

**Regulation 6185: Community Day School**

**Original Adopted Date: 2/14/2024**

**Involuntary Transfer**

The Superintendent or designee may assign a student to a district community day school if the student meets one or more of the following conditions: (Education Code 48662)

1. The student is expelled for any reason.
2. The student is probation-referred pursuant to Welfare and Institutions Code 300 or 602.
3. The student is referred by a school attendance review board (SARB) or other district-level referral process.

The Superintendent or designee shall give first priority for assignment to a community day school to students expelled for mandatory expulsion offenses pursuant to Education Code 48915(d). Second priority shall be given to students expelled for other reasons, and third priority shall be given to students referred pursuant to item #2 or #3 above. These priorities are applicable unless there is an agreement that the County Superintendent of Schools will serve any of these students. (Education Code 48662)

When the student to be involuntarily transferred to a community day school is a student with disabilities, as defined under the federal Individuals with Disabilities Education Act or Section 504 of the federal Rehabilitation Act of 1973, assignment to a community day school shall be determined by the student's individualized education program (IEP) or 504 team, as applicable. (20 USC 1415; 34 CFR 104.35)

Students who have been involuntarily transferred to a community day school based on an expulsion order, probation referral, SARB referral, or other district-level referral process shall be notified in accordance with the applicable laws and/or district policy. Such process shall include timely written notification of the transfer 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.

**Instruction**

Academic programs offered in the community day school shall be comparable to those available to students of a similar age in the district. (Education Code 48663)

The minimum school day for a district community day school shall be 360 minutes of classroom instruction provided by a certificated employee. Independent study shall not be used as a means of providing any part of this minimum day. (Education Code 48663)

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

|  |  |
|--|--|
| <b>State</b>                                   | <b>Description</b>   |
| 5 CCR 1068-1074                                | Alternative schools accountability model; assessments                        |
| Ed. Code 17085-17096                           | <a href="#">Emergency portable facilities</a>                                |
| Ed. Code 17280-17317                           | <a href="#">Building approvals</a>   |
| Ed. Code 17365-17374                           | <a href="#">Field Act; fitness for occupancy; liability of board members</a> |
| Ed. Code 1980-1986                             | <a href="#">County community school</a>                                      |
| Ed. Code 48260-48273                           | <a href="#">Truants</a>  |
| Ed. Code 48660-48666                           | <a href="#">Community day schools</a>  |
| Ed. Code 48900-48926                           | <a href="#">Suspension and expulsion</a>                                     |
| Ed. Code 52052                                 | <a href="#">Accountability; numerically significant student subgroups</a>    |
| Ed. Code 52064.5                               | <a href="#">Program evaluation; state evaluation rubrics</a>                 |
| W&I Code 300                                   | <a href="#">Minors subject to jurisdiction</a>                               |
| W&I Code 602                                   | <a href="#">Minors violating law; ward of court</a>                          |
| <b>Federal</b>                                 | <b>Description</b>   |
| 20 USC 1400-1482                               | Individuals with Disabilities Education Act                                  |
| 29 USC 794                                     | Rehabilitation Act of 1973; Section 504                                      |
| 34 CFR 104.35                                  | Evaluation and placement   |
| <b>Management Resources</b>                    | <b>Description</b>   |
| California Department of Education Publication | Guidelines for Establishing a Community Day School                           |
| Website  | <a href="#">CSBA District and County Office of Education Legal Services</a>  |
| Website  | <a href="#">California Department of Education</a>                           |

## Cross References

|             |   |
|-------------|---|
| <b>Code</b> | <b>Description</b>                            |
| 0400        | <a href="#">Comprehensive Plans</a>           |
| 0500        | <a href="#">Accountability</a>                |
| 5113        | <a href="#">Absences And Excuses</a>          |
| 5113        | <a href="#">Absences And Excuses</a>          |
| 5113.1      | <a href="#">Chronic Absence And Truancy</a>   |
| 5113.1      | <a href="#">Chronic Absence And Truancy</a>   |
| 5116.2      | <a href="#">Involuntary Student Transfers</a> |
| 5144        | <a href="#">Discipline</a>                    |

|             |  |
|-------------|--|
| 5144        | <a href="#"><u>Discipline</u></a>  |
| 5144.1      | <a href="#"><u>Suspension And Expulsion/Due Process</u></a>                              |
| 5144.1      | <a href="#"><u>Suspension And Expulsion/Due Process</u></a>                              |
| 5144.2      | <a href="#"><u>Suspension And Expulsion/Due Process (Students With Disabilities)</u></a> |
| 6112        | <a href="#"><u>School Day</u></a>  |
| 6112        | <a href="#"><u>School Day</u></a>  |
| 6152        | <a href="#"><u>Class Assignment</u></a>  |
| 6158        | <a href="#"><u>Independent Study</u></a>   |
| 6158        | <a href="#"><u>Independent Study</u></a>   |
| 6159        | <a href="#"><u>Individualized Education Program</u></a>                                  |
| 6159        | <a href="#"><u>Individualized Education Program</u></a>                                  |
| 6162.51     | <a href="#"><u>State Academic Achievement Tests</u></a>                                  |
| 6162.51     | <a href="#"><u>State Academic Achievement Tests</u></a>                                  |
| 6164.2      | <a href="#"><u>Guidance/Counseling Services</u></a>                                      |
| 6164.5      | <a href="#"><u>Student Success Teams</u></a>   |
| 6164.5      | <a href="#"><u>Student Success Teams</u></a>   |
| 6164.6      | <a href="#"><u>Identification And Education Under Section 504</u></a>                    |
| 6164.6      | <a href="#"><u>Identification And Education Under Section 504</u></a>                    |
| 6184        | <a href="#"><u>Continuation Education</u></a>  |
| 6184        | <a href="#"><u>Continuation Education</u></a>  |
| 6190        | <a href="#"><u>Evaluation Of The Instructional Program</u></a>                           |
| 9323.2      | <a href="#"><u>Actions By The Board</u></a>  |
| 9323.2-E(1) | <a href="#"><u>Actions By The Board</u></a>  |
| 9323.2-E(2) | <a href="#"><u>Actions By The Board</u></a>  |