

## **Involuntary Intradistrict Transfers**

### Readmission After Expulsion or Suspended Expulsion

Parents/guardians of expelled students on suspended expulsions will be notified by the Office of Student Services to apply for readmission before the expulsion term is completed.

A written request for review of expulsion action and request for readmission shall be submitted by the parent/guardian to the Office of Student Services. This request may be submitted prior to the completion of the expulsion term to assure a placement.

The Readmissions Panel will hold a conference with the parent/guardian and the student.

At the conference the conditions for readmission will be reviewed. The Readmissions Panel shall verify that the conditions have been met. School regulations will be reviewed and the student and parent/guardian will be asked to indicate in writing their willingness to adhere with these regulations.

The Superintendent's designee will present the request for readmission to the Board, for the Readmission's Panel. The Board shall consider the request for readmission in closed session. If a written request for open session is received 48 hours before the meeting from the parent/guardian or adult student, the discloseable information will be discussed in open session.

The Board may deny an application for readmission if it finds that the student has not satisfied conditions of the expulsion or has not demonstrated sufficient rehabilitation to be readmitted to school. (AR 5144.1)

The Board may readmit the student and transfer him/her to a school site other than the school where the violation occurred. The student may return to the school where the violation occurred only with the approval of the receiving principal and Student Services.

The Superintendent or designee will notify the student or parent/guardian, by registered mail, of the Board's decision regarding readmission.

### Involuntary Transfer to Continuation High School

#### 1. Grounds

A decision to transfer the student involuntarily shall be based on a finding that the student 1) committed an act enumerated in Education Code 48900, or 2) has been habitually truant or irregular in legally required school attendance. High school students under age 16 may be so transferred when they have used up 20 days of suspension at their school attendance.

(cf. 5113 - Absences and Excuses)

(cf. 5144.1 - Suspension/Expulsion)

## 2. Procedure

The Principal or designee shall submit an involuntary transfer referral along with supportive documentation to the office of Student Services.

The referral shall specify why the student is being referred to a continuation school and what efforts the school has attempted to improve the student's conduct or attendance.

If the office of Student Services concurs that it is a proper request, a written decision to transfer, stating the facts and reasons for the decision, shall be sent to the student and to the parent/guardian. If the decision is subject to annual review, the letter shall explain the procedure involved.

## 3. Limitation

Involuntary transfer to a continuation 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. (Education Code 48432.5)

## 4. Duration

No involuntary transfer to a continuation school shall extend beyond the end of the semester following the semester when the acts leading to the involuntary transfer occurred. (Education Code 48432.5)

## 5. Notice and Hearing

The student and parent/guardian shall be given written notice that they may request a meeting with the Superintendent or designee prior to an involuntary transfer.

At the meeting, the student and/or parent/guardian shall be told specific facts and reasons for the proposed transfer. The student or parent/guardian shall have the opportunity to inspect all documents relied upon, and to 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.

## Involuntary transfer to an Opportunity School Program

Opportunity school programs were created with the intent of giving students a chance to resolve their problems so that they maintain themselves in regular classes or reestablish themselves for return to regular classes or regular schools as soon as practicable. (Education Code 48630)

## Purpose of Assignment

Assignment to an opportunity school, class or program may be based upon any of the following: (Education Code 48631)

1. Students who are, or are in danger of becoming, habitually truant from classes which they are lawfully required to attend.
2. Students who are, or are in danger of becoming, irregular in attendance.
3. Students who are, or are in danger of becoming, insubordinate or disorderly during their attendance upon instruction to resolve their problems.

#### Who May Assign the Student?

Students may be assigned to an opportunity school, class, or program by: (Education Code 48637)

1. The governing board of the school district,
2. The district Superintendent of schools, or
3. The school principal.

#### Notice to Parent/Guardian

No student shall be required to attend an opportunity school, class or program for adjustment purposes until both the student and student's parent or guardian have been notified in writing of the intended assignment. The notice to the parent/guardian, insofar as is practicable, shall be in the parent/guardian's primary language and shall request the parent/guardian to respond within 10 days. Absent a response from the parent/guardian, the person responsible for assigning the student shall make a reasonable effort to contact the parent/guardian, the person responsible for assigning the student shall make a reasonable effort to contact the parent or guardian by telephone to communicate directly the information contained in the written notice. (Education Code 48637.1)

#### Committee Requirement

The person responsible for assigning students to an opportunity school, class, or program for adjustment purposes shall make such an assignment only upon the recommendation of a school.

#### Committee Requirement

The committee shall include, but need not be limited to:

1. A representative of the school district who is familiar with the student's progress,
2. A representative of the opportunity school, class, or program,
3. The parent or guardian of the student at the option of the parent or guardian.

The parent or guardian may designate a representative such as a counselor, social worker, or other community member, to attend the meeting of the committee. (Education Code 48637.2)

This meeting should be held as soon as possible following parent or guardian notification. (AR 6182)

Regulation FRESNO UNIFIED SCHOOL DISTRICT

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