

**INTERDISTRICT ATTENDANCE TRANSFER APPEALS**

A. Filing an Appeal

1. An appeal of denial of, or failure to approve, an interdistrict transfer of attendance shall be in writing on a form prescribed by the County Superintendent and shall specify the grounds for the appeal.
2. An appeal must be filed within 30 calendar days of the refusal or failure to permit interdistrict transfer of attendance by the district. Failure to appeal within the required time is good cause for denial of an appeal.
3. Multiple appeals from one family may be submitted as one; however, there will be a separate vote for each child, but only one written decision.
4. The appellant shall send or deliver the completed, signed, dated appeal to the County Superintendent or designee, and include a copy of the original request for transfer (preferably from both the district of residence and the proposed district), any letters received from either district, and any additional documentation that is pertinent to the request.
5. An appeal shall be accepted only upon verification by the County Superintendent's designee that appeals within the school district have been exhausted.
6. Once an appeal has been received, the County Superintendent or designee shall notify each district that an appeal has been filed.

B. Hearing Date

1. Upon receipt of the appeal, the County Superintendent, or designee will set a hearing on the matter at a regular or special meeting of the County Board of Education to be held no later than 30 days following receipt of the appeal.
2. In the event that meeting the time requirement for determining the appeal is impractical, the County Board of Education or the County Superintendent of Schools or designee may, for good cause, extend the time period for an additional five (5) school days.
3. The County Board of Education may grant a continuance to any party upon a showing of good cause. Such continuances shall result in an extension of the time line for a determination by the County Board equal to the number of days of the granted extension.
4. Failure by either party to send a representative to the hearing will not result in a postponement of the hearing. If either party fails to send a representative to the hearing, the hearing will be conducted at the scheduled date and time provided in the notification. If the unrepresented party has previously submitted written statements, the statements will be read into the record during the hearing.

C. Preparation for Hearing the Appeal

The County Superintendent or designee shall serve as the contact person and liaison among the student's representative, the districts involved, and other appropriate parties.

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1. Upon receiving the appeal, the County Superintendent or designee shall inform the person appealing of their rights and the procedures by which the appeal will be heard.
2. The County Superintendent or designee shall inform both school districts involved in the appeal and invite them to have representatives at the hearing to speak on their position regarding the appeal.
3. The County Superintendent or designee shall provide adequate notice to all parties of the date and time of the scheduled hearing, the opportunity to submit written statements and documentation, the date upon which any documentation is due, and the option of being represented by legal counsel.
4. The parties shall be required to provide the County Superintendent or designee with all information pertaining to the case no later than ten (10) days prior to the hearing. This information will be included in the packet provided to each County Board member and include at a minimum:
  - a. Copies of the original interdistrict attendance request and the interdistrict attendance request appeal
  - b. A copy of both districts' policy on interdistrict attendance
  - c. Materials and documentation relevant to the interdistrict attendance request provided by the district(s) and the appellant
5. Copies of all information provided to the County board shall be distributed to all parties involved prior to the hearing.

## D. Conduct of the Appeal Hearing

1. The hearing will be conducted in a public session of the County Board of Education unless the appeal will involve presentation and discussion by any party of the pupil records of the appellant or of any other student.
  - 1.1 If notified by any party that information concerning pupil records will be discussed at the hearing, or if any party submits pupil records to the County Board in advance of the hearing, the Superintendent or designee will notify the parent in writing that the County Board will hold the appeal in closed session, unless the parent requests in writing in advance of the hearing that the entire hearing be held in public session.
  - 1.2 In any case, that portion of the appeal involving pupil records of a student other than the appellant will be held in closed session.
  - 1.3 When a closed session is held, all parties may attend the closed session.
  - 1.4 When a closed session is held, the County Board of Education will take its final action in public session, and the result of such action will be a public record. Individual board member votes will be documented.
2. The County Superintendent or designee shall preside over the hearing, and may recognize any concerned parties at any time during the hearing to ask questions or to add information.

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3. 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) or guardian(s) or other representative, and representatives of the districts involved.
4. The decision by the County Board of Education may only be to (1) approve the appeal, (2) deny the appeal, or (3) remand the matter back to the district. A written statement of the County Board of Education's action will be mailed to the person appealing and to each of the districts involved in the request.

## E. Hearing Procedures

The format for the hearing shall be substantially as follows:

1. The County Superintendent or designee will introduce the matter for the record and all parties present will identify themselves.
2. The County Superintendent or designee will review the scope of the County Board's role and receive any additional written evidence regarding the matter.
3. The student's representative will be invited to make a presentation and allotted ten (10) minutes to do so.
4. The representative of the district which failed or refused to approve the interdistrict attendance request will be invited to make a presentation and allotted ten (10) minutes to do so.
5. If present, the representative of the other district involved will be invited to make a presentation and allotted ten (10) minutes to do so.
6. Each County Board of Education Member will be provided an opportunity to ask questions of Parent(s) or guardian(s) of student, the student, district of residence, and district of proposed attendance, and others as appropriate.
7. At the conclusion of the presentations and questioning, the Board President shall declare the hearing closed and request that the appellant and district representatives leave the board room while they conduct their deliberation.

## F. Scope of Review and Decision of the Board

1. The party requesting the interdistrict transfer shall have the burden of proof and the responsibility to present sufficient evidence to justify the transfer.
2. The County Board will grant appeals only in cases of significant legal, financial, or equitable hardship or deprivation to the student which cannot reasonably be remedied by any other means. In making its decision, the County Board shall also consider the financial and other needs of the district of residence and the proposed district of attendance, and balance such needs against that of the student.

