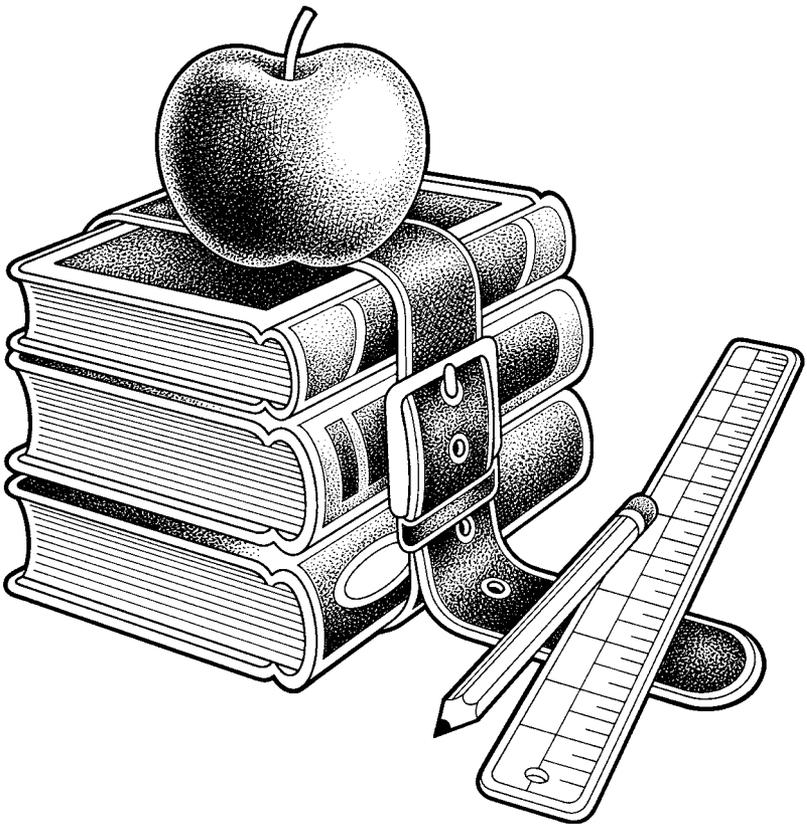




ALAMEDA COUNTY OFFICE OF EDUCATION  
L. Karen Monroe, Superintendent

# INTERDISTRICT APPEAL PROCESS HANDBOOK



This Handbook was prepared and adopted by the

**ALAMEDA COUNTY BOARD OF EDUCATION**

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# A MESSAGE FROM THE ALAMEDA COUNTY BOARD OF EDUCATION

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A statutory responsibility of the Alameda County Board of Education is to rule on interdistrict transfers when either the district of residence or requested attendance object to the transfer, and a child's legal guardian appeals. Through the years Board members have found that the appeal procedures may seem complicated and intimidating, and consequently, the cases that come before the Board may not be prepared thoroughly. As a result of this concern, the Board decided to develop this brochure which explains in detail the steps of an interdistrict appeal. The goal is to inform members of the community of the required procedures, decision-making criteria, and other aspects of the interdistrict appeal process.

The Board strives to make fair and equitable decisions based on the application of the decision-making criteria to the case brought before the Board. The more completely a case is prepared, the less stressful the presentation and the more satisfied all parties will be with the Board's decision.

We sincerely hope that this brochure will be useful to you, your neighbors, and friends. Know your rights of appeal and the best way to prepare your case.

ALAMEDA COUNTY BOARD OF EDUCATION

# WHEN MAY I REQUEST AN INTERDISTRICT ATTENDANCE APPEAL HEARING?

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

1. After your request for an interdistrict transfer has been denied by your district of residence or by the district of requested attendance AND you have exhausted the appeal process of the denying district(s).

**The appeal process for each district may vary, so you will need to check with the denying district and follow its appeal procedure.**

OR

2. When the, district(s) has failed to respond during the current academic school year to your request for a transfer within thirty (30) calendar days (E.C. 46601).

OR

3. When the request for the interdistrict attendance transfer is requested for the next academic year, the district must respond
  - a. Within 14 days of the beginning of instruction in the district of desired attendance when
  - b. The person having legal custody made the request of each district not later than 30 calendar days prior to the beginning of instruction in the requested district.

NOTE: If a student is under an expulsion order, you may not appeal the denial of the requested district.

\*Academic school year starts on the first day of class(es) in the district.

## HOW DO I REQUEST A HEARING?

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The person having legal custody of the pupil can begin the appeal process by requesting an "Appeal of Denial of Interdistrict Attendance" form from the Alameda County Office of Education. This request may be done:

In Person

313 West Winton Ave., Room 150  
Hayward

By Phone

OR (510) 670-4225

This form must be requested, completed signed and returned within thirty (30) days of the "denial of your "Request for An Interdistrict Appeal" or may be submitted when the districts fail to respond within 30 days. Complete all sections of the form **legibly**. Read the section of this handbook entitled "What Will the Board Consider?" **before** completing "The reasons for this request" section of the form. The reason(s) for your appeal must be the same as those stated on the original "Request for An Interdistrict Permit" form; should the reasons change substantially, you will be asked to reapply with your district.

