



LAKE COUNTY OFFICE OF EDUCATION

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**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*

June 2021

LAKE COUNTY BOARD OF TRUSTEES:

The Lake County Board of Trustees approves the Revised Agreement, dated June 2021, between Lake County Office of Education and local School Districts for the implementation of Education Code 48916.1

County Superintendent of Schools: Brock Falkenberg

President, Board of Trustees: Anna Ravenwoode

Board of Trustees Member: Melissa Kinsel

Board of Trustees Member: Dr. Mark Cooper

Board of Trustees Member: Dr. David Browning

Board of Trustees Member: Denise Loustalot

Brock Falkenberg, County Superintendent of Schools

Date

Anna Ravenwoode, 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	Becky Salato, Superintendent	
Lakeport Unified School District	Jill Falconer, Superintendent	
Lucerne Elementary School District	Mike Brown, Superintendent	
Middletown Unified School District	Michael Cox, Superintendent	
Upper Lake Union School District	Giovanni Annous, Superintendent	

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INTRODUCTION

Educational programs within Lake County provide 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 a County Office Community School for students grades 7-12 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 who is in need of an education alternative may access the Lake County Office of Education Community School through a district and/or county level referral process, through a court or probation referral, or parent referral through their home district. A student who is simply in need of an educational alternative may also access various programs through a district and/or county referral process. The Lake County Office of Education will continue to provide an educational option for expelled students. The philosophy of each school district or consortium affects how the Lake County Office of Education Community School program will meet the needs of that particular school district. Some school districts use the Lake County Office of Education programs as educational options only for expelled students, while others use this program as a student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

Existing Alternatives for Expelled Youth

School districts located within Lake County offer the following options for expelled youth, depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement on the same school campus;
2. Suspended expulsion with placement on a different school campus within the district;
3. Suspended expulsion with placement on district Independent Study, if all parties agree, and other appropriate educational options are available;
4. Expulsion with referral to a district or consortium Community Day School program; or
5. Expulsion with referral to the Lake County Office of Education's Hance Community School Program.

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

LEGAL REQUIREMENTS

California *Education Code (EC)* Section 48926 requires county superintendents, in conjunction with superintendents of the school districts within the county, to develop a plan for providing educational services to all expelled pupils in that county. The plan was to be adopted by the governing board of each school district within the county and by the county board of education, and submitted to the State Superintendent of Public Instruction (SSPI) in 1997. *EC* Section 48926 also requires that each county superintendent of schools, in conjunction with district superintendents in the county, submit a triennial update to that plan to the SSPI.

EC Section 48926 provides specifically that:

“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 government 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.”

The Countywide Plan must list and describe the educational alternatives currently available for expelled students. The Countywide Plan must address gaps in educational services and strategies for filling them. See page 14.

- Were the strategies identified or described as successful or not? Please explain why and how they were or were not successful.
- Were any additional strategies implemented? If so, explain why and how they were or were not successful.
- For strategies that were not successful, describe any additional measure(s) or approach(es) taken, and the outcome(s).

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 pose a danger to other district pupils, as determined by the governing board.

In addition, under the Local Control Funding Formula (LCFF), county offices of education are required to adopt a Local Control and Accountability Plan (LCAP) for county operated schools and programs which includes goals, actions, and expected measurable outcomes in 10 state priority areas, for all pupils and subgroups of pupils identified in *EC* Section 52052. Included among the priorities, a county office LCAP must address how it will coordinate the instruction of expelled students under *EC* Section 48926. Thus, the Countywide Plans will contribute to the information presented in the LCAP and provide a regional perspective on meeting the needs of expelled pupils.

Section 48916.1, which is referenced in 48926, requires that school districts provide an educational program for expelled students. This section 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).

If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.

ENROLLMENT AND TRANSFER.

Education Code 1981 a. Details the conditions under which a county board of education may enroll students in a county community school program as follows:

- i. Expelled from a school district for any reason other than those specified in subdivision (a) or (c) of Section 48915.
- ii. Referred to a county community school by a school district as a result of the recommendation by a school attendance review board.
- iii. On probation, with or without the supervision of a probation officer and consistent with an order of a juvenile court, who are considered to be wards of the court under Sections 601 and 602 of the Welfare and Institutions Code and ordered placed pursuant to Sections 725, 729.2, and 791 of, and paragraph (2) of subdivision (a) of Section 727 of, the Welfare and Institutions Code.
- iv. When a school district of attendance has, at the request of the pupil’s parent, guardian, or responsible adult, approved the pupil’s enrollment in a county community school.

