

**CLOVIS UNIFIED
SCHOOL DISTRICT**

STUDENTS

Transfers

INVOLUNTARY STUDENT TRANSFERS

PURPOSE: To establish procedures for involuntary transfer of students to another school or program in the District.

The Board desires to enroll students in the 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 District schools, and the availability of support services and other resources.

A. Students Convicted of Violent Felony or Misdemeanor

A student may be transferred to another District school if he/she is convicted of a violent felony, as defined in Penal Code section 667.5(c), or a misdemeanor listed in Penal Code section 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Superintendent or designee shall attempt to resolve the conflict using 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. (Education Code 48929)

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's designee a recommendation as to whether or not the student should be transferred. If the Superintendent's designee determines that a transfer would be in the best interest of the students involved, he/she shall approve such recommendation. Any appeal shall be reviewed by the Director, Student Services and School Attendance. This decision will be 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 section 48929. (Education Code 48980)

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

1. If a high school student commits an act enumerated in Education Code section 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)

Before a student is involuntarily transferred to continuation school, the Superintendent or designee shall provide timely written notification to the student and his/her parent/guardian informing them of the opportunity to request a meeting with the Superintendent or designee prior to the transfer.

The Board directs the Superintendent to adopt an administrative regulation governing procedures for the involuntary transfer of students to continuation school.

2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code section 300 or 602 or is referred by a school attendance review board or another formal District process, he/she may be transferred to a community day school. (Education Code 48662)

The Superintendent or designee shall provide written notification to the student and his/her parents/guardians and an opportunity to meet and discuss.

Adopted: 11/18/2020

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

48900 Grounds for suspension and expulsion

48929 Transfer of student convicted of violent felony or misdemeanor

48980 Notice at beginning of term

PENAL CODE

667.5 Violent felony, definition

29805 Misdemeanors involving firearms

**CLOVIS UNIFIED
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WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

Doc# 44112-8 (10/2020, 12/2016)