



## CHAPTER 4: Alternative Education

### A. What is alternative education?

The term “**alternative education**” refers to schools and programs that students may either decide to go to as a voluntary transfer, or are forced to go to as the result of an expulsion or involuntary transfer.

Each alternative school or program operates differently and should meet the specific needs of the students it is trying to help. They may be helpful for some students, like those who need to make up course credits, or need more flexibility due to their personal life. However, they are also used as a placement for students because of behavior issues. In general, they do not provide the same educational or extra-curricular opportunities as traditional, comprehensive schools. Alternative schools and programs tend to have fewer types of classes and extracurricular activities (such as sports and student clubs) than traditional schools. They may not offer the courses your child needs to graduate or to prepare for college available each semester. Some alternative programs, such as continuation high schools, are only required to provide 180 minutes of class time, whereas traditional high schools provide at least 360 minutes. As a result many alternative schools and programs have a shorter school day and less time learning from a teacher than a traditional school setting. This can make it harder for a student to stay on track to graduate and more likely that a student will drop out of school.

Some examples of alternative schools and programs include:

- county community schools

- community day schools
- continuation schools
- juvenile court schools
- opportunity classrooms

### B. What is the difference between a voluntary and an involuntary transfer?

- An **involuntary transfer** is often the result of a student getting in trouble and/or missing too much school. A student can be involuntarily transferred to an alternative school or program against their wishes or the wishes of the parent or guardian only in very limited circumstances.
- A **voluntary transfer** is often proposed by school/district staff as a way of avoiding an expulsion – but it is optional. It is usually not in a student’s best interests and generally not recommended for the student.

Schools often fail to tell students who are being recommended for a voluntary transfer that they have the right to stay at their school if they want to. It is very important to think about your child’s needs before making the decision to transfer voluntarily. A student who voluntarily transfers to an alternative school has the right to return to their regular school at any time. However, many districts require a waiver of that right before they will make the transfer. Be careful when you agree to a voluntary transfer that you are not waiving these rights for your child unless you want to do so and only after knowing what school your child will be

Alternative School or Program	Operated by County Office of Education (COE) and/or District	Student population served	Minimum daily instructional minutes required	Applicable Educ. Code Provisions	Other
County Community School	COEs	Students who are expelled, SARB referred, court-ordered, or voluntarily enrolled	240 minutes	Educ. Code §§ 1981-1986	
Community Day School	Districts or COEs	Students who have been expelled, or referred by probation, SARB, or other district level referral process	360 minutes	Educ. Code §§ 48660 - 48666	Independent study may not be used as a means of providing any part of the minimum instructional day
Continuation High School	Districts	Students 16-18 years of age who have not graduated, are still required to attend school, and are at risk of not graduating	180 minutes	Educ. Code §§ 46170, 48430-48438	
Opportunity classrooms and opportunity schools	Districts or COEs	Students with attendance and/or behavioral issues	180 minutes	Educ. Code §§ 46180, 48640-48641	
Juvenile court schools	COEs	Students who are incarcerated or detained in juvenile facilities	240 minutes	Educ. Code §§ 48645-48648	

transferred to and what classes will be available at the new school.

### C. Can I challenge an involuntary transfer?

Yes! The steps you can take to challenge an involuntary transfer will depend on the type of school your child is being transferred to and the reason your child is being recommended for a transfer.

#### ***Involuntary transfer to Continuation High School:***

- A student may only be involuntarily transferred to continuation high school if:
  - the student has committed a violation of the California Education Code or

- has been habitually truant or irregular in attendance despite prior attempts by the school to help the student
- Other attempts to help your child change their behavior must be made before a transfer
- Before transfer, you and your child have a right to:
  - get written notice of the proposed transfer
  - request a meeting with the superintendent or a representative of the superintendent to challenge the proposed transfer, question the evidence, tell your child’s side of the story, and present witnesses and evidence in your child’s favor.

- No one from your child’s school site can be involved in the final transfer decision.
- A final decision to transfer that includes the facts and reasons for the decision must be provided to you in writing.

### ***Involuntary Transfer to Community Day School:***

- A student may be involuntarily transferred to a community day school only if they are:
  - Expelled
  - Referred by probation
  - Referred by a School Attendance Review Board (SARB)
  - Referred by another district referral process

### ***Involuntary Transfer to County Community School:***

- A student may be involuntarily transferred to a county community school only if they are:
  - Expelled
  - Referred by SARB (subject to conditions)
  - Court ordered

- Request a Meeting with School Officials:
  - Request a meeting with your school Principal, teacher and counselor to discuss your child’s educational needs and the reasons the school is asking for the transfer.
  - Ask them to explain what the school has done to try to deal with the issues and to help your child succeed in their current school.
  - Request that any other services or supports be tried at your child’s current school before transfer to an alternative program.
- Consider Objecting to the Transfer if:
  - The new school cannot meet your child’s educational needs. For instance, if the classes your child needs to graduate are not available your child might fall even further behind;
  - You have safety concerns;
  - It is too hard to travel to the new school every day;
  - Other reasons make the transfer inappropriate for your child or family

## **D. What can I do if my child is facing transfer to an alternative school?**

- Get The Facts:
  - Ask if the transfer is optional (voluntary) or required (involuntary).
  - If the transfer is optional, get as much information as you can and carefully consider whether your child will be better helped at their regular school before agreeing to a transfer.
  - If the transfer is involuntary, ask for an explanation of the reasons in writing and what you can do if you disagree with the change in school or program.
  - If your child is suspended, recommended for expulsion, or referred to SARB, ask for written notice of the situation and a copy of any documents the school is relying upon.

## **E. What can I do if my child is already in an alternative school or program?**

Even if your child is already in an alternative education school or program, there are many steps you can take to help ensure your child receives a quality and appropriate education. Some steps you can take include:

- If your child is in an alternative school or program as a result of:
  - **A voluntary placement/transfer:** your child has the right to immediately return to their prior school upon your request
  - **Expulsion:** your child has the right to return to their original school once they complete their expulsion term and complete the terms of their rehabilitation plan
  - **A referral by a School Attendance Review Board (SARB):** your child has the right to return at the end of the semester following the semester when the acts leading to referral occurred

- **An involuntary transfer to continuation**

**high school:** your child has the right to return to their prior school no later than a semester following the semester in which the acts leading to the involuntary transfer occurred

- If you are not sure why your child is enrolled in an alternative school or program, ask your child's school for that information, including when and how your child can transfer back to their prior school or another traditional school.
- If you are not satisfied with the education your child is receiving at their alternative school, request a meeting or write a letter to express your concern and ask that your child return to their regular school.
- Request a meeting to discuss how your child is doing at school, if they are learning, whether they are progressing towards graduating on time and meeting other education goals.
- Speak with your child's school to determine when your child can return to their original school or another traditional school.
- Speak with an attorney regarding your child's rights and how your child can return to a regular school ■