

# **HUMBOLDT COUNTY OFFICE OF EDUCATION**

## **JOINT EDUCATION SERVICES PLAN FOR EXPELLED STUDENTS WITHIN HUMBOLDT COUNTY**

**DEVELOPED IN PARTNERSHIP  
WITH HUMBOLDT COUNTY SCHOOL DISTRICTS**

**REVISED TRIENNIAL - SPRING 2018  
PREPARED FOR SUBMISSION TO THE  
CALIFORNIA DEPARTMENT OF EDUCATION**

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## **I. INTRODUCTION**

### **A. THE LEGAL REQUIREMENTS PERTAINING TO A COUNTY-WIDE 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, 2015.

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 2015, the recommended content of the Countywide Plan was amended to address additional, 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 “develop 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 is directed to conduct its work and submit recommendations to the Legislature by January 1, 2016. Humboldt County school districts are dedicated to reenrolling youth that are temporarily placed in a court school setting.

**Three specific areas must be addressed in the plan:**

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 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 them. If a 2015 Countywide Plan identified gaps in educational services to expelled pupils, it is recommended the 2018 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.

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.



## **B. 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.**

The Humboldt County Office of Education operates several community school sites in those geographic areas of the county where local school districts have requested the availability of such programs and where potential student enrollment would make such programs financially viable. As of the date of this plan, community school sites were operating in Eureka (serving students from the Central Bay area region), Fortuna (serving the Eel River Valley school districts and those from the Ferndale area) and Garberville (serving Southern Humboldt Unified School District).

Community schools are typically staffed with a one teacher/one aide instructional team for approximately every twenty students. Enrollment is most common for students in grades seven through twelve; however they must meet eligibility criteria. Students are referred for enrollment consideration by the Juvenile Court, the Humboldt County Probation Department, district boards regarding expelled students, and SARB referrals. Enrollment is voluntary upon mutual agreement of the parent/guardian and community school screening team. Each student undergoes an academic assessment at the time of entry and an educational plan is developed to support the student's satisfactory progress toward his/her educational goal. Student goals can include, but are not necessarily limited to: a) a desire to transfer back to the District of Residence at some time in the future; b) high school graduation; c) earning a GED certificate. or d) passage of the California High School Proficiency test once attaining the age of 16 and with parent/guardian consent, or other approved high school equivalency tests. California has approved the use of three high school equivalency tests (**GED®**, **HiSET®**, and **TASC™**) for students 18 years old and older. Failed community school placements will be referred back to the district of residence for reassessment of educational placement and services.

Transportation to/from a county community school is the responsibility of the student and his/her parent/guardian. In some years, supplemental funding has been provided to purchase tickets on the local bus lines. When available, these tickets are given to students meeting attendance requirements, on an as needed and as requested basis. Mileage reimbursement is also an option.

As of January 3, 2018 of the 210 students enrolled in the county's various community school programs, 21, had been previously expelled by a local and non-local school districts.

### **Educational alternatives currently available for Expelled students**

What follows is a regional matrix summary of the programs and services available as of February, 2018. An “Ø” identifies a gap that is perceived by the local school district and is one that it wishes to explore as a potential addition to its list of options. A “N/A” marking might also be considered a “gap;” however, “N/A” means that the district does not wish to explore this option at this time, that this option is not needed, or that the district could not consider creating such an option because of the small size of the district. A “√” is an option which is currently established within the district. The data was obtained from a written survey of many of the thirty-one school districts during the survey period of 2015 and/or was updated in 2018.

## Matrix of Services/Programs Expelled Students as of 04/20/2018

Region	District or Charter	Grades	Susp. of expulsion with placement on same campus	Susp. of expulsion with placement on different campus	Susp. of expulsion with independent study option	Referral to district community day school	Referral to county community school	Referral to charter school
N O R T H C O U N T Y	Arcata (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Big Lagoon (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Blue Lake (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Fieldbrook (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Green Point (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Jacoby Creek (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Maple Creek (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	McKinleyville (D)	K-8	✓	✓	✓	N/A	✓	N/A
	North Coast Prep (C)	9-12	✓	N/A	✓	N/A	✓	N/A
	Northern Humboldt (D)	9-12	✓	✓	✓	N/A	✓	✓
	Orick (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Pacific Union (D)	K-8	✓	N/A	✓	N/A	✓	✓
	<b>Peninsula</b> (D)	K-8	N/A	N/A	✓	N/A	✓	N/A
	Trinidad (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Pacific View Charter (C)	K-12	N/A	N/A	N/A	N/A	✓	N/A

## Matrix of Services/Programs Expelled Students as of 04/20/2018

Region	District or Charter	Grades	Susp. of expulsion with placement on same campus	Susp. of expulsion with placement on different campus	Susp. of expulsion with independent study option	Referral to district community day school	Referral to county community school	Referral to charter school
S O U T H C E N T R A L	Bridgeville (D)	K-8	N/A	N/A	✓	N/A	✓	N/A
	Cuddeback (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Ferndale (D)	K-12	✓	N/A	Ø	N/A	✓	✓
	Fortuna Elementary (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Fortuna High (D)	9-12	✓	✓	✓	N/A	✓	N/A
	Hydesville (D)	K-8	✓	N/A	✓	N/A	✓	✓
	Loleta (D)	K-8	N/A	N/A	✓	N/A	✓	✓
	Mattole (D)	K-8	✓	✓	✓	N/A	✓	✓
	Rio Dell (D)	K-8	✓	N/A	✓	N/A	✓	N/A
	Scotia (D)	K-8	✓	N/A	N/A	N/A	✓	N/A
C O U N T Y								

