

**YOLO COUNTY OFFICE OF EDUCATION****JOINT EDUCATION SERVICES PLAN FOR EXPELLED STUDENTS  
WITHIN YOLO COUNTY****JULY 1, 2021 – JUNE 30, 2024**

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**I. INTRODUCTION****A. THE LEGAL REQUIREMENTS PERTAINING TO A COUNTYWIDE PLAN**

California Education Code Section 48926 initially required county superintendents, in conjunction with superintendents of the school districts within the county, to develop a plan for providing education services to all expelled students 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. The same code section requires the county superintendent of schools, in conjunction with district superintendents in the county, to update the plan every three years and submit it to the State Superintendent of Public Instruction. The next triennial update to the Countywide Plan for Provision of Educational Services to Expelled Students is due no later than June 30, 2024.

EC Section 48926 provides specifically that:

“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.”

In 2018, the recommended content of the Countywide Plan was amended to address additional, and more detailed, questions that were raised and supported by the State School Attendance Review Board and the Student Programs and Services Steering Committee of the California County Superintendents Educational Services Association. These questions concern behavioral intervention approaches used to minimize the number of suspensions and expulsions, including a focus on how such practices may impact any disproportionate number of minority students being suspended or expelled.

This legislation additionally directed the Superintendent of Public Education to convene a statewide group to, “[d]evelop a model and study existing successful county programs and policies for the immediate transfer of educational records, uniform systems for calculating and awarding credits, transition planning, and the immediate enrollment of pupils who are being transferred from juvenile court schools.” The workgroup was directed to conduct its work and submit recommendations to the Legislature by January 1, 2016. Yolo County school districts are dedicated to reenrolling youth that are temporarily placed in a court school setting.

## **B. THREE SPECIFIC AREAS MUST BE ADDRESSED**

The Countywide Plan requirements and recommendations are described below:

1. 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 (3) 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. Department of Education and Justice on the U.S. Department of Education Web Page at <http://www2.ed.gov/policy/gen/guid/school-discipline>.
2. The Countywide Plan must address gaps in educational services and strategies for filling those.. If a 2018 Countywide Plan identified gaps in educational services to expelled pupils, it is recommended the 2021 plan include the following information regarding the implementation of strategies outlined for filling those service gaps:
  - 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).
3. 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.
4. 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.

## **C. THE LAW REGARDING EXPULSION AND THE MAINTENANCE OF AN EDUCATIONAL PROGRAM FOR EXPELLED STUDENTS**

Section 48916.1(a) 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."

## **II. EXISTING EDUCATIONAL ALTERNATIVES PROVIDED BY THE COUNTY OFFICE OF EDUCATION**

### **A. PUPILS EXPELLED FROM GRADES K-6**

Pupils who are in grades K-6 who are expelled do not have the same educational options as students in grades 7-12. Pupils in grades K-6 are also expelled at a much lower rate than pupils in grades 7-12. These two factors, together with the requirements that educational services for pupils in grades K-6 cannot be merged or combined with services to pupils in grades 7-12 and cannot include an independent study option, make it very difficult to identify an educational placement for the expelled pupil in grades K-6.

Existing options for K-6 expelled pupils include:

- Suspended expulsion (at the expelling district's option).
- Application to a private school at no expense to the school district.
- Application to a district from which the pupil has not been expelled. District may accept student on a case-by-case basis.
- Application to Charter Schools in or out of the County. The Charter School may accept students on a case-by-case basis.

None of these options are obligatory upon schools expelling pupils or receiving expelled pupils.

In rare occasions, pupils in grades 4-6 who are expelled, and are incarcerated in the Yolo County Juvenile Hall because of the seriousness of the offense receive educational services through Dan Jacobs School in the Hall.

