

# **Mt. Diablo USD**

## **Board Policy**

### **Involuntary Transfer To The Continuation High School**

BP 5144.11

#### **Students**

A high school principal may request an involuntary transfer of a student to a Continuation High School.

Students eligible for continuation high school shall be age 16 or 17 at the time of their enrollment and shall not have graduated from high school.

A decision to transfer a student involuntarily into continuation high school shall be based on a finding that the student meets one of the following conditions:

1. The student committed an act enumerated in Education Code 48900.

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

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

2. The student has been habitually truant or irregular in legally required school attendance.

An Involuntary Transfer may be requested after the school administration has made a referral to the district's School Attendance Review Board (SARB) and there has been at least 10 business days since the SARB hearing in order to assess the School Attendance Review Board/Juvenile Court Directive. If a high school principal determines that a student has not complied with the School Attendance Review Board/Juvenile Court Directive, the high school principal may request an Involuntary Transfer.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

Prior to requesting an Involuntary Transfer by a high school principal, the student and parent/guardian shall be given written notice of the specific facts and reasons for the proposed transfer. The high school principal must meet with the student and parent/guardian, unless the parent/guardian declines, to review the specific facts and

reasons for the proposed transfer, including information regarding the students academic, attendance and disciplinary record along with interventions that have been provided by school officials.

If the high school principal chooses to request an Involuntary Transfer following the parent/guardian conference, the principal must forward a request for transfer in writing to the Director of Alternative Education along with supporting documentation.

Within five calendar days of receipt of the high school principal's request for transfer and all supporting documentation, the Director of Alternative Education shall notify the parent/guardian that a request for transfer has been made and inform them of their right to request a meeting with the Alternative Education Transfer Panel regarding the request. The parent/guardian must request this meeting within five calendar days of notice of right to request a meeting. The Alternative Education Transfer Panel consists of the Directors of Alternative Education and Student Services, Principal of Continuation School, and principal of non-sending high school.

(cf. 5145.6 - Parental Notifications)

If a meeting is requested with the Alternative Education Transfer Panel, the meeting shall be held within 10 calendar days of the receipt of the request for meeting. The specific facts and reasons for the proposed transfer shall be reviewed with the parent/guardian and student, if present. The student and parent/guardian 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.

A written decision to transfer, stating the facts and reasons for the decision, shall be sent to the student and parent/guardian within five business days of the meeting. It shall indicate whether the decision is subject to periodic review and the procedure for such review. The written notice will also include information regarding appeal procedures.

If the parent/guardian does not request a meeting with the Alternative Education Transfer Panel regarding the request for Involuntary Transfer to a Continuation School within five calendar days of notice of right to request a meeting, the Director of Alternative Education shall forward the parent a written determination regarding the request for transfer within 10 business days of receipt for transfer, along with applicable appeal procedures.

An involuntary transfer to a continuation high school shall extend beyond the end of the semester following the semester when the acts leading to the involuntary transfer occurred, pending a yearly review of the involuntary transfer at the request of the student's parent/guardian. The Alternative Education Transfer Panel shall conduct the yearly review of the involuntary transfer to determine placement.

Requirements and procedures for graduation described in Policy 6146.1 apply for

students transferring to a comprehensive or alternative school.

(cf. 6146.1 - High School Graduation Requirements)

Special education students require an IEP meeting that includes the parent/guardian, student, and appropriate district staff.

#### Appeal of Involuntary Transfer to a Continuation School

A student and parent/guardian shall have the right to appeal an Involuntary Transfer to a Continuation School. Written notice of the right to appeal and applicable procedures shall be included in the written decision by the Alternative Education Transfer Panel to grant a request for involuntary transfer to a continuation school.

The appeal must be in writing and presented to the Assistant Superintendent of Pupil Services and Special Education within five business days of receipt of the Alternative Education Transfer Panel's decision to grant a transfer.

Following receipt of the request for appeal, the Assistant Superintendent of Pupil Services and Special Education shall notify the parent/guardian of a meeting to consider the appeal. The meeting shall be held within 10 business days of the receipt of the request for appeal.

At the meeting, the student and parent/guardian shall be afforded the opportunity to present evidence on the student's behalf supporting their appeal. The student may designate one or more representatives and witnesses to be present with him/her at the meeting.

A written decision regarding the appeal of Involuntary Transfer to a Continuation School, stating the facts, reasons for the decision and the assigned school, shall be sent to the student and parent/guardian within five business days of the parent/guardian meeting. The decision shall be final.

(cf. 6184 - Continuation Education)

#### Voluntary Enrollment

~~With the consent of the Superintendent or designee, a student may voluntarily enroll in a continuation high school in order to receive special attention such as individualized instruction. Students so enrolled may return to the regular high school at the beginning of the following school year, or at any time the Superintendent or designee gives consent. (Education Code 48432.5)~~

~~Requirements and procedures for graduation described in Policy 6146.1 apply for students transferring to a comprehensive or alternative school.~~

~~Special education students require an IEP meeting that includes the parent/guardian, student, and appropriate district staff.~~

~~A student shall be encouraged to voluntarily enroll in a continuation high school if the student has failed to make adequate progress to graduation as determined by the systematic review of pupils upon reaching the age of 16 or prior to the end of 10th grade whichever occurs first.~~

~~Adequate progress is defined by credits earned. A student shall be initially designated as not achieving adequate progress if he/she has earned:~~

- ~~1. 50 or fewer credits at the end of the first (9th grade) year~~
- ~~2. 100 or fewer credits at the end of the second (10th grade) year~~
- ~~3. 155 or fewer credits at the end of the third (11th grade) year~~

~~A student who has voluntarily transferred to a continuation high school shall have the right to return to the regular high school at the beginning of the following school year and with the consent of the Assistant Superintendent of Pupil Services and Special Education, may return at any time.~~

~~(cf. 5123 - Promotion/Acceleration/Retention)~~

~~(cf. 6164 - Tenth Grade Counseling)~~

~~(cf. 6184 - Continuation Education)~~

Legal References:

EDUCATION CODE

48400 - Weekly minimum attendance

48413 - Enrollment in continuation classes

48432.5 - Involuntary transfer of pupils

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

adopted: April 8, 2003           Concord, California