents for the Madera County Board of Education to review and comment on the records in a public meeting. Parent/legal guardian/educational rights holder may wish to consult legal counsel regarding such records or documents prior to submission.

Confidential Student Information and Closed Session

There are numerous laws which protect the release of confidential student information. For example, there are certain laws regarding the privacy and confidentiality of pupil records. (See Ed. Code §§49060, *et seq.*) There are also laws regarding the confidentiality of juvenile court records, special education, and medical records.

If as part of the appeal you wish to have the County Board consider what is deemed under state and federal law to be confidential student information, either by testimony and/or by the submission of documents, the hearing may be held in closed session under Education Code §35164 if the confidential information may be significant to the County Board's determination of your appeal. The decision to hold the hearing in closed session may be made by the County Superintendent or designee before the hearing or by the County Board before or at any time during the hearing.

Please note: Appeals that involve a student receiving special education or Section 504 services will be heard in closed session. However, disputes involving the delivery of those services should be handled through the appropriate due process procedures.

Multiple Appeals

Families with multiple appeals may have them heard separately or as one appeal. Regardless of the hearing format, the County Board may decide to issue more than one decision.

Legal Advocate at the Hearing

Although the hearing is informal, parent/legal guardian/educational rights holder may bring legal counsel or a legal advocate. The use of any legal counsel will be at their own expense.

Brief Verbal Presentation

The Madera County Board of Education will mostly rely on the written information that parent/legal guardian/educational rights holder and the school district(s) provide before the hearing. However, parent/legal guardian/educational rights holder will be encouraged to prepare a brief verbal presentation that focuses on the factors that the Madera County Board of Education will consider in deciding an appeal.

Conducting the Interdistrict Attendance Transfer Appeal Hearing

Hearings are conducted in open session during regular or special Madera County Board of Education meetings held at the:

Madera County Superintendent of Schools Conference Center, 1105 South Madera Avenue, Madera CA 93637, Conference Room 5.

The hearing shall be conducted in open session **unless confidential student information will be discussed**. The County Board may move into closed session to protect student privacy. All action will occur in open session and adhere to privacy laws.

It is the intent of the Madera County Board of Education to conduct the hearing in a fair and 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. Parent/legal guardian/educational rights holder may have legal counsel or an advocate present if they wish. A record of the hearing will be made.

During an appeal hearing, the person filing the appeal, the student (optional), and the representative(s) of the district(s), will take seats in front of the Madera County Board of Education.

1. A quorum (at least four members) of the Madera County Board of Education must be present to conduct the hearing.

The hearing is conducted as follows:

2. After introduction of all parties, the Madera County Board of Education President will conduct the proceedings. Generally following this order:
3. The student, the parent/legal guardian/educational rights holder or a representative of the student may present the reason(s) for requesting the student's transfer to the district of requested attendance. The speaker will have a specified amount of time (normally three to five (3-5) minutes) to summarize their position based upon the written statement previously submitted. The speaker will also respond to questions from the Madera County Board of Education, if any.
4. A representative of the district of residence will be given the opportunity (normally three to five (3-5) minutes) to describe its position and the action(s) taken by the district. The district representative will respond to questions from the Madera County Board of Education, if any.

5. A representative of the district of requested attendance will be given the opportunity (normally five (5) minutes) to describe its position and the action(s) taken by that district. The district representative will respond to questions from the Madera County Board of Education, if any.
6. The parent/legal guardian/educational rights holder will be given an additional two (2) minutes to present any evidence of how to alleviate or mitigate any of the problems raised by the school district(s) and give any closing remarks. Each district will also have an additional two (2) minutes for closing and/or response.
7. Members of the Madera County Board of Education may ask questions to clarify the issues. The Madera County Board of Education may also ask questions of the staff and/or legal counsel, if appropriate.
8. The Madera County Superintendent or designee may, at this time, present any factual information or legal consideration not already covered by others present.
9. The Madera County Board of Education President will close the hearing.
10. Following the closing of the hearing, the Madera County Board of Education will publicly deliberate the matter.
11. When the Madera County Board of Education President determines that deliberations are complete, the President will then call for a vote regarding the appeal. For example, "Shall _____ (name of student) be permitted to attend the _____ (school district)?" (Note: The Board shall render a decision **within 3 school days after the hearing**, unless the parent/legal guardian/educational rights holder requests a postponement).
12. On a motion to grant the appeal, at least four (4) members of the Madera County Board of Education must vote in favor for the appeal to be granted. Unless at least four (4) members vote to grant the appeal, the appeal is denied.