Education Code 48201 a. Details notice provisions related to transfers of expelled students as follows: (b) (1) Upon a pupil’s transfer from one school district to another, the school district into which the pupil is transferring shall request that the school district in which the pupil was last enrolled provide any records that the district maintains in its ordinary course of business or receives from a law enforcement agency regarding acts committed by the transferring pupil that resulted in the pupil’s suspension from school or expulsion from the school district. Upon receipt of this information, the receiving school district shall inform any teacher of the pupil that the pupil was suspended from school or expelled from the school district and shall inform the teacher of the act that resulted in that action.

CREDITS AND GRADUATION REQUIREMENTS

Education Code 48645.5 a. Details the requirement that LEA’s must accept partial credit as follows: (A) Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school

the pupil last attended before detention or, in the alternative, the county superintendent of schools may issue the diploma.

(B) Details that a pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to: (1) Arrest (2) Adjudication by a juvenile court (3) Formal or informal supervision by a probation officer (4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school. Pursuant to Section 48853.5, a pupil who has had contact with the juvenile justice system shall be immediately enrolled in a public school.

(C) Details the requirement that if a pupil completes the statewide coursework requirements for graduation specified in Section 51225.3 while attending a juvenile court school, the county office of education shall issue to the pupil a diploma of graduation and shall not require the pupil to complete coursework or other requirements that are in addition to the statewide coursework requirements. Education Code 51225.1 a. Outlines graduation requirements for Foster Youth including expelled Foster Youth in custody and students transferring to school districts from juvenile court schools. 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

MANDATED HEALTH SERVICES

Title 17 vision and health screenings are the responsibility of the referring district. Proof of completion (see below) is required upon enrollment. VISION: Must be done every three years up until the 8th grade - provide screening done in 5th, 6th, 7th OR 8th grade. HEARING: Must be done in 8th and 10th/11th grade - provide screening in 8th or 10th/11th grade. If a student is scheduled to receive screening during their time at Hance, the home district is responsible for contacting Hance and making arrangements for testing.

COMMUNITY DAY SCHOOLS

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.

To ensure maximization of efforts and full utilization of resources, local school districts wishing to establish and operate their own community day schools to serve expelled and high risk students agree to notify, in writing, the Lake County Office of Education no later than December 31 of a year prior to the opening of a community day school program by July 1 of the succeeding new year. A Memorandum of Understanding (MOU) will be established between the school district and the County Office. The MOU will serve as a formal notice of operating a community day school and will specify the roles and responsibilities of the parties to serve the district's students.

Alternative Placements for Students Who Fail Community Day School Placements: The community school program operated by the Lake County Office of Education maintains a standing policy of accepting students, grades 7–12, who have been expelled from their district of residence and who have

exhausted the alternatives offered by the district. If an initial placement is made to a district-operated community day school and the student commits an expulsion offense or fails the program, the district's governing board shall review the plan of rehabilitation that was established at the time of expulsion and make adjustments necessary. If there is no educational alternative available in the district, the student, grade 7-12, may be referred to the county community school program.

SB 1111 was passed and put into place starting in the 2015-2016 school year. These changes are listed below:

1. *Transfer rights of students referred to county community schools as follows:*

Youth on Probation or Parole: Probation youth cannot be transferred to such a school by a probation officer without parent or guardian consent or an expulsion or court order that requires the transfer. If a probation youth is transferred to a County Community in violation of law or the placement is not meeting the child's educational needs, the attorney or person holding education rights can address any concerns at a regularly scheduled court hearing. If a youth is on probation or parole and not in attendance at any school, he or she may consent to but cannot be required to enroll in County Community school.

