

LODI UNIFIED SCHOOL DISTRICT

Revised

Policy 5116.2

Students

Involuntary Student Transfer

The Board of Education desires to enroll students ~~in the school of their choice~~, *in their home attendance school*, 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 process and needs, the enrollment capacity at the district schools, and the availability of support services and other resources.

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.

~~Students Convicted of Violent Felony or Misdemeanor~~

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 he/she is 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 he/she was convicted.

Before transferring such students, the Superintendent or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her 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 he/she shall not be subjected to any disciplinary action for his/her 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, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session (*Board of Education Bylaws 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.

Other involuntary transfers

Students may be involuntarily transferred under either of the following circumstances:

1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)
 - a. *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 an act enumerated in Education Code 48900 is committed if the principal determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.*
 - b. *Prior to an involuntary transfer, the student and the student's parent/guardian, or a foster youth's educational rights holder, attorney and social worker, or an Indian child's tribal social worker, and if applicable, county social worker shall be given written notice that a meeting may be requested with the Superintendent or designee.*
 - c. *At the meeting, the student and the student's parent/guardian, or if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, or, if applicable, county social worker, shall be informed of the specific facts and reasons for the proposed transfer, and have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. The student may*

designate one or more representatives and witnesses to be present with the student at the meeting.

- d. A written decision to transfer, stating the facts and reasons for the decision, shall be sent to the student and the student's parent/guardian or, if the student is a foster youth, the foster youth's educational rights holder, attorney, and county social worker, or if the student is an Indian child, the Indian child's tribal social worker, or, if applicable, county social worker. It shall indicate whether the decision is subject to periodic review and the procedure for such review.*
- e. The person making the final decision for involuntary transfer shall not be members of the staff of the school in which the student is enrolled at the time.*
- f. 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.*

2. If the student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by the school attendance review board or another formal district process, he/she may be transferred to a community day school.

(cf. 6173 – Education for Homeless Children)

(cf. 6173.1 – Education for Foster Youth)

(cf. 6185 Community Day School)

Legal Reference: EDUCATION CODE
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>

Policy

adopted: 08/15/17