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Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Preston Thomas, Chief Systems and Services Officer
Kilian Betlach, Executive Director, Enrollment Office

Meeting Date August 14, 2024

Subject Amendment - Board Policy 6184 - Instruction - Continuation Education

Ask of the Board Approve amendment to Board Policy 6184 Instruction – Continuation Education, as delineated.

Background Board Policy 6184 outlines the District's responsibilities in providing continuation education for students who are not attending a regular high school or other appropriate educational institution and are not legally exempted from compulsory school attendance. The policy was recently updated on June 26, 2024, to include the required policy regarding the involuntary transfer of students to continuation schools, voluntary enrollment in continuation education programs, and the rights of foster youth in these processes.

Discussion The updated policy clarifies the procedures for both involuntary and voluntary transfers to continuation schools, ensuring that students and their families are informed of their rights and options throughout the process. It also emphasizes the importance of providing support services to foster youth who are considering or enrolled in continuation education. Key changes to the policy include:

- Detailed procedures for involuntary transfers, including requirements for written notice, meetings with district representatives, and documentation of the decision.
- Specific criteria for voluntary enrollment, including the requirement that it be in the best interests of the student and not used as an alternative to expulsion.
- Protections for foster youth, such as requiring their participation in meetings and communications regarding transfers, suspensions, and expulsions.

- Fiscal Impact** There is no anticipated fiscal impact associated with this policy update.
- Attachment(s)**
- Proposed amendments to BP 6184 - Instruction - Continuation Education (clean)
 - Proposed amendments to BP 6184 - Instruction - Continuation Education (redlined)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 6184

Instruction

Continuation Education

The Superintendent or designee shall develop administrative regulations governing the involuntary transfer of students into the continuation education program. (Education Code 48432.5)

The Superintendent or designee may allow the voluntary enrollment of students in the continuation education program as space permits and when it is determined to be in the best interests of the student.

Minors otherwise subject to compulsory attendance in continuation education classes may be exempted if they meet any of the conditions specified in Education Code 48410.

(cf. 5112.1 - Exemptions from Attendance)

The Board may maintain continuation classes during the district's regular school hours, during special school hours for these classes established by the Board, or during such hours and for such length of time during the day or evening that adult education classes are maintained. (Education Code 48424)

(cf. 6112 - School Day)

(cf. 6200 - Adult Education)

Legal Reference:

EDUCATION CODE

48400-48454 Compulsory continuation education in general, especially:

48401 Weekly minimum attendance requirement

48402 Minors not regularly employed

48410-48416 Compulsory continuation education

48430-48438 Continuation classes

48450-48454 Violation

48900 Grounds for suspension and expulsion

48903 Limitations on days of suspension

51224 Courses of study

51225.3 Requirements for graduation

60850-60856 High school exit examination

FAMILY CODE

7000-7002 Emancipation of minors law

7050 Purposes for which emancipated minor considered an adult

CODE OF REGULATIONS, TITLE 5
11000-11010 Continuation education

Management Resources:

WEB SITES

CDE: www.cde.ca.gov

(12/88 6/89) 7/00 07/28/04

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(cf. 6112 - School Day)

(cf. 6200 - Adult Education)

The governing board of each high school district or unified school district that assigns pupils to continuation schools shall adopt rules and regulations governing procedures for the involuntary transfer of pupils to continuation schools:

(a) Written notice be given to the pupil and the pupil's parent or guardian informing them of the opportunity to request a meeting with a designee of the district superintendent of schools prior to the transfer.

(b) At the 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 the pupil at the meeting.

(c) A decision to transfer a pupil involuntarily shall be based on a finding of one of the following: i. The pupil has committed an act enumerated in EC Section 48900. ii. The pupil has been habitually truant or irregular in attendance from instruction which the pupil is lawfully required to attend.

(d) The decision to transfer shall be in writing, stating the facts and reasons for the decision, and sent to the pupil and the pupil's parent or guardian.

(e) The written notification shall indicate whether the decision is subject to periodic review and the periodic review procedure.

(f) The persons involved in the final decision to make an involuntary transfer of a pupil to a continuation school shall not be a member of the staff of the school in which the pupil is enrolled at the time that the decision is made.

(g) Involuntary transfer to a continuation school shall be imposed only when other means fail to bring about pupil improvement; provided that a pupil may be involuntarily transferred the first time the pupil commits an act enumerated in EC 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.