Effective School Attendance Review Boards Transfers: If a School Attendance Review Board (SARB) recommends placement in a County Community school, a student shall not be referred by the school district unless, the school district and county office determine space is available, the school can meet the educational needs, and the education rights holder has not objected based on reasonable safety concerns, location or transportation access, or because the school does not meet the pupil's educational needs. If an education rights holder objects, the school district must either address the concern or find another alternative place in a comprehensive or continuation school within the district. If all other options have been offered, the school district may still refer the pupil to the county community school. Right to Return to Prior School or Another Appropriate School in The District: Any pupil transferred based on a SARB recommendation has the right to return to his or her prior school or another appropriate school in the District at the end of the semester following the semester when the acts leading to referral occurred. This right is available until the pupil turns **19**, except that youth in special education have the right to return until they turn 22.

Homeless and Foster Youth Cannot Be Automatically Placed: Clarifies that federal and state law prohibits placement of homeless and foster youth based on their status in alternative placements, like a county community school. Such youth have a right to stay in their school of origin or a school that meets their best interests.

Voluntary Transfers to County Community Schools and Right to Rescind Placement: When a pupil's education rights holder requests a transfer to a County Community school, the school district must determine that the placement will promote the student's educational interests and that there is space available before transferring the student. Clarifies that students who voluntarily transfer but later decide to return to their school district shall be immediately re-enrolled in their prior school or, with education rights holder consent, another appropriate school.

Enrollment After Being Readmitted from Expulsion or Court-Ordered Placement: A student who has been readmitted in his or her school district after successfully completing a term of expulsion or after a court-ordered school placement has been completed has the right to return to his or her former school or another comprehensive school in the District.

Independent Study is Voluntary and Requires Parental Consent: Makes it clear that County Community Schools cannot place students in independent study without parental consent and other protections in the Education Code.

Rights of Students with Special Needs and English Learners: Ensures that students with special needs and English Learner students receive the protections they are entitled to if they attend these schools and reiterates that such students cannot be transferred to county community schools that cannot meet their needs.

2. Students Who Win Expulsion Hearings May Not Be Involuntarily Transferred or denied immediate enrollment in their home district.

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EXISTING EDUCATION ALTERNATIVES FOR EXPELLED YOUTH PROVIDED BY SCHOOL DISTRICTS

School districts located within Lake County offer the following options for expelled youth, (See attached appendix.) 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 Program for Middle School and High School Students

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

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, and/or other rehabilitation programs. 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. Ed codes states:

48916(c) The governing board of each school district shall adopt rules and regulations establishing a procedure for the filing and processing of requests for readmission and the process for the required review of all expelled pupils for readmission. Upon completion of the readmission process, the governing board shall readmit the pupil, unless the governing board makes a finding that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the school district. A description of the procedure shall be made available to the pupil and the pupil's parent or guardian at the time the expulsion order is entered.

If the governing board denies the readmission of an expelled pupil pursuant to subdivision (c), the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.

The governing board shall provide written notice to the expelled pupil and the pupil's parent or guardian describing the reasons for denying the pupil readmittance into the regular school district program. The written notice shall also include the determination of the educational program for the expelled pupil pursuant to subdivision (d). The expelled pupil shall enroll in that educational program unless the parent or guardian of the pupil elects to enroll the pupil in another school district.

A district may only assign counseling (any category of counseling) with the consent of the parent/guardian (EC 48916.5).

A district may assign parent involvement in the rehabilitation plan, however, a parent's refusal to participate shall not be considered in determination of success of the rehabilitation plan. (EC 48917)

Students with Exceptional Needs:

Consistent with state and federal law, students with exceptional needs may be expelled. Students, grades 7-12, may be referred by a school district's Individualized Education Program (IEP) team for placement in the Lake County Office of Education community school program, provided that:

1. District alternatives have been exhausted
2. The requirements of E.C. § 48915.5 have been met
3. A County Office community school program representative has participated in an IEP team meeting for change of placement
4. The district has complied with established County Office referral, documentation, and certification requirements and procedures

If the IEP team determines that the County Office Community School program is an appropriate placement, the County Office will ensure that all specified and agreed upon services are provided. The district and the County Office shall be jointly responsible to ensure that requirements for services, assessment, timelines and due process are met as established in both federal and state law and Lake County SELPA guidelines. When an IEP cannot be implemented in the County Office Community School program, the district of residence is responsible for providing a free and appropriate public education (FAPE) within the continuum of options identified in the Lake County SELPA Local Plan.

