

WAC 392-137-155 Appeal to SPI—Denial of release. The decision of a resident school district to not release a resident student may be appealed to the superintendent of public instruction. The right of appeal is subject to each of the following conditions:

(1) The appeal is filed by the student's parent or a custodial adult or by the student if the student is eighteen years of age or older.

(2) The resident district has denied the release or has failed to consider the request for the release. The following shall apply:

(a) For the purpose of this subsection, a denial is established by one of the following:

(i) A copy of the minutes of the board of directors of the resident district which establishes that the board has denied a request to release the resident student.

(ii) A written statement by the superintendent of the resident district that the board has taken action denying the release.

(b) For the purpose of this subsection a refusal to consider a request for a release is established by:

(i) Copy of correspondence addressed to the superintendent of the resident district requesting a release and which sets forth the grounds for the release.

(ii) An affidavit by the appellant indicating the resident district board of directors has failed to act on the request and that at least forty-five calendar days has transpired since the request for the release was mailed or delivered to the superintendent of the resident district.

(3) The nonresident district has agreed to accept the student. For the purpose of this subsection an acceptance is established by one of the following:

(a) A copy of minutes of the board of directors of the nonresident district that establishes that the nonresident student has been accepted.

(b) A written statement by the superintendent of the district that the nonresident student has been accepted.

(c) Any documentation that the nonresident district has a policy of accepting one or more of the following categories of nonresident students:

(i) All nonresident students.

(ii) All nonresident students who are released by the resident school district.

(iii) All nonresident students who are released by order of the superintendent of public instruction or by the court.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). WSR 90-19-068 (Order 26), § 392-137-155, filed 9/17/90, effective 10/18/90.]