

**FRESNO COUNTY OFFICE OF EDUCATION CLASSIFICATION: Students**

**SUBJECT: *Interdistrict Transfer Appeals***

**SUPERINTENDENT/BOARD POLICY 5117  
ADOPTED: 4/16/1998  
REVISED: 7/19/2012**

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The County Board of Education shall consider an appeal against any school district within the county for its failure or refusal to issue an interdistrict attendance permit to a student, or for its failure or refusal to enter into an interdistrict attendance agreement with another school district for the student's attendance. (Education Code 46601) The County Board and County Superintendent shall develop a procedure for implementing this policy.

If the request for interdistrict attendance involves a school district located within the county and a school district located in a different county, the County Board shall have jurisdiction if the denial of the permit, or the refusal or failure to enter into an agreement, is by the school district within the county. If both school districts deny the permit or refuse or fail to enter into an agreement, the 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 filed in writing, by a person having legal custody of the student, within 30 calendar days of the district's failure or refusal to issue a permit, or to enter into an agreement allowing the interdistrict attendance. Failure to appeal within the required time is good cause for denial of an appeal. (Education Code 46601)

The appeal shall be accepted only upon verification by the County Superintendent of Schools or designee that appeals within the districts have been exhausted. (Education Code 46601)

**Hearing**

Adequate notice by the Fresno County Office of Education, Legal Services Department, 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 County Board shall conduct a hearing within forty (40) schooldays after the appeal is filed, to determine whether the student should be permitted to attend school in the preferred district. If it is impractical for the County Board to comply with the time requirement for the hearing, the County Board may extend the time period for up to an additional five (5) school days. (Education Code 46601) The County Board may also grant a continuance upon a showing of good cause.

**Final Order of the County Board**

The County Board shall render its decision within three (3) school days of the hearing unless the student requests a postponement. (Education Code 46601)

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

If the County Board determines that the student should be permitted to attend school in the preferred district, the 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 44601, 46602)

All parties shall be notified in writing of the decision of the County Board. (Education Code 46602)

**Legal References:**

**EDUCATION CODE**

46600-46611 Interdistrict attendance agreements  
48204 Residency requirements for school attendance  
48209-48209.17 Student attendance alternatives  
48660-48666 Community day schools  
48900-48926 Suspension and expulsion  
48950 Speech and other communication  
49073-49079 Privacy of student records

**GOVERNMENT CODE**

11455.20 Contempt  
54950-54962 Ralph M. Brown Act (re closed sessions)