FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION

Students
INTERDISTRICT TRANSFER APPEALS

County Board shall consider an appeal against any school district within the county for its denial of a parent's request for an interdistrict transfer. (Education Code 46601)

If the request for interdistrict transfer involves a school district located within the county and a school district located in a different county, County Board shall have jurisdiction if the denial of the request for interdistrict transfer is by the school district within the county. If both school districts deny the request for an interdistrict transfer, County Board shall have jurisdiction only if the school district within the county is the student's district of residence. (Education Code 46601)

The appeal shall be accepted only upon verification by County Superintendent or designee that appeals within the school districts have been exhausted within the timelines provided pursuant to Education Code section 46600.2. (Education Code 46601, 46600.2)

The guidelines for granting and denying interdistrict transfers depend on each school district's policies, existing interdistrict transfer agreements, and Education Code section 46600.

Definitions

The following definitions of terms herein apply to this policy:

"Parent" means the natural or adoptive parent or guardian, the person having legal custody, or other educational rights holder of the student.

"District of residence" means a school district in which the parent of a student resides and in which the student would otherwise be required to enroll pursuant to the compulsory education requirements as specified in Education Code Section 48200.

"District of proposed enrollment" means a school district other than the school district which the parent of a student resides, but in which the parent of the student nevertheless intends to enroll the student pursuant to Education Code Sections 46600 *et seq*.

"Interdistrict transfer" is the permission granted a student to attend school in a district other than the student's district of legal residence through an agreement between the student's district of residence and preferred district of attendance to allow the student to attend the preferred district of attendance.

Informal Solutions Prior to County Board Appeal

County Board believes it may be possible in some cases to arrive at solutions that would make an appeal unnecessary. Therefore, the designee of County Superintendent shall investigate to determine whether local remedies in the matter have been exhausted.

Procedure for Appealing to County Board

A parent shall file an appeal in writing within 30 calendar days of the school district's final denial of the request for interdistrict transfer. Failure to file the appeal within this time is good cause

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for rejection of an appeal. County Board authorizes County Superintendent or his/her designee to determine good cause and to reject an appeal based on untimeliness. (Education Code 46601)

Parents shall file a completed Interdistrict Attendance Appeal form ("Appeal Form") with the Fresno County Superintendent of Schools, Legal Services Department ("Legal Services"). Parents may obtain the Appeal Form through Legal Services.

A copy of the initial school district interdistrict transfer permit form and denial letter must be attached to the Appeal Form.

In addition, the County Board shall not consider appeals of any of the following:

1. An interdistrict attendance request that was deemed abandoned due to the parent/guardian's failure to meet district timelines. (Education Code 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. (Education Code 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. (Education Code 46600.1)

4. An interdistrict attendance 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 the expulsion. (Education Code 46601)

Pre-Hearing Procedure

Adequate notice of a hearing regarding a timely filed interdistrict transfer appeal shall be served upon all parties involved. The notice shall include details of the date, time, and place of the hearing, and of the opportunity to submit written statements and documentation, and to be heard on the matter.

The parent(s) and district(s) involved in the appeal may submit written arguments/documents not exceeding four (4) pages to Legal Services no later than five (5) calendar days after receipt of the notice of the hearing unless otherwise allowed by County Superintendent or his/her designee. Copies of the written documentation from the parent(s) and from the district(s) shall be provided to County Board for review.

Appeal Hearing

County Board shall conduct a hearing within thirty (30) calendar days after the appeal is filed to determine whether the student should be permitted to attend the school district of proposed enrollment and the applicable period of attendance. If it is impractical for County Board to comply with the time requirement for the hearing, for good cause, the time period to hold the hearing may be extended for up to an additional five (5) school days. A continuance of the hearing may also be granted upon a showing of good cause. County Board authorizes County Superintendent or his/her designee to determine good cause and to extend the time period to hold a hearing and/or grant a continuance. (Education Code 46601)

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Failure of the parent(s) to appear at the time and place of the scheduled appeal hearing without good cause may be deemed an abandonment of the appeal, and County Board may dismiss the matter. The appeal hearing shall be conducted by County Board in closed session unless a parent, within 48 hours after receipt of written notice of the appeal hearing, requests in writing that the appeal hearing be considered in a public meeting.

The student under consideration may be present at the hearing at the discretion of the parent(s). Evidence presented at the hearing shall be relevant to the matter. Inflammatory statements, accusations, or questions will not be tolerated.

Each party will be given a maximum of five (5) minutes to make an oral presentation to the County Board. The parent(s) will make the first presentation followed by the district(s). County Board members may direct questions to the parties at any time during and after the presentations.

Decision of County Board

County Board will render its decision in open session.

County Board shall either grant or deny an appeal on its merits. However, if new evidence or grounds for the request are introduced, County Board may remand the matter for further consideration by the district(s). (Education Code 46601)

If County Board determines that the student should be permitted to attend the school district of proposed enrollment, County Board shall fix the length of time for the student's attendance in that district, and the student shall be admitted to a school in that district without delay. (Education Code 46601, 46602)

Written notice of the County Board's decision will be sent to the parent(s) and district(s) within three (3) school days of the hearing unless the parent requests a postponement. This notice shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent(s) provides an email address, or by any other method normally used to communicate with parents in writing. (Education Code 46601, 46602)

Adopted: 04/16/1998
Amended: 07/19/2012, 11/21/2019, 04/20/2023

Legal References

Education Code
35146 Closed sessions
46600-46610 Interdistrict attendance
48200-48208 Compulsory education law
48660-48666 Community day schools
48900-48926 Suspension and expulsion
49073-49079 Privacy of student records