



ALAMEDA COUNTY OFFICE OF EDUCATION

Sheila Jordan, Superintendent

ALAMEDA COUNTY OFFICE OF EDUCATION

County-Wide Educational Services Plan  
For Serving  
Expelled and High-Risk Students

AB 925 Triennial Plan  
July 1, 2009 – June 30, 2012

Approved by the Alameda County Board of Education  
April 28, 2009

Student Programs and Services Division  
John R. Flores, Ph.D., Assistant Superintendent

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July 1, 2009- June 30, 2012

### **Education Code Sections 1980 and 1986**

County superintendent of schools may operate community schools pursuant to *Education Code Section 1980* (establishment and maintenance of one or more community schools).

In accordance with Section 1981, the county board of education may enroll in the community schools pupils who are any of the following:

- a. Expelled for any of the reasons specified in *subdivision (a) or (c) of Section 48915*.
- b. Referred to county community schools by a school district as a result of the recommendation of a school attendance review board of pupils whose school districts of attendance have, at the request of the pupil's parent or guardian, approved the pupil's enrollment in a county community school.
- c. Probation-referred pursuant to *Sections 300, 601, 602, and 654 of the Welfare and Institutions Code*.
- d. On probation or parole and not in attendance in any school.
- e. Expelled from a school district for any reason other than those specified in *subdivision (a) or (c) of Section 48915*.
- f. Homeless children.

### **Alameda County School Districts**

Alameda Unified School District	Albany Unified School District
Berkeley Unified School District	Castro Valley Unified School District
Dublin Unified School District	Emery Unified School District
Fremont Unified School District	Hayward Unified School District
Livermore Unified School District	Mountain House School District
New Haven Unified School District	Newark Unified School District
Oakland Unified School District	Piedmont Unified School District
Pleasanton Unified School District	San Leandro Unified School District
San Lorenzo Unified School District	Sunol Glen Unified School District

### **Introduction**

With the enactment of *AB 922, Statutes of 1995, Chapter 974, California Education Code Section 48926* requires each county superintendent who operates community schools, in conjunction with the superintendents of the school districts within the county, develop a countywide plan for providing education services for all expelled pupils in the county. The plan is to be adopted by the governing board of each school district within the county and by the county board of education; the plan is to be submitted to the State Superintendent of Public Instruction.

*EC Section 48926* further requires that each county superintendent of schools, in conjunction with district superintendents in the county, to submit a triennial update to the State Superintendent of Public Instruction.

*Education Code Section 48926* provides specifically that:

1. The countywide plan shall enumerate existing educational alternatives for expelled pupils and strategies for filling those service gaps;
2. The countywide plan shall 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 district governing board.

The plan shall address the following components:

1. For each of the gaps in educational services to expelled pupils that were identified in the plan submitted in 2006; discuss the implementation of the strategies outlined for filling those service gaps.
2. Enumerate the educational services that are currently available and outline strategies for improvement during the next three years.

Every three years the districts and county office shall review the plan and prepare a revision for submission to the Superintendent of Public Instruction – the next date being June 30, 2009 (effective July 1, 2009 to June 30, 2012)

The Alternative Education Planning Committee consists of alternative education representatives from each district as well as county office personnel. The purpose of the committee is to meet every other month to discuss how the county office and districts can best meet the needs of students placed in an alternative school setting. One project of the committee has been to update the Educational Services Plan for Expelled and High Risk Students in Alameda County.