(h) An involuntary transfer to a continuation school shall not extend beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred unless the governing board of the school district adopts a procedure for yearly review of the involuntary transfer conducted pursuant to this section at the request of the pupil or the pupil's parent or guardian

If the governing board of a school district chooses to voluntarily enroll high school pupils in a continuation school, the governing board of the school district shall establish and adopt policies and procedures governing the identification, placement, and intake procedures for these pupils.

(a) The policies and procedures shall ensure that there is a clear criterion for determining which pupils may voluntarily transfer or be recommended for a transfer to a continuation school, and that this criterion is not applied arbitrarily, but is consistently applied on a districtwide basis. (EC Section 48432.3[a])

(b) The policies and procedures for voluntary transfers shall ensure that voluntary placement in a continuation school shall not be used as an alternative to expulsion unless alternative means of correction have been attempted pursuant to EC Section 48900.5. (EC Section 48432.3[b][1])

(c) The policies and procedures for voluntary transfers shall strive to ensure that no specific group of pupils, including a group based on race, ethnicity, language status, or

special needs, is disproportionately enrolled in continuation schools within the district. (EC Section 48432.3[b][2])

(d) If the governing board of a school district chooses to permit pupils to voluntarily transfer to a continuation school, a copy of the policies and procedures adopted under this section shall be provided to a pupil whose voluntary transfer to a continuation school is under consideration, and to the parent or legal guardian of that pupil. (EC Section 48432.3[b][3])

(e) The policies and procedures for voluntary transfers shall state that the transfer is voluntary, and the pupil has a right to return to his or her previous school. (EC Section 48432.3[b][4]) (f) Upon a parent or legal guardian's request and before a pupil is transferred, the parent or legal guardian may meet with a counselor, principal, or administrator from both the transferor school and the continuation school to determine if transferring is the best option for the pupil. (EC Section 48432.3[b][5])

(f) Approval for the voluntary transfer of a pupil to a continuation school shall be based on a finding that the voluntary placement will promote the educational interests of the pupil. (EC Section 48432.3[a])

(g) To the extent possible, voluntary transfer to a continuation school shall occur within the first four weeks of each trimester. (EC Section 48432.3[b][6]) (i) A pupil who has voluntarily transferred to a continuation school shall have the right to return to the regular high school at the beginning of the following school year and, with the consent of a designee of the district superintendent of schools, may return any time. (EC Section 48432.5[j])

Transfers, suspensions, and expulsions pertaining to foster youth:

(a) In a case where any meetings or informal conferences are held to discuss an involuntary transfer to a continuation school, a suspension, or an expulsion of a pupil who is a foster child, as defined in EC Section 48853.5, the pupil, the pupil's parent or guardian, the pupil's educational rights holder, the pupil's attorney, and an appropriate representative of the county child welfare agency shall also be invited to any such meetings or informal conferences. (EC sections 48432.5[b], 48432.5[c], 48911[c], 48911[g])

(b) Any communication to parents or guardians regarding an involuntary transfer to a continuation school, a suspension, or an expulsion for a pupil who is a foster child, as defined in EC Section 48853.5, shall also include communication to the pupil's educational rights holder, the pupil's attorney, and an appropriate representative of the county child welfare agency. (EC sections 48432.5[b], 48432.5[c], 48911[c], 48911[d], 48911[g], 48911.1[d], 48915.5[d], 48918.1[a])

(c) If the decision to recommend expulsion is a discretionary act and the pupil is a foster child, as defined in EC Section 48853.5, the governing board of the school district shall provide notice of the expulsion hearing to the pupil's attorney and an appropriate representative of the county child welfare agency at least 10 calendar days before the date of the hearing. (EC Section 48918.1[a])

(d) If an individual with exceptional needs who is also a foster child, as defined in EC Section 48853.5, is suspended or expelled from school and the LEA has proposed a change of placement due to an act for which a decision to recommend expulsion is at the discretion of the principal or the district superintendent of schools, the pupil's attorney and an appropriate representative of the county child welfare agency shall be invited to participate in the Individualized Education Program team meeting that makes a manifestation determination pursuant to Section 1415(k) of Title 20 of the United States Code. (EC Section 48915.5[d])

All documents provided to the pupil's parent or guardian shall be translated into the parent's or guardian's primary language if the primary language is not English. (20 U.S.C. Section 6318[e][5]; EC sections 47605[c][5][J][iii], 48985)

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