### **B. PUPILS EXPELLED FROM GRADES 7-12**

Pursuant to Education Code Section 1980, the Yolo County Office of Education offers educational alternatives to expelled pupils through its Community Schools serving pupils in grades 7-12. Students who are referred and enrolled in the program will have an Individual Learning Plan (ILP) developed with the expelled student, his/her parent(s)/guardian(s), and program staff. Yolo County Office of Education offers an accredited high school graduation community school program. Yolo

County Office of Education programs will offer the following educational options/alternatives for expelled students 7-12:

- YCOE Community School Program for grades 7-12 in Woodland.
- Application to a District from which the pupil has not been expelled. District may accept student on a case-by-case basis.
- Suspended expulsion (at the expelling District's option) and referring student to another school site within the District.
- Charter schools in or out of the County. The Charter School may accept students on a case-by-case basis.
- Application to a private school at no expense to the District.
- Dan Jacobs School located in the Yolo County Juvenile Hall serves incarcerated pupils in grades 7-12.

Presently, students placed in Yolo County Office of Education Alternative Education Program receive counseling services and close supervision by the probation department through partnership grants with the Yolo County Office of Education or Yolo County Probation Department. Students housed in the juvenile hall (Dan Jacobs School) also receive supportive counseling services through CommuniCare and the Probation Department operated by Yolo County.

Community schools require the formal placement of pupils into the program through a referral by one of Yolo County's school districts and/or a referral by either juvenile court, or its probation department representatives' approval in accordance with Education Code Section 1981c. These countywide alternatives are available to pupils who have been expelled from district programs when the district board of education determines that these programs are the most appropriate placement. Districts also have the option to suspend a student's expulsion under circumstances determined by the expelling district.

If a student enrolled in a Yolo County Office of Education Community School program violates any of the following sections of Education code 48915, section (c):

- Possessing, selling, or otherwise furnishing a firearm
- Brandishing a knife at another person
- Unlawfully selling a controlled substance
- Committing or attempting to commit a sexual assault
- Possession of an explosive

Program personnel will:

- Refer the student to the police department or probation for prosecution
- Inform and work with the home district to find an appropriate placement
- Inform the parent/guardian of the option of attending a charter school in or out of the County
- Offer the student the option of enrolling in the independent study program or other school program operated by the Yolo County Office of Education

Additionally, if a student enrolled in a Yolo County Office of Education Community School program violates the following sections of Education code 48900:

- Caused, attempted to cause, or threatened to cause physical injury to another person
- Possessed, sold or otherwise furnished any firearm, knife, explosive, or other dangerous object

- Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance
- Unlawfully offered, arranged, or negotiated to sell any controlled substance
- Committed or attempted to commit robbery or extortion

Program personnel will:

- Refer the student to the police department or probation for prosecution
- Inform and work with the home district to find an appropriate placement
- Inform the parent/guardian of the option of attending a charter school in or out of the County
- Offer the student the option of enrolling in the independent study program or other school program operated by the Yolo County Office of Education

A student may choose to enroll in a neighboring district, a charter, or a private school at the parent/guardian's expense. The charter or private school, however, is under no obligation to accept or serve the expelled student.

### **III. 2021 - IDENTIFIED GAPS IN SERVICES AND PROGRAMS AND STRATEGIES TO ADDRESS THEM**

#### **A. GAP #1 – COMMUNITY SCHOOL REFERRAL NOT APPROPRIATE OR APPROVED**

At times, Districts may be forced to expel students with specialized academic needs best served in a Special Education Special Day classroom setting. Often, Community School can meet the needs of students on Individualized Education Plans. At times, however, a referral to Community School for expelled youth is not accepted for the following reasons:

1. The Community School program has no space for the newly referred youth.
2. The Community School program cannot meet the educational needs of the expelled youth.
3. The parent/guardian of the referred youth has expressly objected to the referral based on one of the following reasons:
  - Reasonable concerns related to the pupils safety
  - Geographic accessibility
  - Inability to transport
  - School does not meet the pupil's educational needs

When a Community School referral is not appropriate, or not approved of by the Community School Staff for the reasons listed above, there are limited options for these youth. In these circumstances, the District of Residence is required to provide an alternative setting for the expelled youth.

#### **GAP #1 PROGRESS UPDATE:**

1. When all educational options available to the Community School have been exhausted, placement in a contiguous county will be explored.
2. Pupils have the option to apply to a private school at no expense to the school district, or apply to a Charter School in or out of the County. The private school or charter school is not obligated to accept the pupil.

