

INVOLUNTARY TRANSFERS

A. Involuntary Transfer (Administrative Placements)

An involuntary transfer is the administrative placement of a student in a school or alternative education program other than the normal school of attendance of a student. Students involuntarily transferred are normally transferred for the remainder of the semester in which the misconduct occurred and the following semester. During the term of the involuntary transfer, a student (grades 9-12) is prohibited from participating in the following school related activities: band competition, drama performances, cheerleading, athletics, or academic competition without written authorization from the principal of the school of attendance. Additional participation sanctions may apply for up to one year due to state, county, or CIF policies. Students are not allowed to participate in any extra- or co-curricular activities at the school from which the student was involuntarily transferred (e.g., dances, athletic events, band competitions).

However, a student involuntarily transferred shall remain enrolled at the school or education program to which he or she was transferred for the term of the involuntary transfer, and until such time as any terms and conditions placed upon the student have been met.

1. Upon the commission by a student of any offense which violates Education Code section 48900, 48900.2, 48900.3, 48900.4, or 48900.7, or which violates the District Rules of Student Discipline, the principal, or principal's designee, may recommend suspension or expulsion, or involuntary transfer of the student to another school. In the event that the principal, or principal's designee, determines to recommend the student for involuntary transfer, the principal, or principal's designee, shall place the student on suspension in accordance with the provisions of Poway Unified School District Administrative Regulation 5144.2 and inform the student that an involuntary transfer will be sought. Thereafter, the principal or principal's designee shall immediately inform the district administrator responsible for discipline of the recommendation to involuntarily transfer the student.
2. Upon making a recommendation to involuntarily transfer the student, the principal, or principal's designee, shall prepare and collect the following documents to be maintained at the school sites. This documentation may be requested by the district administrator responsible for discipline in the event that a case is appealed:
 - a. A complete account of the offense(s) signed by the school principal, or principal's designee.

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- b. A sworn and signed statement of any personnel involved.
 - c. A statement signed, and sworn, if possible, by each witness.
 - d. Photographs of any evidence, if applicable.
 - e. A copy of the Rules of Student Discipline form (PP-3 or PP-3A) originally signed by parent and student.
 - f. Copies of any suspensions or other disciplinary action taken in the past and any other relevant disciplinary information.
 - g. Copies of the student's K-8 or 4-year card and any other relevant academic data including an IEP, if applicable.
3. Prior to an involuntary transfer, the student and the student's parent/guardian shall be given the opportunity to meet informally with the principal, or principal's designee, at their request. The student and the student's parent/guardian shall be given notice of the date and time of the conference which shall be held not later than five days following the receipt of the principal's, or principal's designee's, recommendation to involuntarily transfer the student. At the meeting, the student or the student's parent/guardian shall be informed of the following:
 - a. The specific facts and reasons for the proposed transfer.
 - b. The opportunity to inspect all documents relied upon.
 - c. The opportunity to present evidence or explanation on the student's behalf.
4. The principal shall hear and consider the student and parent/guardian's evidence or explanation, by way of defense, and shall consider whether to place the student on involuntary transfer status. As far as practical, the principal's designee may also attend the conference to represent the school's interest in the matter.
 - a. In the event that the principal, or principal's designee, determines that it is not appropriate for the student to be involuntarily transferred, the principal shall inform the student and the student's parent/guardian of that fact, in writing, and the student shall be permitted to return to the school of his/her enrollment after completion of his/her suspension.

