

# WHAT TO KNOW WHEN YOUR STUDENT IS FACING A TRANSFER TO A CONTINUATION SCHOOL

Often, a school transfer is a significant disruption to a student's education. Many students find they have fewer opportunities, resources, and support at a continuation school. For other students, it might be a good fit. Find out as much as you can about what your student's education will look like if they transfer. **Remember, even if the school has made a decision to transfer your student or is pressuring you to agree to it, you still have the right to advocate for your student to stay at their current school.**

- Don't sign anything until you understand it. You can ask questions, and the school has a duty to help you understand. This should include getting you documents in your primary language and providing you with an interpreter.
- Try to understand whether the transfer requires your consent (voluntary) or if it can be done without your consent (involuntary). It's not always clear, because sometimes the school makes it seem like there isn't a choice even if you can technically say no. See FAQs for more help with this.
- Get all communications from the school in writing so you have a record of what is said and agreed to.

## REASON FOR TRANSFER

The school should give you a **specific** reason for transferring your student. To transfer your student without your consent, the reason must be something your student could be suspended or expelled for, or serious attendance issues.

## UNDERSTAND THE OPTIONS

Sometimes the school asks you to decide between accepting a transfer or a serious consequence like suspension or expulsion.

- Your student can only be expelled for certain reasons (see FAQ), **not** for attendance or credit issues.
- The school has to follow a strict procedure for expulsions, including a hearing for your student to defend themselves. Students with disabilities have additional protections in disciplinary process. See the FAQs for more information.

## OTHER DISCIPLINARY ACTIONS

Ask whether the school tried any other methods to correct the problem behavior. Transfers shouldn't be the first option to address student behavior unless the behavior is dangerous or disruptive to the school.

The school can't use a transfer as an alternative to expulsion unless they've tried other methods to correct the behavior.

## ASK FOR A MEETING

The school has a duty to make sure you are fully informed before you make the decision to transfer.

If you request it, the school **must** give you an opportunity to defend your student before deciding whether to transfer them without your consent. Ask to see the school's evidence before the meeting so that you can be prepared to defend your student.

**If your student has an open juvenile case, they may have additional protections in the disciplinary process, including this meeting. Consult with your student's attorney before attending this meeting.**

## AT THE MEETING

If you get to make the final decision about the transfer, ask questions about anything that will help you make your decision. If the school is pressuring you to agree to transfer, advocate for why your student should stay at their current school.

If the school district is deciding whether to transfer your student, this is an opportunity to defend your student. If your student has an open juvenile case, their attorney can attend. You, your student, or a representative can:

- Inspect and question the evidence or witnesses that the school presents.
- Present your own evidence in your student's defense.

## THE DECISION

**Voluntary:** If your consent is required, **you** will make the final decision about whether your student will transfer schools. If you agree to the transfer, your student still has the right to return to their old school later (see FAQs). If you say no to the transfer, your student can stay at their school.

Be aware that the school may try other methods to push your student out if you turn down a transfer. See the FAQs for additional help on how to fight this.

**Involuntary:** If the transfer can be done without your consent, the school district will make the final decision about whether your student will transfer schools. The school district will send you a letter informing you of their decision. No one from your student's school should be involved in the final decision.

If the district decides not to transfer your student, they can stay at their school. If the district decides to transfer your student, you can choose to keep fighting the transfer by challenging whether the school followed the right procedures.

# CONTINUATION SCHOOL TRANSFER FAQs

## What is a continuation school? What will my student's education look like there?

Continuation schools are alternative schools for students who are behind in their credits or who need a flexible school schedule. Students must spend at least 3 hours per day at school, but many continuation schools have full day programs. Continuation schools offer the required courses for graduation and often emphasize career training. They usually don't have the same variety of courses that would be offered at a typical high school and there usually aren't any extracurricular activities. Each district differs, so ask your school for more specific details about your local continuation school in order to determine whether it would be a good fit for your student.

## Who gets to decide whether my student is transferred?

It's not always clear to parents/guardians whether the transfer requires their consent (voluntary) or not (involuntary). Schools often put a lot of pressure on parents to agree to a voluntary transfer, which doesn't make it feel voluntary at all.

**Voluntary:** If the school needs your consent to transfer your student, it's a voluntary transfer. That means **you** make the final decision.

**Example:** You are called to the school after your student is involved in a fight. The school tells you that you need to sign a paper agreeing to transfer your student to the local continuation school or else your student will be suspended or expelled. The school is pressuring you to agree but if you don't sign the papers they can't transfer your student. This is a voluntary transfer because the school needs your consent. You decide whether your student transfers.

**Involuntary:** If the school does not need your consent to transfer your student, it's an involuntary transfer. That means the school district makes the final decision. **You still have the right to request a meeting where you can advocate for your student.** See Ed. Code §48432(b). The school can only transfer your student without your consent for behavior they could be suspended or expelled for, or for serious attendance issues.

**Example:** After your student is involved in a fight at school, you receive a letter in the mail stating that your student has been recommended by their school to transfer to the local continuation school. The letter says that the final decision will be made by the school district or school board. This is an involuntary transfer because the school does not need your consent to transfer your student. The school district will decide whether your student should be transferred.

## Can the school suspend or expel my student if I say no to an optional transfer?

It depends on the behavior that your student is being punished for. Schools can only suspend or expel students for **specific** reasons listed in the Education Code, usually involving serious physical threats, violence, weapons, or drugs.

- Your student can't be suspended or expelled for being absent from school.
- Your student can't be suspended or expelled for credit issues.
- Suspensions can only last for up to 5 consecutive school days, and only 20 total days of suspension per year.

If the school wants to expel your student, your student has a right to a hearing within 30 days of the incident. At that hearing, you, your student, or an advocate can inspect and question the school's evidence and present your own.

Learn more: <https://crla.org/get-help/k-12-education/school-discipline/know-your-rights-school-discipline>

If your student has a disability that the school knows, or should know about, your student has extra protections in the school discipline process. Learn more: <https://www.disabilityrightsca.org/publications/my-child-with-a-disability-keeps-getting-suspended-or-recommended-for-expulsion>

## When can my student return to their original school after a transfer?

It depends on whether it was a voluntary or involuntary transfer.

**Voluntary:** If you consented to the transfer, your student can go back to their original school at the beginning of next school year, or any time with permission from the superintendent or a designated representative.

**Involuntary:** If the district made the final decision to transfer your student, they can go back to their original school after the semester following the semester in which the incident leading to the transfer happened. Your district may also allow you to request a yearly review of the transfer.

## What should I do if my student has a companion juvenile case?

If your student has a juvenile case arising out of the same incident that is leading the school to transfer them, **your student should not speak to the school without consulting their attorney.** If your student admits something in the disciplinary process at school, it can be used as evidence against them in their juvenile case.



**STOP**