

BP 8400

INTER-DISTRICT TRANSFER APPEALS

Every child shall attend school in the district in which he resides unless an inter-district agreement is in effect. When a parent wishes to transfer his/her child to a school in a district other than the district in which the family resides (home district), the parent should first contact the home district and the district of desired attendance. An instruction for requesting the transfer and the criteria used by the districts to make a decision about the request is provided by the districts at that time.

If, within 30 calendar days after a request has been made for a transfer within the current school year, either school district fails to approve inter-district attendance in the current term, or an agreement has not been entered into, the parent or guardian having legal custody may appeal, within 30 calendar days of the denial of an inter-district agreement to the Butte County Board of Education.

The Butte County Board of Education is given authority by law to adopt policy establishing procedures for inter-district transfer appeals. In an effort to explain such legal procedures, the Butte County Board of Education has reviewed and adopted the contents of the Butte County Inter-District Transfer Appeal Handbook. The handbook is established as an administrative regulation to govern appeals filed with the Butte County Board of Education.

Legal Reference:

EDUCATION CODE

46600-46611 - Inter-District Attendance Computation

Approved: February, 2017

Revised: April, 2018

Revised: April, 2021

INTERDISTRICT TRANSFER APPEAL HEARING CHECKLIST

Note: This checklist was developed to help guide parents through the inter-district appeal process. Parents are encouraged to read through the entire Interdistrict Attendance Appeal Handbook for detailed and specific information.

When can I file?

- Within 30 calendar days of the final denial by either your district of residence or the requested district
- After not receiving written notice within 30 calendar days of the final denial from your district of residence or the requested district

How do I file?

- Request appeal form from the Butte County Office of Education by phone (530) 532-5761 or by email abates@bcoe.org
- Return the completed form to the Butte County Office of Education within 30 calendar days of final denial or if you did not receive written notice within 30 calendar days of final denial
- Complete entire appeal form
 - Please make sure form is completed legibly as copies are provided for all participants
 - Ensure reasons are the same as the original reasons presented to the district of residence or the requested district
 - Include a copy of original transfer request
 - Include a copy of original denial notice from district of residence or the requested district
 - Include copies of all original documentation submitted to district of residence or the requested district. Include new reasons or written testimony not previously shared or provided to the district of residence or the requested district, if applicable
 - Please note: if new evidence or grounds for the appeal are introduced at the hearing, the County Board may remand the matter back to the district(s) for further consideration.

What to expect at the inter-district hearing.

- Bring copies of documents to aid memory and combat public speaking nerves
- The responsibility for presenting a compelling case is on you, the appellant

INTER-DISTRICT ATTENDANCE APPEAL AND REQUEST FOR HEARING

To: Butte County Board of Education
1859 Bird Street
Oroville, CA 95965
Attention: Superintendent

Date: _____

In accordance with Education Code § 46601 and Butte County Board of Education Policy 8400, I/we are requesting that the Butte County Board of Education hear an Appeal on the denial of the Inter-district Transfer Request by the _____ School District for the following pupil(s) to attend school in the _____ School District.

Name/s of Person(s) Filing Appeal: _____

Relationship to Student(s): _____

Street Address or P.O. Box Number _____

City _____ Zip Code _____

Home Phone _____ Email _____

Work/Cell Phone _____

Attorney or Representative (if applicable) _____

Phone _____

Name of Student _____ Current School _____

Birthdate _____ Grade _____

Name of Student _____ Current School _____

Birthdate _____ Grade _____

Date Inter-district Transfer request was submitted: _____

Was request denied? Yes No

Did the District fail to respond? Yes No

How many other children are at home? _____ Ages: _____

Is this the first inter-district attendance agreement you have requested from the District?

Yes No

If inter-district attendance agreement was previously approved, provide a copy of the prior agreements.

Students grade level when the first agreement was granted: _____

Reason for requesting the first-year approved agreement: _____

Have you been required to submit annual requests for inter-district transfer? Yes No

Does the student have any siblings attending school in the requested district this year on an approved Inter-district Transfer agreement? Yes No

Explain your understanding of the reason(s) for denial of your request: (Attach a copy of the District denial)

Describe briefly any efforts to obtain reconsideration of the decision of the denying Board. Include name(s) of District personnel contacted: _____

Reason for Request: _____

[The appeal will not be accepted without a complete statement of reasons. Attach additional pages if necessary. See "Factors that Support Granting an Appeal."]