## **B. GAP #2 – STUDENTS IN GRADES TK-6<sup>TH</sup> GRADE AND GRADES 7 & 8**

Students expelled in grades below 7<sup>th</sup> grade that are not eligible for a Community School referral have limited options. As a result, these students are not typically expelled and remain enrolled in their District of Residence, requiring an extensive amount of intervention and services not standard in the school setting. Referrals can be made to county run services for counseling; however, families often face extreme barriers to coordinate access and follow through with these recommended services.

Students in Grades 7 & 8 are eligible to be referred to the Community School, but depending on enrollment numbers, students may be referred to Independent Studies as the appropriate program option.

### **GAP #2 PROGRESS UPDATE:**

1. The districts will use their LCAP funds to provide educational programs for their expelled youth in grades TK-6.
2. Yolo County continues to experience small number of pupils at risk of expulsion from elementary schools. These small numbers continue to pose a cost prohibitive challenge to establishing a classroom for the county's expelled elementary pupils.

## **C. GAP #3 – MENTAL HEALTH ISSUES**

District input implied that the behavioral actions leading to expulsions in recent years may be related to underlying mental health issues. Recently, Yolo County Health and Human Services has not had adequate staffing to provide mental health services to all students in need, particularly those who are not Medi-Cal eligible. In addition, youth requiring these extensive mental health services typically do not have the family support or follow-through to access services away from the school campus in a consistent, effective manner. At times, existing school based mental health services are not provided to the students who need it due to the limited number of staff employed to provide the services. This is especially true for students who are not Medi-Cal eligible.

### **GAP #3 PROGRESS UPDATE:**

Yolo County Health and Human Services, in partnership, with Yolo County Office of Education and all five Yolo County Local Education Agencies (LEA's), were awarded the Mental Health Student Services Act (MHSSA) grant administered through the Mental Health Services Oversight and Accountability Commission. The MHSSA grant will extend over four years, (October 2020 through September 2024) and provide four million dollars in funding to create a complete continuum of services.

MHSSA services includes resources and supports for prevention, early intervention, and intensive treatment for children that need mental health treatment through an improved school-based services delivery system. Services will be available to all students regardless of Medi-Cal eligibility.

## **D. GAP #4 – AWARDING OF PARTIAL CREDIT MID-SEMESTER**

Many youth in foster care or alternative education programs lose credits due to moving schools at non-traditional breaks in the school calendar. Expelled youth are another population of students who have gaps in their schooling due to the time frames required by expulsion hearings in which students are not able to attend school. Yolo County districts do not have a consistent method for awarding partial credit for youth who leave their school before the end of the semester. The lack of a systematic process across the County for awarding partial credit puts expelled, foster, homeless and delinquent youth even farther behind achieving their goal of graduation.

#### **GAP #4 PROGRESS UPDATE:**

To address this issue, all Districts in the County are encouraged to follow California's Partial Credit Model Policy Improving the Educational Outcomes of Foster Youth, for their expelled youth, regardless of foster youth status. Information about this policy is provided below:

LEAs (including charter schools) must accept coursework satisfactorily completed by a foster child while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency, even if the child did not complete the entire course; must issue full or partial credit for the coursework satisfactorily completed; and must not require the child to retake a course already satisfactorily completed in one of these settings. Any credits accepted must be applied to the same or equivalent coursework. If partial credit has been awarded in a particular course, the child must be enrolled in the same or equivalent course at their new school, so that they may continue and complete the entire course; the child must not be required to retake the portion of the course already completed unless the LEA, in consultation with the educational rights holder, finds that the child is reasonably able to complete that portion without causing a delay in meeting the other requirements for their graduation from high school. Notwithstanding the above, a foster child may not be prevented from retaking a course they need to meet the admission requirements for California State University or the University of California. EC 51225.2. A child's grades may not be lowered due to absences caused by a change in placement, verified court appearance, or related court ordered activity. EC 49069.5(h).

#### **IV. ALTERNATIVE PLACEMENTS FOR PUPILS WHO FAIL COMMUNITY DAY SCHOOL**

Under Education Code Section 48660, school districts have the option to operate Community Day Schools to serve their expelled pupils. These schools must operate in accord with all regulations included in Section 48660. When school districts in Yolo County elect to operate Community Day Schools, an alternative must be in place for pupils who fail their placement in district Community Day Schools.