Factors of Consideration

In its discussion and deliberations on an appeal, the Madera County Board of Education will consider the reasons for the interdistrict attendance transfer request. In deciding whether to grant or deny an appeal, the Madera County Board of Education weighs factors that support granting an appeal against factors that support denying an appeal. If the parent/legal guardian/educational rights holder is unable to present sufficient evidence to justify a transfer, the Madera County Board of Education may rule against the interdistrict attendance appeal without considering any evidence of an adverse impact.

If the parent/legal guardian/educational rights holder is able to submit sufficient evidence to justify a transfer, the school district will have an opportunity to rebut the evidence and submit evidence of an adverse impact. The parent/legal guardian/educational rights holder will then have an opportunity to respond and offer evidence as to how some or all of the adverse impacts on the school district(s) could be alleviated.

Misinformation and/or falsification of information provided by either party shall be good cause for deciding against that party.

The Madera County Board of Education may approve or deny the appeal after considering the facts of the request and the merits of the appeal. The County Board will consider the following:

1. Whether all statutory and regulatory requirements have been satisfied including:
 - a. Verification by the Board's designee of exhaustion of interdistrict appeals.
 - b. Exhaustion of other district remedies.
 - c. Receipt of an appeal within thirty (30) calendar days of the failure or refusal of a district to issue a permit or enter into an agreement allowing interdistrict attendance.
2. The needs of the concerned districts and their communities as a whole in light of space availability and long- and short-term fiscal impact.
3. Information deemed useful to the Board disclosed by the County Superintendent investigation.

The burden of proof and presenting evidence in the matter of an interdistrict attendance appeal shall rest with the party requesting the interdistrict transfer. The requesting party shall be required to provide clear and convincing evidence that the transfer is necessary for any/or all the following reasons:

1. To facilitate a student's access to specific, important educational and related opportunities which would not otherwise be available on a comparable basis;
2. To remedy a specific and serious existing or reasonably imminent threat to a student's health, physical safety, or well-being; and/or
3. To accommodate a specific, serious family crisis or medical condition for which no reasonable alternative exists.

Factors that Support Granting an Appeal

1. **The student's desire to remain in the student's school of current attendance for the balance of the semester or school year despite the student's parent's/legal guardian's/educational rights holder's change of residence.**

The student's desire may be based on the student's anticipated graduation 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.

2. **The student's plan to move in the near future and desire to begin the semester or school year in the student's new school district.**

The person filing the appeal must offer written proof of the plan to move into the district of proposed attendance. Such written proof may be a rental agreement, a contract to purchase new property, or a similar document.

3. **The acceptance of a sibling of the student for attendance at the requested district for the current school year, requiring the students to attend different districts and causing a hardship on the family.**

The student and/or parent/legal guardian/educational rights holder must submit written documentation of the sibling's enrollment and demonstrate a hardship based upon childcare needs, transportation issues, employment location, or other significant factors.

4. **The student's psychological or physical well-being will be seriously adversely impacted by remaining in the district of residence.**

Problems with a student's psychological or physical well-being must be supported by the written statement of a qualified medical or behavioral professional having a professional relationship with the student.

5. **A substantial danger to the student's health or safety exists by remaining in the district of residence.**

A written statement by a qualified health expert must support a danger to the student's health. Police reports, school records, or other documentation must support a danger to a student's safety. Substantial danger based upon transportation issues may be included in this criterion.

6. **A pupil has been determined by personnel of either the district of residence or the requested district to have been the victim of an act of bullying committed by a pupil of the district of residence.**

You must provide written documentation or school records to demonstrate that district personnel have determined that the pupil was a victim of bullying as defined by Education Code §48900(r).