I / we understand that the Butte County Board of Education will rely upon this information to decide my/our appeal. I / we are the educational rights holder(s) for the pupil(s). I / we consent for the County Board to review and comment in a public meeting on material submitted from confidential records for purposes of this appeal. I / we hereby waive any privacy rights in those records. I / we hereby certify that this information is true and correct to the best of my / our knowledge.

Signature of Person Filing Appeal _____ Date _____

Signature of Person Filing Appeal _____ Date _____

Have you attached:

1. A copy of your original request for an inter-district attendance agreement;
2. Any letters from your district of residence regarding your request;
3. Any letters from the denying/granting district regarding your request; and
4. Any other supporting documentation you want the Butte County Board of Education to consider.

RETURN COMPLETED FORM TO:

Superintendent

Butte County Office of Education

1859 Bird Street

Oroville, CA 95965

Telephone: (530) 532-5761 Fax: (530) 532-5762 Email: abates@bcoe.org

BOARD POLICY 8400

INTER-DISTRICT TRANSFER APPEAL HEARINGS

EXHIBIT A

An Information Guide to Assist Interested Parties in Understanding the Appeal Process

INTER-DISTRICT ATTENDANCE APPEAL HANDBOOK

INTRODUCTION

The Butte County Board of Education has prepared this Handbook to provide direction and information to students and/or their parents/guardians, school districts, and district boards within Butte County who might be involved in an appeal of a school district's decision not to grant an inter-district attendance agreement.

This Handbook constitutes the official procedures adopted by the Butte County Board of Education for conducting inter-district attendance appeals. Particular attention should be paid to issues noted in italics, bold, or underlined print. In the past, these issues have been found confusing to those filing appeals.

The Butte County Board of Education is committed to an objective review of and consideration of appeals for students denied inter-district attendance agreements from local school districts.

The laws on student attendance, inter-district attendance agreements, and inter-district attendance appeals found in California Education Code Sections 46601-46611, as well as the local School District's policies and administrative regulations for inter-district attendance, also apply in these appeals. Students and/or their guardians have the right to review student records at the School District, and have the right to consult with and engage the services of an advocate or an attorney.

We hope that this Handbook will be useful to you after you have exhausted your appeal rights within your local school district.

BUTTE COUNTY BOARD OF EDUCATION

Trustee Area 1 – Chico

Amy Christianson
Karin Matray
Roger Steel

Trustee Area 2 – Oroville

Mike Walsh
Julian Diaz

Trustee Area 3 – Paradise

Alan White

Trustee Area 4 – Durham, Gridley, Biggs

Brenda J. McLaughlin

THE BUTTE COUNTY OFFICE OF EDUCATION SERVES THE FOLLOWING DISTRICTS:

Bangor Union Elementary School District (K-8)

Biggs Unified School District (K-12)

Chico Unified School District (K-12)

Durham Unified School District (K-12)

Golden Feather Union Elementary School District (K-8)

Gridley Unified School District (K-12)

Manzanita Elementary School District (K-8)

Oroville City Elementary School District (K-8)

Oroville Union High School District (9-12)

Palermo Union Elementary School District (K-8)

Paradise Unified School District (K-12)

Pioneer Union Elementary School District (K-8)

Thermalito Union Elementary School District (K-8)

SUBMITTING THE INTER-DISTRICT TRANSFER APPEAL REQUEST

The appeal process begins with completing and filing a written form called “Inter-district Attendance Appeal and Request for Hearing”. You may deliver the form in person, send it by mail, fax it, or e-mail it to the following:

**Superintendent
Butte County Office of Education
1859 Bird Street
Oroville, CA 95965
Telephone: (530) 532-5761 Fax: (530) 532-5762
Email: abates@bcoe.org**

This form must be completed, signed, and returned within the applicable time limits. Please complete all sections of the form legibly.

We recommend that you read the entire Handbook before completing the form, paying special attention to the section “Factors That Support Granting an Appeal” before completing the section of the form entitled “Reason for Appeal.”

