



CONTRA COSTA COUNTY  
Office of Education  
learn • lead • achieve

# Inter District Transfers & Appeals

Training with Coordinating Council  
June 1, 2018

Lindy Khan, Ed.D.  
Senior Director, Student Programs

# Interdistrict Transfers



District of  
Residence



Receiving  
School

# Why are there inter district transfers?

- ❖ Students must attend school in the district in which they reside
- ❖ Parents may request an inter district transfer, but schools have discretion to accept or deny

# Determining Residency: What does Ed. Code say?

## Education Code 48200:

“Each person between the ages of 6 and 18 years...is subject to compulsory full-time education...”

And “... shall attend the public full-time day **school...in which the residency of either the parent or legal guardian is located**”



# Determining Residency: Alternative Requirements

## Education Code 48204:

“.... a pupil is deemed to have **complied with the residency requirement** for school attendance in a school district if he or she is any of the following:...”

# Determining Residency: Alternative Requirements

## Education Code 48204 (1):

(A) ...placed within the boundaries of a school district in a **licensed children's institution or licensed foster home...**

(B) An agency placing a pupil... shall provide evidence to the school that the **placement or commitment is pursuant to the law.**

# **Determining Residency: Alternative Requirements**

## **Education Code 48204 (2):**

- **A pupil who is a foster child who remains in his or her school of origin....**

# Determining Residency: Alternative Requirements

## **Education Code 48204 (3):**

- A pupil for whom **interdistrict attendance has been approved....(Section 46600)...**



# Determining Residency: Alternative Requirements

## **Education Code 48204 (4):**

A pupil whose residence is located within the boundaries of that school district and **whose parent or legal guardian is relieved of responsibility, control, and authority through emancipation.**

# Determining Residency: Alternative Requirements

## Education Code 48204 (5):

A pupil who lives in the **home of a caregiving adult**... Execution of an affidavit under penalty of perjury..... is a sufficient basis....

# Determining Residency: Alternative Requirements

## **Education Code 48204 (6):**

A pupil **residing in a state hospital...**

# Determining Residency: Alternative Requirements

## **Education Code 48204 (7):**

**A pupil whose parent or legal guardian....is employed and lives with the pupil at the place of his or her employment within the boundaries... for a minimum of three days during the school week.**

# Determining Residency

## Education Code 48204 (7)

(b) (1) ...a pupil is deemed to have complied with residency requirements...if **at least one parent or the legal guardian... is physically employed** within the boundaries of the school district **for a minimum of 10 hours during the school week.**

replaces the former **Allen Bill 2012**



(2) This subdivision **does not require the school district...to admit pupil...** A school district shall not, however, refuse to admit...on the basis of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

The school district **may prohibit the transfer** under this subdivision **if:**

- (3) it **would negatively impact the court-ordered or voluntary desegregation plan;** or
- (4) **the additional cost would exceed the amount of additional state aid.**

### **If denied:**

(5) The **governing board..... is encouraged to identify, and communicate in writing...the specific reasons for the determination...**and accurately recorded in the minutes of the board meeting...

# Determining Residency

## Education Code 48204 (8)

- Once a pupil is deemed to have **complied with the residency requirement based on the parent or legal guardian's employment** and is enrolled:
  - The pupil **does not have to reapply** in the next school year
  - The pupil shall be **allowed to attend school through grade 12** if the parent so chooses as long as one parent remains employed within the district boundaries

# Interdistrict Attendance

## Education Code 46600 (a)

(1) The governing boards of two or more school district may enter into an **agreement**, for a term, not exceed five school years, for the interdistrict attendance....Once enrolled in any of grades 1 – 12 **inclusive...the pupil shall not have to reapply.....**

(2) The agreement **may contain standards for reapplication...that differ** from the requirements prescribed in (1).

# Interdistrict Attendance

## Education Code 46600 (a)

(3) The supervisor of attendance shall issue an **individual permit...The...terms and conditions under which the permit may be revoked is the responsibility of the school district of enrollment.**

(4) ...a school district of residence or school district of enrollment **shall not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year**



# **Contra Costa County Interdistrict Attendance Agreement July 1, 2016 – June 30, 2021**

## **Key Points:**

- Student must reapply annually
- Transportation will not be provided
- Grounds for revocation in district of attendance policies
- No financial obligation
- Neither district may rescind and existing transfer permit for students entering grades 11 or 12

# Interdistrict Attendance

## Education Code 46600 (b)

A pupil who has been determined by personnel of either district to have been the **victim of an act of bully**, as defined in subdivision (c) or Section 48900... **be given priority** for interdistrict attendance...



# Interdistrict Attendance

Education Code 46600 (c)

.....any school district may admit a pupil expelled from another school district in which the pupil continues to reside.