## Matrix of Services/Programs Expelled Students as of 04/20/2018

Region	School or District	Grades	Susp. of expulsion with placement on same campus	Susp. of expulsion with placement on different campus	Susp. of expulsion with independent study option	Referral to district community day school	Referral to county community school	Referral to charter school
<b>C E N T R A L  C O U N T Y</b>	Cutten (D)	K-6	✓	N/A	✓	N/A	N/A	N/A
	Eureka City Schools (D)	K-12	✓	✓	✓	N/A	✓	N/A
	Freshwater (D)	K-8	N/A	N/A	✓	N/A	✓	N/A
	Garfield (D)	K-6	N/A	N/A	✓	N/A	✓	N/A
	Kneeland (D)	K-8	N/A	N/A	✓	N/A	✓	N/A
	South Bay (D)	K-8	✓	N/A	✓	N/A	✓	✓
<b>EAST CO</b>	Klamath Trinity (D)	K-12	✓	✓	✓	N/A	✓	N/A
<b>SOUTH CO</b>	Southern Humboldt (D)	K-12	NR	NR	NR	NR	NR	N/A



### **III. 2015 - 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 Day classroom setting. More often than not, Community School can meet the needs of students on Individualized Education Plans; which is supported by the fact that on average, 33% of students enrolled in a Court/Community School setting receive special education services. At times, however, a referral to Community School for expelled youth is not accepted for the following reasons:

- ✓ The Community School program has no space for the newly referred youth
- ✓ The Community school program cannot meet the educational needs of the expelled youth
- ✓ The parent 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
  - The school does not meet the pupils educational needs

When a community school referral is not appropriate or not approved of by the Community school screening committee 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 these expelled youth.

#### **PROGRAMS AND STRATEGIES CURRENTLY BEING UTILIZED BY DISTRICTS:**

- ✓ Employ on site counselors to address behavior
- ✓ Humboldt County Office of Education employs and provides access to behaviorists for all districts to support them in developing behavior plans to support IEP youth.
- ✓ Some districts have developed on site, self-contained classroom settings for behaviorally challenged youth (BLC's) and for emotionally challenged youth (TLC's).
- ✓ Implementation of Educationally Related Intensive Counseling Services (ERIC's) for IEP youth
- ✓ 1:1 Special Circumstances Instructional Aides
- ✓ Charter School referral
- ✓ Community Day school referral, where appropriate and if available
- ✓ Independent Study placement
- ✓ Positive Behavior Intervention Systems/School climate efforts
- ✓ Conflict Mediation and Peer Mediation
- ✓ Restorative Justice
- ✓ SARB
- ✓ Parent involvement
- ✓ Student Handbooks

### **GAP #1 Progress Update:**

HCOE CCS program developed a policy in conjunction with School and College Legal Services identifying procedures for enrolling IEP youth in a Community School program. Ultimately, it is an IEP team decision. At times, students with an IEP are placed on a 30 day Administrative placement to ensure progress can be made and the placement is appropriate. Many local districts have developed Therapeutic Learning Centers and Behavioral Learning Centers to address the need of high risk youth, prior to expulsion. These programs serve elementary and high school aged youth and are located across the county.

- B. GAP #2 – Students in Grades TK-6<sup>th</sup> Grade:** 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, often times the families face extreme barriers to coordinate access and follow through with these recommended services. District input suggests a need for three regionally based programs to serve IEP and non IEP youth struggling with behaviors that disrupt the educational process that can include behavior modification, counseling, and other relevant services brought to the youth versus an expectancy that the youth and their family will seek out the services.

#### **PROGRAMS AND STRATEGIES CURRENTLY BEING UTILIZED:**

- ✓ Employ on site counselors to address behavior
- ✓ Humboldt County Office of Education employs and provides access to behaviorists for all districts to support them in developing behavior plans to support IEP youth.
- ✓ Some districts have developed on site, self-contained classroom settings for behaviorally challenged youth.
- ✓ Implementation of Educationally Related Intensive Counseling Services (ERIC's) for IEP youth
- ✓ 1:1 Special Circumstances Instructional Aides
- ✓ Charter School referral
- ✓ Independent Study placement
- ✓ Provide professional development to staff on how to manage defiant and disruptive youth in the classroom setting.
- ✓ Conflict Mediation and Peer Mediation
- ✓ Restorative Justice
- ✓ SARB

#### **POTENTIAL SOLUTIONS TO EXPLORE:**

- ✓ Development of 3 regionally based programs
- ✓ Implementation of PBIS

## **GAP #2 Progress Update**

Behavior learning classrooms (BLC's) are in place for elementary aged youth and are located in Eureka, Loleta, Southern Humboldt. These programs typically serve youth that have behavioral difficulties and are often also receiving Special Education Services. Many districts also participate in the Multi-Tiered Systems of Support collaborative and have effectively implemented PBIS across many school sites.