Your completed appeal form should be accompanied by:

1. A copy of your original request for an inter-district attendance agreement;
2. Any letters from your district of residence regarding your request;
3. Any letters from the denying district regarding your request; and
4. Any other supporting documentation you want the Butte County Board of Education to consider.

The Butte County Board of Education will accept a date-stamped copy of your request for an inter-district attendance agreement filed with the district as evidence that you have complied with district procedures in the event that the district fails to act on your original request.

Note: The reason(s) for your appeal must be the same as those stated on your original request to the school districts for an inter-district agreement. If the reasons on the appeal are substantially different, you may be asked to return to the school districts and re-apply for an inter-district agreement based on new/different reason(s).

If you have any questions about completing the form, you may contact the Executive Assistant to the Butte County Superintendent at the Butte County Office of Education (530) 532-5761.

The effective filing date of the appeal is the date on which the completed and signed appeal document and supporting evidence documents are received by the Butte County Superintendent of Schools.

LATE APPEALS

Failure to appeal within the required time will result in denial of your appeal unless you can show "good cause" for the appeal after the 30-calendar day time period has elapsed. The explanation of "good cause" must be filed with the appeal.

PROCESSING A REQUEST FOR INTER-DISTRICT APPEAL HEARING

1. County Superintendent or Designee will Verify Information
2. After receiving your appeal request, the Butte County Superintendent's office will review the appeal in order to verify certain information before a hearing date is schedule. In addition to other information, the Butte County Superintendent or designee will verify if the student is subject to expulsion. The denial of an inter-district attendance permit cannot be appealed if the student is being considered for expulsion or is currently serving an expulsion term. [Education Code § 46601(b)(4)].
3. The Butte County Superintendent's office will verify whether you have exhausted all appeal processes in the local school district(s). If you have not used all of the local appeal options, you will be asked to complete the local appeal process before going forward with your request for an inter-district appeal hearing before the Butte County Board of Education. [Education Code § 46601(b)(1)].
4. The Butte County Superintendent or designee will also verify that all time lines have been honored prior to setting a hearing. Misinformation and/or falsification of information may cause rejection of an appeal. As stated above, if new evidence or grounds for the request are introduced, the Butte County Board of Education may send the matter back to the district(s).

Setting and Notification of a Hearing Date

1. If the written appeal is complete and appropriate, the Butte County Superintendent will place the matter on the Butte County Board of Education's agenda for a regular or special meeting to be held no later than thirty (30) calendar days following the effective date of the appeal. The Butte County Board of Education of the Butte County Superintendent may extend this period an additional five (5) school days for good cause. [Education Code § 46601(2)(B)]. The Butte County Board of Education or the Butte County Superintendent, or designee, has discretion to approve a request for postponement filed by you or by the school district for good cause provided the request is filed in writing at least five (5) calendar days prior to the hearing date, except in an emergency. A postponement by a party extends the timeline for the Butte County Board of Education to make a decision.
2. The Butte County Superintendent's office will notify you and the district(s) involved of the date, time, and place of the appeal hearing. When possible, the notice will be sent at least ten (10) calendar days before the date of the hearing. If the circumstances dictate notice of less than ten (10) calendar days, the timelines for written argument will also be adjusted.

Other Issues

After you have filed your appeal, you may also be contacted by the Butte County Superintendent's office for the following reasons:

1. To explain your rights and the procedures for your case.
2. To request that you make certain documents available to assist the Butte County Board of Education in making its determination.

PURPOSE OF AN APPEAL

The Butte County Board of Education has legal authority to review the procedures and reasoning followed by the School District(s) after the School District(s) have rejected or failed to rule on a K-12 student's inter-district attendance request. The Butte County Board of Education will determine whether to grant or deny an inter-district attendance agreement after reviewing the relevant facts from the student, parent/guardian, and local School District(s) involved.

Note: Before filing your appeal, you must check the policies of the local school districts to determine whether there are any internal appeal procedures that you must follow (e.g., whether a decision by the District Superintendent must be appealed to the District School Board). If there are district appeal procedures, you must follow those procedures before you file an appeal with the County Board.

If you are under consideration for expulsion or have been expelled, you may not appeal the denial of inter-district attendance [Education Code §4660(b)(4)].