The Community School program operated by the Yolo County Office of Education is available to pupils in grades 7-12 who have been expelled from their District of Residence and have failed their placement in district operated Community Day Schools.

#### **V. SPECIAL EDUCATION**

An individual with exceptional needs, as defined in Education Code Section 56026, may be suspended or expelled from school in accordance with subsection (k) of Section 1415 of Title 20 of

the United States Code, the discipline provisions contained in Sections 300.519 through 300.529 of Title 34 of the Code of Federal Regulations, and other provisions of this part that do not conflict with federal law and regulations.

A free appropriate public education for individuals with exceptional needs suspended or expelled from school shall be in accordance with paragraph (1) of subsection (a) of Section 1412 of Title 20 of the United States Code and subsection (d) of Section 300.121 of Title 34 of the Code of Federal Regulations.

The district acknowledges its responsibilities for matters involving pupils currently enrolled in any Special Education program who are being recommended for expulsion. These include:

1. Holding an IEP meeting during which the team addresses whether the misconduct was caused by, or is a direct manifestation of, the pupil's identified disability.
2. Determination as to whether the pupil had been appropriately placed at the time of the misconduct.
3. The IEP team will also determine the appropriate Special Education services to be provided by the district during the period of expulsion. If Special Education services are warranted, the district may refer to YCOE to deliver Special Education services to students in alternative education settings due to expulsion.

## **VI. PROCESS OF REFERRAL**

The referring district shall provide the following documentation at the time of referral for enrollment:

1. YCOE Community School Referral Form (Appendix)
2. CSIS Number
3. Expulsion Rehabilitation Plan (if applicable)
4. Attendance and Discipline information
5. Current transcripts and grades
6. Assessment data
7. IEP/504 Plan (if applicable) An IEP Meeting must be held prior to recommending a transfer to the Community School to ensure appropriate placement.

In addition, families must provide Cesar Chavez Community School a completed enrollment packet.

Once all required information is received, a new student orientation is scheduled prior to enrollment.

Expelled pupils referred to the Community School from the districts are under the Rehabilitation Plan developed by the district and will be held accountable to both the district and county.

Cesar Chavez Community School will provide districts with ongoing progress reports and notification of a pupil's change of residence, termination from the program, or completion of requirements of graduation. District administrators will be provided data necessary to meet all necessary reporting requirements associated with Education Code 48916.



**VII. BEST PRACTICES, AT THE SITE AND DISTRICT LEVELS, OF BEHAVIORAL INTERVENTION APPROACHES AND OPTIONS USED TO MINIMIZE THE NUMBER OF SUSPENSIONS LEADING TO EXPULSIONS, OR EXPULSIONS BEING ORDERED, AND TO SUPPORT STUDENTS RETURNING FROM EXPULSIONS**

Expulsions in districts throughout the County have continued to decline over the past three years. This can be attributed to the countywide implementation of best practices that provide **clear expectations** for students, and ongoing support from parents/guardians regarding acceptable and non-acceptable school behavior. The common practices utilized by the districts include:

1. Ongoing communication with, and involvement of, parents
2. In-house “reflection” rather than off campus suspension
3. Character education
4. Multi-Tiered System of Support (MTSS)
5. Response to Intervention (RtI)
6. Student and parent/guardian signed behavior agreements at the beginning of the school year which clearly spell out consequences for specific behaviors
7. Positive administrator relationships developed with each student before discipline is needed
8. Employ a PPS-certified, LCSE school social worker
9. Weekly conflict meetings including AVID, YGRIP and law enforcement
10. Positive Behavioral Interventions and Supports (PBIS)
11. Utilizing School Resource Officer in collaboration with Woodland Police Department
12. Professional Development for all staff in bullying prevention, cultural awareness and inclusion
13. Weekly communications class focusing on topics such as conflict resolution skills which teach students to manage their own behavior
14. Second Step conflict management program
15. Crisis Prevention Intervention for staff
16. Student Study Team meetings (SST)
17. Implementation of Second Step for grades K-2