

LAKE COUNTY OFFICE OF EDUCATION
Office of Superintendent

Joint Education Services Plan for Expelled Students

ISSUE

Every three years the County Superintendent of Schools in conjunction with the county District Superintendents is required to develop a plan to provide educational services to expelled youth.

PREVIOUS ACTIVITY

N/A

DISCUSSION

During the spring of the 14/15 SY, Director Goodwin met with school district staff to review and update the Joint Education Service Plan for Expelled Students. The result of their work is the plan presented today.

FISCAL, STAFFING AND FACILITIES ISSUES

N/A

RECOMMENDATION

The County Superintendent of Schools recommends approval of the Joint Education Plan for Expelled Students.

Report prepared by Brock Falkenberg, County Superintendent of Schools.

**LAKE COUNTY OFFICE OF EDUCATION
Joint Education Services Plan for
Expelled Students**

*An Agreement between the Lake County Office
of Education and Local School Districts for
Implementation of
Education Code 48916.1*

August 2015

The Lake County Board of Trustees approves the Revised Agreement, dated July 2015, between Lake County Office of Education and local School Districts for the implementation of Education Code 48916.1

County Superintendent of Schools: Brock Falkenberg

Board of Trustees Member: Dr. David Browning

Board of Trustees Member: Dr. Mark Cooper

Board of Trustees Member (President): Patricia Hicks

Board of Trustees Member: Madelene Lyon

Board of Trustees Member: George Ryder

Brock Falkenberg, County Superintendent of Schools

Date

Patricia Hicks, County President, Board of Trustees

Date

Board Approval Date: _____

LAKE COUNTY LOCAL EDUCATION AGENCIES:

District		Signature/Date
Kelseyville Unified School District	Dave McQueen, Superintendent	

Konocti Unified School District	Donna Becnel, Superintendent	
Lakeport Unified School District	Erin Smith-Hagberg, Superintendent	
Lucerne Elementary School District	Mike Brown, Superintendent	
Middletown Unified School District	Catherine Stone, Superintendent	
Upper Lake Union High School District	Patrick Iaccino, Superintendent	
Upper Lake Union Elementary School District	Valerie Gardner, Superintendent	

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INTRODUCTION

Educational programs within Lake County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. School districts in Lake County offer a broad spectrum of educational alternatives. Additionally, the Lake County

Office of Education offers alternative programs for students whose needs cannot be met in district traditional and alternative education programs. Together, the districts and the county office of education provide a broad continuum of services and placement options for expelled youth.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence and whose implementation may be assisted by the county office of education. This plan may include one or more of the options outlined in the continuum of services.

A student who is in need of an education alternative may also access the Lake County Office of Education alternative education programs through a district and/or county level referral process, through the School Attendance Review Board (SARB) process, through a court or probation referral, or who is homeless, or is pregnant and/or parenting.

LEGAL REQUIREMENTS

Chapter 974 was enacted into law in 1995 as a result of passage of Assembly Bill 922, Friedman. A.B. 922 amended Education Code Section 48915.2, 48916, and 48918 and added Education Code Sections 39141.12, 48916.1, 48926, and Sections 48660-48666. It repealed Education Code Section 48915.7.

A.B. 922 changed the legal effect of expulsion. Expulsion no longer means the severing of the legal relationship between the school district and student and the cessation of educational services. The legal relationship remains intact. There is not cessation of educational services. School districts have a legal duty to refer students to alternative programs.

Section 48926 requires the development of a plan for providing education services to all expelled students. The text of that section reads:

“Each county superintendent of schools in counties that operate community schools pursuant to Section 1980., in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the governing board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to 48916.1, on June 30th thereafter.”

Section 48916.1, requires that school district provide an educational program for expelled students. Section 48916.1, which is referenced in 48926, reads:

“At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. Except for pupils expelled pursuant to subdivision (d) of Section 48915, the governing board of a school district is required to implement the provisions of this section only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.” Education Code section 48660 authorizes the governing board of a school district to establish one or more community day schools for students in kindergarten or any of grades 1-12 inclusive who meet one or more of the conditions specified in Section 48662(b).

Section 48660.1 states that it is the intent of the Legislature that school districts operating community day schools to the extent possible include the following program components:

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

Section 48661 states that if students are expelled pursuant to Section 48915 (b) or (d) and are served in a community day school, that program shall not be situated on a comprehensive school site, unless the county superintendent certified that no other site is available.

EXISTING EDUCATION ALTERNATIVES FOR EXPELLED YOUTH PROVIDED BY SCHOOL DISTRICTS

School districts located within Lake County offer the following options for expelled youth, depending on the specific offense(s), Education Code violation(s), and Board of Trustees recommendation(s):

1. Suspended expulsion with placement on the same school campus
2. Suspended expulsion with placement on a different school campus/program within the district
3. Suspended expulsion with placement on District Independent Study, if parent agrees
4. Expulsion with referral to a District operated Community Day School Program
5. Expulsion with referral to another District's Community Day School Program, with agreements in place between districts
6. Expulsion with referral to the LCOE Community School Programs for Middle School and High School Students (7-12)

When districts refer students to Lake County Office of Education alternative education programs, they shall follow the steps outlined in the Lake County Office of Education Alternative Education Referral Handbook.