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- b. In the event that the principal, or principal's designee, decides to place the student on involuntary transfer status, the principal, or principal's designee, shall inform the student and the student's parent/guardian of that fact, in writing, stating the reasons for the decision. The notice (Form PP-71A or PP-71B) shall inform the student and his/her parents of the transfer school site, the length of the involuntary transfer, and provide direction to the student and parent/guardian to enroll the student in the school of transfer. The notice shall also inform the student and parent/guardian of the right to appeal the decision of the principal to the superintendent's designee, if a written notice of appeal (Form PP-4B) is filed within five school days of service of the principal's notice of involuntary transfer. The transfer shall take effect on the date noted in form PUSD A-71A/A-71B as appropriate.
5. A decision to transfer a student involuntarily shall be based on a finding that the student committed a prohibited act enumerated in Education Code sections 48900, 48900.2, 48900.3, 48900.4, or 48900.7, or the district's Rules of Student Discipline contained in Administrative Procedure 5.8.1. Involuntary transfer may be imposed only when other means fail to bring about student improvement. However, a student may be involuntarily transferred the first time he or she commits an offense enumerated in Education Code sections 48900(c), 48900(d), or 48900(j), if the principal, or principal's designee, determines that the student's presence causes a danger to persons or property or threatens to disrupt the educational process.

Based on principal recommendation, parents may voluntarily elect to have their student participate in the district's "stay put" option for first offense drug, alcohol, and/or other drug infractions in place of involuntary transfer to another school. The stay put option requires parents to provide appropriate interventions including, but not limited to, random drug testing, counseling, treatment plans, support groups with trained facilitators, and rehabilitation activities intended to promote the nonuse of illegal drugs and/or other substances. Students who voluntarily choose to participate are placed on probationary status for the remainder of the semester plus one additional semester or 120 school days from the student's return from suspension, whichever is greater. During the probationary period, students are ineligible for all school activities and extracurricular events without written authorization from the attending school's principal. Additional information may be found in PUSD Stay Put Option Requirements and Guidelines.

6. No involuntary transfer shall extend beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. However, a student involuntarily transferred shall remain enrolled at

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the school or education program to which he or she was transferred for the term of the involuntary transfer, and until such time as any terms and conditions placed upon the student have been met.

B. Appeal of Principal/Designee's Decision to Involuntarily Transfer Student

A student or the parents/guardians of a student may file a written appeal (Form PP-4B) of the decision to transfer a student to the superintendent's designee for the purpose of hearing the appeal. The appeal must be filed with the superintendent's designee within five school days of service of the decision to transfer by the principal, or principal's designee. The written appeal shall include the basis for appeal and the reasons the parents or guardians feel the transfer should not take place. If no appeal is filed within the time allowed, the principal's decision shall become final.

If a parent appeals an involuntary transfer, the student may be placed on Off Campus Independent Study (OCIS) rather than completing the transfer until the appeal process is completed.

1. The superintendent's designee shall notify the student and the student's parent/guardian, informing them of the date, time, and location of the meeting to discuss the appeal, which shall not be more than five school days after receipt of notice of the student's or parent/guardian's notice of appeal.
2. At the meeting with the superintendent's designee, the student and the student's parent/guardian shall be given the opportunity to inspect all documents relied upon by the district, and an opportunity to present evidence or explanation on the student's behalf.
3. The superintendent's designee shall hear and consider the student and parent/guardian's evidence or explanation, by the way of defense, and shall consider whether to uphold the student's placement on involuntary transfer status.
 - a. In the event that the superintendent's designee determines that it is not appropriate for the student to be involuntarily transferred, the superintendent's designee shall inform the student and the student's parent/guardian of that fact, in writing, within three school days, and the student shall be permitted to return to the school of his/her enrollment after completion of his/her suspension.
 - b. In the event that the superintendent's designee upholds the student's placement on involuntary transfer status, the superintendent's designee shall

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inform the student and the student's parent/guardian of that fact, in writing, stating the reasons for the decision. The notice shall inform the student and parent/guardian of the right to appeal the decision of the Superintendent's designee to an Administrative Hearing Panel, if a written notice of appeal is filed within five school days of service of the superintendent's designee's decision regarding the appeal of the decision to involuntary transfer.

C. Appeal of Involuntary Transfer to Administrative Hearing Panel

Parents may appeal the decision of the superintendent's designee to involuntarily transfer their student by following the procedure described below.