Multi-Tiered System of Support (MTSS) is a framework used to support schools in utilizing evidence based practices and data-based decision making to enhance student academic, social-emotional and behavioral outcomes. Research shows that when a child experiences behavioral and/or emotional difficulties in the school environment they also suffer academically. MTSS is a framework that aligns and coordinates evidence-based practices and incorporates School Wide Positive Behavior Interventions and Supports (PBIS) to create systemic change aimed at positively influencing social and academic competencies for all students. Schools utilizing a multi-tiered framework responsive to student needs through early systematic intervention - have less discipline referrals, suspensions, and expulsions and show higher academic achievement scores.

The CA Department of Education recently endorsed MTSS through a state-wide initiative – CA Scale-Up Multi-Tiered System of Support (CA SUMS Initiative) that is targeting schools throughout CA, with the support of technical assistance, to build frameworks responsive to all student needs. SUMS empowers districts with a framework that engages schools, families, and communities in an evidenced-based, integrated, multi-tiered system of support, guaranteeing all students access to equitable inclusive education focused on the whole child, increasing their behavioral, academic, physical, and social-emotional strengths.

MTSS offers the potential to create needed systematic change through intentional design and redesign of services and supports that quickly identify and match the needs of all students in general and special education contexts.

The following core components are key aspects of MTSS frameworks:

1. High-quality, inclusive academic instruction promoting comprehensive assessment systems, teaming, universal academic supports, and intensified interventions and supports focused on early intervention and prevention.
2. Systemic and sustainable change. MTSS principles promote continuous improvement processes at all levels of the system (district, school site, and grade/course levels). Collaborative restructuring efforts identify key initiatives, collect, analyze, review data, implement supports and strategies based on data are then refined as necessary to sustain effective processes.
3. Integrated data system. District and site staff collaborate to create an integrated data collection system for continuous systemic improvement.
4. Inclusive behavioral instruction. District and school staff collaboratively select and implement schoolwide, classroom, and research-based positive behavioral supports for achieving important social and learning outcomes.

5. Social-emotional learning (SEL) for all students using evidence-based methods.
6. Universal design for learning (UDL) – structural, multi-modal, instructional practices promoting learning for all students. UDL learning environments are inclusive environments for students with a vast array of learning differences.
7. Family and community engagement to build trusting family and community partnerships.
8. Inclusive policy structure and practice by building strong district/school relationships with the coordination and alignment of multi-initiatives through district policy frameworks.

**C. GAP #3 – Mental Health Issues:** District input implied that many expulsions in recent time are often connected to behavioral actions that may be related to untreated mental health issues. Humboldt County Health and Human Services recently 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, typically the youth that require these extensive mental health services 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 these services and often to a lack of Medi-Cal eligibility.

**PROGRAMS AND STRATEGIES CURRENTLY BEING UTILIZED:**

- ✓ Collaborate with local tribal agencies for support services to be brought to the DOR
- ✓ Humboldt County Office of Education employs and provides access to behaviorists for all districts to support them in developing behavior plans to support IEP youth.
- ✓ Develop an on-site, self-contained classroom setting for behaviorally challenged youth.(BLC'S)
- ✓ 1:1 Special Circumstances Instructional Aides
- ✓ Charter School referral
- ✓ Independent Study placement
- ✓ Development of 3 regionally based programs
- ✓ Implementation of PBIS
- ✓ Refer to Functional Family therapy, a DHHS service for MediCal youth
- ✓ Collaborate with Family Resource Centers for regional based supports
- ✓ Conflict Mediation and Peer Mediation
- ✓ Restorative Justice
- ✓ SARB

**GAP #3 PROGRESS UPDATE:**

- Behavioral Learning Classrooms have been established within Humboldt County
- Department of Health and Human Services Education Leadership Meeting started to help with understanding of eligibility criteria and how to expand services across the county
- Schools are participating in MTSS collaborative to provide Tier 1 and 2 supports

**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 frame put upon them by expulsion hearings in which they are not able to attend school. Humboldt 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 for awarding partial credit puts expelled, foster, homeless and delinquent youth even farther behind towards their goal of graduation.

**POTENTIAL SOLUTIONS TO EXPLORE:**

- ✓ Develop a county wide team to create a consistent system for awarding partial credit for expelled, foster, homeless, and delinquent youth.
- ✓ Research other county models utilized to award partial credit
- ✓ Implement county wide structures to support re-entry of expelled youth into the DOR

**GAP #4 PROGRESS UPDATE:**

A team of local administrators met in spring of 2015 to review options for awarding partial credit. It was agreed upon that the receiving school, whether that be a Community School program or charter school would award the partial credits based on progress reports provided by the referring district. This enables students to retain as many credits as possible when referred mid semester.

**IV. 2018 CURRENT GAPS IN SERVICES IDENTIFIED BY DISTRICT SURVEYS**

**GAP #1 Alternative Placements**

A place for middle schoolers that are not yet in grade 7 to attend a Community School program, or other alternative program, if expelled or consistently not successful in the District of Residence.

**PROGRAMS AND STRATEGIES CURRENTLY BEING UTILIZED:**

- ✓ Employ on site counselors to address behavior
- ✓ Humboldt County Office of Education employs and provides access to behaviorists for all districts to support them in developing behavior plans to support IEP youth.
- ✓ Some districts have developed on site, self-contained classroom settings for behaviorally challenged youth.
- ✓ Implementation of Educationally Related Intensive Counseling Services (ERIC's) for IEP youth
- ✓ 1:1 Special Circumstances Instructional Aides
- ✓ Charter School referral
- ✓ Independent Study placement
- ✓ Provide professional development to staff on how to manage defiant and disruptive youth in the classroom setting.
- ✓ Conflict Mediation and Peer Mediation



- ✓ Restorative Justice
- ✓ SARB
- ✓ Development of 3 regionally based programs
- ✓ Implementation of PBIS/MTSS and funding to support these efforts are available

## **GAP #2 Mental Health/ Family Health Services**

Options for supporting students in accessing academic support/mental health and family health services at the school site, versus the expectation that students and families have the ability or the capacity to travel to Eureka for services.

