



# **Santa Barbara County Education Office**

## **Interdistrict Transfer Appeal Guide**

## INTRODUCTION

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

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

Please contact Elise Simmons, Director of Child Welfare and Attendance, at (805) 698-6903 or (805) 964-4711 ext 5213 or [esimmons@sbceo.org](mailto:esimmons@sbceo.org) with any questions.

## WHEN CAN I REQUEST AN INTERDISTRICT TRANSFER APPEAL?

An interdistrict transfer appeal request may be submitted to the County Board in accordance with [Education Code Section \(EC §\) 46601](#):

1. After an interdistrict transfer has been denied by the school district of residence or by the school district of proposed enrollment AND the parent/guardian has exhausted the district appeal process (if available).
2. When the school district has failed to provide its written decision within the prescribed timelines.

The County Board **shall not** consider interdistrict transfer appeal requests that meet the following criteria:

1. An interdistrict transfer request that was deemed abandoned due to the parent/guardians' failure to meet district timelines (EC 46600.1).
2. An existing interdistrict transfer permit that has been revoked or rescinded in accordance with the policy of the district's governing board (EC 46600.1).
3. The denial of a request by the district of proposed enrollment when no permit has first been issued by the district of residence (EC 46600.1).
4. An interdistrict transfer request submitted for a student who is being considered for expulsion or has been expelled, while expulsion proceedings are pending or during the term of expulsion (EC 46601).

## HOW DO I REQUEST AN INTERDISTRICT TRANSFER APPEAL?

An interdistrict transfer appeal request must be filed in writing, by the person who has legal custody of the student, within thirty (30) calendar days of the district's final denial of the interdistrict transfer request.

An interdistrict transfer appeal request will only be accepted upon verification by the County Superintendent of Schools (County Superintendent) or designee if it has met the timeline and the eligibility requirements.

Families with multiple appeals must complete an interdistrict transfer appeal request packet for each child. Parents may have the appeals heard separately or as one appeal hearing; if parents choose to have all their children's appeals heard as one, there will only be one decision affecting all the children.

To file an interdistrict transfer appeal request, please submit the Interdistrict Transfer Appeal form with accompanying required documentation in person or by certified mail to the address listed below.

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

## WHAT DOCUMENTATION MUST BE SUBMITTED WITH AN INTERDISTRICT TRANSFER APPEAL REQUEST?

In order for the interdistrict transfer appeal request to be considered, additional documentation is required. The following is a list of the documents, including a signed and completed form:

1. A completed and signed Interdistrict Transfer Appeal Request form ([HERE](#));
2. A copy of the original interdistrict transfer request with the district of residence or proposed district of enrollment, showing the date of denial;
3. Copies of all correspondence between the parent/guardian and the school district related to the interdistrict transfer request;
4. Any additional documents submitted to the district supporting the interdistrict transfer request; and,

5. Documents to substantiate an extraordinary situation (if applicable). If new evidence or grounds for the request are introduced during the appeal hearing, the County Board may remand the matter for further consideration by the school district(s). In all other cases, the appeal shall be granted or denied on its merits.

## **WHAT HAPPENS WHEN AN INTERDISTRICT TRANSFER APPEAL REQUEST IS RECEIVED?**

The County Superintendent or designee will review the interdistrict transfer appeal request along with the supporting documentation to determine next steps. The following is a list of actions that the designee may take:

1. The designee will contact the parent/guardian who submitted the request for appeal and/or the district involved in the appeal for additional information.
2. The designee will determine if appeals in the district have been exhausted (EC 46601).
3. The designee will review the appeal request and all provided documents to determine that prescribed timelines have been met.

If it is determined that an interdistrict transfer appeal hearing is warranted, the following steps will take place:

Step 1: The district of residence, the district of proposed enrollment, and the parent/guardian who submitted the request for appeal will be notified of the date, time, and location of the appeal hearing. Each party involved in the appeal hearing will be provided an opportunity to submit additional written statements and other relevant documentation.

Step 2: The County Superintendent or designee will create a Hearing Packet that includes information and documents submitted by the parent/guardian and the district. Prior to the hearing, the packet will also be provided electronically to the members of the County Board, the parent/guardian(s), and the representative(s) of the involved district(s).

