

APPEAL INFORMATION FOR NONRESIDENT STUDENT TRANSFER DENIALS

Washington State Office of Superintendent of Public Instruction (OSPI)

RCW 28A.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). 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 requests can be appealed through 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. An appeal means you are requesting a hearing that will be heard by an Administrative Law Judge.

1. Contact the school district office that denied the nonresident student transfer request. Many school districts have an internal appeal process for taking another look at 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 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.

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?

OSPI assigns a cause number and assigns the case to the Office of Administrative Hearings (OAH). Then, OAH will contact you with information about the hearing process. An Administrative Law Judge (ALJ) will hear from both sides, review the facts, and make a decision.

How long will an appeal take?

Decisions are made on a case-by-case basis and 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?

The judge can consider two factors:

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?

NOTE for Nonresident Transfer Denial Appeals: 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 only consider the two questions listed above.

Termination of Acceptance (rescindment):

Nonresident student transfers that are terminated during the effective period can be appealed to OSPI using the same appeal process explained on this form.



NOTICE OF APPEAL

Student Transfer Denial

to Washington State Office of Superintendent of Public Instruction (OSPI)
RCW 28A.225.230; Chapter 392-137 WAC

TO BE COMPLETED BY OSPI

Cause #:

Received:

INSTRUCTIONS: Please review the Appeal Information sheet first. Then complete all sections listed below. To file an appeal, send the following to the Washington State Office of Superintendent of Public Instruction (OSPI): (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)



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: Transfer Appeal – OSPI Legal, PO Box 47200, Olympia, WA 98504-7200
- Email: appeals@k12.wa.us