



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 2018

LAKE COUNTY BOARD OF TRUSTEES:

The Lake County Board of Trustees approves the Revised Agreement, dated June 2018, 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: Dr. Mark Cooper

Board of Trustees Member: Dr. David Browning

Board of Trustees Member: Pat Hicks

Board of Trustees Member: Melissa Kinsel

Board of Trustees Member: Madelene Lyon

Brock Falkenberg, County Superintendent of Schools

Date

Dr. Mark Cooper, 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	April Leiferman, Superintendent	
Lucerne Elementary School District	Mike Brown, Superintendent	
Middletown Unified School District	Catherine Stone, Superintendent	
Upper Lake Union School District	Giovanni Annous, 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 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.

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. It is recommended that the plan also describe strategies for improvement during the next three years, including:

- Any behavioral intervention practices, at the site and district levels, and options used to:
 - Minimize the number of suspensions leading to expulsions
 - Minimize the number of expulsions being ordered
 - Support students returning from expulsions
 - Specific explanation of how those practices relate to any disproportionate representation of minority students in such interventions. (For assistance in this area, you may review recent guidance issued by the U.S. Departments of Education and Justice located at <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>.)

The Countywide Plan must address gaps in educational services and strategies for filling them.

- Were the strategies 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 district 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).

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 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 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, and/or other rehabilitation programs. The adopted rubric, found in the *Lake County Office of Education Alternative Education Referral Handbook*, 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, parent requested, homeless and/or SARB referred:

- A Community School Program for students in grades 7-12. This program, located in Lakeport, provides 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 (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 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:

- They are expelled from the district
- They are court/probation referred
- They are referred by the county School Attendance Review Board
- They are Homeless
- There is a Parent Request approved by the home school district

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, 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 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.

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.

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.

Gap #3:

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. 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.
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.

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

REHABILITATION EVALUATION AND DETERMINATION

Date _____

Student Name _____

Date of Birth _____

Credits Earned
(Gr 9-12) _____

Grade Level _____

Current Ed
Placement

Active IEP (check)	Yes	No
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Enrollment Date _____

Projected Exit Date _____

Projected
Readmission
Hearing Date _____

Request
Readmission
Hearing Date _____

Pursuant to California Education Code 48916(b) a governing board approved plan for pupil rehabilitation must accompany an expulsion order. This plan is intended to be reasonable and attainable and is subject to periodic review and assessment by the expelling board. Further, this plan is intended to serve as a framework to measure and determine pupil cognitive and affective growth/improvement.

Scoring

1. The pupil shall maintain passing grades and demonstrate adequate academic progress.				
Has the pupil demonstrated the necessary motivation and academic progress to be successful in the educational program to which he/she is seeking readmission? (attach current grade report)				
1 Unsatisfactory	2 Needs Improvement	3 Increased Improvement	4 Significant Improvement	5 Achieved Goal
Comments				

2. The pupil shall demonstrate regular and timely attendance.				
Has the pupil maintained an attendance rate of no less than eighty percent (80%) with no more than three (3) unexcused absences? (attach current attendance report)				
1 Unsatisfactory	2 Needs Improvement	3 Increased Improvement	4 Significant Improvement	5 Achieved Goal
Comments				

3. The pupil shall conduct him/herself in such a manner that demonstrates responsibility and respect for federal, state and local laws as well as for the standards of conduct established by his/her current educational placement.				
Has the pupil demonstrated a willingness and ability to be law-abiding both at school and in the community? Further, has he/she required minimal disciplinary intervention pursuant to California Education Codes 48900(a)(1), 48900(a)(2), 48900(b-q), and 48900(2-7).				
1 Unsatisfactory	2 Needs Improvement	3 Increased Improvement	4 Significant Improvement	5 Achieved Goal
Comments				

4. The pupil shall conduct him/herself in a respectful manner to both peers and school personnel.				
Has the pupil demonstrated a willingness and ability to accept the diversity of his/her peers in a manner that is free of threatening, intimidating, and/or harassing behavior? Further, has the pupil demonstrated a willingness and ability to accept the valid authority of school personnel?				
1 Unsatisfactory	2 Needs Improvement	3 Increased Improvement	4 Significant Improvement	5 Achieved Goal
Comments				

5. The pupil shall refrain from the use of language that is deemed offensive inappropriate profane and/or vulgar.				
Has the pupil demonstrated a willingness and ability to minimize or eliminate the use of language that is habitually offensive, inappropriate, profane and/or vulgar?				
1 Unsatisfactory	2 Needs Improvement	3 Increased Improvement	4 Significant Improvement	5 Achieved Goal
Comments				

6. The pupil shall refrain not demonstrate through dress, sign, symbol and/or demeanor any gang affiliation while at school.				
Has the pupil divested him/herself from the dress, signs, symbols, and/or demeanor consistent with gang affiliation?				
1 Unsatisfactory	2 Needs Improvement	3 Increased Improvement	4 Significant Improvement	5 Achieved Goal
Comments				

7. The pupil shall demonstrate successful participation in individual and/or group counseling that may include, but not be limited to anger management, substance abuse, diversity, rite of passage, etc.	
Has the pupil provided documented proof of successful participation in a prescribed counseling program?	
Yes	Attach proof of participation (letter of participation, certificate of participation, etc)
No	

Student Application for Readmission to District/School:

This application must be completed by the student and submitted to the district/school governing board as part of the rehabilitation/evaluation process.

I certify that the information provided above is accurate to the best of my knowledge.

Administrator or Administrator Designee Signature _____