

Brittan School District

Interdistrict Attendance Appeals Students

BP 5117.1

When a school district within the jurisdiction of the County Board of Education fails or refuses to issue an interdistrict attendance permit to a student or fails to provide written notification of its decision within prescribed timelines, the student's parent/guardian may appeal the decision to the County Board. (Education Code 46601)
(cf. 9000 - Role of the Board)

An appeal shall be filed in writing, by a person having legal custody of the student, within 30 calendar days of the district's final denial of the transfer. An appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals in the district have been exhausted. (Education Code 46601)

Failure to appeal the district decision to the County Board within 30 days is good cause for rejection of the appeal. (Education Code 46601)

An appeal that is not filed within 30 days may, at the discretion of the County Board, be considered on its merits if it includes the reason(s) that the appeal is late and the County Board determines that the reasons provided are good cause to conduct the hearing.

In addition, the County Board shall not consider appeals of any of the following:

1. An interdistrict attendance request that was deemed abandoned due to the parent/guardian's failure to meet district timelines (Education Code 46600.1)
2. An existing interdistrict transfer permit that has been revoked or rescinded in accordance with the policy of the district's governing board (Education Code 46600.1)
3. The denial of a request by the district of proposed enrollment when no permit has first been issued by the district of residence (Education Code 46600.1)
4. An interdistrict attendance request submitted for a student who is being considered for expulsion or has been expelled, while expulsion proceedings are pending or during the term of the expulsion (Education Code 46601)

Hearing

Prior to making its determination, the County Board shall hold a hearing at which the district(s) and the student's parent/guardian will have an opportunity to present their positions on the denial of the interdistrict attendance permit.

As authorized for any county with 180,000 or more countywide ADA, the County Board may appoint a hearing officer or impartial administrative panel of three or more certificated persons who are not County Board members or employees of any school district involved in the requested transfer to hear the appeal. In hearing the appeal, the hearing officer/administrative panel shall adhere to the law and this policy. (Education Code 46601)

No later than 10 days prior to the hearing, the secretary to the County Board shall serve a notice of the hearing upon the student's parents/guardians, the district of residence, and the district of proposed enrollment, by certified mail with return receipt requested. The notice shall include details of the date, time, and place of the hearing. It shall also notify the parents/guardians of the opportunity to be heard during the hearing and to submit written statements and documentation to the County Board prior to the hearing, including the deadline by which the parties may submit such statements and documentation.

The hearing shall be conducted in open session except when any information to be presented about the student is determined by the County Superintendent or designee prior to the hearing to be confidential information. The County Board may also decide at any time during open session to reconvene in closed session if necessary to protect confidential information about the student that may be presented during the hearing.
(cf. 9321 - Closed Session)

Regardless of whether the hearing is conducted in open or closed session, any action related to the hearing shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146; 20 USC 1232)

Final Decision of the County Board

The County Board shall, within 30 calendar days after the appeal is filed, determine whether the student should be permitted to enroll in the district of proposed enrollment. The County Board or the County Superintendent may extend the time period for up to an additional five school days for good cause. The County Board may permit additional continuances for good cause.
(Education Code 46601)

A decision shall be rendered on the appeal within three school days of the hearing unless the student's parent/guardian requests a postponement. (Education Code 46601)

The County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, the County Board may remand the matter to the district for further consideration. (Education Code 46601)

When the County Board determines that a student should be permitted to attend school in the district of proposed enrollment, the County Board shall also determine the applicable period of attendance and the student shall be admitted to school in that district without delay. (Education Code 44601, 46602)

Written notice of the decision by the County Board shall be delivered to the parent/guardian of the student and to the governing boards of both districts. (Education Code 46602)

Legal Reference:

EDUCATION CODE

35146 Closed session, matters pertaining to students
46600-46610 Interdistrict attendance agreements
48204 Residency requirements for school attendance
48209-48209.17 Student attendance alternatives
48660-48666 Community day schools
48900-48926 Suspension and expulsion
49073-49079 Privacy of student records

GOVERNMENT CODE

11455.20 Contempt
54950-54962 Ralph M. Brown Act; closed sessions

UNITED STATES CODE, TITLE 20

1232 Access to student records