7. **A specialized and specific district academic program or service in grades 9-12 is unavailable in the district of residence and is essential to the student's career or academic objectives.**

Such a distinct program or service must be directly related to and be essential to achieve 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. An academic program is defined as a series of classes in a single subject or in related subjects extending over more than one (1) year in grades 9-12, which has a specific occupational or educational objective.

8. **A need to change the student's social environment, as recommended by juvenile authorities, such as School Attendance Review Board, county child welfare, and/or social service agency staff.**

Parent/legal guardian/educational rights holder must provide written documentation from a social services agency/staff or a law enforcement agency/staff that, due to documented cases of serious home or community problems, it is inadvisable for the student to remain in the school district of residence.

9. **By reason of transfer of territory between districts, the residence of the student is no longer in the district that maintains the school where the student has previously attended.**

Parent/legal guardian/educational rights holder must show location of residence and the negative impact, if any, due to the transfer of territory.

10. **The location of the student's residence requires travel through the district of requested attendance, and by virtue of topography, street pattern, and location of homes in the neighborhood, the area is land-locked.**

Parent/legal guardian/educational rights holder must provide written documentation of the landlocked residence and how such a situation makes a change in school districts advisable.

11. **Other exceptional or extraordinary circumstances, which would weigh heavily in favor of the student.**

Parent/legal guardian/educational rights holder must specify and describe the type of exceptional or extraordinary circumstance and its effect on the student.

School attendance with friends, relatives, and/or former classmates is **not** considered an extraordinary circumstance.

Factors that Support Denying an Appeal

The Madera County Board of Education, in its discretion, may determine that evidence provided by the affected district(s) 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 of losing the student (district of residence).**

The impacted district(s) must demonstrate that the student's transfer would place a hardship on the district(s) 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 transfer agreement, or on other documented evidence of behavior or attendance in the district of residence.

3. **Overcrowding/lack of space for the student in the receiving district.**

The district of proposed attendance must demonstrate in writing that the student transfer would result in undue hardship on the district's resident students in regards to 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 on a court order or voluntary desegregation plan of either district.**

The district(s) must provide details about the court ordered or voluntary desegregation plan and provide written evidence of the anticipated negative impact of the student's transfer.

5. **The transfer of the student would violate the Education Code, a California Department of Education regulation, or other law governing school districts.**

The district(s) must provide written documentation of the specific law which would be violated and how it would be violated.

6. **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 Conclusion – Next Steps

Following the action taken by the Madera County Board of Education, a written notice of the decision incorporating Madera County Board of Education's rationale will be delivered to all parties by mail, email, or other customary written method and must comply with translation requirements under Education Code §48985.

If the Madera County Board of Education overturns the decision of the school district and grants the request for interdistrict attendance transfer, the student will be admitted to the school district of requested attendance without delay. The Madera County Board of Education may approve attendance in a district, but not in a specific school.

If the Madera County Board of Education upholds the decisions of the school district and denies the request for interdistrict attendance transfer, the student shall enroll (or stay) in the district of residency without delay.

ADDENDUM A

BYLAWS OF THE BOARD

9600 APPEALS

9640 – INTERDISTRICT ATTENDANCE TRANSFER APPEALS

Interdistrict Attendance Transfer Appeals

MCBE BB 9640

It is the policy of the Madera County Board of Education, with few exceptions, children should attend school in the district of residence. The County Board shall adopt rules and regulations governing the appellate process when an interdistrict attendance transfer agreement has been denied. These rules and regulations shall include the criteria the County Board will consider in rendering its decision.

The district denying an interdistrict attendance transfer permit or, in the absence of an agreement, the district of residence, shall advise the person requesting the permit of the right of appeal to the Madera County Board of Education.

Authority and Scope

The County Board of Education is required to hear and to resolve interdistrict attendance transfer appeals. The County Board shall hear interdistrict attendance transfer appeals that involve districts within Madera County or appeals that involve a district in Madera County and a district in another county.

