

## **Involuntary Intradistrict Transfers**

### Overcrowding (Grades K-6)

The District will make every effort to ensure that students will not be required to attend schools which are overcrowded when there is adequate space at other schools. There shall be fixed, objective criteria established for identifying overcrowded schools. Children whose enrollment would increase an overcrowded condition shall be provided free transportation to a school with adequate space. When possible, siblings will be allowed to attend the same school.

### Readmission After Expulsion Or Suspended Expulsion

The Governing Board can involuntarily transfer students, after completing their expulsion term or cases of suspended expulsion 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 Board or its designee.

### Involuntary Transfer to Continuation High Schools

High school students, 16 years and over, may be involuntarily transferred to a continuation high school based on the finding that the student (a) committed an act enumerated in Education Code Section 48900, or (b) has been habitually truant or irregular in attendance for instruction upon which he or she is lawfully required to attend.

The decision to transfer shall be in writing, stating the facts and reasons for the decision, and sent to the pupil and the pupils parent or 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 a pupil to a continuation school shall be a member of the staff of the school on which the pupil is enrolled at the time that the decision is made.

Involuntary transfer to a continuation school shall be imposed only when other means fail to bring about pupil improvement; however, a pupil may be involuntarily transferred the first time he or she commit an act enumerated in Section 48900 if the principal determines that the pupils presence causes a danger to persons or property or threaten to disrupt the instructional process.

No involuntary transfer to a continuation school shall extend beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. An annual review shall be conducted at the request of the pupil or pupils parent or guardian to determine if the pupil can return to regular school.

### Involuntary Transfer to Opportunity Program

Pupils enrolled in grades 7 to 9, inclusive, but under the age of 16, may be involuntarily transferred to an Opportunity Program based on the finding that the pupils are (a) habitually truant or irregular in attendance from instruction upon which they are lawfully required to attend

or (b) are endanger of becoming insubordinate or disorderly during their attendance in instruction upon which they are lawfully required to attend.

Legal Reference:

EDUCATION CODE

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48209-48209.17 Student attendance alternatives

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Admission of persons including nonresidents to attendance area; workers' compensation for pupil

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

Policy FRESNO UNIFIED SCHOOL DISTRICT

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