



CONTRA COSTA COUNTY
Office of Education
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INTERDISTRICT TRANSFER APPEAL HANDBOOK FOR PARENTS/GUARDIANS

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Contra Costa County Board of Education:

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INTRODUCTION

One of the duties and responsibilities of the Contra Costa County Board of Education is to hear appeals of denials of interdistrict transfer requests. This handbook is intended to provide you with information necessary to appeal an interdistrict transfer denial. This handbook is not intended to be your only source of information. We encourage you to review the California Education Code 46601 for a legal description and to review the referenced Board Policies and Administrative Regulations.

WHEN MAY AN APPEAL BE FILED?

1. The pupil, parent or guardian has the right to file an inter-district transfer appeal to the Contra Costa County Board of Education within 30 calendar days after the interdistrict transfer has been denied. If 30 days have passed since the date of the denial, the Contra Costa County Board of Education does not have jurisdiction to hear the appeal.
2. The 30-day deadline applies to each district separately. For example, if the parent/guardian receives a denial from the district of residence but has not received a decision from the requested district, the parent/guardian must file the appeal within 30 days of the date of the letter from the district of residence.
3. An appeal may be filed when the pupil, parent, or guardian feels that one or more of the grounds described in Administrative Regulation (AR) 5117.1 Section G - Criteria for Consideration in Appeals applies to their situation. The criteria applicable to the pupil/parent/guardian are listed below. A review of these criteria will help in understanding that an appeal is primarily a review of the reasonableness of the district's determination.

WHAT CRITERIA IS CONSIDERED?

The County Board of Education is required by Administrative Regulation 5117.1 to base their decision on the following criteria:

G1 - 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.

G2- 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, police reports, school records, or other documentation.

G3 - 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 criterion does not apply to elementary education programs.

G4 - 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.

G5 - 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.

G6 - 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.

G7 - 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.

G8 – When recommended by the school attendance review board, 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.

G9 – 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.

G10 – 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.

G11 – 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.

G12 – 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.

G13 - 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.

G14 - Failure to qualify for any of the above listed criteria shall result in denial of the appeal.

HOW DO I START THE APPEAL PROCESS?

The pupil or legal guardian of the pupil should visit the Contra Costa County Office of Education (CCCOE) website, Interdistrict Transfer Appeals page, and complete an "Appeal of Denial of Interdistrict Attendance Form". Provide all related documentation that was received from the school district(s) including

- 1) the transfer request;
- 2) any letters from the 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 and supports the criterion stated above.

Submit the form and all other documentation to:

CCCOE
Attention: Student Programs
77 Santa Barbara Road
Pleasant Hill, CA 94523
Fax: 925-942-3353
Email: dbaskerville@cccoe.k12.ca.us.

WHAT HAPPENS AFTER THE APPEAL IS FILED?

Once the CCCOE has received an interdistrict transfer appeal form, a hearing date will be set within thirty (30) calendar days, per Board Policy and Administrative Regulation 5117.1. The parent/guardian and school district(s) are required to provide the CCCOE 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 that is provided to each County Board member, district(s) and parent/guardian five (5) days before the hearing.

HOW SHOULD I PREPARE FOR THE HEARING?

Both your written information and verbal presentation at the hearing should support one or more criteria outlined in AR 5117.1 Section G. Remember, the Board can only alter a district decision if your appeal addresses one of these criteria. Read the Board Policy and Administrative Regulations carefully. These contain more detailed information about the appeal and hearing process.

WHAT WILL HAPPEN AT THE HEARING?

The hearing is conducted as follows before the Board:

1. The hearing will be conducted in closed session in order to ensure student/family privacy, unless requested otherwise seven (7) days prior to the date of the hearing.
2. The pupil, parent/guardian, or counsel for the pupil will have ten minutes to state why the interdistrict attendance agreement should be granted.

3. The representative(s) of the school district will have ten minutes to state why the interdistrict attendance agreement was denied.
4. Each Board member may ask questions at any time.
5. When the questioning has been completed, the pupil, parent/guardian, district representatives and any counsel will leave the room and the Board will deliberate. They will reach a decision based on the criteria stated in AR 5117.1.
6. Following the deliberation, all parties will be invited into the room and the decision will be read aloud. The decision of the County Board is final.
7. The Board will decide to do one of the following:
 - a. Approve the parent(s)' appeal;
 - b. Deny the parent(s)' appeal;
 - c. Remand the matter to the local district for reconsideration.
1. Failure to qualify for any of the above listed criteria shall result in denial of the appeal.

CAN I HAVE AN ATTORNEY OR ADVOCATE PRESENT?

This handbook is an aid to help you understand the appeal hearing process. While attorneys/advocates are not required, it is the right of the County Board of Education, the district, and the parent/guardian to have an attorney/advocate present.

WHAT ARE THE HEARING GROUND RULES?

The Contra Costa County Board of Education has agreed to the following commitments in the conduct of Interdistrict Transfer Appeal Hearings in order to ensure that everyone is treated equally, and all issues are considered in a fair and unbiased manner.

Each Board Member shall:

- Review all materials in advance of the hearing

- Listen attentively and without prejudice to all arguments and responses to questions posed
- Ask clarifying questions and reserve all comments and statements for the Board's closed deliberations
- Always maintain a professional demeanor
- Make a conscientious effort to conduct each hearing within the allotted time frame in order to maximize efficiency, and as a courtesy to all parties involved
- Ensure that all decisions are based on the evidence and documentation provided

It is understood that each Board Member and the Superintendent or designee is responsible for adherence to these ground rules.

WHAT ARE THE NEXT STEPS IF THE INTERDISTRICT TRANSFER APPEAL IS APPROVED?

The parent/guardian should contact the receiving district the day after the hearing to enroll their child. If the transfer request is for the current school year, enrollment will take place immediately after the hearing.

WHAT ARE MY OPTIONS IF THE INTERDISTRICT TRANSFER APPEAL IS DENIED?

The decision of the County Board is final. Therefore, the parent has these options:

1. A pupil may attend school in the local district of residence.
2. A pupil may attend or apply for admission to a local public charter school.
3. A pupil may apply for admission to a private or parochial school at the expense of the parent/guardian.

WHO DO I CONTACT FOR ADDITIONAL INFORMATION?

Contra Costa County Office of Education

Interdistrict Transfer Appeals Office

(925) 942-5306

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