



Dear Parent or Legal Guardian:

### INTERDISTRICT ATTENDANCE APPEAL

Enclosed is the required form for filing an interdistrict attendance appeal with the Los Angeles County Office of Education. **Appeal documents must be physically received by the Child Welfare and Attendance Unit within thirty (30) calendar days following the failure or refusal of a district to issue a permit** (specifically, the 30-day time period begins from the date of the final letter of notice from the district, not the date of receipt by the parent) and will be accepted only after verification that all local administrative remedies have been exhausted.

To file your appeal, please complete the appeal form, attach the following supporting documents and return them to our office:

- (1) A copy of the original request for interdistrict transfer permit (if available);
- (2) Copies of all correspondence between you and the district denying the permit (be sure to include the final denial from the local governing board);
- (3) Additional documents (limit 10 pages) supporting your reason(s) for the permit appeal; and
- (4) Interpreter Assistance Request form (required whether or not an interpreter is needed).

***Please Note: Supporting documents should not be numbered, hole-punched or submitted in notebooks and or spiral folders.***

Enclosed you will also find a copy of Board Policy 1380 which includes both rules and procedures. Be sure to read them carefully.

Should you have any questions about the appeal process, please contact my office at (562) 922-6727.

Sincerely,

*Catherine Terry*

Catherine Terry, Project Director III  
Division of Student Support Services  
Child Welfare and Attendance Unit

CT:mb

Enclosures: Interdistrict Attendance Appeal form  
1380 Interdistrict Attendance Appeals Board Policy  
Interpreter Assistance Request

## 1380 INTERDISTRICT ATTENDANCE APPEALS

The Los Angeles County Board of Education (the County Board) has appellate authority to determine whether a student should be permitted to attend a district in which is not the district of residence and to determine the applicable period for attending such district.

If a student is denied attendance at a school outside his/her district of residence, the student's parent may appeal the denial to the County Board.

### I. Definitions

- A. Consultant: the County Board-delegated, impartial certificated facilitator authorized to conduct meetings on behalf of the County Board.
- B. District of Attendance: the school district in which the student desires to attend an educational program or activity.
- C. District of Residence: the school district in which the student resides.
- D. Interdistrict Attendance: school attendance between two or more school districts; may be by agreement or made on a case-by-case basis.
- E. Parent: a person having legal custody of a student in kindergarten or grades one (1) to twelve (12).

### II. Appeal Policy

- A. It is the desire of the Los Angeles County Board of Education that interdistrict attendance appeals be prepared and presented as quickly as possible consistent with giving the parent and the school district an opportunity to prepare and present their cases within time limits set by law.  
A Consultant for the Los Angeles County Office of Education (LACOE), or designated staff, will assist the parent and the school district in filing an appeal, scheduling of meetings, and submitting documents.
- B. The County Board believes that in some cases it may be possible to resolve an appeal informally. All parties are encouraged to explore informal solutions with the LACOE consultant.  
If the district reverses its decision and grants the interdistrict permit prior to the fact-finding session or the hearing before the County Board, the parent must notify the LACOE consultant or designated LACOE staff of the change in status.  
Although informal solutions are encouraged, any party to an appeal is free to reject a proposed solution without prejudice to any rights on appeal.
- C. If the interdistrict attendance involves districts in two different counties, LACOE may have jurisdiction over the appeal.
  - 1. LACOE has jurisdiction over appeals where the Los Angeles County school district denied the permit or failed to enter an agreement for interdistrict permits.
  - 2. Where both districts denied the permit, LACOE has jurisdiction to conduct the appeal hearing if the Los Angeles County school district is the district of residence. If the appeal is granted in this hearing, the Los Angeles County Board shall seek agreement

with the other County Board, which will afford its school district an opportunity to be heard in the matter. If the two county boards do not agree, the student's appeal is denied.

- D. A student who has been expelled or who has a pending expulsion hearing may not appeal an interdistrict attendance denial until the hearing is conducted and/or the term of expulsion expires.

### III. Appeal Procedures

#### A. Initiating an Appeal

A parent, who has been denied an interdistrict attendance permit by the district of residence or by the district of attendance, may file an "Interdistrict Attendance Appeal" on a form prescribed by the County Board.

An appeal will be accepted only upon verification by designated staff that all other remedies or appeals available within the districts have been exhausted.

#### B. Deadline to File

In order to be timely, an appeal form must be actually received in person or via U.S. mail by the LACOE Child Welfare and Attendance (CWA) Unit no later than the 30<sup>th</sup> calendar day following the failure or refusal of a school district to issue a permit. The CWA Unit address is: Child Welfare and Attendance Unit, Division of Student Support Services, Los Angeles County Office of Education, 9300 Imperial Highway, Room ECW-258, Downey, California 90242-2890. **Forms mailed and postmarked but not actually received by the CWA office within thirty (30) calendar days will not be accepted.**

#### C. Required Documents

Once the completed Interdistrict Attendance Appeal (Form No. 202-022) with the reasons for appeal has been filed with the CWA Unit, the following documents of support must be submitted by the parent and by the school district within the timeline prescribed:

##### For the Appellant

The following documents should be submitted within five (5) school days of initiating the appeal:

- 1) A copy of the original request for an interdistrict attendance permit (if available);
- 2) Copies of all correspondence between the parent and the district denying the permit (including a copy of the final letter of denial from the local governing board); and
- 3) Additional supporting documents, limited to ten (10) pages, that the parent wishes to submit to support the request for transfer.

