

Instructions for Requesting an Interdistrict Transfer Appeal

The laws permitting interdistrict attendance transfers are described in [California Education Code sections 46600 – 46610](#). Under [Education Code section 46601](#) and in accordance with [Board Policy No. 5117](#), after a school district's final denial of a request for interdistrict transfer, the pupil or their parent or guardian, has a right to file an appeal of expulsion to the San Diego County Board of Education. While, as an outcome of an appeal hearing the County Board can order a district to approve a transfer, it does not have the authority to order placement at a specific school within a district.

I. Necessary Forms and Materials:

The forms and materials needed to file an appeal to the Board of Education are:

- Request for Hearing, Appeal of Interdistrict Attendance Denial (attached)
- A one-page brief or summary outlining the reasons for the appeal
- Copies of all correspondence between the parent and the school district(s) denying the permit, including a copy of the final letter of denial

II. Timelines

The county board of education can only consider an appeal of a district's denial of an interdistrict attendance permit. Per [Education Code section 46600.2](#) districts must respond to a parent/guardian's request for transfer within the following timeframes:

1. For a current year request, as defined in Section 46600.1, within 30 calendar days from the date the request was received.
2. For a future year request, as defined in Section 46600.1, of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which interdistrict transfer is sought.

The Request for Hearing must be received by personal delivery, U.S. mail, fax, or email no later than the 30th calendar day following the failure or refusal of a school district to issue a permit. Forms not received by the County Superintendent or designee during normal business hours and within 30 calendar days will not be accepted. If the 30th calendar day falls on a weekend or holiday, the appeal must be received by the County Superintendent or designee on the prior business day.

Failure to submit your appeal materials within the required time is good cause for denial of an appeal. The County Superintendent's designee is authorized to deny without a hearing any interdistrict attendance appeal that is not filed within 30 calendar days of the final denial by the school district(s).

III. Process to Complete

Because an appeal can only be accepted upon verification by the County Superintendent's designee that appeals within the districts have been exhausted, we strongly recommend that you contact interdistrict.transfer.appeal@sdcoe.net to discuss your case before submitting your request for an appeal hearing.

To file your request for an appeal you must submit the following materials using the instructions at the end of this document:

1. Request for Hearing, Appeal of Interdistrict Attendance Denial (BP 5117 Exhibit 1- attached)
2. A one-page brief or summary outlining the reasons for the appeal
3. Copies of all correspondence between the parent and the school district(s) denying the permit, including a copy of the final letter of denial
4. A copy of the original application used to request the interdistrict attendance permit, if available. If not included, an explanation of the reason a copy is not available must be included in its place.

IV. Scope of Review

The County Board will grant or deny an interdistrict attendance appeal on its merits, basing their decision upon the facts presented in evidence, including such considerations as the County Board deems appropriate, as they apply to the fundamental issues involved in the appeal. The County Board will act in the interest of fairness to the student seeking the transfer and the school district(s) denying it, giving due consideration to the impacts on the individual student being denied interdistrict attendance and the students remaining in the affected district(s). In deciding whether to grant or deny the appeal, the County Board or administrative hearing panel must also consider procedural compliance and the conduct of the parties.

The County Board will not grant an appeal that requires a district of residence to issue an interdistrict attendance permit under either of the following circumstances:

1. The district has a negative certification of its fiscal status in the current year.
2. The district has experienced a negative financial impact resulting from a loss of enrollment greater than 10 percent over the prior three years as demonstrated by the last four second period (P-2) attendance reports filed by the district.

V. Date of Hearing

A hearing on the appeal will be conducted within 40 school days after the appeal is filed to determine whether the student should be permitted to attend school in the district for which attendance is requested. Written notice of the date and time of the hearing shall be provided to all parties at least ten calendar days prior to the date of the hearing.

VI. Fact-Finding Session

Upon receiving a completed Request for Hearing, an SDCOE hearing consultant will schedule a meeting with each of the parties to conduct a fact-finding session. The purpose of the fact-finding session is to gather evidence to be used during the hearing of the appeal. The fact-finding session will be held within 20 school days of receipt of the Request for Hearing. All parties shall be notified in writing of the date, time, and place of the fact-finding session and the procedures for fact-finding.

VII. Submission of Appeal Request and Materials

Scanned copies of your appeal materials may be submitted to expulsion.appeal@sdcoe.net. If you wish to submit your materials via personal service, delivery service, U.S. mail, or fax, please contact expulsion.appeal@sdcoe.net or 858-298-2076, for instructions prior to sending your materials. This will ensure that your submission is received as quickly as possible by the correct staff members.

VIII. Conclusion

San Diego County Office of Education staff members are available to address questions or concerns about the interdistrict transfer appeal process. We recommend that you contact us to discuss your interest in an appeal prior to submitting a request for an appeal hearing. Please email interdistrict.transfer.appeal@sdcoe.net or call 858-298-2076, and a member of our team will contact you.

While it is not required, it may also be prudent to consider engaging the services of an attorney or other knowledgeable advocate who will have the opportunity to present to the board at the hearing.