

## INSTRUCTIONS

### ADMINISTRATIVE REGULATION - COMMUNITY DAY SCHOOL

AR 6185

#### **School Districts- Expulsion or Involuntary Transfers**

It is the responsibility of the school district that is expelling/involuntarily transferring the student to meet all of the legal requirements of due process and notification for the student and parents as a part of the expulsion/involuntary transfer process.

Parents and guardians shall be notified at least 10 days prior to the involuntary transfer of the district level process. The Superintendent or designee of the school district shall provide written notice to the student's parent/guardian or the adult student age 18 or older. The notice shall contain:

1. A statement of facts and circumstances upon which the transfer is based, the duration of the transfer and the conditions for readmission.
2. Advisement to the student's parent/guardian of the opportunity to inspect and obtain copies of all documents supporting the transfer.
3. A statement that the parent/guardian has 5 school days to request a meeting with the superintendent or designee to discuss the transfer.

If the Superintendent designates an individual to represent the district at the meeting, the designee shall not be a member of the staff of the school at which the student is currently enrolled. At the meeting, the reason for the transfer shall be reviewed and the parent/guardian or adult student may present evidence on the student's behalf. Written notice of the decision to transfer or not to transfer shall be sent to the parent/guardian or adult student within three school days of the meeting.

If the parent/guardian or adult student desires to appeal the decision to the District's Board of Education, s/he shall file a written notice of the intent to appeal within five school days of receiving the decision. The District's Board of Education shall determine whether or not to hear the appeal within 15 calendar days. If the Board decides to hear the appeal, the Board shall decide the appeal within 30 calendar days of the receipt of the notice of the appeal. The Board's decision is final.

#### **Students Eligible for Services under IDEA or Section 504**

Students identified as eligible for services under the federal Individuals with Disabilities Education Act or Section 504 shall first be approved by the student's Individualized Education Program as required by law.

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**Students Referred by Probation**

Students that are probation referred will receive due process and notice during the probation proceedings.

**Students Referred by SARB**

For those students referred pursuant to a SARB, due process and notice may also be provided during the SARB hearings.

APPROVED BY COUNTY SUPERINTENDENT:                      October 31, 2005