Appeals Involving Two Counties

If the interdistrict attendance involves school districts located in different counties, the County Board of Education having jurisdiction over the district denying a permit or refusing or failing to enter into an agreement to allow for the issuance of a permit, shall have jurisdiction for purposes of an appeal. If both districts deny a permit, or refuse or fail to enter into an agreement to allow for the issuance of a permit, the County Board having jurisdiction over the district of residence shall have jurisdiction for purposes of an appeal and, upon granting a pupil's appeal, shall seek concurrence in the decision by the County Board of the other county which shall provide adequate opportunity for the district under its jurisdiction to be heard on the matter before making a decision. If the two county boards do not then concur, the pupil's appeal shall be denied.

Legal References

Policy reference disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Education Code

46601 Parental Appeal to Board of Education
46602 Written Notification
46603 Provisional Attendance
46604 Computation of Average Daily Attendance (ADA)
46610 Interdistrict Attendance Computation
48200-48208 Compulsory Education
48660-48666 Community Day School
48900-48926 Suspension and Expulsion
49073-49079 Privacy of Student Records

Welfare and Institutions Code

17.1 Legal Residence of a Minor or Nonminor Dependent

Adopted: October 8, 1996

Revised: February 8, 2000, May 9, 2000

Revised, renumbered, reformatted: July 14, 2026

BYLAWS OF THE BOARD

9600 APPEALS

9640 – INTERDISTRICT ATTENDANCE TRANSFER APPEAL

Interdistrict Attendance Transfer Appeals

MCBE BB AR 9640

When a school district within the jurisdiction of the County Board denies a request for, or otherwise fails to issue, an interdistrict transfer to a student who resides in the district and seeks to enroll in another district or has requested to transfer into the district, the student's parent/legal guardian/educational rights holder may appeal the decision to the County Board of Education.

APPEAL FROM DENIAL OF INTERDISTRICT AGREEMENT REQUEST

It is the responsibility of the County Board of Education to hear and resolve interdistrict attendance appeals for pupils requesting permission to attend school in a district other than the pupil's district of residence. When such a request has been denied by either of the district boards involved, an appeal may be filed by the pupil's parents or legal guardian/educational rights holder with the County Board of Education.

When the Secretary of the Board or designee is contacted, the following information will be provided to the individual:

- A copy of the Interdistrict Attendance Transfer Appeal Handbook
- A copy of the Interdistrict Attendance Transfer Appeal and Request for Hearing form

PREPARATION FOR HEARING

Schedule of Hearing

The appeal process is begun with the written completion and filing of the Interdistrict Attendance Transfer Appeal and Request for Hearing Form by the student or the student's parent/legal guardian/educational rights holder. The Request Form must be completed in its entirety by the appellant along with a copy of the formal denial of the requested interdistrict transfer to the Secretary of the Board.

The hearing shall be set for a regular or special meeting of the Board within thirty (30) days of such filing. Notice will be sent to the parties involved no less than forty-eight (48) hours prior to the meeting.

Appeal Form

The Interdistrict Attendance Transfer Appeal and Request for Hearing Form and any written materials attached to the form or provided separately shall be a matter of public record.

Burden of Evidence

The burden of going forward with presentation of evidence shall rest with the appellant parents/legal guardian/educational rights holder. The appellant parents/legal guardian/educational rights holder must demonstrate that their student's case is appropriate for intervention by the County Board of Education.

Affected School District

Each affected district shall be notified, using the Appeal Notification Letter, that it may submit to the Secretary of the Board a statement pertaining to the appeal no later than the date stated in the notification letter. In order to expedite the process and enable the County Board to render its decision within thirty (30) days of the filing of the appeal as mandated by Education Code 46603, each district should also mail a copy of its written statement to the appellant and the other affected district.

Submission to Board

All written statements and materials (excluding duplications) pertaining to the appeal shall be included in the County Board meeting packet normally submitted to the County Board five (5) calendar days prior to its meeting.

Executive Summary

The Secretary of the Board/designee shall prepare an executive summary of all pertinent facts for the Board. The executive summary may include a settlement of courses of action not addressed by the appellant's Interdistrict Attendance Transfer Appeal and Request for Hearing Form or by the written statements of the affected districts.

