

Students

Involuntary Student Transfers

The Governing Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5116.1 – Intra-district Open Enrollment)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6173.3 - Education for Juvenile Court School Students)

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at district schools, and the availability of support services and other resources.

Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Students Convicted of Violent Felony or Misdemeanor

A student may be transferred to another district school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6164.2 - Guidance and Counseling Services)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

Involuntary Student Transfers (Cont.)

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Other Involuntary Transfers

Students may be involuntarily transferred under either of the following circumstances:

1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)

(cf. 6184 - Continuation Education)

2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6185 - Community Day School)

Legal Reference:

EDUCATION CODE

35146 Closed sessions; student matters

48430-48438 Continuation classes, especially:

48432.5 Involuntary transfer to continuation school

48660-48666 Community day schools, especially:

48662 Involuntary transfer to community day school

48900 Grounds for suspension and expulsion

48929 Transfer of student convicted of violent felony or misdemeanor

48980 Notice at beginning of term

PENAL CODE

667.5 Violent felony, definition

29805 Misdemeanors involving firearms

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Adopted: 2/28/18

Amended: 3/17/21

Students

Involuntary Student Transfers

To a Continuation School

I. Written notice:

In the event of involuntary transfer of a student to continuation high school, written notice shall be given to the pupil and the student's parent or guardian informing them of the opportunity to request a meeting with a designee of the District Superintendent prior to the transfer.

II. Meeting with Superintendent's Designee:

At the meeting the student or the student's parent or guardian shall be informed of the specific facts and reasons for the proposed transfer and shall have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting.

III. Basis for Involuntary Transfer to Continuation High School:

A decision to transfer a student involuntarily shall be based upon the finding that the student:

- a) committed an act enumerated in Section 48900 of the Education Code, or,
- b) has been habitually truant or irregular in attendance from instruction which he or she is lawfully required to attend.

Involuntary transfer to the continuation program shall be imposed only when other means fail to bring about student improvement, provided that a student may be involuntarily transferred the first time he/she commits an act enumerated in Education Code Section 48900 if the principal determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

IV. Decision of Superintendent's Designee:

The decision to transfer shall be in writing, stating the facts and reasons for the decision, and sent to the student and the student's parent and guardian. It shall indicate whether the decision is subject to periodic review and the procedure therefore. None of the persons involved in the final decision to make an involuntary transfer of the student to a continuation school shall be a member of the staff of the school in which the student is currently enrolled at the time that the decision is made.

V. Term of Involuntary Transfer to Continuation Program:

No involuntary transfer to the continuation program shall extend beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. However, the continuation school principal may recommend that placement be continued for an additional semester if it is determined that such continued

Involuntary Student Transfers (Cont.)

placement will benefit the student. If the school principal is recommending an extension, notice regarding the recommendation will be provided to the parent/guardian and include a proposed meeting date with a designee of the District Superintendent and the principal to review the placement, the student's progress to date, the credits accumulated for graduation, and the student's options for college and other post-secondary schools. Such meeting will be conducted in accordance with the procedures outlined in paragraph II. The parent/guardian retains the right to return to the student to the regular high school program. If the parent/guardian voluntarily decides to retain the student in the continuation school, the District will reflect this decision in an appropriate document signed by the parent/guardian and provide the parent/guardian with a copy of the policies and procedures adopted under Education Code section 48432.3.

VI. Voluntary Transfer to the Continuation Program:

A student, with the concurrence of a designee of the District Superintendent, may transfer voluntarily to the continuation program in order to receive assistance in completing graduation requirements. A copy of the policies and procedures adopted under Education Code section 48432.3 shall be provided to a pupil whose voluntary transfer is under consideration and to his or her parent or legal guardian. Upon a parent or legal guardian's request and before a pupil is transferred, the parent or legal guardian may meet with a counselor, principal, or administrator from both the transferor school and the continuation school to determine if transferring is the best option for the pupil.

VII. Return to Regular High School Program from Voluntary Transfer to the Continuation Program:

A student who has voluntarily transferred to a continuation program shall have the right to return to the regular high school at the beginning of any semester or at any time with the consent of a designee of the district superintendent. The student and parent will be counseled regarding the credits the student has earned, the credits required to graduate from continuation high school, and the credits required to graduate from the comprehensive high school.

VIII. Non-Discrimination in Enrollment and Placement

The District shall ensure that no specific group of students, including but not limited to a group based on race, ethnicity, language status, or special needs is disproportionately placed in the continuation school. The District shall maintain accurate data on the demographics of the students involuntarily transferred or voluntarily enrolled in the continuation school and assess the data on a quarterly basis to ensure compliance and address any disproportionality.

