



District Permit Denial Overturned

Description

The Los Angeles County Board of Education ordered Bellflower Unified School District to allow a special needs student to return to his school after Bellflower denied him an inter-district transfer permit. RKH Law attorney Jenny Chau successfully argued the appeal.

Lucas is a student in special education who suffers from migraines, requiring customized academic instruction and language and speech services. Lucas is required to take prescribed medications administered by his mother, Mrs. V., who also picks him up from school, making proximity to his mother essential.

After the beginning of the 2015-2016 school year, Lucas and his family moved outside the school district's limits. His mother applied for inter-district transfer permits for both Lucas and his sister Mia, a general education student. Mrs. V. applied for the permit because her place of employment is a short distance away from the Bellflower Middle and High School. The school district denied both permit applications. Mrs. V. promptly appealed to the school district.

While the school district granted Mia's permit, they continued to deny Lucas's permit.

Lucas had to return to his school of residence in the middle of the school year. The new school was at least 20 minutes away from his mother's place of employment. Lucas had a difficult time with the transition and, importantly, he was not with Mia, with whom he had been attending school for several years.

During his first week, he witnessed students bullying another student and his money was stolen.

In Jenny's appeal request, she focused on several arguments to the County Board. First, she argued the appeal should be granted for Lucas's health and safety. Bellflower knew about Lucas's documented history of migraines and in fact, had been accommodating Lucas's health needs by calling his mother so that she could bring him medicine or take him home.

Next Jenny argued, the appeal should be granted because it was in Lucas's best interest. Lucas was a

part of Bellflower Unified School District for three years and began the school year in the district. During that time, Lucas built rapport with his teachers and aides. Also attending the same school with his sister, Mia, was important to his social development. The denial of the permit forced Lucas to enroll in a new school. Upon enrollment, the new school informed Mrs. V. their programs were full and Lucas would be placed at yet another school. Not surprisingly, Lucas, underwent a difficult transition. He went from enjoying school to not enjoying school at all.

The school district claimed that their programs were *negatively impacted* because Lucas required *special education*. The school district additionally alleged Mrs. V. lied about her previous residence to gain access to the school district's programs in previous years.

Jenny argued that both of the school district's arguments were baseless, and a majority of the County Board, agreed.

Since a favorable vote was rendered to Lucas's appeal, he is now happily attending school with his sister, and is succeeding.

1. Pseudonyms were used to protect the confidentiality of the minor students.

2. Appeals have to be done within very strict timelines. Appeals must be submitted within 30 days of a final denial. Once an appeal is submitted, the County Board will schedule a fact-finding session within 20 school days. The appeal will then be heard at a County Board meeting scheduled some time after the fact-finding session.

Category

1. Blog
2. Children Services

Date Created

2016/06/17

Author

lawyer4children

default watermark