### **PROGRAMS AND STRATEGIES CURRENTLY BEING UTILIZED:**

- ✓ Collaborate with local tribal agencies for support services to be brought to the DOR
- ✓ Humboldt County Office of Education employs and provides access to behaviorists for all districts to support them in developing behavior plans to support IEP youth.
- ✓ Develop an on-site, self-contained classroom setting for behaviorally challenged youth.(BLC'S)
- ✓ 1:1 Special Circumstances Instructional Aides
- ✓ Charter School referral
- ✓ Independent Study placement
- ✓ Development of 3 regionally based programs
- ✓ Implementation of PBIS
- ✓ Refer to Functional Family therapy, a DHHS service for MediCal youth
- ✓ Collaborate with Family Resource Centers for regional based supports
- ✓ Conflict Mediation and Peer Mediation
- ✓ Restorative Justice
- ✓ SARB

### **ADDITIONAL CONSIDERATION – DISPROPORTIONATE**

**REPRESENTATION:** In the past review of demographics of students referred to community schools indicated a disproportionate percentage of students were Native American. This may have been an anomaly based on the very small total numbers of students in HCOE Community Schools. (i.e. one student may only count for 15-20% of the total at some locations). These youth also struggle with accessing services off site provided by their local tribal affiliation.

### **Best practices utilized by Districts to minimize disproportionate representation in suspension and expulsion include:**

- Trauma Informed Best practices
- Cultural Sensitivity Training
- Responsive classroom model
- Referral to Parent Project
- Offer referrals for students to AOD counseling, MH services
- Restorative Practices
- Individualized Positive incentives
- Alternatives to suspension

Culturally relevant teaching Professional Development  
Community Building strategies  
Restorative Circles  
Morning meetings  
Implicit bias training

**V. ALTERNATIVE PLACEMENTS FOR STUDENTS WHO ARE EXPELLED AND PLACED IN A DISTRICT OPERATED COMMUNITY DAY SCHOOL BUT WHO FAIL TO MEET THE TERMS AND CONDITIONS OF THEIR REHABILITATION PLAN OR WHO ARE CONSIDERED A DANGER TO OTHER DISTRICT PUPILS.**

The option for these students is enrollment in a county-operated community school, a charter school, or a private school. Community School programs continue to identify barriers to successful re-entry into the District of Residence (DOR) and refer to or bring in appropriate services. If students return to their DOR from a County run community school setting, and are not successful, district administrators contact the Community school principal for referral.

**VI. 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.**

A binder of information (“Humboldt County Office of Education Suspension/Expulsion Procedures for School Site Administrators”) has been distributed to every Superintendent and Principal, annually, to establish uniform vocabulary and forms and procedures across the county. This resource is currently developed and distributed by School and College Legal Services and districts are also provided an opportunity for training on the contents as well as any changes or updates to Education code regarding suspensions and expulsions for all youth.

At the site and district levels, best practices were submitted and compiled. Common throughout the best practices is that **clear expectations** for students and support from parents regarding acceptable and non-acceptable school behavior is a key component of an effective plan. Other common practices include:

1. Ongoing communication with, and involvement of, parents
2. In-house “reflection” rather than off campus suspension
3. Character education
4. Student and parent signed behavior agreements at the beginning of the school year which clearly spell out consequences for specific behaviors
5. Positive administrator relationships developed with each student before discipline is needed
6. Employ a PPS-certified, LCSE school social worker

7. Weekly conflict meetings including AVID, GRIP and law enforcement
8. Positive Behavioral Interventions and Supports
9. Utilizing School Resource Officer in collaboration with Eureka Police Department
10. Professional Development for all staff in bullying prevention, cultural awareness and inclusion
11. Weekly communications class focusing on topics such as conflict resolution skills which teach students to manage their own behavior
12. Second step conflict management
13. Crisis Prevention Intervention for staff
14. Student study team meetings
15. Implementation of Second Step for grades K-2
16. Trauma Informed Best practices
17. Cultural Sensitivity Training
18. Responsive classroom model
19. Referral to Parent Project
20. Offer referrals for students to AOD counseling, MH services
21. Restorative Practices
22. Individualized Positive incentives
23. Alternatives to suspension
24. Culturally relevant teaching Professional Development
25. Community Building strategies
26. Restorative Circles
27. Morning meetings
28. Implicit bias training

## **VII. PROCESS AND TIMELINE FOR REVISION OF THE JOINT EDUCATIONAL SERVICES PLAN**

This plan is required by law to be updated during the period of January 2018 through June 2018, and is to be re-submitted at that time to the State Superintendent of Public Instruction.

Representatives of the Humboldt County Office of Education solicited input on the development of the 2018 plan from all local school districts. An analysis of district needs and recommendations were collected from district administrators at county-wide meetings as well as in one-to-one conversations with administrators who serve expelled youth. Written communication requesting feedback on services was also sent to all districts. This information was gathered and tabulated and resulted in the summary of progress made on the gaps identified in 2015, as well as the gaps identified for 2018. (See pages 10-17.) Specific feedback from the districts can be seen in the regional charts, Matrix of Services/Programs for Expelled Youth 2018. (See pages 7-9.)

