

**Instruction**

**COMMUNITY DAY SCHOOL**

The Governing Board recognizes the need to provide an appropriate alternative educational option for expelled students who are prohibited from attending regular schools in the district, students referred by probation pursuant to Welfare and Institutions Code 300 or 602, and students referred by a school attendance review board or another district-level referral process. The district's community day school program shall be designed to meet the needs of these students and ensure academic progress necessary for their success when returned to a regular school environment.

(cf. 5113 - Absences and Excuses)  
(cf. 5113.1 - Chronic Absence and Truancy)  
(cf. 5144 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)

The Superintendent or designee shall collaborate with the County Superintendent of Schools and, as appropriate, other districts within the county to develop, for Board adoption, a plan for providing education services and appropriate placements to all expelled students in the county. (Education Code 48926)

The district's community day school program shall be designed to give students substantial individual help with their problems. To the extent possible, the program shall include:

1. Cooperation with the county office of education, law enforcement, probation, and human services agencies personnel who work with at-risk youth
2. Low student-teacher ratio
3. Individualized instruction and assessment
4. Maximum collaboration with district support service resources, including, but not limited to, school counselors and psychologists, academic counselors, and student discipline personnel

(cf. 0400 - Comprehensive Plans)  
(cf. 1020 - Youth Services)  
(cf. 5149 – At-Risk Students)  
(cf. 6164.2 - Guidance/Counseling Services)

The Superintendent or designee shall establish procedures for the involuntary transfer of students to a community day school in accordance with law. (Education Code 48662)

A community day school shall not be situated on the same site as a regular district elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school, except when allowed by law and when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for the community day school. Such Board certification shall be valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the Board. (Education Code 48661)

**COMMUNITY DAY SCHOOL (continued)**

(cf. 9323.2 - Actions by the Board)

Community day schools shall be operated in safe, well-maintained facilities that meet the requirements of Education Code 17292.5/

The Superintendent or designee shall regularly report to the Board regarding the academic performance and other outcomes of students enrolled in a community day school.

(cf. 0500 - Accountability)

(cf. 6190 - Evaluation of the Instructional Program)

Legal Reference:

EDUCATION CODE

1980-1986 County community schools

17085-17096 Emergency portable facilities

17280-17316 Field Act, approvals

17365-17374 Field Act, fitness of occupancy

48260-48273 Truants

48660-48666 Community day schools

48900-48926 Suspension or expulsion

52052 Accountability

52064.5 Program evaluation; state evaluation rubrics

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction

602 Minors violating laws defining crime; ward of court

CALIFORNIA CODE OF REGULATIONS, TITLE 5

1068-1074 Alternative schools accountability systems

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement of students with disabilities

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Guidelines for Establishing a Community Day School

WEB SITES

California Department of Education: <http://www.cde.ca.gov/sp/eo/cd>

## **Instruction**

### **COMMUNITY DAY SCHOOL**

#### **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.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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.

(cf. 5113.1 - Chronic Absence and Truancy)

The Governing Board recognizes the need to provide an appropriate alternative educational option for expelled students who are prohibited from attending regular schools in the district, students referred by probation pursuant to Welfare and Institutions Code 300 or 602, and students referred by a school attendance review board or another district-level referral process. The district's community day school program shall be designed to meet the needs of these students and ensure academic progress necessary for their success when returned to a regular school environment.

Unless the district has an agreement that the County Superintendent of Schools shall serve any of the above students; first priority for assignment to a community day school shall be given to students expelled 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 according to item #2 or #3 above. (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)

(cf. 5144.2 - Suspension and Expulsion (Students with Disabilities))

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

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

**COMMUNITY DAY SCHOOL (continued)**

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 school 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)

(cf. 6112 - School Day)

(cf. 6158 - Independent Study)

**Facilities**

To house community day school operations, the district shall do one or more of the following: (Education Code 17292.5)

1. Use available school facilities conforming with Field Act requirements specified in the Code of Regulations, Title 24, Part 2 (Section 101 to 2327a.3), Part 3 (Section 089-1 to 70-848), Part 4 (Section 403 to 1313.13) and Part 5 (Section 102 to 1218.8).
2. Apply for emergency portable classrooms pursuant to Education Code 17085-17096.
3. Upon certifying to the State Allocation Board that all reasonable efforts have been made to use facilities that conform with the requirements of item #1 above, enter into lease agreements for facilities for which a structural engineer has submitted a report stating that substantial structural hazards do not exist.

As needed, the Board shall certify the absence of satisfactory alternative facilities for community day schools. Such certifications shall be valid for not more than one school year and may be renewed by a subsequent two-thirds vote of the Board. (Education Code 48661)

A community day school serving any of grades K-6, but no higher grades, shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity or continuation school except when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school in those grades. (Education Code 48661)

A community day school serving any of grades K-6 shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school except when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school in those grades. (Education Code 48661)

**COMMUNITY DAY SCHOOL (continued)**

On or before September 1, 1996, and every three years thereafter, the Superintendent or designee shall report to the State Allocation Board on the facilities used for the district's community day programs and efforts to place these programs in facilities that conform with the requirements of item #1 above. (Education Code 17292.5)

(cf. 9323.2 – Actions by the Board)