

SAN LUIS OBISPO COUNTY BOARD OF EDUCATION

INTERDISTRICT ATTENDANCE APPEAL FREQUENTLY ASKED QUESTIONS

When may an appeal be filed?

An appeal must be filed within thirty (30) days from the date the district of residence or potential district of enrollment denied the request. All district internal appeal processes must be exhausted prior to submitting an appeal to the County Board of Education.

If a transfer is based on employment and is denied by the district, may it be appealed to the County Board of Education?

No.

How is the appeal filed?

Complete Form 5117.1(A) – Request for Interdistrict Attendance Appeal. The form can be completed on-line at the San Luis Obispo County Office of Education website www.slocoe.org (About/Board of Education/Resources).

The reason(s) for the appeal must be the same as those stated on the original request for the interdistrict attendance permit. Refer to the San Luis Obispo County Board of Education Policy #5117.1 – Interdistrict Attendance Appeals, for specific information regarding documentation required to be included with the appeal form. The policy can be accessed at the San Luis Obispo County Office of Education website www.slocoe.org (About/Board of Education/Resources).

How is a request for an appeal processed once it is filed?

The County Superintendent of Schools designee verifies the appeal form is complete and all required documentation is included. Receipt and confirmation of the appeal packet will be sent to the parent(s)/guardian(s) by e-mail.

Both the district that denied the request and the potential district of enrollment are notified the appeal has been filed and will receive a copy of the complete appeal packet. Both districts may submit a written statement regarding the appeal.

All parties (parent(s)/guardian(s) and both school districts) will be notified of the date, time, and place of the appeal hearing by e-mail.

Where is the appeal hearing held?

Hearings are held at the San Luis Obispo County Office of Education, 3350 Education Drive, San Luis Obispo. For directions to the office, go to: <http://www.slocoe.org/maps/slocoemain.htm>

When are the appeal hearings held?

Typically, at a regular board meeting held the first Thursday of the month at 1:30 p.m. The County Superintendent of Schools designee will confirm the date and time of the hearing. The meeting schedule may be found at:

<https://www.slocoe.org/about/county-board-of-education/>

What facts will the county board of education consider?

Refer to the San Luis Obispo County Board of Education Policy #5117.1 – Interdistrict Attendance Appeals for criteria the Board will consider in granting an appeal, as well as the limitations of the County Board.

How is the appeal hearing conducted?

Hearings are held in open session, unless otherwise requested by the parent or determined by the County Superintendent of Schools that the hearing should be conducted in closed session.

The hearing will be conducted in such a manner that no special legal expertise is necessary and so that all parties have the opportunity to present their case fairly and completely. The law provides that you may have legal counsel or an advocate present if you wish.

School district representatives and parent(s)/guardian(s) will have the opportunity to present statements to the County Board. During this time, the speaker may also be asked to respond to questions from the County Board.

The County Board will publicly deliberate the matter.

A majority of the County Board members present must vote “yes” for the appeal to be granted. If a majority of the members present do not vote to grant the appeal, it will be denied.

Following action by the County Board, a written decision will be mailed to all parties.

What actions may the county board of education take?

The County Board may:

Grant the appeal. If the appeal is granted, it is only effective for one school year. The decision of the County Board to grant the appeal is for the school district requested by the parent(s)/guardian, not to a specific school within the school district. The assignment of the specific school is the decision of the school district.

Deny the appeal. If the appeal is denied, the pupil must return to the district of residence to enroll.

Remand the appeal. The County Board may remand the appeal to the school district for further consideration based on new evidence/grounds presented to the County Board.

There is no appeal of the decision of the County Board of Education.

For further information, contact the San Luis Obispo County Office of Education at 782-7203.

