

Da Vinci Schools

Policy and Procedures

STUDENT TRANSFERS BETWEEN SCHOOLS

Voluntary Transfers between Da Vinci Communications, Design or Science

The parents/guardians of a student attending Da Vinci Communications, Design or Science (DV high school) may submit a written request to the principal or designee to transfer the student to another DV high school. Approval of a student's voluntary transfer shall be based on a finding that the placement will promote the educational interests of the student.

The principal or designee of each DV high school shall annually review disaggregated student enrollment data and strive to ensure that no specific group of students, including a group based on race, ethnicity, language status, or special needs, is disproportionately enrolled in his/her school.

The principal or designee shall grant priority to a student to attend another DV high school as follows:

1. When there is valid interest in a particular educational program not offered in the current school of attendance.
2. To provide a change in school environment for reasons of personal and social adjustment.

Requests must be submitted before **February 28** of the school year preceding the school year for which the student is requesting to be transferred.

Both the principal of the school where the student is currently attending and the principal of the school where the student seeks to enroll must approve the transfer. Either principal may deny initial requests for transfer due to lack of space availability at the relevant grade level, limited resources, or other considerations that are not arbitrary.

The Chief Executive Officer or designee shall oversee any appeals relating to denial of transfer requests.

Enrollment decisions shall not be based on a student's academic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. No student currently attending a DV high school shall be displaced by another student transferring into that DV high school.

No later than **June 15** of the school year preceding the school for which the student is requesting to be transferred, the Da Vinci Schools enrollment office shall notify the parent/guardian, in writing, whether the request has been approved or denied. If the request is denied, the principal or designee from the school where the student is currently attending shall provide the enrollment office the reason(s) for the denial and the right to appeal the decision to the Chief Executive

Officer or designee. An appeal must be submitted within 14 calendar days from the date of the denial.

The student or parent/guardian shall have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting.

Students who are under consideration for expulsion or who have been expelled may not submit a request for transfer, nor appeal a denial of a request for transfer if the expulsion proceedings occurred after the request was submitted.

RISE HIGH STUDENT TRANSFERS

Voluntary Transfers to Da Vinci RISE High

As space permits, students may voluntarily enroll at RISE High. A student may be considered for placement at RISE High whenever his/her parent/guardian submits a written request to the Chief Executive Officer or designee, or the student is referred by the principal or designee. Enrollment preferences shall be for students:

1. Who are homeless, as defined in 42 USC 11434a(2), or in foster care, as defined in Education Code 48853.5
2. With history of school non-attendance and/or are significantly credit deficient
3. Who have dropped out of school
4. Who are currently on probation
5. With siblings admitted or attending RISE High

Approval of a student's voluntary transfer shall be based on a finding that the placement will promote the educational interests of the student.

Voluntary enrollment at RISE High shall be subject to the following conditions:

1. The student's voluntary placement at RISE High shall not be used as an alternative to expulsion unless alternative means of correction have been attempted.
2. Before a student is transferred and upon request by his/her parent/guardian, the parent/guardian may meet with a counselor, principal, or administrator from both the school that the student is currently attending and RISE High to determine if transferring is the best option for the student.
3. To the extent possible, voluntary transfer to RISE High shall occur within the first two weeks of each semester.

4. A student who is voluntarily enrolled at RISE High may return to a DV high school at the beginning of the following school year, or at any other time with the consent of the Chief Executive Officer or designee.

The Chief Executive Officer shall approve or deny the request within 10 school days from the date the request was received. If the request is denied, the Chief Executive Officer or designee shall notify the student's parents/guardians, in writing, the reason(s) for the denial. The decision of the Chief Executive Officer is final.

TRANSFER BASED ON SPECIAL CIRCUMSTANCES AT ALL DA VINCI SCHOOLS

Upon finding that special circumstances exist that might be harmful or dangerous to the student in the current school of attendance. Special circumstances include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a DV school that is at capacity and otherwise closed to transfers. To grant priority under these circumstances, the principal or designee must have received either:

1. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, social worker, or a properly licensed or registered professional such as a psychiatrist, psychologist, or marriage and family therapist
2. A court order, including a temporary restraining order and injunction

Involuntary Transfers

The Board desires to enroll students in the school of their choice, but recognizes that circumstances sometimes necessitate the involuntary transfer of some students to another school or program within Da Vinci Schools.

