

Assignment of Students to a Community Day School

Education Code Section 48662 provides that the only students who may be assigned to a Community Day School are those who have been:

- expelled for any reason;
- probation-referred pursuant to *Welfare and Institutions Code* sections 300 or 602; or
- referred to a Community Day School by a School Attendance Review Board (SARB) or other district level referral process,

Education Code Section 48662 (b)(4) further specifies that, unless there is an agreement that the county superintendent of schools shall serve any of these categories of students, assignment of students to Community Day Schools shall be made in the following **priority order**:

1. students expelled for mandatory expulsion offenses (*Education Code* Section 48915 (d));
2. students expelled for any other reasons; and
3. all other students.

Districts that establish Community Day Schools must adopt policies that provide procedures for the involuntary transfer of students to those schools (*Education Code* Section 48662). Such policies necessarily have to provide for appropriate “due process.”

Education Code Section 48916.1 (a) provides that, at the time an expulsion of a student is ordered, the governing board of the school district shall ensure that an education program is provided to the student for the period of the expulsion. Community Day Schools were created to provide districts with an educational placement option for expelled students who previously could not be served within the district (those students expelled for any of the offenses listed in subdivision (a) or (c) of Section 48915).

The California Department of Education strongly encourages school districts to establish and operate schools and programs, including Community Day Schools that provide appropriate services to those students who have histories of negative behavior. Doing so allows greater continuity with both previous and subsequent educational placements.