

BUHS CDS Program

I have included the following documents regarding the BUHS CDS program for your perusal and they are as follows:

1. CDS Enrollment Contract
2. BUHS Student Handbook Policy referencing CDS placement and Involuntary Transfer protocols
3. CDS Placement Parent Letter
4. BP 5116.2
5. AR 6185

Please note the following:

1. Pursuant to BP 5116.2, our placement letter communicates to parents that they can meet with the superintendent to challenge an involuntary transfer to CDS.
2. Pursuant to AR 6185, the grounds for an involuntary transfer must be based upon the following:
 - a. Using or being under the influence of alcohol, drugs, tobacco, or other controlled substances;
 - b. Student possession of alcohol, drugs, tobacco, or other controlled substances; or
 - c. Any other significant offense where the Superintendent or designee feels immediate removal of the student from the current placement, and placement in community day school is warranted particularly as it relates to student safety and campus security/safety.
3. Pursuant to AR 6185, all students are enrolled in the CDS program full-time.
4. BUHS policy for a second banned substance possession or under the influence violation is recommendation for expulsion and eventual placement in JKBS.

Note: Our policies are in alignment with both Board Policy (BP) and Ed Code

CDS students have access to weekly group counseling regarding substance abuse and other topics including anger management. All students referred to CDS for being under the influence of or possession of controlled substances attend mandatory substance abuse counseling sessions on campus.

BISHOP UNION HIGH SCHOOL

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December 6, 2018

Dear Parent/Guardian-

This letter is to inform you that your student is being recommended for transfer to the BUHS Community Day School (CDS) program for the following reason(s):

- Discipline resulting from the incident noted in the attached Suspension Notification
- Violation of the Behavior Contract signed and dated on _____.
- Credit issues resulting from failing grades (see attached).

Attached is the contract that outlines the terms of the transfer as well as the anticipated date of return to the regular BUHS program.

Per Board Policy 5116.2, you are entitled to a meeting with the Superintendent to discuss or challenge the transfer. If you wish to schedule that meeting, please contact Ms. Carr at (760)872-3680.

Thank you,

David Kalk
Assistant Principal

THE BRONCO WAY

BE RESPONSIBLE USE GOOD JUDGEMENT HAVE CHARACTER SHOW RESPECT

DISCIPLINARY INTERVENTION PROTOCOL

BUHS follows the California Education Code and progressive discipline policy when assigning consequences for inappropriate student actions. The progressive discipline policy is meant to guide administrative decisions regarding suspendable offenses. It should be noted that this plan affords a framework for dealing with inappropriate student behavior in a comprehensive and consistent manner, but that each disciplinary issue will be reviewed within the context of its unique circumstances and the educational needs of the student.

If students are failing to meet behavioral expectations and they perform a minor infraction, the teacher will use the following interventions:

1. warning
2. quick student conference to explain the expectation
3. 5-minute meeting to remind the student of the expectation and try to determine why the student is not following the rule
4. phone call or e-mail home
5. 30/60 minute detention
6. conference with the teacher, administrator, parent, and student
7. referral to an administrator for disciplinary action

If a student continues to fail to meet behavioral expectations, repeatedly perform minor infractions, or they perform a major infraction, the student will be referred to administration for disciplinary action. Alternative means of correction and consequences include, but are not limited to, the following:

- **Class Suspension:** A teacher may assign up to two consecutive days of class suspension when a student is disrupting the learning environment. Students serving a class suspension will be held in an alternative location and given access to their classroom assignments. When a class suspension is assigned, the teacher and the administrator will contact the parent/guardian following the offense and a parent/teacher conference will be recommended.
- **Detention:** A student is assigned to a supervised area before or after school or at lunch. Students may not be detained for more than one hour after the close of the school day, unless otherwise arranged with the parent/guardian. The student shall not be detained unless the principal or designee notifies the parent/guardian. If, after talking with the parent, the student is unable to remain after school on that day, another day will be arranged (including Saturday, where applicable).
- **Friday/Saturday School:** An administrator may assign one or more days of Friday/Saturday School as an alternative means of correction for various offenses outlined in the previous pages. Students serving a Friday/Saturday School will be held in an alternative location for the duration of the Friday/Saturday School and will be expected to work quietly. When a Friday/ Saturday School is assigned, the administrator will contact the parent following the offense.
- **Behavior Contract:** This is a contract written by the classroom teacher and/or administrator for the purpose of assisting the student with a specific behavior or pattern of behavior. Failure to meet the terms or violation of the Behavior Contract may lead to referral to the SARB Board or Involuntary Transfer to ~~the Community Day School Program.~~
- **In-School Suspension (ISS):** An administrator may assign one or more days of in-school suspension for various offenses outlined in the previous pages. Students serving an ISS will be held in an alternative location for the entire school day and given access to their classroom assignments. When an ISS is assigned, the administrator will contact the parent/ guardian following the offense.

