

INTERDISTRICT TRANSFER APPEAL PROCEDURES

In order to clarify the role of the Inyo County Office of Education, as it pertains to interdistrict transfers, the Policy of the Board is as follows:

It is the Board's intent that the local district should be given every opportunity to resolve questions and concerns relating to interdistrict transfers at the district level. We, therefore, encourage parents/guardians, students and district staff to discuss the options as clearly and as thoroughly as possible. If an issue cannot be resolved at the district level, parents/guardians have the option to bring the concern before the Inyo County Board of Education, using the following procedures:

1. A written request for consideration of an interdistrict transfer appeal must be submitted to the Board at least 14 days prior to the board meeting, with a copy submitted to the local district by our office. This information should be submitted on the attached "Appeal Regarding Denial of Interdistrict Attendance Request" form.
2. It is required that the parents/guardians and the district submit a written statement explaining the request, and document the reasons why action should or should not be taken. This will provide information for the Board to review ahead of time. This written information must be received by the Superintendent of Schools at least 10 days prior to the board meeting. The Superintendent of Schools will share information received with all parties involved.
3. If the information submitted is deemed to be incomplete, the Superintendent or his/her designee, may conduct a more complete investigation of the available facts and submit his/her findings to the County Board for consideration, with a copy to the parents/guardians and the District Superintendent.
4. Parents/guardians and the district shall be present at the board meeting and will be asked to present their rationale for action. Following the presentation by both sides, the Board may recommend three possible actions:
 - a. Concur with District Board decision
 - b. Reverse District Board decision
 - c. Return the issue to District Board jurisdiction. This option will be taken on Special Education students who do not have an IEP recommendation regarding the transfer request. This option may be taken if new information is presented that was not available to the district.

This is also a possible option if it is felt that additional discussion needs to occur at the district level on alternative options for the student. Once a request is returned to the District Board or to the District Superintendent for further consideration, the issue may be addressed at the District Board level, or the issue may once again be brought to the County Board for a final decision.

5. The parents/guardians and district shall be notified in writing within 5 working days following the final decision.

Final decisions of the County Board will always be made based upon what is ultimately regarded as in the best interest of the student.

Legal Reference: Education Code 46601 Appeal to the County Board

BOARD POLICY:

First Reading: April 18, 1990
Second Reading: May 19, 1990

Revised:
First Reading: Oct. 13, 1998
Second Reading: Nov. 17, 1998

Revised:
First Reading/Adoption: Sept. 16, 2003

Revised:
First Reading: March 16, 2004
Adopted: March 16, 2004

Revised:
First Reading/Adoption: Nov 21, 2006

INTERDISTRICT APPEAL PROCESS

HANDBOOK

INYO COUNTY OFFICE OF EDUCATION
George Lozito, Superintendent

INTERDISTRICT PUPIL TRANSFER APPEALS

State law sets forth various means by which students may apply for admission to either a school within their district of residence other than the one they are assigned to, or a school district outside of their district of residence [E.C. 48209 et. Seq.].

A statutory responsibility of the County Board of Education is to rule on interdistrict transfer requests when they are denied at the district level and the parent or legal guardian files for an appeal. An appeal may also be filed with the county board if the local district fails to respond to the transfer request within 30 calendar days.

When an appeal is filed, the county board has 30 days to conduct a hearing and determine where the student shall attend school. The board may extend this period an additional five days for good cause [E.C. 46601C].

There are many factors a county board will consider in reaching its decision. The county board will give support for its decision by relating a specific reason to the motion. All decisions will be based on the merit of the appeal.

WHEN MAY I REQUEST AN INTERDISTRICT ATTENDANCE APPEAL HEARING?

You may request an appeal hearing with the Inyo 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 district(s) has failed to respond to your request for a transfer for the next academic school year,

- A. Fourteen (14) days after both districts' academic school year begins, AND
- B. Thirty (30) or more calendar days after your written request was submitted to the district of residence.

(Both A and B must be satisfied)

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

HOW DO I REQUEST A HEARING?

