

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Students**

**TRANSFER OF PUPIL TO  
CONTINUATION SCHOOL  
AR 5118.1**

**A. VOLUNTARY TRANSFER**

1. **Request:** In order to receive special attention, a pupil may request to transfer to a continuation school from a comprehensive school. Voluntary transfers are initiated by the student's parent/guardian through a written application on the district's Intradistrict Attendance Application (Alternative Education) form.

Voluntary transfers shall be approved by the following:

- a. Principal or designee of the resident comprehensive high school
- b. Alternative Education Administrator or designee, and
- c. District Office Administration.

Prior to a transfer, students with disabilities must first convene an IEP to determine appropriate placement.

When the alternative programs are enrolled at near capacity, voluntary transfers will be prioritized to permit the enrollment of students with the greatest need. In the event there is need for this type of transfer, the Director of Alternative Education will confer with the four comprehensive principals or principal's designee and determine which student(s) shall be placed.

2. **Return:** Any pupil who has voluntarily transferred to continuation school may return to a regular high school at the beginning of the following school year.

**B. INVOLUNTARY TRANSFER**

1. **Basis:** A decision to transfer the pupil involuntarily shall be based on a finding that the pupil (a) committed an act enumerated in Section 48900, or (b) has been habitually truant or irregular in attendance from instruction upon which he or she is lawfully required to attend.

A pupil may be involuntarily transferred to a continuation school only when other means fail to bring about pupil improvement. However, a pupil may be involuntarily transferred the first time he/she commits an act enumerated in Section 48900 if the principal determines that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

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2. **Recommendation:** The principal may recommend a pupil for involuntary transfer to continuation school for irregular attendance from required instruction, habitual truancy, and/or any disciplinary actions listed below:
- a. (1) Caused, attempted to cause, or threatened to cause physical injury to another person, (2) willfully used force or violence upon the person of another, except in self defense
  - b. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
  - c. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
  - d. Unlawfully offered, arranged, or negotiated to sell any controlled substance, listed in Chapter 2 (commencing with Section 11053) of the Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
  - e. Committed robbery or extortion.
  - f. Caused or attempted to cause damage to school property or private property.
  - g. Stolen or attempted to steal school property or private property.
  - h. Possessed or used tobacco, or any product containing tobacco or nicotine products including, but not limited to, cigarettes, cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
  - i. Committed an obscene act or engaged in habitual profanity or vulgarity.
  - j. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.

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- k. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
- l. Knowingly received stolen property or private property.
- m. Possessed an imitation firearm. As used in this section “imitation firearm” means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- n. Committed or attempted to commit a sexual assault as defined in Sections 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- o. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- p. A pupil may not be involuntarily transferred for any of the acts enumerated unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent or principal or occurring within any other school district. A pupil may be involuntarily transferred for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
  - (1) while on school grounds
  - (2) while going to or coming from school
  - (3) during the lunch period whether on or off the campus
  - (4) during, or while going to or coming from, a school-sponsored activity.
- q. Sexual harassment as per Section 48900.2 of the California Education Code.
- r. Hate violence as per Section 48900.3 of the California Education Code.
- s. Harassment, threats or intimidation against a pupil that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of that pupil or group of pupils by creating an intimidating or hostile educational environment as per Section 48900.4 of the California Education Code.

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- t. Made terroristic threats against school officials or school property, or both as per Section 48900.7 of the California Education Code.
- u. Engaged in an act of bullying, including but not limited to, bullying by means of an electronic act, directed toward a student or school personnel. (*Education Code 48900(r)*)

*Bullying* means one or more acts by a student or group of students that constitutes sexual harassment pursuant to Education Code 48900.2, hate violence pursuant to Education Code 48900.3, or harassment, threats, or intimidation pursuant to Education Code 48900.4. (*Education Code 32261*).

*Electronic act* means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. (*Education Code 32261*)

- 3. **Notice:** Prior to a pupil's involuntary transfer to continuation school, written notice shall be given to the pupil and his/her parent/guardian informing them of the opportunity to request a meeting with the Assistant Superintendent for Student Services..
- 4. **Meeting:** If the parent/guardian requests a meeting, the pupil or the pupil'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 pupil's behalf. The pupil may designate one or more representatives and witnesses to be present with him or her at the meeting. However, the pupil's representative shall not act as legal counsel for the pupil, unless legal counsel is present to represent the school district.

The Assistant Superintendent of Student Services shall:

- a. review all written documents in the case
  - b. ask for additional statements from the pupil, his parents or guardian or the pupil's designee, if necessary
  - c. inform all concerned parties that a final decision will be rendered within 2-3 school days from the day of the meeting.
5. **Final Decision to Involuntary Transfer:** The final decision to involuntary transfer a pupil shall be in writing, stating the facts and reasons for the decision, and sent to the pupil and the pupil's parent(s) or guardian(s). It shall indicate whether the

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decision is subject to periodic review and the procedure therefore.

6. **Term of Transfer:** Involuntary transfer to a continuation school may extend one semester beyond the semester in which the student's behavior causing the transfer occurred.

***Legal Reference:***

*EDUCATION CODE*

*Sections 35291, 48432.5, 48900-48925, 48980-48981*

*ADMINISTRATIVE CODE*

*Title 5, Sections 300-307*

*HEALTH & SAFETY CODE*

*Sections 11053 and 11014.5*