**Alameda County School District Superintendents**

School District

Superintendent

Alameda Unified School District

Kirsten Vital

Albany Unified School District

Marla Stephenson

Berkeley Unified School District

William Huyett

Castro Valley Unified School District

Jerry Macy

Dublin Unified School District

Stephen L. Hanke

Emery Unified School District

John Sugiyama

Fremont Unified School District

Milt Werner

Hayward Unified School District

Dale W. Vigil

Livermore Valley Joint Unified School District

Brenda Miller

New Haven Unified School District

Kari McVeigh

Newark Unified School District

Kevin Harrigan

Oakland Unified School District

Roberta Mayor

Piedmont Unified School District

Constance Hubbard

Pleasanton Unified School District

John Casey

San Leandro Unified School District

Christine Lim

San Lorenzo Unified School District

Dennis Byas

Sunol Glen Unified School District

Molleen Barnes

## Planning Committee Membership

Alameda USD	Jeff Knoth
Albany USD	Ted Barone
Berkeley USD	Felton Owens
Castro Valley USD	Leslie Rothwell
Dublin USD	Bryce Custodio
Emery USD	Mina Hutchins
Fremont USD	Valerie Williams
	Jan Steed
Hayward USD	Chien Wu Fernandez
	Erica Donahue
Livermore USD	Bob See
Newark USD	William Whitton
New Haven USD	Don Montoya
Oakland USD	Monica Vaughn
Piedmont USD	Karen Gnusti
Pleasanton USD	Kevin Johnson
San Leandro USD	Sheila Lawrence
San Lorenzo USD	Ammar Saheli
	Kathy Records
Sunol Glen USD	Molleen Barnes
Alameda COE	John R. Flores
Alameda COE	Robert Crose
Alameda COE	Fredna Howell
Alameda COE	Toni Adams
Alameda COE	Jan Passama
Alameda COE	Greta Nash
Alameda COE	Daisy Guzman

Educational programs within Alameda County provide numerous alternatives and opportunities for students who are in need of traditional and/or alternative education programs. Individual school districts offer a broad spectrum of services and the County Office of Education (COE) offers additional options. In combination, these two sources provide a continuum of education alternatives to expelled and high-risk students.

Under *Education Code Section 48926*, school districts throughout California have been mandated to provide educational services for students expelled from their district. The original countywide plan was adopted by the local governing boards of education and the Alameda County Board of Education in 1997.

This current plan is the triennial update to the existing plan. The law also states that “At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an education program is provided to the pupil who is subject to the expulsion order for the period of the expulsion.”

In Alameda County, this mandate impacts 18 school districts spread over a region comprised of urban, suburban, and semi-rural or isolated communities. The educational placement of a student is determined on an individual basis by the district’s governing board based on: 1) seriousness of the offense, 2) available educational alternatives, and 3) other related factors.

The countywide plan shall identify:

- A. Existing educational alternatives for expelled students.
- B. Gaps in the educational services to expelled students and identify strategies for filling those service gaps.
- C. Alternative placement for students who fail and placed in district community day school programs (for districts applicable), 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.
- D. Existing alternatives offered by school districts in the countywide plan.

**A. Existing Educational Alternatives Provided by the Alameda County Office of Education**

The Alameda County Office of Education, Community Schools Program pursuant to *Education Code Section 1980*, etc. seq. is a permissive educational program. Students who are referred and enrolled in the program have an Individual Learning Plan (ILP) developed with the expelled student, his/her parents and program staff.

In the on-going operation of the County Community School Program the Alameda County Office of Education shall conduct an intake process for all considerations for alternative educational placement. If a district student referred for services was previously identified as a special needs student prior to his referral to the county operated program, an intake meeting shall be held with a representative(s) from the district. The purpose of the intake meeting will be to:

1. Determine the appropriateness of the student in the ACOE operated county community school
2. Determine the level of service needed for the student prior to enrollment in the program, including but not limited to having the district of referral complete an assessment to determine eligibility and/or an ongoing need for special education services.

The Alameda County Office of Education Community School Program will offer, as the capacity of the program allows, the following educational options/alternatives for expelled students:

1. Daily educational programs that meet the instructional minute requirements in county community school classrooms.
2. Contracted Independent Study Program (ISP) as an instructional strategy, which requires students to complete a minimum of 20 hours of educational product only in its county community school classes.
3. Students enrolled in the Alameda County Community School Program, who re-offends and violates those sections of the Education Code which are expellable offenses, the ACOE program staff will determine the appropriate Local Education Agency (LEA) to process the expulsion.

## **A.1 Alameda County Community Schools Transition Process**

The transition from the school of residence to the Alameda County Community Schools begins with receipt of complete student records from the district of residence. ACOE programs are designed to provide a structured environment with continuous supervision and a wide range of services.

ACOE programs focus on the successful completion of “Need to Improve” as stated in each student’s rehabilitation plan. ACOE programs are open-entry, while exit referrals back to districts normally occur at the end of a semester. Moving from an ACOE small classroom environment, with its personalized care and intense supervision, to a traditional larger school mainstream education settings presents challenges for both the student and the educators.

### Referring District Responsibilities

1. Referring district forwards Expulsion Referral Notice to ACOE Community School notifying the principal of impending enrollment by a new student, including telephone and email addresses for the referral contact person from the sending district.
2. Referring district forwards transcript, expulsion order (including rehabilitation plan or disciplinary hearing requirements), Individualized Education Program (IEP) and 504 plans and related assessments, Home Language Survey, California High School Exit Exam performance, and free and reduced lunch eligibility (if applicable).
3. Referring district forwards Probation Department documentation (if available and applicable).
4. Referring district signs Special Education Memorandum of Understanding (MOU) with ACOE or provides confirmation of intent to provide Special Education Services (if applicable).
5. Referring district follows up with students who are notified by ACOE that a student failed to report to the assigned County Community School Program within ten (10) days. Referring district sends a copy of the follow-up letter to ACOE.