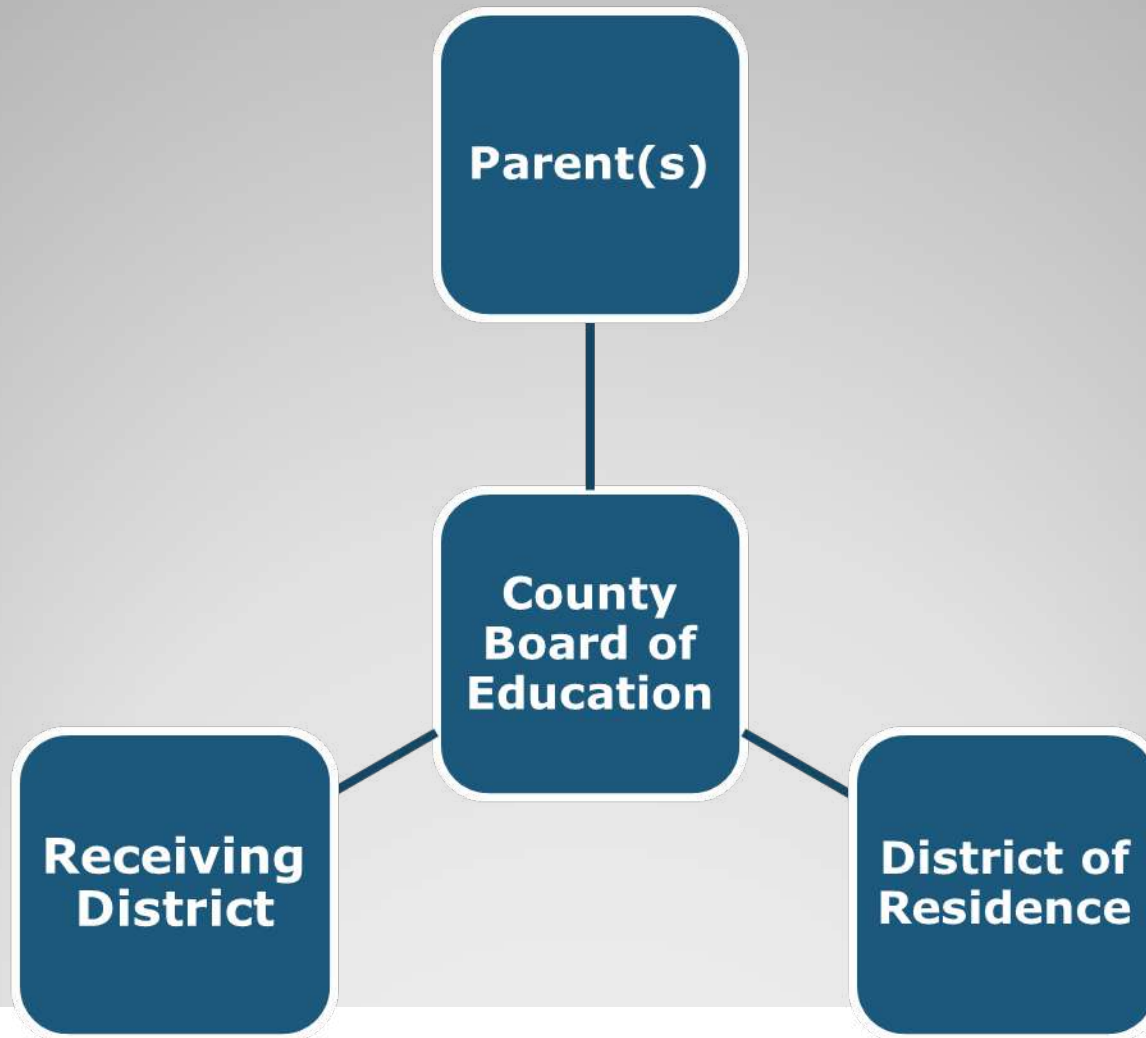
# Interdistrict Attendance

**Education Code 46600 (d)**



(1)...a school district of residence **shall not prohibit the transfer of a pupil who is a child of an active military duty parent** to a school district of proposed enrollment if the school district....approves....

# Interdistrict Attendance Appeals



# INTER DISTRICT TRANSFER APPEALS

## Education Code 46601

### The County Board:

- Can only hear appeals filed within the required 30-calendar day time limit. Failure to comply with timeline is a reason to deny the request.
- Has discretion to set rules for the appeal hearing. Rules for hearing are in the board policy.