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3. The Board shall consider all evidence and information presented by all parties to determine whether to:

- a. Grant the appeal
- b. Deny the appeal
- c. Remand the matter back to the district for further consideration

4. If the County Board determines that the student should be permitted to attend school in the district proposed, the County Board shall fix the length of time for the student's attendance in that district, and the student shall be admitted to a school in the district without delay.

5. Written notice of the decision by the County Board of Education shall be delivered to the student and the parent or legal guardian, and to each district.

## G. Criteria for Consideration in Appeals

1. The student's psychological or physical well-being. Problems with a student's psychological or physical well-being must be supported by the written statement of a qualified professional.

2. A substantial danger to the student's health or safety.

A danger to the student's health or safety must be supported by the written statement of a qualified health expert, by police reports, by school records, or by other documentation.

3. A specialized and specific academic program or service, unavailable in the district of residence but necessary to the student's career or academic objectives. Such a program or service must be related to 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. This criteria does not apply to elementary education programs.

4. Hardship resulting from lack of available or appropriate after school care options for pupil in the district of residence.

The parent or legal guardian must demonstrate attempts to find appropriate care in the district of residence and must describe these attempts in the written materials provided when the appeal is filed.

5. A severe and demonstrated hardship to parents/guardians which could affect the student's success in school. The parent/guardian must specify and describe the type of hardship in writing; "hardship" shall be understood to exclude inconvenience to the parents/guardians or matters of preference.

6. The student's desire to remain in his/her school of current attendance for the balance of the semester of school year. The student's desire may be based on his/her anticipated promotion from the school of current attendance at the end of the semester or school year or on a need for education continuity for the remainder of the semester or school year.

7. The student's plan to move in the near future and desire to begin the semester or school year in his or her new school district. The student and his/her parent/guardian must offer written proof of their plan to move into the district of proposed attendance; such written proof may be a rental agreement, a contract to purchase new property, or similar document.

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8. When Recommended by the school attendance review board or by county child welfare, probation, or social service agency staff in documented cases of serious home or community problems which make it inadvisable for the student to attend the school of residence.

9. The financial impact of educating the student (district of proposed attendance) or of losing the student (district of residence). In either case, the impacted district(s) must demonstrate in writing that the student's transfer would place an undue hardship on the district's resident students in terms of reduced services or other unacceptable outcomes.

10. The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies. The demonstration of such failure must be based on a written explanation of the district's previous experience with the student under an interdistrict transfer agreement or on other documented evidence.

11. Lack of space for the student in the receiving district. The district of proposed transfer 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 and/or would be a violation of district policy or a collective bargaining agreement regarding class size goals.

12. The negative impact of the student's transfer on a court ordered or voluntary desegregation plan of either district. The district must provide details about the court order or desegregation plan and provide written evidence of the anticipated negative impact of the student's transfer.

13. Other exceptional or extraordinary circumstances which would weigh heavily in favor of the appellate student or the affected school district. The parent/guardian or school district must specify and describe the type of exceptional or extraordinary circumstance and its effect on the appellant student or the resident students of the district.

14. Failure to qualify for any of the above listed criteria shall result in denial of the appeal.

Regulation approved: March 29, 1984

Regulation amended: March 13, 1996  
January 28, 1998  
October 14, 1998  
October 5, 2005  
August 6, 2008  
June 3, 2015  
August 1, 2018  
July 1, 2019  
August 12, 2020



**APPEAL OF DENIAL OF INTERDISTRICT ATTENDANCE**

*(Please print all information except signature)*

In accordance with Education Code 46601 and the Contra Costa County Board of Education Policy 5117.1, we hereby request a hearing for the purpose of an appeal of an Interdistrict Transfer denial. This request for appeal is being submitted to the Contra Costa County Office of Education within thirty (30) calendar days following the date of district failure/refusal to enter into an agreement allowing the transfer.

Parent/Guardian Name \_\_\_\_\_

Residence Address \_\_\_\_\_

Residence Phone \_\_\_\_\_ Cell Phone(s) \_\_\_\_\_

Email Address(s) \_\_\_\_\_

School District of Residence \_\_\_\_\_

School District Requested \_\_\_\_\_

Student \_\_\_\_\_ Age \_\_\_\_ Grade \_\_\_\_ Student \_\_\_\_\_ Age \_\_\_\_ Grade \_\_\_\_

Student \_\_\_\_\_ Age \_\_\_\_ Grade \_\_\_\_ Student \_\_\_\_\_ Age \_\_\_\_ Grade \_\_\_\_

How many other children in the home? \_\_\_\_\_ Ages of these children: \_\_\_\_\_

Do they attend school in the district of residence? Yes \_\_\_\_\_ No \_\_\_\_\_ If No, please explain:

\_\_\_\_\_

Please respond to the following questions; attach additional pages if necessary:

1. Administrative Regulation 5117.1 Section G (available on the CCCOE website) lists specific criteria the Contra Costa County Board of Education will consider in reviewing your appeal. Please state which criteria applies to your appeal (circle one): **G1 G2 G3 G4 G5 G6 G7 G8 G13**

2. What is your understanding of why the school district(s) denied your request for an interdistrict transfer?

\_\_\_\_\_  
\_\_\_\_\_

3. Why do you believe the decision(s) of the school district(s) should be changed to approve your request?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that this information is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of Parent/Guardian filing the Appeal Date

- Please provide all related documentation that you received from the school district(s) including**
- 1) your transfer request;**
  - 2) any letters from your district of residence regarding your request;**
  - 3) any letters from the district you are requesting to attend;**
  - 4) any additional documentation that is pertinent to your request.**

Send completed form and documentation to CCCOE, Attention: Student Programs, 77 Santa Barbara Road, Pleasant Hill, CA 94523 or fax to 925-942-3353 or email to [jlocatelli@cccoe.k12.ca.us](mailto:jlocatelli@cccoe.k12.ca.us).