(Example: A request for a transfer based on safety or health issues should be accompanied by documentation to support the claim. Simply stating that a problem exists without proof may not constitute sufficient grounds for granting an appeal.)

##### For the School District

The following documents should be submitted by the school district no later than five (5) school days before the scheduled fact-finding session:

- 1) A written response to the appeal along with supporting documentation;
- 2) A copy of the local board policy and district procedures regarding the processing of interdistrict attendance appeals;
- 3) A copy of any agreement between the district of residence and the

district of attendance regarding the processing of interdistrict attendance appeals; 4) A copy of the original request for interdistrict transfer permit; and 5) Any additional documentation, limited to ten (10) pages, which may be required to support the district's decision.

(Example: A district that denies a request for transfer based on class-size reduction issues would need to submit documentation to support that claim.)

D. Fact Finding

The purpose of fact finding is to gather evidence to support the decision to grant or deny an appeal on the merits as further discussed in Section V: DECISION.

Upon receiving a completed appeal form, the LACOE consultant will schedule a meeting to conduct a fact-finding session within twenty (20) calendar days. The consultant will notify the parties in writing of the date, time, and place of the session and the procedures for fact finding. A postponement may be granted for good cause.

The Consultant will rule on matters of procedure.

E. County Board Hearing

Following the completion of fact finding, the County Board will determine whether to grant or deny the appeal within thirty (30) calendar days of the filing of the appeal. An open hearing will be conducted by the County Board, except in situations where medical or confidential information is discussed. The County Board or County Superintendent may extend this time period up to five (5) school days if compliance is impractical. The County Board may grant a postponement upon a showing of good cause.

The County Board's decision shall be made within ten (10) school days of receipt of the LACOE consultant's findings of fact unless the parent requests a postponement. The County Board shall deliver its decision in writing to the parent, the district of residence, and the district of attendance.

Hearings are limited to twenty (20) minutes.

IV. Postponement of Appeal

Only the parent may request a postponement of the fact-finding session or County Board hearing by contacting the CWA Unit. Postponements may be granted for good cause.

V. Termination of Appeal

Failure of the parent to pursue the appeal in a timely manner or to appear at scheduled meetings may be deemed an abandonment of the appeal and the matter may be dismissed.

Failure of the school district to participate in the appeal in a timely manner or to appear at scheduled meetings may be deemed an abandonment of the appeal and the County Board may grant the interdistrict transfer.

VI. Decision

The Los Angeles County Board of Education believes that interdistrict permit appeals are among the most important business that the County Board undertakes. Therefore, every County Board member present for such an appeal should, absent some disqualifying conflict of interest, participate in the decision on such appeals. Accordingly, the County Board strongly discourages abstentions on appeal decisions.

Four affirmative votes of the County Board are required for the interdistrict appeal to be granted.

In rendering its decision, the County Board may give consideration to the following criteria as may be appropriate or applicable in each case:

A. Factors Regarding Students

1. The student has expressed a genuine interest in an educational class or program which is both available and beneficial to the student, which cannot be reasonably provided by the district of residence, and the student is in fact eligible for, and has committed to taking or has been accepted into, the desired class or program;
2. There is evidence of threats or injury to the student, or evidence that the student's health, welfare or safety are otherwise in clear, present, and continuing jeopardy or danger in the district of residence. Written documentation and/or supporting information from doctors, psychologists, or other persons should be provided to verify health-related issues;
3. There is evidence that the student has a genuine and substantial fear of attending the district of residence. Written documentation and/or supporting information should be provided to verify the presence of substantial fear and/or impact on the student;
4. That transportation problems exist which create a hardship for the student which are resolved by transfer to the district of attendance;
5. The receiving school in the district of attendance is geographically closer to the student's residence and such proximity to the school is required for child care services or other substantial family needs;
6. The district of attendance will accept the student;
7. There is present intent to change residence and a substantial likelihood that the change of residence will occur. Supporting information, such as escrow documents, should be provided to verify intent;
8. The proposed transfer would not create a significant, adverse financial or educational impact on student programs or classes in the district of residence or in the district of attendance;
9. Continued enrollment in the district of attendance will promote an important level of continuity that is in the best interest of the student; and
10. Such other considerations as the County Board may deem appropriate in each case to render a decision on the merits.