The person having legal custody of the pupil can begin the appeal process by requesting an "Appeal Regarding Denial of Interdistrict Attendance Request" form from the Inyo County Office of Education. This form must be completed and returned to the office at P.O. Drawer "G", Independence, California 93526. You must indicate if you want the hearing in closed session or open session. Your hearing will be held in closed session unless you specifically request open session on the form.

The reason(s) for your appeal must be the same as those stated on the original "Request for An Interdistrict Permit"; should the reasons change substantially, you will be asked to reapply with your district.

Your completed appeal request should 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. This information will be shared with the districts involved.

WHAT HAPPENS NEXT?

Within ten (10) days of receipt of your appeal, the Inyo 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. 46601b].

After you have filed your appeal you will be contacted by the Inyo County Superintendent of Schools:

1. The Superintendent will review the case to determine that all rights and time lines have been honored prior to the hearing.
2. The Superintendent will act as an advisor to all parties [E.C. 46601c].
3. The Superintendent is available at any time to explain your rights and the procedures for your case.
4. The Superintendent may recommend or request that you make certain materials or documents available for his consideration or for the hearing, to assist the Board of Education in making its determination. These will be shared with all districts involved.

WHAT WILL HAPPEN AT THE HEARING?

Hearings are conducted in open or closed session during a regular or special Inyo County Board of Education meeting held within Inyo County.

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 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 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/guardians should understand 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 County Superintendent and the representatives of the districts, will take seats at a table in front of the

Board. The Superintendent will act as an advisor to all parties, and you may feel free to ask the superintendent 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.
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. A representative of the district of attendance shall describe any actions taken by that district pertaining to the request.
4. A representative of the district of requested attendance shall describe any actions taken by that district pertaining to the request.
5. Members of the Board may then ask questions to further clarify the issues. The Superintendent may, at this time, present any factual information or legal consideration not already covered by others present.
6. The hearing will be closed by a motion approved by a majority of the members of the Board.
7. Following the closing of the hearing, the Board will deliberate the matter.
8. When the board President determines that deliberations are complete, he/she will then call for a vote to return to open session if the hearing was held in closed session.
9. The board will then call for a vote on your appeal. A majority must vote in favor of granting your appeal, remanding the appeal back to the local district for further review, or denying your appeal. Note: Appeals for Special Education students who do not have an IEP team recommendation regarding the transfer will be remanded to the district and the SELPA.

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. 466020].

Written notice of the decision by the County Board of Education shall be mailed or delivered to the pupil and the parent or guardian, or person having custody of him/her, and to the governing boards of the districts [E.C. 46602].

INYO COUNTY BOARD OF EDUCATION

Appeal Regarding Denial of Interdistrict Attendance Request

The District of Residence and the District of Desired Attendance must act on the transfer request prior to appeal to the Inyo County Board of Education.

Parent/Guardian making appeal: _____
Address: _____
Phone:(Home) _____ (Work) _____
Student Name: _____ Age: _____ Grade Level(for year requested): _____
Is the student now or has the student ever been in Special Education? Yes _____ No _____
Does the student have an active IEP? _____ Yes _____ No If yes, attach a copy of the IEP.
District of Residence: _____ Number of Years: _____
District board approved _____ denied _____ the request for interdistrict attendance.
Date of board action: _____
Have all appeals within the district been exhausted? Yes _____ No _____

District of Desired Attendance: _____
District board approved _____ denied _____ the request for interdistrict attendance.
Date of board action: _____
Have all appeals within the district been exhausted? Yes _____ No _____

State the Reason for Request: (Attach additional sheets if necessary. Also, attach any supporting documentation)

Request for Open Session:

The hearing will be in Closed Session of the Board unless requested otherwise. Check the following box if you would like your appeal in Open Session.

_____ Please place my interdistrict transfer appeal on the agenda in Open Session.

Date: _____ Signature: _____

Parent will attend meeting: Yes _____ No _____

Please submit completed form to:
Inyo County Office of Education
P.O. Drawer G, 555 S. Clay Street
Independence, CA 93526

This form must be submitted to the Inyo County Board of Education within 30 calendar days of the district's failure or refusal to approve the interdistrict transfer request.

GL/ng:interdistricttransferappealformrevised2006