

INTERDISTRICT APPEAL PROCESS



Public Information Brochure

A MESSAGE FROM THE VENTURA COUNTY SUPERINTENDENT OF SCHOOLS

A statutory responsibility of the Ventura County Board of Education is to rule on interdistrict transfers when either the district of residence or district requested object to the transfer, and a child's legal guardian appeals.

Through the years, we have found that the appeal procedures are sometimes misunderstood, and consequently, the cases that come before the Board may not be prepared thoroughly. As a result of this concern, we developed this brochure that explains in detail the steps of an interdistrict appeal.

We sincerely hope that this brochure will be useful to you, should you find an interdistrict attendance appeal necessary.

WHEN MAY I REQUEST AN INTERDISTRICT ATTENDANCE APPEAL HEARING?

You may request an appeal hearing with the Ventura County Board of Education:

1. After your request for an interdistrict transfer has been denied by your school district of residence or by the school district of requested attendance AND you have exhausted the appeal process of the denying school district ... **OR**
2. When the school district has failed to respond during the current academic school year to your request for a transfer within thirty (30) calendar days ... **OR**
3. When the district has failed to respond to your request for a transfer for the next academic school year (E.C. 46601).
 - a. 14 days after both districts' academic school year begins, **AND**
 - b. 30 or more calendar days after your written request was submitted to the district of residence. (Both a. and b. must be satisfied.)

HOW DO I REQUEST AN APPEAL HEARING?

Your completed Interdistrict Attendance Appeal packet must be received in our office within 30 days from the date the interdistrict transfer request was denied. Postmarks are not accepted.

1. The person having legal custody of the pupil can begin the appeal process by requesting an "Interdistrict Attendance Appeal" form from the Ventura County Office of Education. Interdistrict Attendance Appeal forms can be requested:

In Person: Ventura County Office of Education
Administration Offices
5189 Verdugo Way
Camarillo, CA 93012

By Phone: (805) 383-1902

On the Web: <http://www.vcoe.org/Portals/VcssoPortals/vcboe/Appeals/Interdistrict.pdf>

2. Submit a completed Application for Interdistrict Attendance Appeal which includes:
 - a. VCOE Interdistrict Attendance Appeal form, completed and signed, which identifies and documents the specific reasons for appeal;
The reason(s) for your appeal must be the same as those stated on the original Interdistrict Transfer request. Should the reasons change substantially, you will be asked to reapply with your school district.
 - b. Copy of the original interdistrict transfer permit, showing the date of denial;
 - c. Copies of all correspondence between the guardian and the school district denying the permit; and,
 - d. Any additional documents in support of the interdistrict transfer request.

Your appeal will only be accepted upon verification by the County Superintendent of Schools or designee that all appeals within the school district(s) have been exhausted.

Families with multiple appeals may have them heard separately or as one; parents should understand that if they have all their children's appeals heard as one, there will only be one decision affecting all the children.

If you have any questions, you may contact Nancy Manley at (805) 383-1902.

WHAT HAPPENS NEXT?

The County Board of Education has thirty (30) calendar days after you file an appeal to conduct a hearing. The Board may extend this period an additional five (5) school days for good cause (E.C. 46601[b]). During this hearing the County Board will determine whether the student should be permitted to attend school in the school district of his/her choice.

WHAT WILL HAPPEN AT THE HEARING?

Hearings are conducted in open session during regular or special Ventura County Board of Education meetings held at the:

VENTURA COUNTY OFFICE OF EDUCATION
Conference & Educational Services Center, Board Room
5100 Adolfo Road Camarillo, CA 93012

It is the intent of the Board of Education to conduct the hearing in a fair and sufficiently informal manner to encourage open communication and mutual understanding. The hearing will also be conducted in such a manner that no special legal expertise is necessary and so that all parties have the opportunity to present their case fairly and completely. The law does provide that you may have legal counsel or an advocate present if you wish, although formal hearing procedures are not in effect.

WHAT WILL THE PROCEDURE LOOK LIKE?

When the Board hears your appeal, you, the student (optional, but recommended), and the representatives of the districts will be seated at a table in front of the Board. If you have concerns or questions you are encouraged to ask for clarification at any time throughout the hearing process.

The hearing will be conducted as follows:

1. After introduction of all parties, the Board President will chair the proceedings.
2. The pupil, the parent or guardian, or a representative of the pupil will present the reasons for requesting the interdistrict transfer.
3. A representative of the district denying the request will then describe the actions taken related to the request.

4. Members of the Board may then ask questions to further clarify the issues.
5. When the Board President determines that deliberations are complete, he/she will then call for a vote. At least three (3) Board members must vote "yes" for the appeal to be granted.

If the Board determines that the pupil should be permitted to attend in the district of requested attendance, then the pupil will be admitted without delay.

The Board may order attendance in a School district, but not in a specific school.

WHAT WILL THE BOARD CONSIDER?