Extension of Time

Requests for extensions of time during the appeal process may be granted by the Secretary of the Board with the approval of the appellant's parent/legal guardian/educational rights holder or counsel.

CONDUCT OF HEARING

All interdistrict attendance transfer appeal hearings shall be heard in open session. County Board deliberations regarding the appeal shall be conducted in open session.

Brief Outline of Proceedings

- Introduction of all interested parties.
- The appellant will present the case, responding to questions from the County Board, if any.
- The district of residence will be given an opportunity to describe the action taken and the reasons why such action was taken.
- The district of desired attendance will be given an opportunity to describe the action taken by that district and the reasons therefore.

- Members of the County Board may question any of the parties to the hearing and the staff and/or legal counsel if appropriate.
- When all parties have completed their presentations, the members of the County Board of Education will be polled at the discretion of the President on the following question: “*Shall ____ (name of pupil(s)) be permitted to attend the ____ (school district)?*”

BASIS FOR DECISION OF THE BOARD

Presumptions

Disposition of interdistrict appeals shall be based upon the following presumptions: That children normally are to attend school in the district of their residence.

1. That requests to permit attendance in a district other than the district of residence ordinarily will be resolved by the governing boards of the two districts which are involved.
2. That only in cases which meet one or more of the guidelines listed below will the County Board override the decision of the district governing boards.

Guidelines

In considering attendance appeals, the County Board will review the basis for local board precedent actions which gave rise to the appeal and determine whether there are unusual conditions which justify intervention by the County Board. In all cases where such intercessions are deemed justified, there will be involved a demonstrable hardship on the part of the children or parent or both. Preference or convenience of parents or pupils alone does not constitute such necessity.

In conducting the Interdistrict Attendance Transfer Appeal hearing, the Madera County Board of Education’s determination may be based on some or all of the following factors or criteria. Each listed item is important and is to be entitled to respectful consideration, but the items are not listed in any particular ranking of importance. No particular weight will necessarily be assigned to the impact of any one factor or criterion, and the County Board in a given case may choose to base its decision on alternate criteria appropriate to the unique facts of a case.

Factors and Criteria

1. **Exhaustion of District Level Procedures**
 - Has the parent completed the application process at both districts?
2. **Appeal Timelines**
 - Have they been followed?

3. **Childcare Needs of the Student or other Severe Family Hardship Consideration**
 - a. Before and after school childcare of the pupil will result in severe hardship to the pupil or the parent/legal guardian/educational rights holder in terms of time and/or costs if the pupil attends school in the district of residence.
 - b. Are there transportation considerations?
4. **Continuous Attendance**
 - a. Where are the siblings attending school?
 - b. Is the family in transition, that is, about to relocate (supported by written evidence)?
 - c. Has the family already moved, but student wishes to finish up in the current school year 8th grade or 12th grade?
 - d. Will such attendance allow completion of the school year in the student's current school of attendance, provided the request is made after the start of the second semester or upon completion of over 50% of the school year in case of year-round education.
5. **Current Student Disciplinary Status**
 - Is the student currently under an order of suspension or expulsion?
6. **Special Needs of the Student**
 - a. Is the student currently under a SELPA placement IEP?
 - b. Is the request made because requiring the child to attend school in the resident district would result in severe physical or emotional harm to the child or would result in the severe aggravation of a pre-existing physical or emotional condition as supported by appropriate professional verification.
7. **Class Size and School Housing Concerns**
 - a. Is the proposed district of attendance overcrowded?
 - b. Would additional student(s) result in issues for class size formula considerations?
8. **Improper Conduct by a Parent/Legal Guardian/Educational Rights Holder in Attempting to Secure Interdistrict Attendance Transfer Without the Following Established Procedures**
 - Did the parent/legal guardian/educational rights holder falsify records or conceal the true residence of the student?
9. **Adequacy of the Academic Offerings at District of Residence.**
 - The district of residence cannot place the pupil in the particular educational program required by the pupil and the district of requested attendance does offer such a program.

