

This is the official scanned version of the *Program Advisory on Continuation Education* from the California Department of Education's Voluntary and Involuntary Transfers Web page at <https://www.cde.ca.gov/sp/eo/ce/cetransfers.asp>

An accessible version of the contents of this document is located at <https://www.cde.ca.gov/sp/eo/ce/cetransferadvisory86.asp>

The scanned document starts following this initial page.

DATE: February 18, 1986

PROGRAM: Continuation  
Education

CONTACT: Dr. Mary Lou Hill

PHONE: (916) 323-2566

# PROGRAM ADVISORY

CALIFORNIA STATE DEPARTMENT OF EDUCATION  
721 CAPITOL MALL, SACRAMENTO, CA 95814

TO: County and High School District Superintendents of Schools

FROM: Xavier Del Buono, Deputy Superintendent  
Specialized Programs Branch

SUBJECT: AGE SPECIFIC ELIGIBILITY REQUIREMENTS FOR  
ENROLLMENT IN CONTINUATION EDUCATION PROGRAMS

## Purpose

The purpose of this advisory is to clarify for all school district and county personnel the State Board of Education and Department of Education position on the age specific eligibility requirements for the enrollment of students in a continuation education class or continuation high school.

## Background

Questions have been rising from school districts regarding the age requirements for students attending a continuation class or high school. Several districts have recently requested the State Board of Education to allow enrollment of pupils who are younger than 16 years of age under the general waiver authority of Education Code Sections 33050-53. In the course of responding to these requests, the Department and the State Board of Education reviewed all of the legal and educational implications of this issue. The subsequent denial of these waivers has prompted the development of the following summary of information that may serve as a guideline for determining those eligible for enrollment in continuation education programs.

## Student Eligibility

The general provisions for compulsory continuation education are found in Education Code Sections 48400-48454. On the basis of these and other pertinent sections, together with an opinion on the subject by the State Attorney General, the State Board of Education and the Department of Education support the following statement:

All age 16 and 17 pupils who are not attending a full-time educational program, unless otherwise exempt by law (Education Code Section 48410) shall attend a continuation school or class. Pupils under the age of 16 shall enroll and attend only full-time school, except:

- A. High school pupils who are age 15 assigned to a vocational program at a place of employment under the supervision of the school last attended (Education Code Sections 48227-48230).

The pupil described in Section 48227 must have a work permit that "... shall specify the hours in which the minor shall be required to attend part-time continuation classes ...." (Section 48228). Should conditions be found that are detrimental to the pupils's well-being, a return to the full-time school last attended is guaranteed since the pupil is still under its jurisdiction (Section 48229).

- B. High school pupils under age 16 who have been suspended for twenty (20) days (54 Opinion, California Attorney General 262; Education Code Section 48903).

Each pupil is limited to twenty (20) days of suspension during a school year. When the 20 days of suspension have been used at one school site, Education Code Section 48903(g) provides that, except for persons already enrolled in a continuation program,

" ... the number of days for which a pupil may be suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or a class, or a continuation education school or class, in which case the total number of school days for which the pupil may be suspended shall not exceed 30 days in any school year."  
(Added by Stats, 1983, c. 498)

In 1971, the Attorney General examined the predecessor to Education Code 48903 (the former Section 10607.5), and concluded that a school district may legally transfer students with disciplinary problems who are under the age of 16, to a to a continuation school or class pursuant to Education Code Section 10607.5" (now Section 48903). (See 54 Ops. Cal. Atty. Gen. 262.) Students under the age of 16 who have not met the conditions described in Education Code Section 48903 are not eligible for enrollment in a continuation education class or a continuation high school. Assignment of such students, either voluntarily or involuntarily, to such classes or high schools must be considered as being in violation of the intent and specific provisions of the statutes governing continuation education.

#### Discussion

Substantial evidence points out the negative effects on pupil progress if long term assignment to a part-time program is the only option available or permitted. Guidance-oriented, personalized programs, on the other hand, have a positive impact on youth with school adjustment problems. Therefore, districts are urged to review all programs and strategies currently available



in statute to develop acceptable and appropriate options for the under age 16 pupil. In fact, the Legislature specifically addressed the needs of this population in enacting the 10th Grade Counseling Program and Expansion of Opportunity Classes/Programs, Grades 7-9 (Education Code Section 48431.6, 48431.7, and 48643).

As the 1985-86 school year reaches its mid-point, we ask your cooperation and action in this vital issue. The increasing dropout rate from our schools, the high cost to our society in the provision of welfare and social programs, and, most of all, the personal loss of self-esteem and self-worth that accompanies failure in the school setting demand resolution, rather than temporary measures. Let us work together to provide the placement for each student that will enable each student to achieve his or her educational goals most effectively.

XDB:MH:clh

NOTE: Pursuant to Education Code Section 33308.5, notice is hereby given that this correspondence is the Department's interpretation and is advisory in nature, not mandatory.