

AR 6185.1 Involuntary Transfer

The District desires to enroll students in the school of their residence but recognizes that circumstances sometimes necessitate the involuntary transfer of 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. 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.

Reasons for involuntary transfers to schools other than the Community Day School

A student may be involuntarily transferred to another school in the District other than the community day school if it is determined to be in the best interest of the District. Re-assignment of schools may not be used in lieu of following appropriate disciplinary processes, but may be utilized as an “other means of correction.” Additionally, if the student 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 the student was convicted – though the crime occurred outside of school jurisdiction, the student may be involuntarily transferred. (Education Code 48929)

Prior to any involuntary transfer or reassignment, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services, to the extent necessary or appropriate as determined by the site administrator. The Superintendent or designee shall also notify the student and parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929) If a student is transferred involuntarily to another District school, the student’s parent or guardian shall be informed of the specific facts and reasons for the proposed transfer. Parent or guardian shall have the opportunity to present evidence on the student’s behalf and challenge the decision by requesting a meeting with the Assistant Superintendent of Pupil Services within five school days of the decision by the school to involuntarily transfer the student.

Reasons for involuntary transfers to the Community Day School

The district may involuntarily transfer a student to a community day school for any of the following reasons:

1. The pupil is expelled for any reason.
2. The pupil is probation referred pursuant to Sections 300 and 602 of the Welfare and Institutions Code.
3. The pupil is referred to a community day school by a school attendance review board or other district-level referral process. This includes a student who is alleged to have committed conduct that is sufficient for expulsion and an involuntary transfer is recommended as “other means of correction.”

First priority for assignment to a community day school shall be given to a pupil expelled pursuant to subdivision (d) of Section 48915, second priority shall be given to pupils expelled for any other reasons, and third priority shall be given for placement to all other pupils pursuant to this section, unless there is an agreement that the county superintendent of schools shall serve any of these pupils.

If a student is transferred involuntarily, 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.

AR 6185.1 Involuntary Transfer (continued)

(20 USC 6311)

A decision to transfer the student involuntarily shall be based on a finding that the student (a) committed an act enumerated in Section 48900, or (b) has been habitually truant or irregular in attendance from instruction upon which the 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 student and the student's parent or guardian. It shall indicate whether the decision is subject to periodic review and the procedure therefor.