PROGRAM is defined as a series of classes at grades 9-12 in a single subject or related subjects extending over more than one year, which have a specific educational or occupational objective. The board rarely would

entertain an appeal based solely on this criterion. County Boards of Education traditionally refrain from venturing into an examination or comparison of educational offerings at different school districts. At a minimum, the appellant family/legal guardian/educational rights holder would have to demonstrate that the district of residence cannot place the student in the particular educational program required by the student, and that the proposed district of attendance does offer such a program.

10. Is there a secondary versus elementary student cost consideration?

11. Would there be an impact to either district due to significant numbers of students requesting interdistrict attendance transfer?

Majority Vote on Appeal

The appeal shall be granted by a majority vote of the members of the County Board. If a majority of the members of the County Board do not vote to grant the appeal, it will be deemed denied.

If the appeal is granted, the district of desired attendance shall admit the student without delay, pursuant to Education Code 46602.

When granting an appeal, the County Board shall, in accordance with the Education Code, fix the duration of the interdistrict attendance transfer allowed. As a general rule and unless there are extenuating circumstances, this length of time will not extend beyond the current school year.

Legal References

Policy reference disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Education Code

35146 Closed Sessions

46601 Parental Appeal to Board of Education

46602 Written Notification

46603 Provisional Attendance

46604 Computation of Average Daily Attendance (ADA)

46610 Interdistrict Attendance Computation

48200-48208 Compulsory Education

48660-48666 Community Day School

48900-48926 Suspension and Expulsion

49073-49079 Privacy of Student Records

Welfare and Institutions Code

17.1 Legal Residence of a Minor or Nonminor Dependent

Adopted: October 8, 1996

Revised: February 8, 2000, May 9, 2000

Revised, renumbered, and reformatted: July 14, 2026

ADDENDUM B

INTERDISTRICT ATTENDANCE TRANSFER APPEAL REQUEST FOR HEARING

TO: Madera County Board of Education
1105 South Madera Avenue
Madera, CA 93637
Attention: Interdistrict Appeals

In accordance with Education Code 46601 and Madera County Board of Education Policy, I/we are requesting that the Madera County Board of Education hear an appeal on the denial of the Interdistrict Attendance Transfer Request by the _____
_____ School District for the following student to attend school in the _____
_____ School District.

Name(s) of Person(s) Filing Appeal: _____

Relationship to Student: _____

Street Address or P.O. Box Number City Zip Code

Home Phone Work/Cell Phone

Attorney or Representative (if applicable) Telephone

Name of Student Birthdate Grade

Current School District

Date Interdistrict Attendance Transfer Request was submitted: _____

Was request denied? Yes _____ No _____

Did the District fail to respond? Yes _____ No _____

How many other children are at home? _____ Ages: _____

Is this the first Interdistrict Attendance Transfer Agreement you have requested from the district? Yes _____ No _____

If the Interdistrict Attendance Transfer Agreement was previously approved, provide a copy of the prior agreement(s).

Student's grade level when the first agreement was granted: _____

Reason for requesting the first-year approved agreement: _____

Have you been required to submit annual requests for interdistrict transfer? Yes ___ No ___

Does the student have any siblings attending school in the requested district this year on an approved Interdistrict Attendance Transfer Agreement? Yes _____ No _____

Explain your understanding for the reason(s) for denial of your request: (Attach a copy of the District denial) _____

Describe briefly any efforts to obtain reconsideration of the decision of the denying Board. Include name(s) of District personnel contacted: _____

Reason for Appeal:

(The appeal will not be accepted without a complete statement of reasons. Attach additional pages if necessary. Please refer to "Factors that Support Granting an Appeal")

I/we understand that the Madera County Board of Education will rely upon this information to decide my/our appeal. I/we are the educational rights holder(s) of the student. I/we consent for the County Board to review and comment in a public meeting on material submitted from confidential records for purposes of this appeal. I/we hereby waive any privacy rights in those records. I/we hereby certify that this information is true and correct to the best of my/our knowledge.