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- **Loss of Privileges:** An administrator may remove the privilege of attending one or more school function including but not limited to athletic events, Homecoming, Prom, and end-of-the-year activities.
- **Suspension:** An administrator may assign one to five days of out-of-school suspension for various offenses outlined in the previous pages. Students serving an out-of-school suspension cannot be on any school campus for the duration of their suspension and must be home during school hours. Additionally, students cannot participate or attend in any school-sponsored activities or events while they are suspended. When a suspension is assigned, the administrator will contact the parent/guardian.
- **Involuntary Transfer:** Students who continue to demonstrate inappropriate behavior that violates the terms of their Behavior Contract OR violate a section of CA Ed Code 48900 that involves tobacco, drugs, alcohol, or places the safety of students at risk (fighting, etc) may be subject to involuntary transfer (a change in educational placement) to the Community Day School classroom.
- **Expulsion:** Expulsion means the removal of the student from their school for a specified amount of time. When a school site recommends expulsion, the site will forward the request to the District's Superintendent. The Superintendent will notify the family to arrange for a meeting to discuss the recommendation and all details involved in the process including student and parent rights.
- **Student Attendance Review Board (SARB):** Students who fail to meet the terms of a Behavior Contract or continually fail to attend assigned consequences such as detentions, Friday Schools, and/or Saturday Schools will be referred to SARB. This process takes place at the Bishop Courthouse in front of the County Superintendent of Schools, District Attorney of Inyo County, and the Chief of Probation. It can lead to loss of driving privileges, parental fine, involuntary transfer to JKBS, probation, or other consequences deemed appropriate by the panel.

*Please note: Students out of compliance with behavior expectations while serving consequences will be subject to additional disciplinary action.

Failure to serve Detentions, Friday School, and/or Saturday School

The consequences for failing to serve detention, Friday School, or Saturday School are as follows:

- Failure to serve assigned detention will result in the doubling of the assigned time on the rescheduled date
- Failure to serve Friday School will result in the student being assigned a four hour Saturday School.
- Students who fail to serve Saturday School will have one opportunity to make up the 4 hours on a subsequent Saturday. Failing to attend the second rescheduled Saturday School will result in the student being placed on a Behavior Contract which can lead to involuntary transfer to CDS.
- Students who demonstrate a pattern of behavior that indicates they have no intention of serving the assigned consequences noted above may be referred directly to SARB.

The Bronco Way...

Be Responsible

Use Good Judgment

Have Character

Show Respect

Bishop Union High School

CDS Enrollment Contract

Student Name _____ DOB _____ Grade _____

Permanent ID # _____

Emergency Contact Name _____ Phone _____

Reason for transfer: Academic Violation of Behavior Contract Discipline

.....

Enrollment : 30 Days Quarter Semester

First Date of Enrollment in CDS: _____

Scheduled Date of Return to BUHS: _____

Is a Behavior Contract in place? YES (See attached) NO

Off Campus Lunch Privileges? YES NO Can be earned

Is counseling mandated? YES NO # of sessions _____

.....

Does the student have a 504 Plan? YES NO

Does the student have an active IEP? YES NO

If yes, Case Manager (name) _____

.....

Placement in CDS is meant to facilitate a change in behavior and/or academic performance. Students in CDS do not attend extracurricular functions such as assemblies, field trips, dances, sporting events, etc. unless it is a function of the CDS class itself or exceptions approved by administration. Furthermore, CDS students do not participate in end-of-year activities (Promotion ceremony, dance, picnic, pool party, etc.) while they are enrolled.

The signatures below indicate an understanding of the terms above as an agreement to the transfer of the student to the CDS program as a means to correct the behavior.

____ I was provided information to schedule a meeting with the Superintendent to challenge the involuntary transfer to CDS.

Student Signature _____ Date _____

Parent Signature _____ Date _____

Administrator _____ Date _____

BP 5116.2 / Involuntary Student Transfers

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The Board of Trustees 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 in the district. The Superintendent or designee shall develop procedures to facilitate the transition of such students into their new school of enrollment.

(cf. [5113.1](#) - Chronic Absence and Truancy)

(cf. [5116.1](#) - Intradistrict Open Enrollment)

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

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. [6173.3](#) - Education for Juvenile Court School Students)

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

*Whenever a student is involuntarily transferred, the Superintendent or designee shall provide timely written notification 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.