Those persons responsible for updating the plan include the Humboldt County Office of Education Superintendent's designated representative, the Community School Principal, the Director who provides oversight for this program and School and College Legal Services. Collaborative meetings took place between fall 2017 and spring 2018 with local school district superintendents and charter school directors. The plan was presented to the Humboldt County Board of Education on April 11, 2018. Copies of the plan and all materials contained in the appendix will be distributed to all districts and charters in Humboldt County.

This document represents the official revised 2018-2021 countywide Joint Education Services Plan for Expelled Students in Humboldt County. It was reviewed and updated through a collaborative process between the 31 districts in Humboldt County and the Humboldt County Office of Education.



Chris Hartley, Ed.D., Superintendent  
Humboldt County Office of Education



Date

## APPENDICES

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# APPENDIX A: COMMUNITY SCHOOL EDUCATION CODE

## **COMMUNITY SCHOOL EDUCATION CODE** **EDUCATION CODE - EDC**

### **TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]**

*( Title 1 enacted by Stats. 1976, Ch. 1010. )*

### **DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]**

*( Division 1 enacted by Stats. 1976, Ch. 1010. )*

### **PART 2. COUNTY EDUCATIONAL AGENCIES [1000 - 2603]**

*( Part 2 enacted by Stats. 1976, Ch. 1010. )*

### **CHAPTER 6.5. County Community Schools [1980 - 1986]**

*( Chapter 6.5 added by Stats. 1977, Ch. 992. )*

#### **1980.**

A county board of education may establish and maintain one or more community schools.

*(Added by Stats. 1977, Ch. 992.)*

#### **1981.**

The county board of education may enroll pupils in a county community school who are any of the following:

(a) Expelled from a school district for any reason other than those specified in subdivision (a) or (c) of Section 48915.

(b) (1) Referred to a county community school by a school district as a result of the recommendation by a school attendance review board. A pupil shall not be referred to a county community school by a school district pursuant to this subdivision unless the school district and the county office of education determine all of the following:

(A) The county community school has space available to enroll the pupil.

(B) The county community school meets the educational needs of the pupil.

(C) (i) The parent, guardian, or responsible adult of the pupil has not expressly objected to the referral based on one or more of the following reasons:

(I) Reasonable concerns related to the pupil's safety.

(II) Geographic accessibility.

(III) Inability to transport.

(IV) The school does not meet the pupil's educational needs.

(ii) The school district may require the objection to be in writing if it has advised the parent, guardian, or responsible adult that they may object, in writing, for one of these reasons.

(2) If the county community school recommended pursuant to paragraph (1) is not geographically accessible to the pupil, the school attendance review board shall also include in its recommendation a school option for the pupil that is geographically accessible to the pupil and meets the criteria specified in paragraph (1).

(3) If the parent, guardian, or responsible adult of the pupil objects for any of the reasons described in sub clauses (I) to (IV), inclusive, of clause (i) of subparagraph (C) of paragraph (1), the school district may either address the express objection or find an alternative placement in another comprehensive or continuation school within the school district. If the school district has offered the pupil all other options, the school district may refer the pupil to the county community school.

(4) The pupil has the right to return to his or her prior school or another appropriate school within his or her school district at the end of the semester following the semester when the acts leading to referral occurred. The right to return shall continue until the end of the pupil's 18th year of age, except that a pupil with exceptional needs, consistent with Section 56041 of this code and Section 1412(a)(1)(A) of Title 20 of the United States Code, shall have the right to return until he or she turns 22 years of age.

(c) (1) (A) 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.

(B) Under the supervision of a probation officer, with the consent of the minor and the minor's parent or guardian, pursuant to Section 654 of the Welfare and Institutions Code.

(C) Under the supervision of a probation officer pursuant to Section 726 and paragraph (3) of subdivision (a) of Section 727 of the Welfare and Institutions Code with the consent of the pupil's parent, guardian, or responsible adult appointed by the juvenile court to make educational decisions for the pupil. The enrollment of a minor covered by this paragraph in a county community school shall be consistent with paragraph (2) of subdivision (c) of Section 726 of the Welfare and Institutions Code, which provides that all educational and school placement decisions shall seek to ensure that the youth is in the least restrictive educational program, has access to the academic resources, services, and extracurricular and enrichment activities that are available to all pupils, and are based on the best interests of the child.

(D) Unless specifically ordered by a juvenile court, nothing in this subdivision shall be construed to conflict with the existing rights of a parent, guardian, or responsible adult appointed by the juvenile court pursuant to Section 726 of the Welfare and Institutions Code to make educational placement decisions for the minor.

(E) With respect to a pupil's enrollment in a county community school pursuant to subparagraph (B) or (C), and consistent with paragraph (2) of subdivision (c) of Section 726 of the Welfare and Institutions Code and California Rule of Court 5.651, all of the following shall apply:

(i) The attorney for, or the person holding the educational rights of, a pupil who is under the jurisdiction of the delinquency court may use the procedures set forth in California Rule of Court 5.651 to address any change of placement that results in the enrollment of the pupil in a county community school that is not his or her school of origin.