Rehabilitation Plans:

The school district of residence maintains responsibility for developing a realistic rehabilitation plan for each pupil. This plan describes the steps that a student shall take to apply for readmission to the district of residence. This plan may include recommendations for counseling and support, rehabilitation programs, improvement in attendance and academic performance, community service, and/or other rehabilitation programs. The adopted rubric will be utilized to determine a student's success in meeting the district's prescribed plan for rehabilitation. When available, appropriate, and/or requested, personnel from the county programs will present students for readmission to each student's respective district board of education. The school district of residence also maintains responsibility for referring the student to an appropriate educational setting and ensuring that an educational program is provided to the expelled youth.

Students with Exceptional Needs:

Students with exceptional needs shall be referred to the county program pursuant to the Individualized Education Program (IEP) process consistent with the Lake County SELPA procedure as outlined in the *Lake County Office of Education Alternative Education Referral Handbook*. A Manifestation Determination must be conducted by the IEP Team for students prior to taking disciplinary action which results in a change of education placement, or when a series of suspensions constitute a pattern. A Manifestation Determination review by an IEP Team determines if the behavior of the student was/was not a manifestation of the student's disability. The IEP Team must consider all relevant information, including review of evaluation and diagnostic results, observation of the student, parent information, and the student's IEP placement and services.

LAKE COUNTY OFFICE OF EDUCATION EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

The Lake County Office of Education Alternative Education Program offers, to the extent funds are appropriated, the following options for students who are expelled, probation referred, and/or SARB referred:

1. A Community School Program for students in grades 7-12, provides 240 minutes of instruction daily.
2. Juvenile Hall Renaissance Court School for students who are incarcerated.
3. Independent Study. This program is voluntary by law and is provided as an option to students who qualify pursuant to California Education Code Section 51745 ff.

Lake County Office of Education provides a community school program for students in grades 7-12. Classrooms are staffed with a one teacher/one aide instructional team for approximately every 20 students (20 ADA). Each student undergoes an academic assessment at the time of entry and an educational plan is developed to ensure that the student is able to make satisfactory progress toward his/her educational goal.

Students may be assigned to Lake County Office of Education alternative education programs if they meet one or more of the following criteria:

1. They are expelled from the district
2. They are court/probation referred
3. They are referred by the county School Attendance Review Board.

First priority will be given to students expelled pursuant to EC 48915, second priority will be given to students who have been referred by the courts or the Lake County Department of Probation, and third priority will be given to SARB referred students. Lowest priority will be given to students expelled for offenses other than those outlined in EC 48915. Assignment to a county operated program will be contingent upon available funding for the program.

Lake County alternative education staff collaborates with district counselors, psychologists and school health personnel. Additionally, they collaborate with law enforcement, probation, health, drug and alcohol prevention and mental health agency staff to provide services for students. All students enrolled in county programs have access to counseling that is provided through the Lake County Office of Education Safe Schools Program.

Special education services are provided by a part-time resource specialist. Districts are responsible to provide all other special education services, as outlined in each student's Individualized Education Plan (IEP).

Lake County Office of Education provides limited transportation to the county community school programs through a bus which stops at regular intervals in communities that surround the county or through transportation passes provided for the local bus line. Based on

Compulsory Education law, parents are ultimately responsible for ensuring that their student attends school on a consistent basis. Students who are truant from school will be referred to the Lake County School and Attendance Review Board.

**IDENTIFIED COUNTY AND DISTRICT GAPS IN SERVICES
FOR EXPELLED YOUTH
and
POSSIBLE STRATEGIES FOR FILLING THESE GAPS**

Gap #1:

A student could be expelled from the District and referred to the County Community School; This student could then commit a major violation, and ultimately be referred back to the original District.

County/District Strategy for Addressing this Gap:

1. The county alternative education program has rarely found itself in the position of expelling a student and referring the student back to the district. In the event that this situation arises, the county office will immediately notify the district of the possibility of this action and will work collaboratively with the district to determine educational options for the student.

Gap #2:

District alternative education programs have difficulty accessing rehabilitative services for students (drug counseling, anger management counseling, etc.).

County/District Strategy for Addressing this Gap:

1. LCOE and districts will continue to work with private and public agencies within the county to develop and access services/programs for students.

Gap #3:

There are no county alternative education programs for district expelled youth below grade 7.

County/District Strategy for Addressing this Gap:

1. Districts and LCOE will work with county agencies to explore options for family interventions.
2. Districts which currently do not have community school programs for elementary students will work with other districts within the county to develop Memorandums of Understanding that will allow districts to place their students in programs within other districts.
3. LCOE and Districts will explore the feasibility of providing a county alternative education program for elementary students through a cost sharing model.

***Progress towards closing each identified gap will be reviewed bi-annually with district superintendents, at a superintendent's council meeting.**