

Educational Services for Expelled Students

Developed in joint effort with the Contra Costa County Office of Education
and Local School Districts

June 2009



Introduction

Current law authorizes governing boards to expel students for specified offenses and categorizes the offenses by degree of seriousness and the corresponding amount of discretion governing boards have in responding to them. There are three categories of offenses:

- (1) less serious offenses for which the governing board may expel a student,
- (2) more serious offenses for which the principal or superintendent must recommend expulsion unless mitigating circumstances exist and the governing board may choose not to expel the student, and
- (3) mandatory offenses for which the principal or superintendent must immediately suspend and recommend expulsion and the governing board must expel the student if the offense was determined to have occurred.

The law (AB 922 and SB 966) requires in addition to the above that all districts ensure an educational program is provided for all expelled students. The law mandates that county offices of education and respective constituent school districts develop a joint plan to address the implementation of these new programs within the county.

AB 922 adds section 48916.1 which requires school districts to ensure that an educational program is provided for all expelled students. This requirement is effective as of July 1, 1996. AB 922 further specifies that any alternative educational programs provided may be operated by school districts, county superintendents of schools, consortia of districts, or jointly by school districts and County Superintendents of Schools. Governing Boards must exercise caution however, not to combine or merge the educational programs provided to students expelled from grades K-6 with those offered to students in grades 7-12. In making these placements, school districts should consider the appropriateness of the identified placement for each student.

Students expelled from grades 7-12, only, may participate in independent study, when available, in the programs in which they are placed, pursuant to subdivision (a) of section 48916.1. However, such placement requires parent or guardian consent.

SB 966 added a provision that requires a governing board to refer students who are expelled pursuant to subdivision (b) and (e) of section 48915, to a program of study that:

1. Can appropriately accommodate students who exhibit discipline problems.
2. Is not provided at a comprehensive middle, junior, or senior high school.
3. Is not housed at the school site attended by the student at the time of expulsion.

SB 966 also notes that if the county superintendent of schools certifies that such a program of study, considered appropriate for students expelled according to subdivision (e) is available only at a comprehensive middle, junior, or senior high school, or another elementary school, the expelled student may be placed in that program, but not at the site from which the student was expelled.

Joint Education Services Plan

In summary, the laws require development of a joint education services plan according to section 48926, which must:

1. Identify existing educational alternatives for expelled students
2. Identify gaps/obstacles in delivering educational services to expelled students and how these gaps/obstacles are addressed.
3. Identify alternative placements for students who are expelled and placed in district-operated programs but who fail to meet the conditions of their rehabilitation plan or who pose continuing danger to school safety as determined by the governing board.
4. Identify how services and information about expelled students are coordinated county-wide.

Finally, AB 922 requires the county board of education and the governing board of each school district within the county to: (1) adopt the plan, (2) submit the plan to the State Superintendent of Instruction by June 30, 2009, and (3) submit an update to the plan, including the outcome data required by section 48916.1, every three years.

Therefore, the following plan has been developed in joint effort with the Contra Costa County Office of Education and Local School Districts with the express purpose of providing educational services for all students who are expelled pursuant to due process of education codes.

Contra Costa County Office of Education Overview

The Contra Costa County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each individual school district affects how the Contra Costa County Office of Education Community Schools programs will meet the needs of that particular school district. Some school districts use the County Community Schools programs as an educational option for expelled students, and/or others use this program as a student assistance or placement alternative. The County Community Schools program is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

County Existing Educational Alternative for Expelled Youth

The Contra Costa County Office of Education Community Schools program offers the following options for expelled youth:

1. Daily educational program that meets for 240 minutes per day in Community School classrooms; or
2. Contracted Study programs (Independent Study) that require students to complete a minimum of 20 hours of educational product per week.

Specific site names

<u>Community Schools</u>	<u>Independent Study</u>
Martinez I and II	Serving East County
Pittsburg I, II and III	Serving Central County
Rodeo	Serving West County
Joseph A. Ovick School, Brentwood, I (6-8) and II (9-12)	

Articulation and coordination between local school districts and the County Office of Education

Contra Costa County has a long history of active coordination between local school districts and the County Office of Education. This coordination is especially established when involved with services for expelled students. The County Alternative Programs Director meets quarterly with local district representatives to discuss issues of common concern, usually focusing on the most difficult to serve students. This group is called the Contra Costa County Coordinating Council. In addition, the County Director has phone consultations with local districts when problems arise that they are not accustomed to dealing with. Several local districts have asked the County Office to open County Community Schools in their district, specifically to serve expelled youth. Currently there are contracts between the County Office and seven (7) local districts.

Local School Districts Overview

Each school district in Contra Costa County will continue to provide educational options for expelled students. Districts will meet the needs of their expelled students by offering any of, or a combination of, the following alternatives

District Existing Educational Alternatives for Expelled Youth

School districts located within Contra Costa County may offer the following educational alternatives for expelled youth, depending on the specific offense, the education code violation, and program availability:

1. Suspended expulsion with placement on the same school campus;
2. Suspended expulsion with placement on a different school campus within the district, except in districts which only have one school campus option at the intermediate and/or high school level;
3. Suspended expulsion with voluntary placement on District Contracted Study (Independent Study), if parent agrees;
4. Suspended expulsion with placement in a K-6 behavior modification classroom;
5. Expulsion with referral to a District Community Day School program; District programs are as follows:

District	How Many Classrooms	Grade Level Served
Antioch	2	7-12
Mt. Diablo	2	7-12
West Contra Costa	3	4-8
	2	9-12

6. Expulsion with referral to the Contra Costa County Office of Education Community School Program. This alternative is especially appropriate for students 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.