It is important to note that at this time the County Office Community School program does not have Special Education services available, so all services outlined in the IEP are the responsibility of the home district.

Failed Placements

Students referred to the county community school per E.C. 1981 (a) or (b) continue to be the responsibility of the referring school district to insure their educational needs are met (E.C. 48916). Students who exhibit continued truancy and fail their educational placement into the county community school will be brought up for discussion to consider other educational options or additional supports.

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, parent requested, homeless and/or SARB referred:

- A Community School Program for students in grades 7-12. This program, located in Lakeport, offers 240 minutes of instruction daily
- Independent Study may be provided as an option to students who qualify pursuant to California Education Code Section 51745 ff

Lake County Office of Education provides community school programs for students in grades 7-12. The classroom is staffed with a team of one teacher and one instructional aide for approximately every 20 students. 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 goals.

Students may be assigned to the Lake County Office of Education alternative education program if they meet one or more of the following criteria listed above.

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 parent referrals including 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, as available.

Districts are responsible to provide all 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 transportation passes provided for the local public 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 program. This student could then commit a major violation, or simply not attend, and ultimately be referred back to the original District. Failed Placement.

County/District Strategy for Addressing this Gap:

1. The Lake County Office of Education Community School 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.
2. It is more common to see a student fail placement. When the school notices that the student is not attending, not making academic progress, is becoming a behavioral issue, etc, a meeting will be set up between the district and the county office as soon as possible to address the placement. The best way to ensure placement is successful, is to have complete paperwork from the home district and a comprehensive intake when a new student arrives at the Community School to ensure a comprehensive plan for success is developed.

Gap #2:

There are significant geographical distances between districts and the county operated alternative program which may require extensive busing.

County/District Strategy for Addressing this Gap:

1. The Lake County Office of Education will provide bus passes for transporting students via public transportation, but ultimately the family is responsible for ensuring that a student has transportation to school.
2. The Lake County Office of Education will provide an independent study program for all students who request this delivery system. The county teacher and counselor will travel to strategic locations around the county to be sure all students have access to a teacher and the curriculum.

Gap #3:

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

County/District Strategy for Addressing this Gap:

1. Lake County Office of Education will provide counseling through a licensed school psychologist and behavioral specialist when funds exist. The school psychologist will work with probation, districts and county behavioral health to be sure student's needs are appropriately met.
2. Lake County Office of Education will provide an on-line program for students through the provider 3rd Millennium, when appropriate, to address rehabilitation plans. The classes that are offered include (but are not limited to) prevention and intervention courses in vaping, alcohol and other drugs, sexual assault and conflict. 3rd Millennium also offers a parent component.

3. The Lake County Office of Education and Districts will continue to work with private and public agencies within the county to develop and access services/programs for students.

Gap #4:

Lake County Office of Education does not receive sufficient state funds to operate community school programs designed to meet the educational and social/emotional needs of expelled students.

County/District Strategy for Addressing this Gap:

1. The Lake County Office of Education and Districts will establish an Memorandums of Understanding that will address cost sharing strategies to adequately fund community school programs.

Gap #5:

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

County/District Strategy for Addressing this Gap:

1. The Lake County Office of Education and Districts will work with county agencies to explore options for family interventions. One way of addressing this issue is through the county alternative educational consortium that meets throughout the year.
2. Districts which currently do not have alternative 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.

Progress towards closing each identified gap will be reviewed bi-annually with district superintendents, at a Superintendent's Council Meeting.

SERVICE/PROGRAM MATRIX FOR EXPELLED STUDENTS IN LAKE COUNTY

District	Grades	Suspension of expulsion with placement on different campus	Suspension of expulsion with Independent Study option	Referral to District Alternative Education Program or Community Day School	Referral to County Community School (7-12)
Kelseyville USD	K-12	X	X	X *Continuation High CDS (7-12)	X
Konocti USD	K-12	X	X	X *Continuation High Alternative Programs (2-12)	X
Lakeport USD	K-12	X	X	X *Continuation High CDS (6-10)	X
Lucerne ESD	K-8	X	X		X
Middletown USD	K-12	X	X	X *Continuation High	X
Upper Lake USD	K-12	X	X	X *Continuation High CDS (9-12)	X

*Students enrolled in Continuation High Schools must be 16 years of age