Signature(s) of Person(s) Filing Appeal

Date

Have you attached:

1. A copy of your original request for an interdistrict attendance agreement;
2. Any letters from your district of residence regarding your request;
3. Any letters from the denying/granting district regarding your request; and
4. Any other supporting documentation you want the Madera County Board of Education to consider.

RETURN COMPLETED FORM TO:

Madera County Superintendent of Schools – Interdistrict Appeals
1105 South Madera Avenue
Madera, CA 93637
Telephone: (559) 662-3870 or (559) 662-3871
Email: jgirado@mcsos.org or etorres-barton@mcsos.org

July 2026

ADDENDUM C

DISTRICT RESPONSE TO THE APPEAL OF DENIAL OF
INTERDISTRICT ATTENDANCE TRANSFER
(Please print or type all material except signature)

TO: District Governing Board
Attention: Superintendent of _____
(District)

Name of Student

Street Address, City, Zip Code

Current Grade

School District of Residence

Present or Last School Attended

Name of Parent(s) or Guardian(s)

Telephone

Street Address, City, Zip Code

Attorney or Representative (if applicable)

Telephone

Please describe the process up to and including the District’s denial of the Request for
Interdistrict Attendance Transfer:

<u>Date</u>	<u>Action Taken</u>	<u>By Whom</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Please provide a summary of the issues presented to the District (attach additional pages
if necessary):

Please provide the specific reason(s) for denial by the District (attach any applicable Board Minutes, Administrative Summary, Board Policies, Administrative Regulations, Notice of Denial, etc. Attach additional pages if necessary):

District Superintendent or Designee

Date

RETURN COMPLETED FORM TO:

Madera County Superintendent of Schools – Interdistrict Appeals

1105 South Madera Avenue

Madera, CA 93637

Telephone: (559) 662-3870 or (559) 662-3871

Email: jgirado@mcsos.org or etorres-barton@mcsos.org

July 2026

ADDENDUM D

INTERDISTRICT ATTENDANCE TRANSFER APPEAL HEARING CHECKLIST

Note: This checklist was developed to help guide parents/legal guardians/educational rights holders through the interdistrict appeal process. You are encouraged to read through the entire Interdistrict Attendance Transfer Appeal Handbook for detailed and specific information.

When can I file? (Page 3 Transfer Appeal Handbook)

- ☐ Within 30 calendar days of the final denial by either your district of residence or the requested district
- ☐ After not receiving written notice within 30 calendar days of the final denial from your district of residence or the requested district

How do I file? (Page 4 Transfer Appeal Handbook)

- ☐ Request Interdistrict Attendance Transfer Appeal and Request for Hearing Form from the Madera County Superintendent of Schools in person or by phone at (559) 662-3870
- ☐ Return the completed form to the Madera County Superintendent of Schools within 30 calendar days of final denial or if you did not receive written notice within 30 calendar days of final denial
- ☐ **Complete entire Interdistrict Attendance Transfer Appeal Form**
 - ☐ Please make sure form is completed legibly as copies are provided for all participants
 - ☐ Ensure reasons are the same as the original reasons presented to the district of residence or the requested district
 - ☐ Include a copy of original transfer request
 - ☐ Include a copy of original denial notice from district of residence or the requested district
 - ☐ Include copies of all original documentation submitted to district of residence or the requested district Include new reasons or written testimony not previously shared or provided to the district of residence or the requested district, if applicable
 - ***Please note:*** if new evidence or grounds for the appeal are introduced at the hearing, the County Board may remand the matter back to the district(s) for further consideration.

What to expect at the interdistrict hearing. (Pages 9-10 Transfer Appeal Handbook)

- Bring copies of documents to aid memory and combat public speaking nerves
- The responsibility for presenting a compelling case is on you, the appellant
- Come prepared to testify in an open meeting with an audience
- Be prepared to be sworn in regarding your testimony
- Additional witnesses who will provide testimony for you will also be sworn in

ADDENDUM E

INTERDISTRICT ATTENDANCE TRANSFER (IDT) FLOWCHART (Education Code 46601-46610)