Your completed appeal form **must** be submitted with a copy of your original "Request for An Interdistrict Transfer" and the district's denial, as well as any other supporting documentation you are providing for the Board's consideration.

If you have any questions about completing the form, you may contact the Community & Legal Liaison for Child Welfare & Attendance at the Alameda County office of Education, (510) 670-4225.

## WHAT HAPPENS NEXT?

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Within ten (10) days of receipt of your appeal, the Alameda County Office of Education will notify you and the district(s) involved of the date, time, and place of the appeal hearing. The Board of Education has thirty (30) days after you file to conduct a hearing and determine where the pupil shall attend school. The Board may extend this period an additional five (5) days for good cause (E.C. 46601-b).

After you have filed your appeal you will be contacted by the Appeals Coordinator:

1. The Liaison may attempt to facilitate a resolution between you and the districts involved prior to the hearing.
2. The Liaison will review the case to determine that all rights and time lines have been honored prior to the hearing.
3. If a hearing is necessary, the Liaison will act as an advisor to all parties (E.C. 46601c).
4. The Liaison is available at any time to explain your rights and the procedures for your case.
5. The Liaison may recommend or request that you make certain materials or, documents available for her consideration, or for the hearing, to assist the Board of Education in making its determination.

## WHAT WILL HAPPEN AT THE HEARING?

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

**ALAMEDA COUNTY OFFICE OF EDUCATION**  
**313 West Winton Avenue**  
**Room 142**  
**Hayward, California**

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 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. The law does provide that you may have legal counsel or an advocate (see last page for legal/advocacy resources) present if you wish, although formal hearing procedures are not in effect.

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, that there will only be one decision affecting all the children.

When your appeal comes up on the agenda, you, the student (optional), the representatives of the districts, and the Liaison will take seats at a table in front of the Board. The Liaison will act as an advisor to all parties and you may feel free to ask the Liaison for assistance if you have concerns or questions during the hearing.

The hearing is conducted as follows:

1. After introduction of all parties, the Board President will conduct the proceedings.

## WHAT WILL HAPPEN AT THE HEARING? (CONTINUED)

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2. The pupil, the parent or guardian, or a representative of the pupil will present the reasons for requesting the pupil attend the district of requested attendance.
3. If present, a representative of the district of residence shall describe the actions taken by that district, including specific reason(s) for approval or denial of the request.
4. If present, a representative of the district of requested attendance shall describe any actions taken by that district pertaining to the request.
5. The Liaison may, at this time, present any factual information or legal consideration not already covered by others present.
6. Members of the Board may then ask questions to further clarify issues.
7. The hearing will be closed by a motion approved by four (4) members of the Board.
8. Following the closing of the hearing, the Board will deliberate the matter.
9. When the Board President determines that deliberations are complete, he/she will request (that the Secretary poll the Board on the findings of fact. Upon the completion of the findings of fact, the Board President will call for a vote. Four (4) 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 (E.C. 46602). **The Board may order attendance in a district, but not in a specific school.**

## HOW DO I PREPARE FOR THE HEARING?

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Adequate documentation is helpful when presenting your case. You will find that evidence is most effective when provided in writing, is related to the issue(s) at hand, and is the type of evidence upon which reasonable persons can rely in the conduct of serious affairs. Some examples of what might be included for consideration are:

1. A copy of your original "Request for An Interdistrict Permit" form and any written denial(s). (Include these with all appeals.)
2. Professional recommendations by doctors, educators, psychologists, other professional or court orders when relevant.
3. Brochures or written information about special programs in the district or community which relate to the pupil's special needs.
4. Documentation related to your child's safety to and from school or at school.
5. Report cards or other indicators of student performance.
6. Maps (Reasons 3, 6, 7, 8, and 9 below).
7. Employment verification.
8. Materials of a sensitive nature.
9. Any materials relevant to the request to overturn the denial.

When preparing your verbal presentation you should focus on the factors that the Board will consider in approving an appeal (see Approval items 1-10 under "What Will the Board Consider?" on the next page). It may also be helpful to bring a witness or someone who might make a special statement on behalf of the student.

In its discussion and deliberations on your appeal, the Board will consider the conditions of, and your reasons for, requesting a transfer.

The Board has certain guidelines, which help it in its deliberations.

