

SAN BERNARDINO COUNTY INTERDISTRICT TRANSFER APPEAL PROCESS

INTRODUCTION

One of the duties and responsibilities of the San Bernardino County Board of Education is to hear appeals of inter-district transfers (California Education Code 46601).

This brochure is intended to provide you with information necessary to appeal an inter-district transfer. This brochure is not intended to be your only source of information. We encourage you to review the California Education Code 46601 for a legal description.

WHEN MAY AN APPEAL BE FILED

1. The pupil, parent or guardian has the right to file an inter-district transfer appeal to the San Bernardino County Board of Education within 30 calendar days after the inter-district transfer has been denied.

2. An appeal may be filed when the pupil, parent, or guardian feels that one or more of the grounds described in “Scope and Limitations of an Appeal Hearing” (page 5 of this handbook) exist.

A review of these conditions will help in understanding that an appeal is primarily a review of the reasonableness of the district’s determination.

HOW AN APPEAL REQUEST IS MADE

The pupil or legal guardian of the pupil may request an inter-district transfer appeal hearing by writing to:

San Bernardino County Superintendent of Schools Children Deserve Success
Child Welfare and Attendance
ATTN: Don English, Program Manager
601 North E Street
San Bernardino, CA 92415-0020

A letter can also be delivered in person within 30 calendar days from the local school district’s decision to deny the transfer.

The San Bernardino County Superintendent of Schools office is not responsible for appeals lost in the mail. The letter must contain the following:

1. Name of pupil;
2. Name and address of parent or guardian;
3. Name and address of any person representing the pupil;
4. School district of residence;
5. School most recently attended by the pupil; and
6. Statement showing the basis for the appeal (one or more of the grounds listed in “Scope and Limitations of the Hearing”).

WHAT HAPPENS NEXT

Once the office of the San Bernardino County Superintendent of Schools has received an inter-district transfer appeal form or letter, a hearing date will be set within 40 calendar days, per County Board Policy 150.

Prior to the hearing, the County Board of Education will request that the local school board/district provide:

1. Copies of all documentation concerning the denial; and
2. The district’s rules and regulations regarding inter-district transfers.

Both the parent and the local district will receive notices at least ten calendar days before the hearing to inform them of the date, time, and place of the hearing. The notice of the hearing will contain a statement that the County Board of Education intends to hold the hearing in open session.

This information is sent to the County Board of Education members for review prior to the scheduled hearing.

WHAT WILL HAPPEN AT THE HEARING

Hearings are held in open session during regular San Bernardino County Board of Education meetings.

The parent/guardian or pupil representatives of the school district will be asked to take seats at tables in front of the Board (legal counsel for any of the parties have the right to be present). The hearing will be recorded.

The hearing is conducted as follows before the Board:

1. The pupil, parent or guardian, or counsel for the pupil will state why the inter-district attendance agreement should be granted.
2. The representative(s) of the school district will state why the inter-district attendance agreement was denied.
3. The Board members and Board counsel may ask questions at any time.
4. When the questioning has been completed, the Board will deliberate and reach a decision in public session based on the three grounds listed in the "Scope and Limitations of the Hearing" (County Board Policy 150).
5. Following the deliberation, the Board will do one of the following:
 - a. Uphold the local district decision;
 - b. Reverse the local district decision;
 - c. Return the matter to the local district for reconsideration.

The decision of the County Board is final.

HOW TO PREPARE FOR THE HEARING

Your presentation should focus only on the grounds listed in "Scope and Limitation of the Hearing." Remember, the Board can only alter a decision if it addresses one of these three areas.

SCOPE AND LIMITATIONS OF THE APPEAL HEARING

The County Board of Education is required to focus on the local district's decision. The grounds for reversal are:

1. Whether or not there was an abuse of discretion by local school district in denying the request.
2. Whether the decision was fair; or
3. Whether there is newly discovered evidence or newly discovered grounds that could not have been produced at the district level or were considered by the district in denying the request.

RIGHTS TO HAVE AN ATTORNEY OR ADVOCATE PRESENT

This brochure is an aid to help you understand the appeal hearing process. While attorneys/advocates are not required, it is the right of the County Board of Education, the district, and the parent or guardian to have an attorney/advocate present.

The San Bernardino County Lawyer Referral Service at (909) 888-6791, will provide you with the name of an attorney. You may also contact the Legal Aid Society of San Bernardino County at (909) 889-7238.

PARENTAL OPTIONS IF THE INTER-DISTRICT TRANSFER APPEAL IS DENIED

1. A pupil may attend school in the local district of residence.
2. A pupil may attend or apply for admission to a local charter school.
3. A pupil may apply for admission to a private or parochial school at the expense of the parent/guardian.

For additional information, contact:

Children Deserve Success **Don English, Program Manager**
ChildWelfare and Attendance
(909) 386-2755 | Fax (909) 386=2609