1. Parents/guardians may appeal the decision of the superintendent's designee to involuntarily transfer their student to the district administrator responsible for discipline. The written appeal to an Administrative Hearing Panel shall include the basis for appeal and the reasons the parents or guardians feel the transfer should not take place.
2. The district administrator responsible for discipline will convene an Administrative Hearing Panel within fifteen (15) school days of the receipt of the notice of appeal. The panel shall include one member representing Learning Support Services, who acts as presiding officer, and two additional certificated members from the district staff.
3. The district administrator responsible for discipline shall forward to the student and the student's parent/guardian a notice of hearing and statement of charges including:
 - a. time, date, and place of hearing;
 - b. a copy of the district's relevant rules of student discipline;
 - c. a statement of specific facts and charges;
 - d. notification of the opportunity for the student and/or student's parent/guardian to appear in person, to employ or be represented by counsel, to inspect and obtain copies of all documents to be used in the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the student's behalf, including witnesses.

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4. The Administrative Hearing Panel shall conduct a hearing on the decision to involuntarily transfer a student in a session closed to the public. The Administrative Hearing Panel will meet in closed session to deliberate and to determine if the appeal is to be upheld or denied.

The Administrative Hearing Panel shall hear and consider the student and parent/guardian's evidence or explanation, by way of defense, and shall consider whether to place the student on involuntary transfer status.

- a. In the event that the Administrative Hearing Panel determines that it is not appropriate for the student to be involuntarily transferred, the Administrative Hearing Panel shall inform the student and the student's parent/guardian of that fact, in writing, and the student shall be permitted to return to the school of his/her enrollment.
 - b. In the event that the Administrative Hearing Panel decides to place the student on involuntary transfer status, the Administrative Hearing Panel shall inform the student and the student's parent/guardian of that fact, in writing, stating the reasons for the decision. The notice shall inform the student and parent/guardian of the right to appeal the Administrative Hearing Panel's decision to the Governing Board, if a written notice of appeal is filed within five (5) school days of service of the Administrative Hearing Panel's decision.
5. No decision to involuntarily transfer a student shall be based solely upon hearsay evidence.
 - a. The Administrative Hearing Panel may, upon finding that good cause exists, determine that disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of harm. Upon this determination, testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Administrative Hearing Panel.
 - b. Copies of these sworn declarations, edited in such a manner as to delete the name and the identity of the witness, shall be made available to the student.
 6. A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made. The district

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will offer the electronic recording to the parents, if requested, for the purpose of developing a written transcript.

7. Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.
8. If the Administrative Hearing Panel admits any other person to the closed deliberation session, then the parents or guardians of the student, the student, and the counsel of the student shall be allowed to attend the closed deliberation.
9. The Administrative Hearing Panel shall communicate its decision to the student and parent/guardian within three (3) school days of the hearing.

D. Appeal of Administrative Hearing Panel Decision to Board of Education

1. If the parents or guardians wish to appeal the decision of the Administrative Hearing Panel, they must notify the district administrator responsible for discipline within five school days of service of the decision of the Administrative Hearing Panel. Findings of fact in support of the decision to transfer shall be prepared and forwarded to the Board of Education.
 - a. All findings of fact and the decision of the Administrative Hearing Panel shall be based solely on evidence adduced at the hearing.
 - b. The Board of Education may reach a decision based either upon a review of the findings of fact and the decision submitted by the Administrative Hearing Panel, or upon the results of any supplementary hearing that the Board may order. The Board may elect to, but is not required to, hold an additional hearing to decide the matter.
2. The district administrator responsible for discipline shall inform the Governing Board of the appeal, and forward to the Board the following documents:
 - a. A complete account of the offense(s) signed by the school principal, or principal's designee.
 - b. A sworn and signed statement of any personnel involved.
 - c. A statement signed, and sworn if possible, by each witness.