# Interdistrict vs. Expulsion

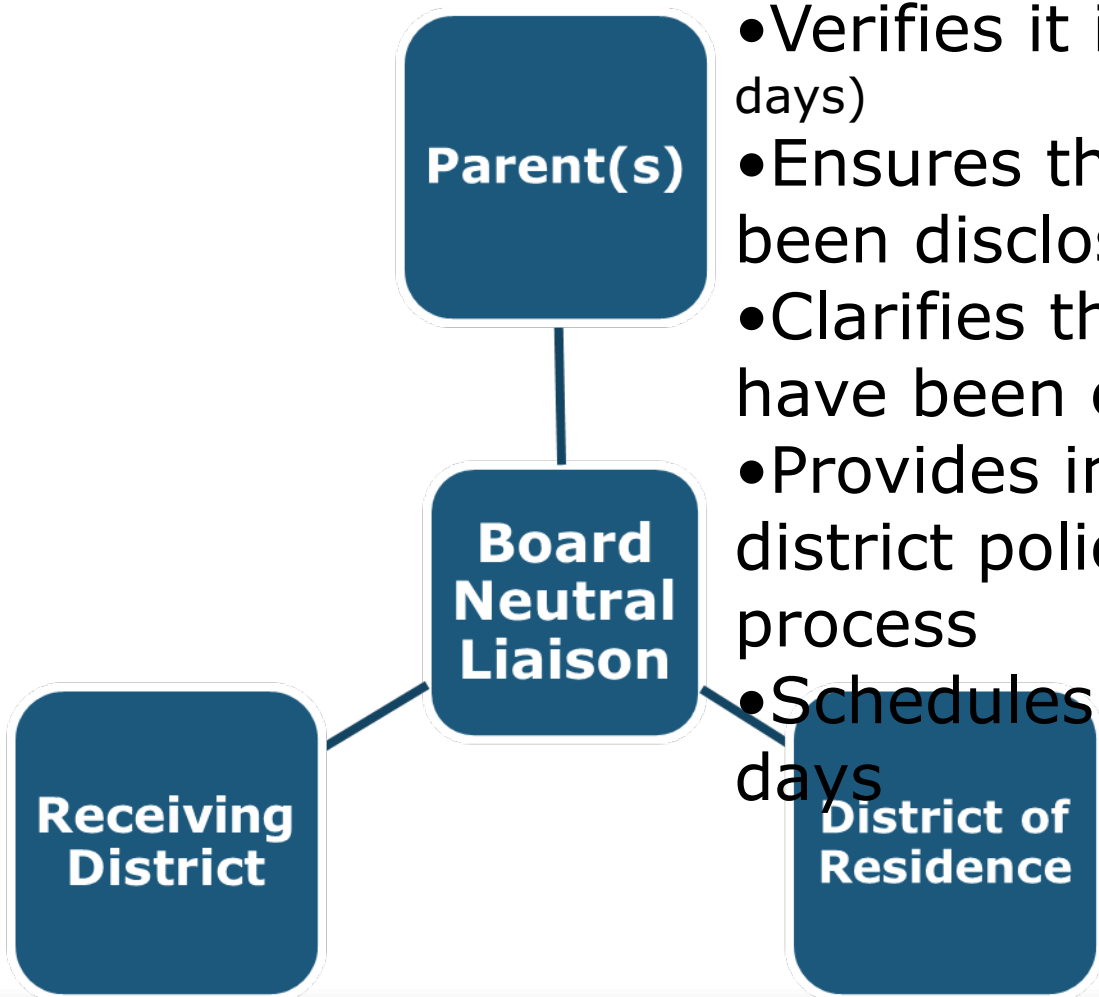
## Interdistrict Appeals

- Board Policy determines reasons for granting or denying appeal
- Boards have discretion in denying or granting appeals

## Expulsion Appeals

- Board Policy must comply with legal parameters
- Board decision limited by law
- Only four bases for appeal

# Interdistrict Transfer Appeals



When appeal is filed, liaison:

- Verifies it is timely (within 30 days)
- Ensures that all facts have been disclosed to each district
- Clarifies that all local appeals have been exhausted
- Provides info to parent re: district policies and hearing process
- Schedules hearing within 45 days



# Board Liaison Responsibilities

- Reviews paperwork, adheres to timelines
- Communicates with both family and district
- Is a **neutral** party
- Facilitates at hearing
- Reports decision to family and district in writing (*Education Code 46602*)

# INTERDISTRICT TRANSFER APPEALS



## Education Code Section 46601

- In addition to Board discretion, an appeal decision is based on a review of district policies as well as County Board of Education policies.
- The County Board may **grant the appeal, deny the appeal**, or, if there is either new evidence or new grounds for the request, **remand the matter to the district for further consideration**.
- The County Board lacks jurisdiction to order a student admitted to a particular school.
- If granted, decision is effective immediately and only valid for one year.

# INTERDISTRICT TRANSFER APPEALS

## Education Code Section 46601

### CCCOE Practices:

- Appeal takes place after both districts have responded when possible.
- Will request extended time when necessary.
- Schedules district hearings together when possible.
- Documentation from all parties supporting their positions must be provided.
- Encourages parents to begin thinking about a Plan B if their appeal is not approved.



# Other Considerations

## **Education Code 46602:**

- If the Board grants the appeal, the student must be admitted immediately.

## **Education Code 46603:**

- District may allow for provisional attendance pending appeal for up to two months.



**QUESTIONS?**