### County Community School Responsibilities

1. Conducts an intake meeting which will include the student, parents, referring district representative, county site principal or other administrator, special education and/or 504 coordinator, and probation officer (if applicable).
2. Contacts the parent and the referring school by letter and phone if a student is not registered with ten (10) days of receipt of notification of pending enrollment.
3. Secretary uses the data tracking system to compile all available information from the "County Community School Referral Form" (including but not limited to attendance, grades, behavior reports, and counseling) twenty (20) days prior of student returning to referring district.
4. School Student Review Team (including student, parents, teachers, ACOE principal/designee or transition coordinator, home district representative, and probation officer, if applicable) conducts a re-entry assessment of satisfactory completion of rehabilitation plan requirement twenty (20) days prior to the student returning to the home district. The Student Review Team will complete the County Community School Referral Form.
5. Community School Site Administrator prepares an overview supporting readmission, including the teacher's student evaluation form.

### Probation Officer Role (if applicable)

1. Facilitates enrollment in county community school and monitors progress for satisfactory completion of rehabilitation plan.
2. Assists in re-entry process as applicable.
3. Forwards probation documentation (if applicable)

## Re-Entry Recommendations to Home District

Districts can ensure a more successful transition by implementing the following recommendation for students returning from a minimum of 30 days in a County Community School program:

1. Readmission Steps – Returning to the district
  - a) Conduct a meeting to determine student placement in district
  - b) Appoint an educational transition advocate
  - c) Review educational and juvenile records
  - d) Clearly communicate expectations to all parties
  - e) Review IEP or Section 504 plan and related assessments and schedule a meeting as needed
  
2. Welcoming Procedures
  - a) Review student/parent handbook
  - b) Develop and discuss individual behavior plan
  - c) Create a behavior contract that is signed by the student and parent
  - d) Conduct re-entry IEP or 504 plan meeting (if applicable)
  
3. Staff Preparation
  - a) Share relevant information with teacher and staff members

### **A.2 Educational Services Provided to Expelled Students with Exceptional Needs**

Consistent with law, a student with exceptional needs may be expelled (*EC48915.5*) and referred by the District's Individual Educational Planning Team for placement in a County Community School Program, provided that:

1. The requirements as stipulated in *EC 48915.5* have been met.
  
2. The referring school district schedules an I.E.P. Team meeting and invites representatives of the County Special Education Department, to serve as a member of the I.E.P. Team to review and determine:
  - a. The educational needs of the students based upon a current student assessment;

- b. Determine appropriate educational goals and objectives;
- c. Identify the services and resources to meet the needs of the exceptional student;
- d. Identify an appropriate placement for the student in the least restrictive environment;
- e. If the I.E.P. Team, including the parent and student when appropriate, determines that a County Community School Program is an appropriate educational placement, the school District shall ensure that all necessary and specified educational services are:
  - i. either provided directly by District staff; or
  - ii. provided to the student on a contractual service basis through the Alameda County Office of Education with appropriate reimbursement for services provided; or
  - iii. those specified services, whether provided directly by the district staff or provided by ACOE on a contractual basis, shall be written onto the I.E.P. and shall be binding to all parties.
- f. The District and the ACOE shall jointly be responsible to ensure that requirements for service, assessment, timelines and due process items are met as established in both Federal and State law.

3. The referral and intake process of a student to the Alameda County Community School Program will include a review of the referral informational packet and/or direct contact with the referring district. If it is determined that the student being referred previously received special education services at the district level, an Intake Meeting shall be convened and held at the respective County Community School Program site.

The referring school district representative and its Special Education Department representative shall be invited to attend and participate in the Intake Meeting to identify the educational needs of the student. The outcome of the meeting will determine if the County Community School Program is an appropriate educational program for the student.

If the outcome of the Intake Meeting recommends that the County Community School Program is an appropriate educational program, without the need for special education support services, an enrollment date for the student shall be finalized. However, if it is determined that the student may require on-going special education services to benefit from an appropriate placement in the Alameda County Community School Program, the process outlined in Section A shall be followed.