(ii) The attorney or the person holding the educational rights appointed by the court for a pupil who is under the jurisdiction of the delinquency court may, during a regularly scheduled hearing, raise any concerns with respect to whether the enrollment of the pupil in a county community school is meeting the educational needs of the pupil.

(iii) Nothing in this subparagraph is intended to limit in any way the rights or responsibilities of any person as set forth in paragraph (2) of subdivision (c) of Section 726 of the Welfare and Institutions Code and California Rule of Court 5.651.

(2) On probation or parole and not in attendance at any school, where enrollment is with the consent of the parent, guardian, or responsible adult, or the pupil, if he or she is 18 years of age or older. Nothing in this subdivision shall impact the provision of services or funding for youth up to 25 years of age pursuant to subdivision (b) of Section 1982, as that section read on September 25, 2013.

(3) Expelled for any of the reasons specified in subdivision (a) or (c) of Section 48915.

(4) Enrollment in a county community school pursuant to this subdivision shall be consistent with subdivision (b) of Section 48645.5.

(d) Pupils whose school districts of attendance, or, for pupils who do not have school districts of attendance, school districts of residence, have, at the request of the pupil's parent, guardian, or responsible adult, approved the pupil's enrollment in a county community school, subject to the following:



(1) A pupil shall not be enrolled in a county community school pursuant to this subdivision unless the school district determines that the placement will promote the educational interests of the pupil and the county community school has space available to enroll the pupil.

(2) A parent, guardian, or responsible adult of a pupil enrolled in a county community school pursuant to this subdivision may rescind the request for the placement, and the pupil shall be immediately reenrolled in the school that the pupil attended at the time of the referral, or, with the consent of the parent, guardian, or responsible adult, another appropriate school.

(e) The procedures outlined in subdivisions (b) to (e), inclusive, of Section 51225.2 govern the transfer of credits, records, including special education records, and grades required pursuant to subdivision (a) of Section 48645.5 and Section 49068 when the pupil transfers to and from the county community school.

(f) For purposes of this section, "geographically accessible" means that the pupil can reasonably travel to and from the school and is able to pay for any transportation costs that are above and beyond the costs to attend his or her school of residence or prior school, whichever is farther away.

*(Amended by Stats. 2014, Ch. 837, Sec. 1. Effective January 1, 2015.)*

### **1981.5.**

(a) A pupil who is involuntarily enrolled in a county community school pursuant to subdivision (a) of, or subparagraph (A) of paragraph (1) or paragraph (3) of subdivision (c) of, Section 1981 shall have the right to reenroll in his or her former school or another comprehensive school immediately after being readmitted from the expulsion order pursuant to Section 48916 or court-ordered placement. Nothing in this section is intended to limit the school placement options that a school district may recommend for a pupil being readmitted.

(b) Consistent with the process and procedures set forth in Section 48916, only the governing board of the school district that issued the initial order or subsequent order to expel may extend the duration of an expelled pupil's placement in a county community school.

*(Added by Stats. 2014, Ch. 837, Sec. 3. Effective January 1, 2015.)*

### **1983.**

(a) Pupils enrolled in county community schools shall be assigned to classes or programs deemed most appropriate for reinforcing or reestablishing educational development.

(b) These classes or programs may include, but need not be limited to, basic educational skill development, on-the-job training, school credit recovery assistance, tutorial assistance, and individual guidance activities.

(c) To the extent that independent study is determined to satisfy the individually planned educational program described in subdivision (d) for a pupil attending a county community school, it shall meet all the requirements of Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4 of Title 2, including the requirement that entry into that program is voluntary.

(d) An individually planned educational program based upon an educational assessment shall be prescribed for each pupil.

(e) The course of study of a county community school shall be adopted by the county board of education and shall enable each pupil to continue academic work leading to the completion of a regular high school program.

(f) Pursuant to Part 30 (commencing with Section 56000) of Division 4 of Title 2 of this code, Chapter 33 (commencing with Section 1400) of Title 20 of the United States Code, and accompanying state and federal regulatory provisions, county boards of education operating county community schools shall ensure that assessments are administered in all areas of suspected disability



and appropriate services and programs, as specified in a pupil's individualized education program, are provided.

(g) County boards of education operating county community schools shall ensure that appropriate services and programs designed to address the language needs of pupils identified as English learners are provided in compliance with all applicable state and federal laws and regulatory provisions.

*(Amended by Stats. 2014, Ch. 837, Sec. 4. Effective January 1, 2015.)*

#### 1984.

For the purposes of establishing and maintaining a county community school, a county board of education shall be deemed to be a school district.

*(Added by Stats. 1977, Ch. 992.)*

#### 1986.

(a) The Legislature hereby recognizes that community schools are a permissive educational program.

(b) If a county superintendent of schools elects to operate a community school pursuant to this chapter, he or she shall do one or more of the following:

(1) Utilize available school facilities that conform to the requirements of Part 2 (commencing with Section 2-101), Part 3 (commencing with Section 3-089-1), Part 4 (commencing with Section 4-403), and Part 5 (commencing with Section 5-102), of Title 24 of the California Code of Regulations.

(2) Apply for emergency portable classrooms pursuant to Section 17717.2 or Chapter 25 (commencing with Section 17785) of Part 10.

(3) Enter into lease agreements provided that the facilities are limited to one of the following:

(A) Single story, wood-framed structure.

(B) Single story, light steel frame structure.