Students Convicted of Violent Felony or Misdemeanor

A student may be transferred to another district 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 Superintendent 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](#))

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [5144](#) - Discipline)

(cf. [6164.2](#) - Guidance and Counseling Services)

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 Superintendent or designee a recommendation as to whether or not the student should be transferred. If the Superintendent or designee determines that a transfer would be in the best interest of the students involved, he/she shall submit such recommendation to the Board for approval.

The Board shall deliberate in closed session to maintain the confidentiality of student information, unless the parent/guardian or adult student submits a written request that the matter be addressed in open session and doing so would not violate the privacy rights of any other student. The Board's decision shall be final.

(cf. 9321 - Closed Session Purposes and Agendas)

The decision to transfer a student shall be subject to periodic review by the Superintendent or designee.

The Superintendent or designee shall annually notify parents/guardians of the district's policy authorizing the transfer of a student pursuant to Education Code 48929. (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

Other Involuntary Transfers

Students may be involuntarily transferred under either of the following circumstances:

1. If a high school student commits an act enumerated in Education Code 48900 or is habitually truant or irregular in school attendance, he/she may be transferred to a continuation school. (Education Code 48432.5)

(cf. 6184 - Continuation Education)

2. If a student is expelled from school for any reason, is probation-referred pursuant to Welfare and Institutions Code 300 or 602, or is referred by a school attendance review board or another formal district process, he/she may be transferred to a community day school. (Education Code 48662)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6185 - Community Day School)

AR 6185 / Community Day School

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Involuntary Transfer

A student may be assigned to a community day school only upon meeting 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](#) and/or 602.

3. The student is referred by a school attendance review board (SARB) or other district-level referral process.

The 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. These priorities are applicable unless the district has an agreement that the County Superintendent of Schools shall serve any of the above students. (Education Code [48662](#))

In the case of any student who has been identified as eligible for services 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 first approved by the student's Individualized Education Program (IEP) team or school site committee (e.g., student study team) as required by law.

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

(cf. [6159](#) - Individualized Education Program)

(cf. [6159.4](#) - Behavioral Interventions for Special Education Students)

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

Transfers by District-Level Referral Process

* A "district-level referral process" shall refer to a district-level referral of a student to a community day school by the Superintendent or designee. Grounds for a district-level referral process shall include students using or being under the influence of alcohol, drugs, tobacco, or other controlled substances, student possession of alcohol, drugs, tobacco, or other controlled substances, or any other significant offense where the Superintendent or designee feels immediate removal of the student from the current placement and placement in community day school is warranted.

If a student commits an offense as described above, the site principal may suspend the student for up to five consecutive school days and refer the matter to the Superintendent or designee for consideration of an involuntary transfer to community day school. If the Superintendent or designee determines that an

involuntary transfer is appropriate, the Superintendent or designee shall provide written notice of that determination to the student's parent/guardian or to the adult student age 18 or older within the suspension period. The notice shall contain a statement of the facts and circumstances upon which the transfer is based, its duration, and the conditions for readmission to the original school of attendance.

* The Superintendent or designee shall also set a date and time within the suspension period to meet with the parent/guardian or adult student to discuss the student's transfer. At the meeting, the reason for the transfer shall be reviewed with the parent/guardian or adult student and the parent/guardian or adult student may present evidence on the student's behalf. After any meeting, the Superintendent or designee may uphold the initial determination to transfer the student or decide to withdraw the transfer. If the parent/guardian or adult student fails to attend the meeting, the transfer will be upheld and the student will be notified to report to community day school.

If the parent/guardian or adult student attends the meeting, the Superintendent shall send written notice of the decision to transfer or not transfer within two school days of the meeting. If the decision is to uphold the initial determination of transfer, the student will be assigned at the conclusion of the suspension period, regardless of when written notice was sent.

Every three years, 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)

Location of the School Site

A district desiring to operate a community day school to serve any of grades K-6, but no higher grades, may situate the community day school on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity or continuation school 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 district organized to serve grades K-8, but no higher grades, may situate a community day school on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity or continuation school 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)

(cf. 9323.2 - Actions by the Board)

A district with 2,500 ADA or less, may situate a community day school on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity, or continuation school when the Board certifies by a two-thirds vote that no satisfactory alternative facilities are available for a community day school. (Education Code 48661)

Such Board 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)

If the parent/guardian or adult student desires to appeal the Superintendent's final decision to the Board, he/she shall file written notice of the intent to appeal within five three school days of receiving the decision. The Board shall determine whether or not to hear the appeal within 10 calendar days. If the Board desires to hear the appeal, the Board shall decide the appeal within 20 calendar days of receipt of the notice of the appeal. The Board's decision shall be final.

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 community day school students shall be 360 minutes of classroom instruction provided by a certificated employee of the district reporting attendance for apportionment purposes. Independent study shall not be used as a means of providing any part of this minimum day. (Education Code 48663)

(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
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 Field Act 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.