COUNTY BOARD AUTHORITY

There are limits on the types of appeals the Butte County Board of Education can hear. For example, the Butte County Board of Education has no authority to consider the following inter-district attendance appeals or issues:

1. To determine the specific School within the School District where the student will be enrolled. This authority is reserved for the School District of attendance, after the Butte County Board of Education has made their final decision.
2. Denial of an inter-district transfer request by a student under consideration for expulsion or who has been expelled while expulsion proceedings are pending, or during the term of the expulsion. [Education Code § 46601 (b)(4)].
3. Denial of an intra-district transfer between schools within the same District. [Education Code § 35160.5(b)].
4. A dispute over the placement of a special education student or the services provided to a special education student pursuant to an Individualized Education Plan [IEP]. Such a dispute should be handled by the District of Residence through special education procedures. [Education Code § 56500 et seq.; 20 U.S. Code § 1415(f)].

5. A determination by a School District regarding the validity or invalidity of a caregiver affidavit. [Education Code § 48204(a)(5) and Family Code § 6550 et. seq.].
6. Denial of an application to attend a district other than your district of residence under the school district choice program. School of Choice application denials are not subject to appeal to the Butte County Board of Education under current law.
7. A School District's denial of an "Allen Bill" residency requirement request is not a denial of an inter-district attendance request subject to appeal to the Butte County Board of Education. The County Board does not accept appeals from the original denial of attendance based upon parent employment or a denial of attendance in a later year after originally accepting a student based upon parent employment. The parent's optional remedy is to seek legal action against the district. [Education Code § 48204(a)(7)].

COUNTY BOARD AUTHORITY IN APPEALS INVOLVING TWO COUNTIES

If the inter-district attendance involves school districts located in different counties, the appeal will be heard by the County Board for the district denying a permit, or refusing or failing to enter into an agreement. If both districts in the different counties deny the permit, or refuse or fail to enter into an agreement, the County Board for the district of residence shall hear the appeal. If the appeal is granted, the County Board for the requested district will be asked to agree. If the two County Boards do not then agree, the pupil's appeal is denied.

ACTIONS THE COUNTY BOARD OF EDUCATION MAY TAKE:

The Butte County Board of Education may take the following actions:

1. Grant the inter-district attendance appeal and enrolling the student in the new school district; or
2. Deny or Fail to Grant the appeal, in which case the student is ordered to return to the school district of residence; or
3. Return the case to the school district of residence for further consideration if new evidence or new grounds for the request for inter-district attendance are introduced.

DURING THE PROCESS

Education Code § 46603 states that for a period not to exceed two school months, the governing board of a school district may provisionally admit to their schools a student who resides in another district, pending a decision of the two boards, or by the Butte County Board of Education upon appeal, regarding inter-district attendance.

FILING AN APPEAL

When may an appeal be filed with the Butte County Board of Education?

In general, you must request an appeal hearing within 30 calendar days of the date your inter-district attendance request was denied by your school district. However, there are other circumstances that could trigger the 30-calendar day timeline. Listed below are three different situations and a description of when the 30-calendar day timeline starts:

1. District Denies Request

In most situations, a school district will act on an inter-district attendance request either orally or in writing. You must file your appeal with the Butte County Board of Education within 30 calendar days from the date you are advised by either school district that your request was rejected.

2. District Fails to Act on Request for Next School Term

If you have requested an inter-district attendance permit at least 30 days prior to the commencement of a new academic year, the school district(s) must respond to your request within 14 calendar days after both school districts' new terms begin. If the school districts fail to act within 14 calendar days of the new term, you must file your appeal with the Butte County Board of Education within 30 calendar days (i.e., your appeal must be filed within 44 calendar days of the new term). A new term starts on the first day of classes in the school district. If the school districts have different start dates, the 14 calendar days shall run from the later of the two.

3. District Fails to Act on Request Filed During the School Term

If you have asked for an inter-district attendance permit for the current school term and the school district(s) fail to respond to your request, you must wait 30 calendar days from the date of your request for a response from the school district(s). If you do not get a response within the 30 calendar days after making your request, then you have 30 calendar days to file an appeal with the County Board.