(C) A structure where a structural engineer has submitted a report that determines substantial structural hazards do not exist. The county board of education shall review the report prior to approval of the lease and may reject the report if there is any evidence of fraud regarding the facts in the report.

(c) Before entering into any lease pursuant to paragraph (3) of subdivision (b), the county superintendent of schools shall certify that all reasonable efforts have been made to locate community schools in facilities that conform to the structural safety standards listed in paragraph (1) of subdivision (b).

(d) This section shall become operative on July 1, 1990.

*(Amended by Stats. 2012, Ch. 728, Sec. 21. Effective January 1, 2013.)*

**APPENDIX B:**  
**HUMBOLDT COUNTY BOARD OF EDUCATION**  
**EXPULSION HEARING CHECKLIST**

**PRE-APPEAL HEARING CRITERIA**

- \_\_\_ The pupil was afforded a hearing at the district level to determine whether he/she should have been expelled. The hearing was conducted within 30 school days after the principal or superintendent determined that the pupil had committed any of the acts enumerated in EC 48900 or, if the pupil requested an extension in writing for a period of not more than 30 calendar days, the hearing was conducted within the appropriate timeframe. [EC 48918(a)]
  
- \_\_\_ Written notice of the hearing was forwarded to the pupil at least ten calendar days prior to the date of the hearing. [EC 48918(b)]
  
- \_\_\_ The hearing notice contained the following information:
  - \_\_\_ a) the date and place of the hearing;
  - \_\_\_ b) a statement of the specific facts and charges upon which the proposed expulsion was based;
  - \_\_\_ c) statutory basis under EC 48915;
  - \_\_\_ d) a copy of the disciplinary rules of the district related to the alleged violation;
  - \_\_\_ e) a notice of the requirements of EC 48915.1;
  - \_\_\_ f) a notice of the parent's/pupil's right to appear in person or be represented by counsel or a nonattorney adviser;
  - \_\_\_ g) a notice of the right to inspect and obtain copies of all documents to be used at the hearing, question witnesses who testify, question evidence presented at the hearing, and present oral and documentary evidence on the student's behalf, including witnesses. [EC 48918(b)]
  
- \_\_\_ The hearing was conducted in closed session unless the pupil submitted a request in writing, at least five days in advance that the matter be heard in open session. [EC 48918(c)]
  
- \_\_\_ The recommendation for expulsion was based upon acts of the pupil enumerated in EC 48900 and/or EC 48915 and involved acts related to school activity or attendance. [EC 48915 and 48918(h)]
  
- \_\_\_ If the pupil has been identified as an individual with exceptional needs, the expulsion hearing took place only after the following occurred:
  - \_\_\_ a) the LEA, the parent, and relevant members of the child's Individualized Education Program ("IEP") team met and determined that the misconduct was not caused by, nor had a direct and substantial relationship to, the child's



disability; or the conduct in question was not the direct result of the LEA's failure to implement the IEP.

- \_\_\_\_\_ The decision of the governing board was made within ten school days after conclusion of the hearing, unless the pupil requests in writing that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel, or if the district governing board does not meet on a weekly basis, the governing board shall decide whether to expel the pupil within 40 schooldays after the date of the pupil's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the principal or superintendent, unless the pupil requests in writing that the decision be postponed. [EC 48918(a)]
- \_\_\_\_\_ The decision of the governing board to expel a pupil was based upon substantial evidence relevant to the charges and adduced at the expulsion hearing. Except as permitted by law, no evidence to expel was based solely upon hearsay evidence. [EC 48918(f)]
- \_\_\_\_\_ The pupil/parent/representative was given the opportunity to question witnesses, challenge testimony and evidence against the pupil, and to provide testimony and evidence on the pupil's behalf at the hearing. [EC 48918(b)]
- \_\_\_\_\_ A record of the hearing was made and maintained by the district. [EC 48918(g)]
- \_\_\_\_\_ Final action to expel was taken in open board session. [EC 48918(j)]
- \_\_\_\_\_ The expulsion order was accompanied by a plan of rehabilitation. [EC 48916(b)]
- \_\_\_\_\_ A notice of expulsion was sent to the parent/pupil and contained information related to the right to appeal the decision to the county board. [EC 48918(j)]
- \_\_\_\_\_ The notice of expulsion contained information regarding an education alternative placement to be provided to the pupil during the time of the expulsion. [EC 48918(j)]
- \_\_\_\_\_ The notice of expulsion contained information regarding the obligation of the parent/guardian/pupil to inform the new school district of the pupil's expulsion upon the pupil's enrollment in that school district. [EC 48918(j)]
- \_\_\_\_\_ An appeal of the expulsion was filed by the pupil/parent within 30 days following the original decision of the district's governing board, regardless of whether a period of probation and/or suspension was ordered. [EC 48919]
- \_\_\_\_\_ At the time of filing an appeal to the county board, the pupil simultaneously submitted a request to the district for a transcript of the proceedings and any related documentation; and such transcript and copies of evidence was provided by the district within ten school days of the request. [EC 48919]

- The parent/pupil provided the county board with a copy of the original expulsion hearing transcript and other related documents immediately upon receipt of the records. [EC 48919]