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- d. Photographs of any evidence, if applicable.
 - e. A copy of the Rules of Student Discipline form (PP-3 or PP-3A) originally signed by parent and student.
 - f. Copies of any suspensions or other disciplinary action taken in the past and any other relevant discipline information.
 - g. Copies of the student's K-8 or 4-year card and any other relevant academic data including an IEP.
 - h. Copies of all other sources of evidence and argument presented to the Administrative Hearing Panel.
 - i. A copy of the electronic tape recording of the Administrative Hearing Panel hearing.
3. The district administrator responsible for discipline shall place the appeal on the next available Board Meeting Agenda and shall provide notice to the student and the student's parent/guardian of the date, time, and location of the hearing with the Board. Said notice shall state that the appeal to the Board is not for the purpose of presenting new or different evidence than was presented to the administrative hearing panel. Rather, the purpose of the appeal to the Board is to provide the student or parent/guardian with the opportunity for Board review of the factual findings and decisions made by the Administrative Hearing Panel. Said notice shall also include a statement, in writing, and which is delivered by registered or certified mail or by personal service, to the student and the student's parent/guardian, or the student if the student is an adult, of the intent of the Board to call and hold a closed session to consider the imposition of discipline upon the student. Unless the student or the student's parent/guardian shall, in writing, within 48 hours after receipt of the written notice, request that the hearing be held as a public meeting, the hearing to consider disciplinary or other action shall be conducted in closed session. If the parent/guardian serves upon the district a timely request for public session, the Board shall consider the matter in a public session, except that any discussion at that meeting which may be in conflict with the right to privacy of any student other than the student requesting the public meeting, shall be in closed session. Regardless of whether the Board hearing is conducted in a closed or public session, the Board Panel may meet in closed session to deliberate and to determine whether to discipline the student.

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4. The Board shall hear and consider the student and parent/guardian's argument and shall consider whether to place the student on involuntary transfer status.
 - a. In the event the Board determines that it is not appropriate for the student to be involuntarily transferred, the Board shall inform the student and the student's parent/guardian of that fact, in writing, and the student shall be permitted to return to the school of his/her enrollment.
 - b. In the event that the Board upholds the decision of the Administrative Hearing Panel, the Board shall inform the student and the student's parent/guardian of that fact, in writing, stating the reasons for the decision.
 - c. The Board shall issue a written decision within 10 school days after hearing the appeal. The secretary to the board, or other Board designee, shall mail a copy of the Board's decision within three school days of the Board's decision to the student and the student's parent/guardian.
 - d. The decision of the Board, whether based upon a review of the findings of fact and decision of the Administrative Hearing Panel or upon a supplementary hearing, shall be final.

E. Return of Student to School of Origin

A student may return to the school to which he or she was involuntarily transferred from (referred to as "school of origin") at the completion of the term of the involuntary transfer, and upon completion of all terms and conditions imposed upon the student pursuant to the involuntary transfer.

At least 30 days prior to the end of the term of the involuntary transfer, the principal, or designee, shall hold a meeting at which the student and the student's parents or guardians are invited to attend. At this meeting, the principal, or designee, shall determine whether the student has successfully completed all terms and conditions placed upon the student at the time the involuntary transfer was ordered.

If the principal, or designee, determines that the student has successfully complied with all of said terms and condition, the principal, or designee, shall inform the school from which the student was transferred of the student's eligibility to return to the school of origin. Thereafter, the student shall be permitted to re-enroll at the school from which the student was originally transferred.

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If the principal, or designee, determines that the student has not successfully complied with all terms and conditions of the involuntary transfer, the principal, or designee, shall inform the student and his/her parents or guardians of the fact, and of the particular term(s) or condition(s) which must be satisfied prior to re-enrolling in the school of origin. A student who fails to comply with all the terms and conditions of the involuntary transfer shall be ineligible to return to the school of origin until such time that the student complies with said terms and conditions of involuntary transfer. An involuntary placement at the continuation school will also be considered, if appropriate.

Students who have successfully completed the term of involuntary transfer and are eligible to re-enroll in the school of origin may request an intradistrict transfer pursuant to district Administrative Regulation 5116.1 to remain at the school in which he or she has been transferred. Students wishing to remain enrolled in the school to which they have been transferred shall complete District Form C-33A (Request for Intradistrict Transfer 9-12) or C-33B (Request for Intradistrict Transfer K-8) within 10 school days of receiving notice from the principal, or designee, that the student is eligible to re-enroll in the school of origin.