



Santa Barbara County Education Office
Interdistrict Attendance
Appeal Guide

April 2022

INTRODUCTION

A statutory responsibility of the Santa Barbara County Board of Education (County Board) is to serve as an appellate body for interdistrict attendance appeals when either the district of residence or the district of requested attendance has denied a request for an interdistrict attendance transfer.

Santa Barbara County Education Office (SBCEO) developed this guide to explain the interdistrict attendance appeal process. To obtain additional information and forms regarding interdistrict attendance appeals, please visit our Child Welfare and Attendance website at: sbceo.org/domain/23.

WHEN CAN I REQUEST AN INTERDISTRICT ATTENDANCE APPEAL HEARING?

An interdistrict attendance appeal hearing may be requested in accordance with [Education Code Section \(EC §\) 46601](#) with the County Board:

1. After an interdistrict attendance transfer has been denied by the school district of residence or by the school district of requested attendance AND the appeal process of the denying school district has been exhausted.
2. When the school district has failed to provide its written decision within the prescribed timelines.

HOW DO I REQUEST AN INTERDISTRICT ATTENDANCE APPEAL HEARING?

An appeal request must be filed in writing, by the person having legal custody of the student, within thirty (30) calendar days of the district's final denial of the interdistrict attendance transfer request. Your appeal will only be accepted upon verification by the County Superintendent of Schools (County Superintendent) or designee that all appeals within the school district(s) have been exhausted.

To file an appeal, please submit an appeal request in person or by certified mail to the address listed below.

Santa Barbara County Education Office
Attention: Rene Wheeler, Child Welfare and Attendance
4400 Cathedral Oaks Road
Santa Barbara, CA 93110

WHAT DOCUMENTATION MUST BE SUBMITTED WITH AN INTERDISTRICT ATTENDANCE APPEAL?

After the initial appeal request is received, a completed interdistrict attendance appeal packet must be submitted, which includes:

1. The Interdistrict Attendance Appeal form, completed and signed, which identifies the specific reasons for appeal;
 - a. The reason(s) for the appeal must be the same as those stated on the original Interdistrict Transfer request. Should the reasons change substantially, the appellant may be asked to reapply with the district that denied the attendance transfer request;
2. Copy of the original interdistrict transfer request, showing the date of denial;
3. Copies of all correspondence between the legal guardian and the school district denying the request; and,
4. Any additional documents submitted to the district supporting the interdistrict transfer request.

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

Please contact Rene Wheeler, Child and Welfare Attendance, at (805) 967-5307 with any questions.

WHAT HAPPENS BEFORE THE INTERDISTRICT ATTENDANCE APPEAL HEARING?

The Santa Barbara County Education Office will notify all parties involved of the date, time and location of the appeal hearing. Each party will be provided an opportunity to submit written statements and other relevant documentation.

Before the scheduled hearing, the County Superintendent's designee will review the Interdistrict Attendance Appeal form and supporting documentation.

1. The designee will determine whether the denial of the interdistrict attendance request by the district is final.
2. The designee will review the appeal to determine that all prescribed timelines have been met prior to the hearing.
3. If it is determined that a hearing is necessary, the designee will provide information and/or documents to the County Board related to the appeal.
4. The designee may act to facilitate a resolution between the appellant and the district.
5. The designee will determine if any confidential student information significant to the County Board's decision will be disclosed during the hearing. If so, the County Board may decide to hold the hearing in closed session if the purpose is expressly authorized by the Brown Act or by a provision of the Education Code.

WHAT IS THE TIMELINE FOR THE INTERDISTRICT ATTENDANCE APPEAL HEARING?

The County Board has thirty (30) calendar days after an appeal is filed to conduct a hearing. The County Superintendent, designee, or County Board, for good cause, may extend the thirty (30) day timeline for an additional five (5) school days if the time requirement for an appeal hearing is impractical for the County Board. The County Board may permit additional continuances for good cause.

WHAT HAPPENS AT THE INTERDISTRICT ATTENDANCE APPEAL HEARING?

Interdistrict attendance appeal hearings are held during regular or special County Board meetings in open session, unless it has been determined that a closed session is required.

The hearing will be conducted as follows:

1. The Board President will chair the proceedings.
2. The County Superintendent or designee will make a brief introduction of all parties and explain the hearing procedure.
3. The appellant and any witnesses will be provided an opportunity to present statements and facts relevant to the appeal. Time limits may be imposed for the presentation.
4. A representative of the district denying the request will be provided an opportunity to present statements and facts related to the appeal. Time limits may be imposed for the presentation.
5. Both the appellant and the district representative will be provided an opportunity to make a closing statement.
6. At any time during and following the presentations, members of the County Board may ask questions of the parties or SBCEO staff.
7. At the conclusion of the presentations, the hearing will be closed and the County Board will deliberate in open session. For cases heard in closed session, at the conclusion of presentations the County Board shall deliberate in closed session.
8. The County Board may act upon the appeal following deliberation or take the matter under submission and issue a decision within three (3) school days. If the County Board acts during closed session, the decision of the County Board and the vote of each member shall be announced in open session immediately following the closed session.

If new evidence or grounds for the request are introduced during the hearing, the County Board may remand the matter for further consideration by the school district or districts. In all other cases, the appeal shall be granted or denied on its merits.

If the County Board grants the appeal then the student should be permitted to attend school in the district of requested attendance, and be admitted without delay. The Board may order attendance in a school district, but not in a specific school.

Once the County Board of Education has ruled on an appeal, it may not reconsider that ruling at a subsequent meeting. The decision of the County Board is final.

IF GRANTED, WHAT IS THE DURATION OF THE INTERDISTRICT ATTENDANCE TRANSFER?

If an appeal is granted for an interdistrict transfer under [EC §46600](#), students shall not need to reapply for an interdistrict transfer, and the student shall be allowed to continue to attend the school in which he or she is enrolled, except as specified below.

If the district of residence and district of attendance have entered into a master agreement for interdistrict attendance, the agreement may contain standards for reapplication that may not allow continued attendance. The agreement may also stipulate terms and conditions under which the interdistrict transfer may be revoked. If the district of attendance revokes the interdistrict transfer based on such terms and conditions, the revocation may not be appealed to the County Board for the remainder of that school year.

Neither a district of residence nor a district of attendance may rescind existing interdistrict transfers for students entering grade 11 or 12 in the subsequent school year.

HOW WILL I BE NOTIFIED OF THE COUNTY BOARD OF EDUCATION'S DECISION?

Written notice of the decision of the County Board shall be mailed to the student and the parent or guardian, or person having custody of the student, and to the governing boards of the districts. [EC §46602](#)