The principal or designee may initiate the involuntary transfer of a student for the following reasons:

1. To address a student's credit deficiencies
2. To address a student's irregular attendance or chronic absenteeism
3. As a consequence, or an intervention, to a student's severe or pervasive misconduct
4. Referral by probation pursuant to Welfare and Institutions Code 300 or 602
5. Referral by the charter attendance review team or other formal process
6. For programmatic needs (i.e. special services including special education classes or services) principals may initiate a transfer through the Individualized Education Plan (IEP) provisions and procedural safeguards.

Involuntary transfers shall be made only when other means fail to bring about student improvement, except when the principal determines that the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

As applicable, when determining the best placement for a student who is subject to involuntary transfer, the Chief Executive Officer or designee shall review all educational options for which the student is eligible, the student's academic progress and needs, enrollment capacity, and the availability of support services and other resources.

When the student to be involuntarily transferred to another Da Vinci 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 another Da Vinci school shall be determined by the student's individualized education program (IEP) or 504 team, as applicable.

Prior to an involuntary transfer, the Chief Executive Officer or designee shall provide written notification to the student and his/her parent/guardian and an opportunity for the student and parent/guardian to meet with the Chief Executive Officer or designee to discuss the transfer. At the meeting, the student or parent/guardian shall be informed of the specific facts and reasons for the proposed transfer. The student or parent/guardian shall have the opportunity to inspect all documents relied upon, question any evidence and witnesses presented, and present evidence on the student's behalf. The student may designate one or more representatives and witnesses to be present with him/her at the meeting.

A written decision to transfer, stating the facts and reasons for the decision, shall be sent to the student and parent/guardian within 10 calendar days after the final decision to involuntarily transfer the student was rendered. It shall indicate whether the decision is subject to periodic review and the procedure for such review. It shall also indicate when the student may be considered for readmission to the school from which the student is being transferred.

The persons making the final decision for involuntary transfer shall not be members of the staff of the school in which the student is enrolled at the time.

No involuntary transfer shall extend beyond the end of the semester following the semester when the decision resulting in the involuntary transfer was made.

Student Convicted of Violent Felony or Misdemeanor

A student may be transferred to another Da Vinci school if he/she is convicted of a violent felony, as defined in Penal Code 667.5(c), or a misdemeanor listed in Penal Code 29805 and is enrolled at the same school as the victim of the crime for which he/she was convicted. (Education Code 48929)

Before transferring such a student, the Chief Executive Officer or designee shall attempt to resolve the conflict using restorative justice, counseling, or other such services. He/she shall also notify the student and his/her parents/guardians of the right to request a meeting with the principal or designee. (Education Code 48929)

Participation of the victim in any conflict resolution program shall be voluntary, and he/she shall not be subjected to any disciplinary action for his/her refusal to participate in conflict resolution.

The principal or designee shall submit to the Chief Executive Officer or designee a recommendation as to whether or not the student should be transferred. The decision of the Chief Executive Officer or designee shall be final and shall be subject to periodic review.

The Chief Executive Officer or designee shall annually notify parents/guardians of Da Vinci Schools' policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

Intake and Orientation

Upon voluntary or involuntary transfer to another Da Vinci school, an intake meeting shall be conducted with the student and his/her parent/guardian. At this meeting, the principal or counselor shall establish expectations for student conduct and participation, provide information about each course and number of credits that the student needs to complete in order to graduate, and develop an individualized academic and/or behavioral plan for the student. The student and his/her parent/guardian, as appropriate, shall sign the plan indicating their commitment to these objectives.

Legal Reference:

EDUCATION CODE

200 Prohibition against discrimination

35146 Closed sessions; student matters

48200 Compulsory attendance

48900 Grounds for suspension and expulsion

48929 Transfer of student convicted of violent felony or misdemeanor

48980 Notice at beginning of term

PENAL CODE

667.5 Violent felony, definition

29805 Misdemeanors involving firearms

Adopted: June 19, 2019