IX. Students with Disabilities or Suspected of Disabilities

Prior to any transfer to a continuation school, the District shall conduct appropriate child find activities to ensure that the student does not have a disability or suspected disability, including by contacting prior school districts to request records, requesting information about any prior disability designations from parents or guardians, and discussing the student's progress with teachers and reviewing appropriate education records to determine

Involuntary Student Transfers (Cont.)

whether an assessment for suspected disability is appropriate or the student is a student with a Section 504 plan or with a disability requiring specialized instruction, accommodations, modifications, and/or services. If the student has a disability or a suspected disability, the District shall follow state and federal laws and its Board Policy 5144.2 and Administrative Regulation 5144.2 prior to making any placement.

To a Community Day School**I. Community Day School Program**

The District's community day school programs shall be comparable to those available to students of a similar age in the school district. To the extent possible, the community day school shall include the following program components: (a) school district cooperation with the county office of education; (b) human services agencies personnel who work with at-risk youth; (c) low pupil-teacher ratio; (d) individualized instruction and assessment; and (e) maximum collaboration with school district support service resources, including, but not limited to, school counselors and psychologists, academic counselors, and pupil discipline personnel.

II. Written notice:

In the event of involuntary transfer of a student to community day school, written notice shall be given to the pupil and the student's parent or guardian informing them of the opportunity to request a meeting with a designee of the District Superintendent prior to the transfer .

III. Meeting with Superintendent's Designee:

At the meeting, the student or the student's parent or guardian shall be informed of the specific facts and reasons for the proposed transfer and shall have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting.

IV. Basis for Involuntary Transfer to Community Day School:

A decision to transfer a student involuntarily to a community day school shall be based upon the finding that, the student:

- a. was expelled for any reason,
- b. is probation referred pursuant to Sections 300 and 602 of the Welfare and Institutions Code,
- c. is referred by a school attendance review board.

V. Decision of Superintendent's Designee:

The decision to transfer shall be in writing, stating the facts and reasons for the decision, and sent to the student and the student's parent and guardian. It shall indicate whether the decision is subject to periodic review and the procedure therefore. None of the persons

Involuntary Student Transfers (Cont.)

involved in the final decision to make an involuntary transfer of the student shall be a member of the staff of the school in which the student is currently enrolled at the time that the decision is made.

VI. Term of Involuntary Transfer to Community Day Program:

No involuntary transfer to the community day program shall extend beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred, unless the student and the student's parent or guardian receives written notice informing them of the intent to extend the involuntary transfer consistent with any expulsion order or agreement and their right to request a meeting with a designee of the District Superintendent to review the placement.

Such meeting must be requested in writing by the student and the student's parent/guardian within ten (10) days after receiving the designee's notification, or else the right to such a pre-extension meeting is deemed to be waived. Such meeting will be conducted in accordance with the procedures outlined in paragraphs II, III and IV above.

VII. Voluntary Transfer to the Community Day Program:

A student, with the concurrence of a designee of the District Superintendent, may transfer voluntarily to the community day program in order to receive assistance in completing graduation requirements. A copy of the applicable policies and procedures for such transfers shall be provided to the pupil. Upon a parent or legal guardian's request and before a pupil is transferred, the parent or legal guardian may meet with a counselor, principal, or administrator from both the transferor school and the community day school to determine if transferring is the best option for the pupil.

VIII. Return to Regular High School Program from Voluntary Transfer to the Community Day Program:

A student who has voluntarily transferred to a community day program shall have the right to return to the regular high school at the beginning of any semester. Also, with the consent of a designee of the district superintendent, the student may return at any time. The student and parent will be counseled regarding the credits the student has earned, the credits required to graduate from continuation high school, the credits required to graduate from the comprehensive high school.

IX. Non-Discrimination in Enrollment and Placement

The District shall ensure that no specific group of students, including but not limited to a group based on race, ethnicity, language status, or special needs is disproportionately placed in the community day program. The District shall maintain accurate data on the demographics of the students involuntarily transferred or voluntarily enrolled in the community day program and assess the data on a quarterly basis to ensure compliance and address any disproportionality.

Involuntary Student Transfers (Cont.)

X. Students with Disabilities or Suspected of Disabilities

Prior to any transfer to a community day school, the District shall conduct appropriate child find activities to ensure that the student does not have a disability or suspected disability, including by contacting prior school districts to request records, requesting information about any prior disability designations from parents or guardians, and discussing the student's progress with teachers and reviewing appropriate education records to determine whether an assessment for suspected disability is appropriate or the student is a student with a Section 504 plan or with a disability requiring specialized instruction, accommodations, modifications, and/or services. If the student has a disability or a suspected disability, the District shall follow state and federal laws and its Board Policy 5144.2 and Administrative Regulation 5144.2 prior to making any placement.