PREPARING FOR THE INTER-DISTRICT APPEAL HEARING

Filing A Written Argument Is Important

The parent/guardian or representative may file a pre-hearing written statement with the Butte County Board of Education. (Please submit a typewritten argument, if possible.) Any written statement must be filed at least ten (10) calendar days prior to the date set for the hearing before the Butte County Board of Education. You must also send or deliver copies of your argument to the school district of residence and the school district of requested attendance when you file your written argument with the Butte County Board of Education. You may employ an attorney or other advocate at your own expense.

District Written Response

The school district(s) denying the transfer may submit a written reply argument to the Butte County Board of Education. The school district(s) statements must be filed at least five (5) calendar days prior to the hearing date. Each school district electing to submit a written argument shall deliver a copy of the written argument to

the parent/guardian filing the appeal and the other district on the same date the statement is filed with the Butte County Board of Education.

Documentation to Support Your Appeal

Adequate documentation is helpful and highly recommended when presenting your case. Pupils and/or their parents/guardians have the right to review and obtain copies of student records from the school district. You will find that evidence is most effective when it is provided in writing, is related to the issues(s), and is the type of evidence upon which reasonable persons can rely on in the conduct of serious affairs.

Some examples of documentary evidence include:

1. A copy of your original request for an inter-district attendance agreement and any written denial(s) (if not already provided with your appeal form).
2. Documents to support your request for an inter-district transfer. For example, when you review the factors that the Butte County Board of Education will consider, certain documents may support your position. Those documents could be professional recommendations by doctors, educators, psychologists, or others. Verifications of participation or non-availability of childcare providers, transportation providers, teachers, or others could be helpful. Brochures or written information about special programs in the requested school district or its surrounding community may also be supportive evidence.

Waiver of Privacy of Documents Provided

There are numerous laws that protect the release of confidential records. For example, there are certain laws regarding the privacy and confidentiality of student records. There are also laws regarding the confidentiality of juvenile court records and medical records. *If you wish to have the Butte County Board of Education consider material from confidential records, you must understand that turning these records over to the Butte County Board of Education for the purpose of the inter-district attendance hearing is a waiver of the privacy rights in those records. In other words, you consent for the Butte County Board of Education to review and comment on the records in a public meeting. You may wish to consult legal counsel regarding such records or documents prior to submission.*

Multiple Appeals

Families with multiple appeals may have the appeals heard together or separately. If all of the appeals are heard as one, there will be a separate vote on each child, but only one written decision from the Butte County Board of Education.

Legal Advocate at the Hearing

Although the hearing is informal, you may bring legal counsel or a legal advocate. The use of any legal counsel will be at your own expense.

A Brief Verbal Presentation

The Butte County Board of Education will mostly rely on the written information that you and the school district(s) provide before the hearing. However, you should prepare a brief verbal presentation which focuses on the factors that the Butte County Board of Education will consider in deciding an appeal. It may also be helpful to bring a witness or someone who might make a brief statement on behalf of the student.

FACTORS OF CONSIDERATION

In its discussion and deliberations on your appeal, the Butte County Board of Education will consider the reasons for your transfer request.

In deciding whether to grant or deny an appeal, the Butte County Board of Education weighs factors that support granting an appeal against factors that support denying an appeal. If you are unable to present sufficient evidence to justify a transfer, the Butte County Board of Education may rule against the appeal without considering any evidence of an adverse impact.

If you are able to submit sufficient evidence to justify a transfer, the school district will have an opportunity to rebut the evidence and submit evidence of an adverse impact. You will then have an opportunity to respond and offer evidence as to how some or all of the adverse impacts on the school district(s) could be alleviated.

Misinformation and/or falsification of information provided by either party shall be good cause for deciding against that party.

The Butte County Board of Education may approve or deny the appeal after considering the facts of the request and the merits of the appeal. The Board will consider the following:

1. Whether all statutory and regulatory requirements have been satisfied including;
 - a. Verification by the Board's designee of exhaustion of in-district appeals
 - b. Exhaustion of other district remedies
 - c. Receipt of an appeal within thirty (30) calendar days of the failure or refusal of a district to issue a permit or enter into an agreement allowing inter-district attendance
2. The needs of the concerned districts and their communities as a whole in light of space availability and long and short-term fiscal impact;
3. Information deemed useful to the Board disclosed by the County Superintendent investigation.

