

INTERDISTRICT ATTENDANCE APPEALS

Filing an Appeal

1. The appeal shall be in writing, shall be filed with the County Superintendent of Schools or designee and shall contain the following:
 - a. Name of student.
 - b. Age of student.
 - c. Address of student, including school district of residence.
 - d. Grade in which student was most recently enrolled.
 - e. Name, address and telephone number of parent/ guardian, including school district of residence, if different from student.
 - f. Name of district in which the student desires to attend.
 - g. Reasons for request that student attend a district other than the district of residence.
 - h. Copies of all document requests submitted to the school district.
2. Immediately upon receipt of the appeal from the parent/ guardian, the County Superintendent will determine whether the parent/guardian has exhausted the appeal process in the district of residence. If the appeal qualified, the County Superintendent will set a hearing on the matter at a regular or special meeting of the County Board to be held no later than thirty (30) calendar days following receipt of the appeal. Continuances may be granted by the Board upon a showing of good cause.
3. No later than ten (10) days prior to the hearing, the County Superintendent shall serve upon all parties involved, a hearing notice by certified mail, return-receipt requested. The notice shall include details of the date, time, place of the hearing, and the nature of the matter to be heard. The County Superintendent will request that both districts submit a statement of their position on the matter.

Conduct of the Appeal Hearing

1. The hearing will be conducted in a public meeting of the County Board unless one of the following circumstances exists:

INTERDISTRICT ATTENDANCE APPEALS (continued)

Conduct of the Appeal Hearing

2. The hearing will be conducted in a public meeting of the County Board unless one of the following circumstances exists:
 - a. When the case of the person appealing includes allegations against staff members and/or other students.
 - b. When the case is such that it will require using information of a personal nature concerning the student(s) for whom the transfer is requested.
3. The County Board President will briefly explain the hearing procedures to be followed.
4. Strict rules of evidence as required in court proceedings will not be applied. Persons to be heard will be limited to the student(s), his/her parent(s)/guardian(s) or other representative of student, representatives of the district involved and the County Superintendent or designee.
5. Following the hearing, the County Board will deliberate and vote in open session. The determination of the County Board will be limited to one of the following statements:
 - a. The case to be remanded back to the denying district for further consideration.
 - b. The appeal to be denied.
 - c. The student, _____, to be allowed to attend the _____ School District for the _____ school year.

Hearing Procedures

1. The procedures shall be substantially as follows:
 - a. The President of the County Board will briefly explain the procedures to be followed during the hearing.
 - b. The person appealing will be given an opportunity to speak regarding the appeal.
 - c. The representative of the school district which originally denied the request will be given an opportunity to speak regarding the appeal.
 - d. The representative of the other school district involved will be given an opportunity to speak regarding the appeal.

INTERDISTRICT ATTENDANCE APPEALS (continued)

- e. The Board may call for additional testimony or documentary evidence as it deems necessary. In the event the Mendocino County Office of Education staff, at the request of the County Board, has gathered information on the appeal, this information will be heard at this point.
 - f. The person appealing will be given the opportunity to present a summary and the same opportunity will be offered to the school district representatives.
 - g. The County Board will then deliberate the matter and make a decision within three (3) school days as to the disposition of the appeal.
 - h. If new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the district(s).
2. A written statement of the Board’s action will be mailed to the person appealing and to each of the districts involved in the appeal.

Final Order of the County Board

- 1. The County Board shall either grant or deny an appeal on its merits.
- 2. The County Board may approve and order the enrollment of a student(s) in a district other than his/her district of residence when any of the following criteria are met:
 - a. The district of residence has not followed proper due process and/or has not adhered to its own interdistrict policy.
 - b. Attendance of a student from out of district will not increase a district's class size above the maximum established by the State of California or negatively affect the existing collective bargaining contract.
 - c. The district of residence does not offer the particular educational program required by the student and the district of desired attendance does offer such a program.
 - d. Serious transportation problems.
 - e. Verified medical reasons.
 - f. Exceptional difficulties of working or single parents.
 - g. Change in parental residence after forty (40) days of attendance in a school semester.

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- h. Necessity of change of social environments (usually recommended by juvenile authorities or the court).
 - i. A substantial danger to a student's health or safety in the district of residence would be eliminated or mitigated by his/her attendance in another district.
 - j. A parent, guardian or student requests interdistrict transfer for reasons resulting from actual or perceived discrimination, harassment, bullying and/or intimidation.
3. The County Board may deny the appeal request based on the welfare of the student(s) and according to any of the following criteria:
- a. Objection by the district of attendance.
 - b. Objection by the district of proposed attendance.
 - c. Complaints about presumed quality of school program, instruction or staff.
 - d. Personal animosities.
 - e. Obvious financial hardship to district of residence.
 - f. Misinformation and/or falsification by student(s), parent(s)/guardian(s), or representative(s) of the student(s).
 - g. Convenience-oriented childcare situations, particularly beyond early school years.
 - h. If the student is currently under suspension or expulsion from any school district in the State of California.

MENDOCINO COUNTY BOARD OF EDUCATION

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