

Alternative Schools

Below is a summary of *some* of the alternative educational programs sanctioned under the Education Code.

1. Continuation High Schools – EDUC. CODE §§ 48430-48438

- No student can be *involuntarily* transferred to a continuation high school solely on the basis that they are not performing well academically in school, that they are behind in their academic work, or that they have insufficient credits.

- Any decision to involuntarily transfer or place any student in a continuation high school must be based on a finding that a student:

“[C]ommitted an act enumerated in Section 48900 [grounds for expulsion], or. . . has been habitually truant or irregular in attendance from instruction upon which he or she is lawfully required to attend.” EDUC. CODE § 48432.5.

- **Basis for Involuntary Transfers:** Even if such a finding can be made, an involuntary transfer can only be imposed when other means have failed to bring about pupil improvement, unless the pupil is found to have violated one of the grounds for expulsion and the *“pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.”* EDUC. CODE § 48432.5.

- **Procedures for Involuntary Transfers:** A school district must adopt rules and regulations for the *involuntary* transfer of students to a continuation high school. These procedures must include the following safeguards:

- Written notice to the pupil and the pupil's parent or guardian informing them of the opportunity to request a meeting with the district;
- The pupil or the pupil's parent or guardian must be informed of the specific facts and reasons for the proposed transfer and must be given the opportunity to inspect all documents relied upon, question any evidence and witnesses presented and present evidence on the pupil's behalf;
- The pupil must be allowed to have a representative and witnesses present with him or her at the meeting;
- A decision to transfer must be in writing, must state the facts and reasons for the decision, and must be sent to the pupil and the pupil's parent or guardian and must indicate whether the decision is subject to periodic review.
EDUC. CODE § 48432.5.

- **Duration of Transfer:** Generally, no involuntary transfer to a continuation school shall extend beyond the end of the semester following the semester during which the acts leading directly to the involuntary transfer occurred. EDUC. CODE § 48432.5.
- **Voluntary Transfers:** State law allows the *voluntary* placement of students in continuation high schools, but these students have the right to return to a regular high school at the beginning of the following school year and with the consent of a designee of a superintendent, may return at any time. EDUC. CODE § 48432.5.

2. Community Schools – EDUC. CODE §§ 1980-1986

- **Basis for Enrollment:** These schools are established by county offices of education and enroll students: 1) who are expelled from their regular school; 2) who are referred by a School Attendance Review Board (SARB) or at the request of a parent or guardian; 3) who are referred by Probation (pursuant to WELF. AND INST. CODE §§ 300, 601, 602, 654) or are on probation or parole and not attending any school, and (4) who are homeless. EDUC. CODE §§ 1980-81.
- Students enrolled in community schools are supposed to have “*an individually planned educational program*” based upon an educational assessment” prescribed for each student. EDUC. CODE § 1983(c).
- The course of study of a county community school “*shall enable each pupil to continue academic work leading to the completion of a regular high school program.*” EDUC. CODE § 1983(d).

3. Community Day Schools – EDUC. CODE §§ 48660-49667

- **Involuntary Transfers:** These schools may be established by school districts and governing boards must adopt procedures for the involuntary transfer of a student to such a school. EDUC. CODE § 48662(a).
- **Basis for Transfer:** A student may be assigned to a community day school only if he or she is: 1) expelled for any reason; 2) referred by probation pursuant to WELF. & INST. CODE §§ 300 and 602; 3) referred by a SARB or another district level referral process. Educ. Code § 48662(b)(1)-(3).
- **Program:** Such schools are supposed to cooperate with county offices of education, probation, law enforcement, and social service agencies who work with at-risk youth. They are also supposed to: 1) have a low pupil-teacher ratio; 2) provide individualized instruction and assessment; and 3) “[*m*]aximize collaboration with school district support service resources, including, but not limited to, school counselors and psychologists, academic counselors, and pupil discipline personnel.” EDUC. CODE § 48660.1.

4. Independent Study – EDUC. CODE §§ 51745-51749.3

- **Must Have Written Policy**: A school district must adopt a written independent study policy in order to receive funding for students who participate in independent study. Such a policy must include the following provisions:
 - The maximum length of time that may elapse between the time an assignment is made and the date by which a student must complete the assigned work;
 - The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program. EDUC. CODE § 51747(a)-(b).

