

# Nonresident Student Transfer Appeal Information

## State of Washington

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In the State of Washington, 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 an 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. In addition to relevant laws and rules, school districts set their own policy 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 nonresident student transfer requests can be appealed to the Washington State Office of Administrative Hearings (OAH). Nonresident transfer means a transfer between two different school districts. Please note: In-district transfers (within the same school district) cannot be appealed to OAH.

### Definitions

- **Student Residence** – the location of a student's principal abode— such as, home, house, apartment, facility, structure, or location —where the student lives a 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 but is the district in which the student is seeking enrollment.
- **Inter-district** – between two different school districts.

### How do I appeal a nonresident transfer denial?

If a nonresident student transfer request is denied by the school district, you have the right to appeal. An appeal means you are requesting a hearing that will be heard by an Administrative Law Judge.

1. Contacting the school district office that denied the student transfer request is recommended. Many school districts have an internal appeal process for student transfer requests. In some instances, the issue can be resolved between the school district and the nonresident student's parent/guardian.

2. If the school district denies the student transfer request, you can file an appeal through the Office of Administrative Hearings (OAH). Appeals are heard by an Administrative Law Judge.

### What should I provide to begin the appeal?

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

**If the judge needs other documents, they will inform you during the pre-hearing process, after the appeal is filed.**

### What happens after I've submitted an appeal?

The Office of Administrative Hearings (OAH) will assign a cause number and then contact you with information about the hearing process. An Administrative Law Judge (ALJ) will hear from both sides (parent and district), review the facts, and make a decision.

### How long will an appeal take?

Each appeal is unique, and some can take up to several weeks to resolve. A high number of student transfer appeals are typically filed within the same short period of time, often just before school starts. During that period, given the number of appeals, a decision will likely not happen before the school year begins. **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.**

### Who decides?

All student transfer appeal cases are heard by an Administrative Law Judge with the Office of Administrative Hearings (OAH). After hearing both sides and reviewing the facts, the judge will make a decision.

### What can the judge consider in ruling on the appeal?

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 the personal reasons. The judge can consider the following:

1. Did the school district follow the laws and rules about student transfers?
2. Did the school district follow its own written policy and procedures on student transfer admissions?

# NOTICE OF NONRESIDENT STUDENT TRANSFER APPEAL

## State of Washington

**INSTRUCTIONS:** Please review the Appeal Information sheet first. Then complete all sections listed below. To file an appeal, send the following to the Office of Administrative Hearings: (1) completed Notice of Appeal form, (2) denial email or letter from school district, (3) optional brief cover letter. Mailing, email, and fax information listed below. [RCW 28A.225.230; Chapter 392-137 WAC]

### SECTION I

Please Print Clearly

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

### SECTION II (choose one)



OR

**NONRESIDENT school district denied admission**

**Provide copy of denial letter or email** (if none, provide nonresident school district policy or board minutes related to denial)

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** (if none, provide resident school district policy or board minutes related to denial)

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: **Office of Administrative Hearings, P.O. Box 42489, Olympia, WA 98504-2489**
- Fax: **206-587-5135**
- Email: **OAH.OSPI@oah.wa.gov** The notice of appeal form must be sent by *secure* email. If you do not have a secure email password, send an email to this address, without the form attached, to request instructions for filing the form by secure email.