

Interdistrict Attendance Appeal Hearings

The Orange County Board of Education is committed to parental rights and parental choice. The Orange County Board of Education is also sensitive to the rights, responsibilities, and issues of local school districts.

The parent and/or person having legal custody of a pupil may file a formal appeal to the Orange County Board of Education after the failure or refusal of the governing board of either school district to issue a permit or to enter into an agreement allowing the attendance.

The Orange County Board of Education shall, after the formal appeal is filed, determine whether the pupil should be permitted to attend in the district in which the pupil desires to attend and the applicable period of time.

The Orange County Superintendent of Schools or the Orange County Superintendent of Schools' designee shall establish procedures and timelines that will meet the Education Code requirements regarding inter-district attendance appeal hearings.

The Orange County Board of Education will consider a number of issues in the best interests of the pupil in family when hearing an inter-district appeal, including, but not limited to, the following:

1. The transportation needs of the family;
2. The childcare needs of the family;
3. Other siblings in the family. For example, when the pupil has a sibling or other member of the household attending school in the receiving district, to avoid splitting the family or household's attendance;
4. The continuity of the child's current educational program (e.g., completion of elementary school, middle school, or high school). For example, to allow the pupil to complete a school year when his or her parents or guardians have moved out of the district during the year;
5. The parent's place of employment;
6. The pupil's psychological or physical well-being. A problem with the pupil's psychological or physical well-being may be supported by the written statement of a qualified professional;

7. A substantial danger to the pupil's health or safety. Specifically, harmful or dangerous circumstances or health issues that exist in the current attendance area which will be substantially mitigated by attendance and another district. The danger to the pupil health or safety may be supported by a written statement of a qualified health expert, police report, school record, or other documentation;

8. A specialized and specific academic program or service, unavailable in the district of residence but necessary to the pupil's career or academic objectives. Such a program or service must be related to the pupil's career objectives or academic advancement and not based solely on the pupil's interests or desires, or on extracurricular activities or athletics. This criterion does not apply to elementary education programs;

9. Hardship resulting from a lack of available or appropriate afterschool options for the pupil in the district of residence. The parent or legal guardian must demonstrate attempts to find appropriate childcare in the district of residence and must describe these attempts in the written materials provided when the appeal is filed;

10. A severe and demonstrated hardship to parents/guardians that can affect a pupil'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 or matters of preference;

11. The pupil's desire to remain in his/her school or current attendance for the balance of the semester of the school year. The pupil's desire may be based on his/her anticipated promotion from the school or current attendance at the end of the semester or school year or on a need for education no continuity for the remainder of the semester or school year;

12. The pupil's and/or parent/guardian'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 pupil and his/her parent/guardian may 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 a new property, or a similar document;

13. When recommended by the School Attendance Review Board, County Child Welfare, probation or social services agency staff in document cases of serious home or community problems which make it inadvisable for the pupil to attend the school of residence;

14. The financial impact of educating the pupil (district of proposed attendance) or losing the pupil (district of residence). In either case impacted district(s) must demonstrate in writing that the pupil's transfer would place a unique hardship on the district's resident pupils in terms of reduced services or other acceptable outcomes;

15. The pupil'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 pupil under an interdistrict transfer agreement or other documented evidence;

16. Lack of space for the pupil in the receiving district. The district of proposed transfer must demonstrate in writing that the pupil's transfer would result in an undue hardship to the district's resident pupils in terms of overcrowding and/or would be a violation of a collective bargaining agreement regarding class size and goals. The District must demonstrate that the undue hardship outweighs the hardship to the pupil;

17. Other exceptional or extraordinary circumstances which could weigh heavily in favor of the upon pupil 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 pupil or the resident pupils of the district.

Reference: Education Code Section 46601

Adopted: 06/18/1996

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