**A.3 Excess Cost Agreement between Districts and the Alameda County Office of Education to Ensure Adequate Funding of District Student Services in the County Community Schools**

The Alameda County Office of Education and the school districts within the County of Alameda agree that the County Office shall continue to operate County Community Schools Programming for those district students expelled pursuant to *Education Code Section 48900*.

Excess cost agreement rate which could be proportionately charged to each district having a student(s) served in the County Community School will be addressed if needed. This precautionary Excess Cost Agreement would address any significant fiscal shortfall as a result of any emergency (i.e. significant decrease in state funding or unexpected increase in program costs).

Included in such discussion would be reports to district superintendents, and/or their designees, regarding the fiscal viability and stability of the Community Schools Program. The goal would be to implement those necessary cost-effective measures on a regular basis without compromising the level of instruction and the safety of students and staff in the program.

**B. Gaps in the Educational Services to Expelled Students and Identifying Strategies for Filling Those Gaps**

Concern: Classroom Space

Strategy: Every district within Alameda County is impacted with the problem of providing classroom space to house a program for expelled and at-risk students. Furthermore, many districts do not have a large enough projected enrollment of expelled or at-risk students to provide the range of educational classroom options often found in large districts. To address this problem the County Community School Program and Independent Study Program are committed to providing educational services available to all school districts in the county.

Concern: Expulsion Period

Strategy: Students who commit an expulsion offense during an expulsion period may have limited alternatives that remain available for secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses.

Concern: K-6 Alternative Programming

Strategy: Expelled students who are in grades K-6 do not have the same educational options available as do their 7-12 counterparts. The K-6 expelled students cannot be merged or combined with 7-12 expelled students. Currently, the districts are responsible for providing educational services for K-6 expelled students.

Concern: Serving Non-Mandatory Expelled Students

Strategy: There are currently no existing programs in the County Community School Program to specifically serve non-mandatory expelled students. The responsibility is at the district level. Students who exhaust their school educational resources and fail to fulfill their rehabilitation plans are referred to the County Community School Program for educational services.

**C. Alternative Placement for Students Who Fail Placement or Pose a Danger to Other District Students**

Some school districts use the Alameda County Community Schools Program as an educational option for those students mandatorily expelled under provisions of the Education Code and/or under the district “no tolerance” policy. The Community Schools Program is a permissive educational option, which provides the local school districts with another educational alternative for its expelled students.

If an initial placement is made to a district-operated educational program and the student commits an expulsion offense or fails that program, the school district board of education shall review the rehabilitation plan that is established at the time of the expulsion and make the necessary adjustments. If there is no appropriate educational alternative within the district, the student may be referred to the County Community Schools Program.

Currently, the County Community Schools Program does not serve these K-6 students. However, the Alameda County Office of Education will provide support for the creation of a multi-district program designed specifically for this student population.

Students expelled pursuant to *Education Code Sections 48900-48900.8 and 48915* who are enrolled in the County Community Schools and who fail a County Community School placement will be referred to another County School educational program if appropriate. When the students exhaust the County Community Schools resources, these students will be referred back to the school district of residence for a review of the rehabilitation plan and possible placement into another alternative educational setting (per *Education Code Section 48915(f)*).

**D. Existing Educational Alternatives for Expelled Students Offered by Districts**

Educational alternatives provided by the California School Districts vary and some are not available to all expelled students. Proper placements must be based upon the seriousness of the offense, location of the offense, and grade level of the student. These factors have the potential of restricting the educational alternatives offered for these students during their expulsion period.

All districts are required to establish rules and regulations governing procedures for the expulsion of pupils. Pupils are entitled to a hearing to determine whether the pupil should be expelled within 30 days after the date that the pupil has committed any of the acts enumerated in *Education Code Section 48918*.

Districts must consider the following when placing expelled students

*48915, Section (a) or (c)*, students expelled for any of the offenses listed in *Education Code* shall not be permitted to enroll in any district operated program during the period of the expulsion unless it is a community day school operated by the district (*Education Code 48660*).

*Education Code 48916.1(a)* 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 48915(d)* The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program that meets all of the following conditions:

- a) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
- b) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
- c) Is not housed at the school site attended by the pupil at the time of suspension.

*Education Code 48915(f)* The governing board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study which meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior or senior high school or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior or senior high school, or at an elementary school.

*Education Code 48915.5* Each local educational agency, pursuant to the requirements of *Section 56026 and 56195.8* shall develop procedures and timelines governing expulsion procedures for individuals with exceptional needs.

The existing educational alternatives for expelled and high risk students offered by each of the school districts in Alameda County are identified on the following pages.