The burden of proof and presenting evidence in the matter of an inter-district attendance appeal shall rest with the party requesting the inter-district transfer. The requesting party shall be required to provide clear and convincing evidence that the transfer is necessary for any/or all of the following reasons:

1. To facilitate a student's access to specific, important educational and related opportunities which would not otherwise be available on a comparable basis

2. To remedy a specific and serious existing or reasonably imminent threat to a student's health, physical safety, or well-being; and/or
3. To accommodate a specific, serious family crisis or medical condition for which no reasonable alternative exists.

CRITERIA THAT SUPPORT GRANTING THE INTER-DISTRICT APPEAL

1. The student's desire to remain in his or her school of current attendance for the balance of the semester or school year despite his or her parent's change of residence.
The student's desire may be based on his or her anticipated graduation 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.
2. 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 person filing the appeal should offer written proof of the plan to move into the district of proposed attendance. Such written proof may be a rental agreement, a contract to purchase new property, or a similar document.
3. The acceptance of a sibling of the student for attendance at the requested district for the current school year, requiring the students to attend different districts and causing a hardship on the family.
The student and / or parent should submit written documentation of the sibling's enrollment and demonstrate a hardship based upon transportation issues, employment location, or other significant factors.
4. The student's psychological or physical well-being will be seriously adversely impacted by remaining in the district of residence.
Problems with a student's psychological or physical well-being shall be supported by a written statement from one of the following: a qualified medical or behavioral professional having a professional relationship with the student.
5. A substantial danger to the student's health or safety exists by remaining in the district of residence.
A danger to the student's health or safety supported by one of the following: the written statement of a qualified health expert, police reports, school records, or by other documentation. Substantial danger based upon transportation issues may be included in this criterion.
6. A pupil has been determined by personnel of either the district of residence or the requested district to have been the victim of an act of bullying committed by a pupil of the district of residence. *Please refer to Education Code Section 48900(r) for a definition of bullying. The requesting party must provide evidence clearly showing that a pupil has been subjected to bullying.*

7. A specialized and specific district academic program or service is unavailable in the district of residence, and is essential to the student's career or academic objectives.
Such a distinct program or service should be directly related to and be essential to achieve 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. An academic program is defined as a series of classes in a single subject or in related subjects extending over more than one (1) year which has a specific occupational or educational objective.
8. A need to change the student's social environment, as recommended by juvenile authorities, such as School Attendance Review Board, county child welfare, and/or social service agency staff.
You should provide written documentation from a social services agency/staff or a law enforcement agency/staff that, due to documented cases of serious home or community problems, it is inadvisable for the student to remain in the school district of residence.
9. By reason of transfer of territory between districts, the residence of the student is no longer in the district that maintains the school where the student has previously attended.
You must show location of residence and the negative impact, if any, due to the transfer of territory.
10. The location of the student's residence requires travel through the district of requested attendance, and by virtue of topography, street pattern, and location of homes in the neighborhood, the area is land-locked.
You must provide written documentation of the land-locked residence and how such a situation makes a change in school districts advisable.
11. The student previously has been granted an inter-district attendance agreement specifically based on that student's childcare needs, and the student must be allowed to continuously enroll in the school district.
The parent or guardian should provide evidence of the previous inter-district attendance agreement, the current and prior childcare location(s), and any documentation from the school district(s) regarding the prior agreement and current request.
12. Other exceptional or related circumstances which would weigh heavily in favor of the student.
You should specify and describe the type of exceptional or related circumstance and its effect on the students.

School attendance with friends, and/or former classmates is not considered exceptional or related circumstances.

FACTORS THAT SUPPORT DENYING AN APPEAL

The Butte County Board of Education, in its discretion, may determine that evidence provided by the affected district(s) to justify one of the adverse impacts listed below outweighs facts supporting one or more of the above criteria justifying granting the appeal.