B. Factors Regarding Procedural and Other Matters

1. The material information provided by the parent is true and correct and that no information has been falsified or intentionally omitted;
2. All appeals have been exhausted by the parent at the local level prior to being appealed to the County Board;
3. The student is neither under consideration for expulsion nor currently under an expulsion order;
4. An interdistrict permit was revoked because the student did not fulfill the conditions, purpose, or terms under which that previous interdistrict permit was approved;
5. A transfer to the receiving school would not violate any district policies, provisions of the Education Code, or other applicable law;
6. The sending or receiving school district has failed to follow a material aspect of its own interdistrict attendance policies; and
7. The interdistrict transfer would not negatively impact voluntary or court ordered desegregation plans or the racial-ethnic balance of the district of residence.

C. If new evidence or grounds for the request are introduced, the County Board may remand the matter for further consideration by the district or districts. In all other cases, the appeal shall be granted or denied on its merits.

VII. Attendance during Appeal

Pending a decision by the school districts involved or by the County Board, the district of attendance may admit the student on a provisional basis for a period not to exceed two (2) school months. The district of attendance may count this provisional attendance for revenue limit and state apportionment purposes.

VIII. Attendance after Appeal

Upon a successful appeal to the County Board, the student shall be admitted to the school in the district of attendance without delay. The County Board is not authorized to order the specific school placement for the student. School placement, even after a successful appeal, is determined by the district of attendance.

LEGAL AUTHORITY: EC 35160, 46601, 46602, 46603.

*Policy 1380 adopted 12/03/02, Revised 09/01/09*



# INTERDISTRICT ATTENDANCE APPEAL

NAME OF STUDENT	DATE OF BIRTH	GRADE (NEXT SCHOOL YEAR)
ADDRESS OF STUDENT: NUMBER, STREET, APARTMENT NUMBER, CITY, STATE, AND ZIP CODE		
SCHOOL DISTRICT OF RESIDENCE	NAME OF SCHOOL	COUNTY
SCHOOL DISTRICT NOW ATTENDING	NAME OF SCHOOL	COUNTY
SCHOOL DISTRICT OF DESIRED ATTENDANCE	NAME OF SCHOOL	COUNTY
NAME OF PARENT OR GUARDIAN	CELL TELEPHONE NUMBER ( )	WORK TELEPHONE NUMBER ( )
ADDRESS OF PARENT: NUMBER, STREET, APARTMENT NUMBER, CITY, STATE, AND ZIP CODE	HOME TELEPHONE NUMBER ( )	
EMAIL ADDRESS OF PARENT OR GUARDIAN		

PLEASE CHECK THE APPROPRIATE BOX:  PERMIT WAS DENIED BY THE DISTRICT OF RESIDENCE  
 PERMIT WAS DENIED BY THE DISTRICT OF ATTENDANCE

PLEASE ANSWER BOTH QUESTIONS COMPLETELY, THEN SIGN AND DATE THIS FORM BEFORE MAILING OR DELIVERING.

WHAT ARE YOUR REASONS FOR REQUESTING ADMISSION TO A SCHOOL IN THE DISTRICT IN WHICH THE STUDENT DOES NOT LIVE?

WHAT IS THE STUDENT/PARENT'S UNDERSTANDING OF WHY THE PERMIT WAS DENIED?

SIGNATURE OF PARENT OR GUARDIAN	DATE DELIVERED OR MAILED
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**IF MAILING, PLEASE USE THE ADDRESS BELOW:**  
THE LOS ANGELES COUNTY OFFICE OF EDUCATION  
DIVISION OF STUDENT SUPPORT SERVICES  
CHILD WELFARE AND ATTENDANCE UNIT  
9300 IMPERIAL HIGHWAY – ECW #258  
DOWNEY, CALIFORNIA 90242-2890

**IF DELIVERING IN PERSON, PLEASE USE THE ADDRESS BELOW:**  
THE LOS ANGELES COUNTY OFFICE OF EDUCATION  
DIVISION OF STUDENT SUPPORT SERVICES  
CHILD WELFARE AND ATTENDANCE UNIT  
12830 COLUMBIA WAY – ARDIS RECEPTION AREA  
DOWNEY, CALIFORNIA 90242-2890

**PLEASE ATTACH COPIES OF THE PERMIT APPLICATION AND THE FINAL DECISION LETTER TO THIS FORM**



## INTERPRETER ASSISTANCE REQUEST

Please check the appropriate response below.

I would like to have the assistance of an interpreter at the Interdistrict Attendance hearing before the Los Angeles County Board of Education.

Yes, I would like an interpreter.

No, I do not require an interpreter.

If the response above is yes, please specify the language to be spoken by the interpreter:

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(Language)

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Signature of Parent or Guardian

Date Signed

Please return this form to:

Los Angeles County Office of Education  
Division of Student Support Services  
Child Welfare and Attendance Unit  
9300 Imperial Highway – ECW 258  
Downey, California 90242-2890