

# South Fork Union School District

5225 Kelso Valley Road

Weldon, California 93283

Phone: (760) 378-4000 FAX: (760) 378-3046

**Mike Vogenthaler, Superintendent/Principal**

**<http://www.southforkschool.org>**

[Date]

Name and Address]

Subject: Denial of Request to Attend the South Fork Union School District (South Fork)

Dear Parent:

It appears that you currently live within the boundaries of the Kernville Union School District, (Kernville). The California Education Code requires parents/guardians to enroll their children with the school district in which they live.

However, as a resident of Kernville you may request that your child be allowed to attend another school district. Generally, not only must the sending school district approve the request, but the receiving school district (South Fork) must also approve the request before the interdistrict transfer may happen

Accordingly the South Fork Board of Trustees has denied your request. In addition there is adequate classroom seats available at all grade levels at Kernville's Woodrow W. Wallace Elementary School and there are no available classroom seats in the 4<sup>th</sup> grade at South Fork's elementary school. [Explain other reason(s) for denial if any].

You have the right to appeal this denial to the Kern County Board of Education. If you wish to appeal, you should do so within 30 days of the date of this letter. Failure to appeal within this time frame is "good cause" for denial of the appeal. You may initiate an appeal by contacting the Kern County Superintendent of Schools at 1300 17th Street, City Centre, Bakersfield, California, 93301, telephone number 661/636-4000.

When denying a request for an Interdistrict attendance agreement, the school district is required to give the following notice.

*The person having legal custody may appeal, within 30 calendar days of the failure or refusal to issue a permit, or to enter into an agreement allowing the attendance, to the county board of*

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*education having jurisdiction over the district of residence of the parent, or legal guardian, or person having legal custody. Failure to appeal within the required time is good cause for the denial of an appeal. An appeal shall be accepted only upon verification by the county board's designee that appeals within the district have been exhausted. If new evidence or grounds for the request are introduced, the county board may remand the matter for further consideration by the district or districts. In all other cases, the appeal shall be granted or denied on its merits.*

*The county board of education shall, within 30 calendar days after the appeal is filed, determine whether the pupil should be permitted to attend school in the district in which the pupil desires to attend and the applicable period of time. In the event that compliance by the county board within the time requirements for determining whether the pupil should be permitted to attend in the district in which the pupil desires to attend is impractical, the county board of education, for good cause, may extend the time period for up to an additional five school days. The county board shall provide adequate notice to all parties of the date and time of any hearing scheduled and of the opportunity to submit written statements and documentation, and to be heard on the matter pursuant to rules and regulations adopted by the county board of education. The county board rules may provide for granting continuances upon a showing of good cause. The county board of education shall render a decision within three school days of any hearing conducted by the board unless the person who filed the appeal requests a postponement.*

*In a Class 1 or Class 2 county, the county board's rules may provide for any hearing pursuant to Education Code Section 46601 to be conducted by a hearing officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Title 3 of the Government Code, or by an impartial administrative panel of three or more certificated persons appointed by the county board of education. Government Code Section 27722 includes an impartial administrative panel. No member of the impartial administrative panel shall be a member of the county board of education, or be employed by the school district of residence or the district of desired attendance. The definitions of "Class 1 county" and "Class 2 county" in subdivision (c) of the Education Code Section 48919.5 apply. If the hearing officer is not authorized to decide whether the pupil should be permitted to attend in the district in which the pupil desires to attend, the county board of education shall render a decision within 10 days of receiving the recommended decision pursuant to subdivision (b) of Section 27722 of the Government Code.*

*The county supervisor of attendance, or other designee of the county superintendent of schools, shall investigate to determine whether local remedies in the matter have been exhausted and to provide any additional information deemed useful to the county board in reaching a decision.*

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*If the Interdistrict attendance involves school districts located in different counties, the county board of education having jurisdiction over the district denying a permit, or refusing or failing to enter into an agreement to allow for the issuance of a permit, shall have jurisdiction for purposes of an appeal. If both districts deny a permit, or refuse or fail to enter into an agreement to allow for the issuance of a permit, the county board having jurisdiction over the district of residence shall have jurisdiction for purposes of an appeal and, upon granting a pupil's appeal, shall seek concurrence in the decision by the county board of the other county which shall provide adequate opportunity for the district under its jurisdiction to be heard on the matter before making a decision. If the two county boards do not then concur, the pupil's appeal shall be denied.*

*Students who are under consideration for expulsion, or who have been expelled pursuant to education Code Sections 48915 and 48918, may not appeal Interdistrict attendance denials or recisions while expulsion proceedings are pending, or during the term of the expulsion.*

If you have any further questions or concerns, please contact our office at 845-0751

Sincerely,

Kim Kissack-Villani, M. Ed.

Superintendent

G / SLS/ ABH II/ Documents – Interdistrict/ So Fork Denial

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