# WHAT WILL THE BOARD CONSIDER?

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## Denial

If the Board finds that any of the following conditions exist in your case, then it may deny your appeal (Alameda County Board of Education Policy No 5117 and AR, 5117.1):

1. The pupil is under suspension or expulsion by the district of his/her residence or any other district.
2. The pupil, or the parent or guardian of the pupil has falsely claimed residence in a given district or has purposely failed to notify the district of a change in residence for the purpose of attendance in that district.
3. Complaints have been made about the presumed quality of the school program, instruction or staff, or personal animosities.
4. The pupil, or the parent or guardian of the pupil, has not exhausted the interdistrict appeal process in the denying district(s).
5. The pupil or the parent or guardian of the pupil has not shown that attendance in the requested district is necessary or that it would pose a substantial hardship: financial social, child care, educational, or medical necessity.
6. Failure to appeal within thirty (30) calendar days of the denial.
7. Attendance of a pupil from out-of-district will increase a district's class size above the maximums established by the State of California or above the maximums provided for in an agreement between the district and the employee bargaining unit, or clearly place the district at risk of violating such a standard or, in the case of middle, junior high, or secondary schools, enrollment is so high that the school cannot appropriately schedule a student.
8. The interdistrict transfer would negatively impact voluntary or court-ordered desegregation plans or the racial-ethnic balance of the district (Sections 48209.1(b), 46601.5, and 48204.f1-6 of the Education Code).
9. The student has violated the written terms and conditions under which a previous interdistrict permit was revoked.

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## Approval

Persons making appeals usually feel strongly about their reasons. It is helpful to understand that the Board may only legally approve an appeal if it meets one or more of the ten (10) reasons below. When writing your appeal and making your presentation to the Board, consider how the reasons apply to your situations (Alameda County Board of Education Policy No. 5117 and AR 5117.1) The Board may legally approve an appeal if:

1. The district of residence cannot place the pupil in the particular educational program desired by the pupil and the district of requested, attendance does offer such a program. ("Program" shall mean a series of classes in a single subject or in related subjects extending over more than one year in grades 6 through 12, that have a specific occupational or educational objective.)
2. Substantial hardship or cost of before-school and/or after-school supervision of a pupil would result were such pupil required to attend the district of his/her residence.
3. There are harmful or dangerous circumstances or health issues that exist in the current attendance area which will be substantially mitigated by attendance in another school district and which cannot be addressed within the district of residence. Any professional opinion or court order offered to substantiate conditions unfavorable to 'the health or safety of' the pupil must be submitted in, writing and will be essential when the requested district's schools at the grade level requested are deemed "at capacity" according to the district's intradistrict transfer policy.
4. There has been, a change in parental residence after thirty (30) days of attendance in a school semester.
5. By reason of the transfer of territory between districts, the residence of the pupil is no longer in the school district that maintains the school the pupil has previously attended.

## WHAT WILL THE BOARD CONSIDER? (CONTINUED)

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6. A change in environment is necessary and recommended (in writing) by juvenile authorities, court psychologist, or other comparable professional.
7. The pupil's residence is located such that ingress or egress on streets or sidewalks in all directions 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 landlocked.
8. The pupil's residential property is located within the boundaries of two school districts.
9. Child care or other substantial family needs support the desired change in district of attendance.
10. The district has not adhered to the procedural requirements of its own interdistrict policy and the interdistrict request meets the criteria established by the district.

## LEGAL/ADVOCACY RESOURCES

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If you would like legal counsel at the hearing you may bring an attorney.

Should you not know of one, you may call the Alameda County Lawyer Referral Service at (510) 893-7160, Monday through Friday, 8:30 a.m. - 5:00 p.m. They will provide you with the name of an attorney.

You may contact Legal Aid Society of Alameda County to determine your eligibility for legal assistance:

**Law Center for Families**  
510-451-9261

**Bay Area Legal Aid**  
800-551-5554 or 510-663-4744

### Websites

**The Alameda County Lawyer Referral Service**  
[http://www.acbanet.org/lrs\\_public.asp](http://www.acbanet.org/lrs_public.asp)

**Bay Area Legal Aid**  
<http://www.baylegal.org/index.html>

**Law Center for Families**  
<http://www.lcff.org/>

## 2016-2017

### ALAMEDA COUNTY BOARD OF EDUCATION

	<b>TRUSTEE AREA</b>	<b>BOARD MEMBER</b>	<b>YEAR TERM EXPIRES</b>
# 1	Albany, Berkeley, Emeryville, Piedmont and portions of Oakland that include North Oakland and Chinatown/Central	<b>JOAQUIN RIVERA</b>	2018
#2	Alameda and portions of Oakland that include West Oakland, East Oakland, Elmhurst, and Millsmont south to Sheffield Village	<b>AMBER CHILDRESS</b>	2020
#3	Oakland hills from Claremont south to Redwood Road in the northeast, to portions of Chinatown Central, San Antonio, Fruitvale, and East Oakland in the South	<b>KEN BERRICK</b>	2020
#4	San Leandro and the western unincorporated communities of Ashland, Castro Valley, Cherryland, San Lorenzo, and Fairview	<b>AISHA KNOWLES</b>	2018
#5	Hayward, Union City, and the unincorporated areas of Mt. Eden and Hayward Acres	<b>FRED SIMS</b>	2020
#6	Newark and the northern and western portions of Fremont	<b>EILEEN McDONALD</b>	2020
#7	Tri-Valley cities of Dublin, Pleasanton, Livermore, the unincorporated community of Sunol, and the southeastern portions of Fremont	<b>YVONNE CERRATO</b>	2018

NOTE: Citations such as "E.C. 46601" refer to sections in the California Education Code