



# **Interdistrict Attendance Appeal Process Handbook**

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## **A MESSAGE FROM THE MADERA COUNTY BOARD OF EDUCATION**

A statutory responsibility of the Madera County Board of Education is to rule on Interdistrict transfers when either the district of residence or requested district of attendance object to the transfer, and a child's legal guardian appeals. Board members have found that the appeal procedure may seem complicated and intimidating, and consequently, the cases which come before the Board may not be prepared thoroughly. As a result of this concern, the Board decided to develop this handbook which explains in detail the steps of an interdistrict appeal. The goal is to inform members of the community of the required procedures, decision-making criteria, and other aspects of the **interdistrict appeal process**.

The Board strives to make fair and equitable decisions based on the application of the decision-making criteria brought to the case brought before the Board. The more completely a case is prepared, the less stressful the presentation, and the more satisfied all parties will be with their decision.

The Madera County Board of Education recommends that parents who believe they are justified in requesting that their child(ren) attend a school in a district other than the district of residence, present to the board of trustees of the district of residence a request, in writing, preferably prior to the opening of school, or no later than the first week of school, in order that the trustees of the district of residence may render their decisions promptly. It is the responsibility of the parent to know the deadlines for submitting applications for interdistrict attendance transfers in each of the districts. Those deadlines may fall much earlier than the first week of school.

With certain limitations (See "Factors the Board Will Consider"), an elementary school pupil shall be deemed to have complied with the residency requirement for school attendance where one or both parent(s) or legal guardian(s) is employed within the boundaries of that school district.

**WHEN MAY I REQUEST AN  
INTERDISTRICT  
ATTENDANCE APPEAL HEARING?**

When the person having custody of a pupil has requested that the pupil be permitted to attend school in a district other than the district of residence, and when either district governing board has neglected or refused to enter into such an agreement within thirty (30) days after the request has been received, the person may appeal to the County Board of Education having jurisdiction over the district of residence of the parent/legal guardian (E.C. Section 46601).

Failure to appeal within the required time is good cause for denial of an appeal. An appeal shall be accepted only upon verification by the Board's designee; the Madera County Superintendent of Schools, that the appeals within the districts have been exhausted

If new evidence or grounds for the Interdistrict request are introduced, the County Board of Education may remand the matter for further consideration by the district(s). In all other cases, the appeals shall be granted or denied on their merits.

In the event that compliance by the County Board within this thirty (30) day time limit is impractical, the County Board, or County Superintendent of Schools, for good cause, may extend the time period for up to an additional five (5) school days. The County Board shall provide to all parties adequate notice of the date and time of any scheduled hearing and of the opportunity to submit written statements and documentation, and to be heard on the matter according to the rules specified herein. The Board may grant a continuance upon a showing of good cause.

The County Board of Education shall, within thirty (30) days after the filing of the appeal, determine whether the pupil should be permitted to attend in the district in which he/she desires to attend, and for what period of time. If the Board grants the appeal, the average daily attendance of the pupil shall be credited to the district of attendance, except as provided in (b) or (c) in E.C. Section 46607.

### **HOW DO I REQUEST A HEARING?**

The person having legal custody of the pupil can begin the appeal process by requesting an "Appeal for Interdistrict Attendance Agreement Request Form" from the Madera County Superintendent of Schools. This request may be done:

#### **IN PERSON:**

Madera County Superintendent of Schools  
Educational Services Division  
1105 South Madera Avenue  
Madera, CA 93637

#### **BY PHONE:**

(559) 662-3871

The form must be requested, completed, signed and returned within thirty (30) days of the denial of your "Request for an Interdistrict Attendance Agreement." Complete all sections of the form **legibly**. Read the section of this handbook entitled "Factors the Board will Consider" **before** completing the "reasons for this request" section of the form. The reason(s) for your appeal must be the same as those stated on the original "Request for Interdistrict Attendance Agreement" form that was completed for the original request submitted to the district(s). Should the reasons change substantially, the Board will not consider your appeal.

Your completed appeal form should be submitted with a copy of your original "Request for an Interdistrict Attendance Agreement" and the district's denial, as well as any other supporting documentation you are providing for the County Board's consideration.

If you have any questions about the form, you may contact the Educational Services Division of the Madera County Superintendent of Schools, (559) 662- 3871. Ask to speak to the Administrator in charge of Interdistrict Attendance Appeals.

### **WHAT HAPPENS NEXT?**

Within then (10) days of receipt of your appeal, the Madera County Superintendent of Schools will notify you and the district(s) involved, of the date, time, and place of the appeal hearing. The County Board of Education has thirty (30) days after you file to conduct a hearing and determine where the pupil shall attend school. The County Board, or County Superintendent of Schools, may extend this period an additional five (5) days for good cause (E.C. Section 4660 1b).

After you have filed your appeal, you will be contacted by the Superintendent, or his/her designee.

1. The Administrator will review the case to determine that all rights and times have been honored prior to the hearing.
2. If a hearing is necessary, the Administrator will act as an advisor to all parties.
3. The Administrator is available to explain your rights and procedures for your case.

4. The Administrator may recommend or request that you make certain materials or documents available for his/her consideration or for the hearing to assist the County Board of Education in making its determination.

### **CONSIDERATION OF APPEAL HOW DO I PREPARE FOR THE HEARING?**

Adequate documentation is helpful when presenting your case. You will find that evidence is most effective when provided in writing, is related to the issue(s) at hand, and is the type of evidence upon which reasonable persons can rely in the conduct of serious affairs. Some examples are:

1. A copy of your original written request for Interdistrict attendance and the written response received.
2. Professional recommendations by doctors, educators, psychologists, or others, when relevant (necessary if you are seeking approval for reasons of physical or emotional well-being of child).
3. Brochures or written information about special programs in the district or community of the requested district of attendance.
4. Documentation related to your child's safety to and from school.
5. Report cards or other indicators of student performance.
6. Maps.
7. Materials of a sensitive nature.

When preparing your verbal presentations, you should focus on the reasons which the Board will consider in approving an appeal (See Approval item 1-11 under "Factors the Board Will Consider"). It may also be helpful to bring a witness or someone who might make a special statement on behalf of the student.

### **FACTORS THE BOARD WILL CONSIDER**

Persons making appeals usually feel strongly about their reasons. It is helpful to understand that the Madera County Board of Education may only legally approve an appeal if it meets one or more of the eleven (11) reasons below. When writing your appeal and making your presentation to the Board, consider how the reasons apply to your situations.

1. Exhaustion of District Level Procedures  
Has the parent completed the application process at both districts?
2. Appeal timelines  
Have they been followed?
3. Child Care Needs of the Student, or other Severe Family Consideration
  - A. Before or after school child care of the pupil will result in severe hardship to the pupil or the parent/guardian in terms of time and/or costs if 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 the student wishes to finish up 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, 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 district of residence 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 in attempting to secure Interdistrict Attendance without following established procedures  
Did the parent falsify records or conceal the true residence of the student?
- 9. Adequacy of the academic offerings at the 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.

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?

### **LEGAL/ADVOCACY RESOURCES**

You may contact the California Rural Legal Assistance, Inc. (CRLA) to determine your eligibility for legal assistance. The phone number to CRLA is: (559) 674-5671.

Information contained in this document is also referenced in the Madera County Superintendent of Schools Education Administrative Regulation (AR) 2720 and Board Policy (BP) 2720.

### **NOTES**

This Handbook was prepared by:

The Madera County Board of Education

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