Involuntary Student Transfer

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The Board of Education desires to enroll students in the district school of their choice but recognizes that circumstances sometimes necessitate the involuntary transfer of some 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.

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Superintendent or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, the enrollment capacity at the district schools, and the availability of support services and other resources.

Whenever a student is involuntary transferred, the Superintendent or designee shall provide timely written notification to the student and their parent/guardian and an opportunity for the student and parent/guardian to meet with the Superintendent or designee to discuss the transfer.

Involuntary Transfer of a Student Convicted of Violent Felony or Misdemeanor Related to Possession of Firearms

A student may be transferred to another district school if they are convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 28905 and is enrolled at the same school as the victim of the crime for which they were convicted.

Before transferring such students, the Superintendent or designee shall attempt to resolve the conflict using restorative practices, counseling, or other such services. They shall also notify the student and their parents/guardians of the right to request a meeting with the principal or designee. Participation of the victim in any conflict resolution program shall be voluntary, and they shall not be subjected to any disciplinary action for their refusal to participate in conflict resolution.

The principal or designee shall submit to the Superintendent or designee a recommendation as to whether or not the student should be involuntarily transferred.

If the Superintendent or designee determines that an involuntary transfer would be in the best interest of the students involved, they shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session (Board of Education Bylaw 9321) to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision is final.

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee. The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929.

Involuntary Transfers to a Continuation Education Program or Class within the District

The Superintendent or designee may involuntarily transfer a high school student to a continuation education program or class in the district if the student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance and either of the following conditions are met:

1. Other means to improve the student's behavior have failed

2. It is the first time the student committed an act enumerated in Section 48900 and the principal of the student's school determines that the student's presence causes a danger to person(s) or property or threatens to disrupt the instructional process

Before any final decision to involuntarily transfer a student, the Superintendent or designee shall notify the student and the student's parent(s)/guardian(s) of the right to request a hearing with the Superintendent or designee. If such a hearing is requested, the Superintendent or designee shall provide the specific facts and reasons for the proposed transfer, including all documents relied upon. At the hearing, the Superintendent or designee shall also allow the student or the student's parent(s)/guardian(s) to question any evidence or witnesses presented and present evidence, including witnesses, on the student's behalf. The student shall be allowed to bring one or more representatives to present at the hearing.

If the Superintendent or designee decides to involuntarily transfer the student, the Superintendent or designee shall provide the decision to the student and the student's parent(s)/guardian(s) in writing. The decision shall include the facts and reasons for the decision and whether the decision is subject to periodic review and the periodic review procedure.

The decision shall also include the date by which the student may transfer back to the student's original school, which shall be no longer than the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred.

The final decision to involuntarily transfer the student may not involve a member of the staff of the school in which the student is enrolled at the time that the decision is made.

Involuntary Transfers to a Community Day School within the District

If a student is expelled from school for any reason in accordance with Board Policy 5144.1 - Suspension And Expulsion/Due Process, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, the student may be transferred to a district community day school as specified in Board Policy 6185 - Community Day School.

Notice, Information, and Reports

The Superintendent or designee shall include notice of this policy in the annual notification to parents/guardians in accordance with Education Code 48980.

Whenever 15 percent or more of the students enrolled in a district school speak a single primary language other than English, as determined from the California Department of Education census data collected pursuant to Education Code 52164, all notices and reports sent to the parent(s)/guardian(s) of any such student shall, in addition to being written in English, be written in the primary language, and may be responded to either in English or the primary language.

Whenever an employee learns that a student's parent/guardian is unable to understand the district's printed notifications or reports for any reason, the employee shall inform the principal or designee, who shall work with the parent/guardian to establish other appropriate means of communication.

When a foster youth or American Indian student, as defined in Welfare and Institutions Code 224.1, is being considered for an involuntary transfer, all notices, documents, and information that would be provided to parents/guardians shall be provided to the foster youth's educational rights holder, attorney, and county social worker and the American Indian student's tribal social worker and, if applicable, county social worker.

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE
EDUCATION CODES
35146 Closed sessions; student matters
48430-48438 Continuation classes, especially:
48432.5 Involuntary transfer to continuation school
48660-48666 Community day schools, especially:
48662 Involuntary transfer to community day school
48929 Transfer of student convicted of violent felony or misdemeanor
48980 Notice at beginning of term
PENAL CODE
667.5 Violent felony, definition
28905 Misdemeanors involving firearms
WELFARE AND INSTITUTIONS CODE
300 Minors subject to jurisdiction
602 Minors violating laws defining crime; ward of court
MANAGEMENT RESOURCES
WEBSITES
CSBA http://www.csba.org
California Department of Education http://cde.ca.gov
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/

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