Actual referral to any placement is made by the District Governing Board, with recommendations from the District Discipline Review Board, SARB, or a similar District referral process.

County and District Gaps/Obstacles and Strategies in Educational Services

There are seven major gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the County/District strategy for addressing that gap. These include all strategies used since the last reporting period.

1. It may be that an expelled student is referred to an alternative program, either district or county, and the student does not enroll or attend. This gap also includes problems that arise from the high transiency rate of some expelled students.

County/District strategy for addressing this gap:

Districts will keep track of all expelled students so that youth will not drop through the cracks or get lost in the system. If a student is referred to another district program, or the County Community School Program, the referred program will provide timely notification to the home district if the student does not enroll or attend. District and County will also involve Probation and Employment and Human Services (EHS) for possible consequences or follow-up for school non-attendance for all youth involved with Probation and EHS.

When expelled students disappear from one local district, they sometimes appear in another local district. Requesting school records in a timely fashion from the previous district should alert the receiving school to past problems. Once the California Longitudinal Pupil Achievement Data System (CALPADS) becomes well established, this should help with this service gap.

2. It is possible that a student attending the County Community School Program may drop out, or be referred back to the local district (for disciplinary purposes).

County/District strategy for addressing this gap:

The County Community Schools Program will notify the home district if a student drops out or is dropped. Students who drop out may be referred to the local district SARB, as appropriate. With any student who drops out or is referred back to the local district, the County Community Schools Program will be involved in problem-solving with the home district on possible appropriate placements. A possible Court referral, Probation and/or EHS will also be involved for possible consequences or follow-up. In selected cases, the County contracted Study programs (Independent Study) will be offered, if the parent agrees.

3. At certain times of the year, there may be a waiting list for entrance into a District or County Alternative Program.

County/District strategy for addressing this gap:

Every effort will be made to find a school placement for all expelled students according to student need. All alternative programs will develop a monitoring system to track students waiting for placement. Home districts will be informed if a school placement is not immediately available, and of anticipated wait time.

4. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students.

County/District strategy for addressing this gap:

Districts may look to combine in regional programs to address the needs of K-6 expelled students. In a district where numbers are sufficient to support a classroom, such classes are being established. In selected cases, district contracted study (I.S) or a home teacher, may be offered, if the parent agrees. Frequently, such IS is offered outside the traditional school hours and for more instructional minutes than the mandated regulations. Efforts are made to build a plan to eventually return the student to school.

5. In some areas of Contra Costa County there are limited facilities for alternative school programs. Also in Contra Costa County, there are limited public transportation options. Student may have to travel long distances and/or have to find their own transportation to Alternative Programs.

County/District strategy for addressing this gap:

Far East local districts worked with the County Facilities Department to develop County Community School facilities funded by CDE. The new facility, the Joseph A. Ovick School, opened in fall 2008. Other districts are accessing their own funding resources to provide facilities for expelled students. In addition, expelled students will be referred to the most appropriate educational alternative closest to their residence. Districts may look to combine in regional programs to address the proximity needs of expelled students.

6. Expelled students usually have extensive counseling needs in order to address their behavioral and social/emotional adjustment. Districts/County do not have resources available to meet the counseling needs of expelled students.

County/District strategy for addressing this gap:

County/District will need to look to community-based organizations and governmental agencies to assist in meeting the counseling needs of expelled students. School will form alliances with local agencies for specific services and support. For many districts, community service is a required part of the rehabilitation plan.

7. The *district Community Day School option* for expelled students, as described in current California Educational Code, is *difficult* for local districts to develop due to the following reasons:

- A. *The longer school day.* The six (6) hour, or 360 minute day, exceeds the required hours for a minimum school day (240 minutes), the required hours for continuation school day (15 hours per week), and the required hours for students enrolled in the various elementary school programs, and the current 240 minutes used by the Contra Costa County Office of Education operated Community School program.
- B. Access to the additional funding is restricted by having the student complete six hours of *hour-by-hour attendance accounting* in order for the district to receive the additional funding, and requires additional attendance bookkeeping and record keeping.

- C. The Community Day School program *limits the available instructional strategies* which can be used, such as contracted study programs, which limits the program flexibility required for success;
- D. The *separation of students* in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult;
- E. *Inability to locate on comprehensive site* is a further complication.

County/District strategy for addressing this gap:

Develop regional strategy teams to analyze student needs and suggest alternatives, that take in to account the feasibility and financial constraints, and work to pool resources and support. Another option would be to develop local district alternatives and utilize local resources in creative ways.

Rehabilitation Plans and Readmission of Expelled Students

1. Rehabilitation plans are the sole responsibility of the district of residence. The local district is responsible for the development of the plan, referring the student to an appropriate educational program, and ensuring that an educational program is provided either within or outside the school district.
2. Expelled students who fail to meet the terms of the district rehabilitation plan may be referred to a different district school, another district program, a district community day school program (if needed), or the Contra Costa County Office of Education Community Schools which is a permissive program. An Individual Learning Plan will be developed with the students' parents and the County Office of Education staff. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail the County-operated program, they are referred back to the district for possible review and re-placement.

Readmission

At the time of expulsion, the governing board must set a date when the student shall be reviewed for admission to the District. Operative July 1, 1996, upon completion of the readmission requirements, the governing board must readmit the student unless it is determined the student has not met the conditions of the rehabilitation plan or poses a continuing danger to school safety. If the governing board elects not to readmit the student, the board must state its reasons in writing and either continue the alternative placement of the student or place the student in another program of study.