## WHAT IS THE TIMELINE FOR THE INTERDISTRICT TRANSFER APPEAL PROCESS?

The County Board has thirty (30) calendar days after an appeal request is filed to conduct an appeal hearing. The County Superintendent, 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 DOES THE COUNTY BOARD CONSIDER WHEN MAKING A DECISION AT THE CONCLUSION OF THE APPEAL HEARING?

Although the County Board has broad discretion, disposition of interdistrict transfer request appeals will generally be based upon the presumptions that: (a) the student is normally required to attend school in the district of residence of either the parent or the legal guardian; (b) such issues should be settled by the district(s) involved; and (c) only in extraordinary situations would the County Board reverse the decisions of the district(s). The County Board's scope of review of an interdistrict appeal includes determining whether the school district(s) acted in compliance with the Education Code regarding interdistrict transfers.

The County Board does not conduct the appeal hearing de novo. Instead, it acts as an appellate body and examines the record before it to ascertain whether:

1. The district's policy was adhered to and consistently applied; and
2. The district's decision is supported by substantial evidence.

The County Board grants deference to the decision made by the district and to existing district policies where the decision being appealed was made, and that the appeal process was adequately explained to the parent or guardian, and will not override a lawful district policy absent a showing of substantial harm to the student.

In determining whether the appeal presents an extraordinary situation that supports a reversal of the decision made by the district, the County Board may consider the following factors:

1. **Serious risk to the student's health or safety:** There must be evidence that the student faces threats, injuries, or an ongoing risk to their health, welfare, or safety that is otherwise in clear, present, and continuing jeopardy or danger at the school they are required to attend.
2. **Severe hardship for the parent or guardian:** The hardship must be much more

serious than inconvenience and must negatively affect the student's ability to succeed in school. The parent or guardian must explain the hardship in writing and provide evidence of the severe hardship as part of the request for an interdistrict transfer appeal.

3. **Continuity of attendance:** This may apply when a student was previously allowed to attend school in another district, but the district later changed its policy.
4. **Financial impact on the districts:** The County Board may consider the financial effect on the district that would enroll the student or the district where the student lives. This information would be provided by the district of residence or the proposed district of enrollment.
5. **Lack of space or overcrowding or interference with the district's education program:** The County Board may consider whether there is space for the student in the proposed district of enrollment, or whether admitting the student would interfere with that district's educational program. This information would be provided by the district of residence or the proposed district of enrollment.

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

In most cases, the County Board will **not** consider the following as reasons to grant an appeal:

- A belief that one school or district has a stronger academic program or better reputation.
- Parent, student, or sibling preferences.
- Family inconvenience related to work location, transportation, child care, or after-school care, unless the district's own policy allows those factors to be considered.

## WHAT HAPPENS AT THE INTERDISTRICT TRANSFER APPEAL HEARING?

Interdistrict transfer appeal hearings are held during regular or special County Board meetings in closed session, unless an open session has been requested by the parent/guardian.

The appeal 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 appeal hearing procedure.

3. The parent/guardian 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 parent/guardian 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 County Board will deliberate. If the hearing was held in open session at the request of the parent/guardian, the hearing will be closed for deliberation.
8. The County Board may act upon the appeal hearing 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 appeal hearing, the County Board may remand the matter for further consideration by the school district(s). In all other cases, the appeal shall be granted or denied on its merits.

If the County Board grants the appeal, then the student will be permitted to attend school in the district of proposed enrollment and be admitted without delay. The Board shall order enrollment in a school district, but not in a specific school.

Once the County Board 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 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 district in which they are enrolled, except as specified below.

If the district of residence and proposed district of enrollment have entered into an 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 enrollment revokes the interdistrict transfer based on such terms and conditions, the revocation may not be appealed to the County Board.

Neither a district of residence nor a district of enrollment may rescind existing interdistrict transfers for students after June 30 following the completion of grade 10, or for pupils in grade 11 or 12.

**The County Board's discretion is limited to granting or denying an appeal to attend in a particular district and not with regard to an individual school.**

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

The County Board may act upon the appeal hearing 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.

Additionally, written notice of the decision of the County Board shall be mailed to the parent or guardian, or person having custody of the student, and to the Governing Boards of the school districts ([EC 46602](#)).