- **Independent Study Agreements**: A district's policy must also ensure that a current written agreement for each independent study pupil be maintained on file that specifies the following: 1) the manner, time, frequency, and place for submitting a pupil's assignments and for reporting progress; 2) the objectives and methods of study and the methods utilized to evaluate a student's work; 3) the specific resources, including materials and personnel, that will be made available to the student; 4) a statement regarding the length of time for completion of assignment and the number of missed assignments provisions noted above; 5) the duration of the independent study, including the beginning and ending dates for the pupil's participation; 6) a statement of the number of course credits to be earned by the pupil upon completion. EDUC. CODE § 51747(c)(1)-(6); 5 C.C.R. § 11700(e)-(l).

- **Must Be Voluntary**: The written agreement must also include a statement stating that "*independent study is an optional educational alternative in which no pupil may be required to participate.*" EDUC. CODE § 51747(c)(7); 5 C.C.R. § 11700(d)(1)-(2).

- **Duration of Agreement**: No independent study agreement shall be valid for any period longer than one semester, or one-half year for a school on a year-round calendar. EDUC. CODE § 51747(c)(5).

- **Must be Signed by Parent**: Each written agreement must be signed "*prior to the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver... For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of the Family Code.*" EDUC. CODE § 51747(c)(8); 5 C.C.R. § 11702.

- **Special Ed. Students**: No individual with exceptional needs may participate in independent study, unless his or her IEP specifically provides for such participation. EDUC. CODE § 51745(c).

- **Access to Resources**: Students in independent study must be given "*access to all existing services and resources in the school in which the pupil is enrolled . . . as is available to all other pupils in the school.*" EDUC. CODE § 51746; 5 C.C.R. § 11701.5(b).

NOTE: Information about independent study, including excerpts from the CDE's Independent Study Operations Manual, a summary of the law, and the full text of all relevant statutes and regulations, can be found on the CDE's website at <http://www.cde.ca.gov/sp/eo/is/>.

5. Juvenile Court Schools – EDUC. CODE §§ 48645 – 48645.6

- **Purpose:** Juvenile Court Schools are established to “provide the juvenile court school pupils therein detained with quality education and training.” EDUC. CODE § 48645.
- **Legislative Intent:** “Nothing in this section shall be construed as indicating that it is the intent of the Legislature to prevent juvenile court school pupils who are housed in group homes from enrolling in regular public schools. . .” EDUC. CODE § 48645.
- **Administrative Responsibility:** The county board of education shall provide for the administration and operation of juvenile court schools in conjunction with the chief probation officer. EDUC. CODE § 48645.2; 15 C.C.R. § 1370(a).
- **Must Comply with Education Code:** A juvenile court school program “shall comply with the State Education Code,” including those governing due process with respect to suspension and expulsion and those governing services for students with special education needs. 15 C.C.R. §§ 1370(b), (c)(3), (d)(2).
- **Special Units:** Minors restricted to high security or other special units must be provided educational instruction. 15 C.C.R. § 1370(d)(1).
- **Minimum School Day:** The mandated minimum school day for a juvenile court school is 240 minutes and the minimum school day for pupils in attendance in approved vocational education programs, work programs prescribed by the probation department and work experience programs is 180 minutes. EDUC. CODE § 48645.3.
- **Course of Study:** County boards of education are required to adopt and enforce a course of study and to evaluate their juvenile court school programs. EDUC. CODE § 48645.3. The course of study must, at least, include the following: 1) English/ Language Arts; 2) Social Sciences; 3) Physical Education; 4) Science; 5) Health; 6) Mathematics; 7) Fine Arts/Foreign Language; and, 8) Electives (including career education). 15 C.C.R. § 1370(b)(1).
- **GED:** General Education Development (GED) preparation must also be provided for all eligible youth enrolled in a juvenile court school. 15 C.C.R. § 1370(b)(2).
- **Coursework Credit:** School districts are mandated by law to accept for credit coursework completed by students while enrolled in a juvenile court school. EDUC. CODE § 48645.5.