In its discussion and deliberations on your appeal, the County Board will consider the conditions of, and your reasons for, requesting a transfer. The County Board may consider the following factors when hearing appeals:

1. The student's psychological or physical well-being.
The written statement of a qualified professional must support problems with a student's psychological or physical well being.
2. A substantial danger to the student's health or safety.
There must be evidence of threats or injuries to the student or evidence that the student's health, welfare or safety is otherwise in clear, present, and continuing jeopardy or danger at the school of required attendance. The 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.
The student must demonstrate that he/she is in fact eligible for and committed to taking or being accepted into this class or program. 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.
4. Hardship resulting from lack of available or appropriate after school care options for the student in the district of residence.
The parent or 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. The address of the existing childcare provider must be provided.

5. The receiving school is geographically closer to the student's residence AND such proximity to the school is required for childcare services or other substantial family needs.
The parent or guardian must describe the mileage and/or geographic barriers and must describe, in writing, attempts to secure childcare or attempts to address other specific family needs.
6. A severe and demonstrated hardship to parents or guardians, which could affect the student's success in school.
The parent or 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.
7. The student's desire to remain in his/her school of current attendance for the balance of the semester or school year.
The student's desire may be based on his or her anticipated promotion from the school of current attendance at the end of the semester or school year, or on a need for educational continuity for the remainder of the semester or school year.
8. The student's plan to change residence, and a substantial likelihood that the change of residence will occur, and the desire to begin the semester or school year in his or her new school district.
The parent or 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.
9. The parent's desire to have the student attend a school in the school district where the parent is currently employed.
The parent or guardian must specify the district/school where they are employed and the position they hold in that school district.
10. The financial impact of educating the student in the school district of desired attendance or of losing the student from the school 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.
11. The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies or the student demonstrated failure to fulfill the conditions, purposes or terms under which a previous interdistrict attendance permit was approved.
The demonstration of such failure must be based on a written explanation of the district's previous experience with the student under an interdistrict attendance agreement or on other documented evidence.

12. Lack of space for the student in the receiving district.
The district of proposed attendance 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.
13. 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.
14. The material information provided by the parent or guardian is true and correct and that no information was falsified or intentionally omitted.
The parent or guardian must be able to demonstrate that he or she has not falsified any information related to his or her efforts to secure an interdistrict attendance permit or seek attendance outside the student's district of residence.
15. Other exceptional or extraordinary circumstances which would weigh heavily in favor of the 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 student or the resident students of the district.

DURATION OF INTERDISTRICT TRANSFER

If the County Board grants the appeal, it will also determine the duration for which the interdistrict transfer is allowed. Unless there are unusual circumstances and a longer period is specified in the Board's motion, the transfer shall be allowed only for the current school year. Such approval is contingent on the pupil adhering to the receiving district's terms and conditions for continuing interdistrict attendance.

WILL I GET SOMETHING IN WRITING TO TAKE TO THE DISTRICT?

Written notice of the decision of the Ventura County Board of Education shall be mailed to the pupil and the parent or guardian, or person having custody of him/her, and to the governing boards of the districts (E.C. 46602).

TO: Ventura County Office of Education
ATTN: Nancy Manley
5189 Verdugo Way
Camarillo, CA 93012-8603

INTERDISTRICT ATTENDANCE APPEAL

STUDENT INFORMATION:

Name of Pupil: _____ Date of Birth: _____

School Year Requested: _____ Grade: _____

Address of Pupil: _____
(Number, Street, Apt. No.)

(City, State, Zip Code)

SCHOOL DISTRICT INFORMATION:

School District of Residence

School District Pupil Desires to Attend

School District Now Attending

Name of School

PARENT/GUARDIAN INFORMATION:

Name(s) of Parent/Guardian

Telephone Number

Address of Parent/Guardian - *If different from pupil* (Include number, street, Apt. No., City, State, Zip Code)

Name of Attorney or Other Representative *if any*

Address of Attorney/Representative

Telephone

Describe briefly any efforts to obtain reconsideration of the decision(s) by either the district of residence or the district of desired attendance. (Include names of district personnel contacted.)

Why should the decision(s) of the board(s) be set aside? (Attach documentation, if any.)

Signature of Parent/Guardian

Date delivered or mailed to the VCSSO

Please complete this form, sign, date and mail or deliver to:

Ventura County Office of Education
c/o Nancy Manley
5189 Verdugo Way
Camarillo, CA 93012

This appeal form must be received in our office within 30 days from the date the interdistrict transfer request was denied. A postmark will not be accepted.

VENTURA COUNTY BOARD OF EDUCATION

TRUSTEE AREA

BOARD MEMBER

Area 1	Ventura, Saticoy, Montalvo, Portions of Northern and Western Oxnard, Channel Islands area, Port Hueneme, Construction Battalion Center, La Conchita	Mary Louise Peterson (2010)*
Area 2	Thousand Oaks, Newbury Park, Westlake Village (<i>Ventura County portion</i>), Oak Park, Lake Sherwood, Hidden Valley, CSU - Channel Islands, Santa Rosa Valley, Portion of Oxnard Plain, Point Mugu	Marty Bates (2010)*
Area 3	Camarillo, Somis, Oak View, Santa Paula, Fillmore, Piru, Ojai, Meiners Oaks, Wheeler Springs	Dr. Mark Lisagor (2012)*
Area 4	Moorpark, Simi Valley, Santa Susana Knolls	Dean Kunicki (2010)*
Area 5	Major portion of Oxnard, Colonia, El Rio	Dr. Ramon Flores (2012)*

***Year Term Expires**