



APPEAL INFORMATION FOR STUDENT TRANSFER DENIALS

Kelso School District

RCW 28 A. 225 . 230 ; Chapter 392 - 137 WAC

A student's school and resident school district are based on where the student lives. In some circumstances, a student may ask to transfer to a school outside of the district in which the student lives. This is called a **nonresident student transfer**. You may also hear it called out-of-district transfer, inter-district transfer, choice transfer, waiver, variance, or school choice.

- Nonresident students are those who do not live within the school district boundaries of the district they are asking to attend.
- Whether the student transfer request is accepted or denied is determined by the school districts (not OSPI). The Kelso School Districts has set their own policy (Policy 3131) for accepting or rejecting nonresident student applications.
- Both the student's resident district and the nonresident district must approve a transfer prior to the student attending a nonresident district.
- Denied requests may be appealed through the Kelso School District and/or OSPI.

Definitions

- **Student Residence** – the location of a student's principal abode— such as, home, house, apartment, facility, structure, or location —where the student lives the majority of the time.
- **Resident District** – the school district in which the student's residence is located.
- **Nonresident District** – the school district in which the student's residence is not located and in which the student is enrolled or is seeking enrollment.
- **Inter-district** – between two different school districts.

How do I appeal a student transfer denial?

If a student transfer request is denied, you have the right to appeal.

1. You are encouraged to start your appeal with the Kelso School Districts Student Services Department. Notice of appeal documentation is attached for your completion. Complete the appeal form in its entirety and return to the Student Services Department. A written response to the appeal will be provided to the parent/student within 3 school business days.
2. If the appeal is denied at the Student Services Director level, the parent/student may appeal that decision to the Superintendent of the Kelso School District within 5 school/business days of the Student Services Director original denial decision.

All paperwork will be forwarded to the Superintendent for review. A written response to the appeal will be provided to the parent/student within 3 school business days.

3. If the Superintendent of the Kelso School District denies the student transfer request, parent/student may file an appeal through OSPI. Appeals are heard by an Administrative Law Judge with the Office of Administrative Hearings (OAH). OSPI staff does not make determinations on student transfer cases.

**Parents have the choice of making an appeal to OSPI at any time during the appeal process.*

What should I provide to begin the appeal?

- Notice of Appeal form (attached)
- Denial email or letter from school district
- Brief cover letter (optional)

What happens after I've submitted an appeal?

Kelso Student Services Director will review the appeal information from the parent/student, as well as the facts around the original denial determination made by the school principal, in accordance with KSD Policy/Procedure 3131. A written response to the appeal will be provided to the parent/student within 3 school business days.

How long will the Kelso School District appeal take?

Decisions are made on a case-by-case basis and may take up to three days to resolve. An appeal does not excuse a student from attending school. While the appeal is in process, the student must comply with state truancy laws by attending school.

What will OSPI consider if I appeal to them?

Appeals are heard by an Administrative Law Judge with the Office of Administrative Hearings (OAH).

The judge can consider only two factors:

1. Did the school district follow the laws and rules about student transfers?
2. Did the school district follow Policy 3131 and the procedures within that policy on student transfer admissions?

Please note: *Although many families have important personal reasons for wanting their student to attend a nonresident school district, the law does not allow the judge to consider any personal reasons. **The judge can only consider the two questions listed above.***



NOTICE OF APPEAL
Student Transfer Denial
 Kelso School District
 RCW 28A.225.230; Chapter 392-137 WAC

TO BE COMPLETED BY KSD

Date Received:

INSTRUCTIONS: Please review the Appeal Information sheet first. Then complete all sections listed below. To file an appeal, send the following to the Director of Student Services, Kelso School District, 601 Crawford St, Kelso WA, 98626. Please include the following information: (1) completed Notice of Appeal form, (2) denial email or letter from school district, (3) optional brief cover letter. Mailing and email information listed below.

SECTION I Please Print Clearly

STUDENT			
Name:		Student's Resident Address:	
Grade:	Age:		
Resident School District			
Nonresident School District			
PERSON FILING APPEAL on behalf of student			
Name:		Address:	
Legal Relation to Student:			
Phone:	Email:		

SECTION II (choose one)



NONRESIDENT school district denied admission
 Provide copy of denial letter or email .

Reason for Denial by Nonresident School District:

No Space Available / Grade Level is Full

Discipline Related (such as suspension, expulsion, violence, disruptive acts, criminal conviction, gangs)

Financial Hardship to District

Other (explain):

RESIDENT school district denied release
 Provide copy of denial letter or email

Reason for Denial by Resident School District:
 Provide the reason given for why the resident school district will not release the student to attend a nonresident district? *See RCW 28A.225.220 and WAC 392-137-130*

Send Notice of Appeal form and documents to one of the following:

Mail: Kelso School District, Student Services Director, 601 Crawford St, Kelso WA, 98626
Email: amy.delagrange@kelsosd.org