1. The negative financial impact of educating the student (district of desired attendance) or of losing the student (district of residence).
The impacted district(s) must demonstrate that the student's transfer would place a hardship on the district(s) operations, and/or resident students in terms of costs, reduced services or other unacceptable outcomes. [Education Code § 48204]. Districts are encouraged to review the Education Code.
2. The student's demonstrated failure to meet reasonable standards relating to behavior, attendance, or diligence to studies.
The demonstration of such failure by the district of proposed attendance must be based on a written explanation of the district's previous experience with the student under an inter-district attendance agreement, or on other documented evidence of behavior or attendance in the district of residence.
3. Overcrowding/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 regard to overcrowding or priority for enrollment in a specific program and/or would be a violation of law, district policy, or a collective bargaining agreement regarding class sizes or facilities use.
4. 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 ordered or voluntary desegregation plan and provide written evidence of the anticipated negative impact of the student's transfer.
5. The transfer of the student would violate the Education Code, a California Department of Education regulation, or other law governing school districts.
The district(s) must provide written documentation of the specific law which would be violated and how it would be violated.
6. Other exceptional or extraordinary circumstances, which would weigh heavily in favor of the affected school district.
The school district must specify and describe the type of exceptional or extraordinary circumstance.

CONDUCTING THE APPEAL HEARING

Hearings are conducted in closed session during regular or special Butte County Board of Education meetings held at the following location unless otherwise notified:

Butte County Office of Education

1859 Bird Street

Oroville, CA 95965

Board Room

It is the intent of the Butte County Board of Education to conduct the hearing in a fair and informal manner to encourage open communication and understanding of the system. 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. You may have legal counsel or an advocate present at your expense if you wish. A record of the hearing will be made.

During your appeal hearing, the person filing the appeal, the student (optional), and the representative(s) of the district(s), will take seats in front of the Butte County Board of Education, and the closed session will be called to order by the President.

The hearing is conducted as follows:

1. A quorum [at least four members] of the Butte County Board of Education must be present to conduct the hearing.
2. After introduction of all parties, the Butte County Board of Education President will conduct the proceedings.
3. The student, the parent or guardian, or a representative of the student may present the reason(s) for requesting the student's transfer to the district of requested attendance. The speaker will have a specified amount of time [normally five (5) minutes] to summarize his/her position based upon the written statement previously submitted. The speaker will also respond to questions from the Butte County Board of Education, if any.
4. A representative of the district of residence will be given the opportunity [normally five (5) minutes] to describe its position and the action(s) taken by the district. The district representative will respond to questions from the Butte County Board of Education, if any.
5. A representative of the district of requested attendance will be given the opportunity [normally five (5) minutes] to describe its position and the action(s) taken by that district. The district representative will respond to questions from the Butte County Board of Education, if any.
6. The student, the parent or guardian, or a representative of the student will be given an additional two (2) minutes to present any evidence of how to alleviate or mitigate any of the problems raised by the school district(s) and give any closing remarks. Each district will also have an additional two (2) minutes for closing and/or response.
7. Members of the Butte County Board of Education may ask questions to clarify the issues. The Butte County Board of Education may also ask questions of the staff and/or legal counsel, if appropriate.
8. The Butte County Superintendent or designee may, at this time, present any factual information or legal consideration not already covered by others present.

9. Following presentations, the President will dismiss the parties so the Butte County Board of Education may deliberate the matter in closed session.
10. The closed session will then be adjourned by the Butte County Board of Education President.
11. The President will call the regular or special meeting back to order and he/she will call for a vote to deny or accept the appeal request.
12. On a motion to grant the appeal, at least four (4) members of the Butte County Board of Education must vote in favor for the appeal to be granted. Unless at least four (4) members vote to grant the appeal, the appeal is denied.

Note: Parents are actively encouraged to attend the hearing to ensure that the Butte County Board of Education is well informed prior to making a final decision. Districts that have denied an inter-district attendance application being appealed to the Butte County Board of Education should take all steps to ensure that they are represented by the District Superintendent, or designee empowered to make commitments and decisions on behalf of the district.

THE CONCLUSION – NEXT STEPS

Following the action taken by the Butte County Board of Education, a written notice of the decision will be delivered to all parties.

If the Butte County Board of Education overturns the decision of the school district and grants the request for inter-district attendance, the student will be admitted to the school district of requested attendance without delay. The Butte County Board of Education may approve attendance in a district, but not in a specific school.

If the Butte County Board of Education upholds the decisions of the school district and denies the request for inter-district attendance, the student shall enroll [or stay] in the district of residency without delay.

Approved: February, 2017

Revised: April, 2018

Reviewed / Revised: April, 2021