#### POST-APPEAL HEARING CRITERIA

- Based upon the record of the proceedings and a review of the evidence, the district's governing board acted within its jurisdiction. [EC 48922(a)(1)]
- Based upon the record of the proceedings and a review of the evidence, the district's governing board or administrative designee of the board conducted a fair and impartial hearing. [EC 48922(a)(2)]
- Based upon the record of the proceedings and a review of the evidence, there was no prejudicial abuse of discretion in the original hearing. [EC 48922(a)(3)]
- Based upon the record of the proceedings and review of the evidence, the district was reasonably diligent in providing all material evidence; and no evidence was improperly excluded at the original hearing. [EC 48922(a)(4)]
- Based upon the record of the proceedings and review of the evidence, the decision to expel was supported by the findings prescribed in EC 48915. [EC 48922(c)(2)]
- Based upon the record of the proceedings and a review of the evidence, the findings were supported by the evidence. [EC 48922(c)(3)]

## APPENDIX C: DISCIPLINE OF SPECIAL EDUCATION PUPILS<sup>1</sup>

(from School & College Legal Services Pupil Discipline Guide)

**A. If the Disciplinary Action will Result in a “Change in Placement,” an IEP team meeting / Manifestation Determination (“MD”) is Required within 10 school days and educational services must begin on the 11th day.<sup>2</sup>**

1. Expulsion is a “change in placement”.
2. Suspension more than 10 days: A change in placement occurs if:
  - a. Pupil is “removed”<sup>3</sup> more than 10 consecutive days or
  - b. A series of “removals” cumulate to more than 10 school days in a school year constitute a pattern because they are based on “substantially similarly” behaviors and additional factors (e.g., length of each removal, total time removed, and proximity of removals to one another). (34 C.F.R. 300.536.)
3. Suspensions 10 days or less: No change in placement. General education disciplinary rules apply. No IEP meeting or MD required, but it is a good practice to conduct a “Functional Behavior Assessment” / develop-review “Behavior Intervention Plan” especially if student is approaching 10 days of suspension.
4. Other Suspensions: A “removal” occurs when pupils cannot progress in the regular education curriculum, receive their services, progress on goals listed on their IEP or participate with non-disabled peers to the extent specified in their IEP.
  - a. In-School Suspensions (“ISS”) to a supervised classroom are authorized under Education Code sec. 48911.1 if the pupil poses no imminent danger or threat to the campus, pupils or staff, or if an action to expel has not been initiated. For special education students, use of ISS should be part of the pupil’s Behavior Intervention Plan.
  - b. Bus Suspension: If transportation is provided under the IEP, a “bus suspension” is a suspension (removal) unless alternative transportation is provided. (34 C.F.R. 300.530.) Alternative transportation at no cost to the parent must be provided if transportation is provided under the IEP.

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<sup>1</sup> For the most part, the same procedural protections apply to students who qualify for services under Section 504 of the 1973 Rehabilitation Act as apply to students who qualify for services under the Individuals with Disabilities Education Act.

<sup>2</sup> Beginning on the 11<sup>th</sup> day of removal, pupils have a right to receive the educational services (FAPE) to enable them to “to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals” in the pupil’s IEP. (34 C.F.R. 300.530(d).) A discussion of such services should take place at the IEP meeting/manifestation determination. If parents disagree with services, parent may seek expedited special education due process hearing.

<sup>3</sup> 34 C.F.R. 300.536 – Definition of Removal.

4. Notice: On the date that the determination is made to make a removal that constitutes a “change in placement,” notify the parent/guardian of decision and include a notice a procedural safeguards. (34 CFR 300.530(h).) .

## **B. IEP Meeting / Manifestation Determination (“MD”)**

1. Manifestation Determination: Within 10 school days of any decision to make a change in placement, the modified IEP team (i.e., relevant members of team as determined by parents and district), must meet to determine, based on a review of “all relevant information” in the pupil’s file, teacher observations and relevant information provided by the parent:
  - a. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child’s disability; or
  - b. Whether the conduct in question was the direct result of a failure to implement the IEP. (34 C.F.R. 300.530(e).)

If the pupil is a **foster child**, as defined in Section 48853.5, and the expulsion recommendation is based only on Class I and/or Class II offenses, the superintendent or designee shall also notify the student’s attorney and an appropriate representative of the county child welfare agency of the manifestation determination meeting. The invitation notice may be made by the most cost-effective method which may include electronic mail or telephone call. (Ed. Code § 48915.5(d).)

If the pupil is a **homeless child**, as defined in Section 48850(d), and the expulsion recommendation is based only on Class I and/or Class II offenses, the superintendent or designee shall also notify the district’s liaison for homeless and youth of the manifestation determination meeting. The invitation notice may be made by the most cost-effective method which may include electronic mail or telephone call. (Ed. Code § 48915.5(e).)

2. If conduct was a manifestation of the pupil’s disability, no disciplinary action.
  - a. Conduct a Functional Behavior Assessment (“FBA”), unless district conducted an FBA before the occurrence of the behavior that resulted in the change in placement and develop a new Behavior Intervention Plan (“BIP”) or review the existing BIP and modify if necessary.
  - b. Except under “special circumstances,” return pupil to last mutually agreed upon placement unless IEP team agrees to a different placement.<sup>4</sup>
  - c. If any of the following “special circumstances” exist, pupil may be removed for up to 45 school days to an interim alternative educational setting:

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<sup>4</sup> If pupil’s placement is “substantially likely to result in injury” to the pupil or others, the District may seek an expedited special education due process hearing which must take place within 20 school days.

- i. Pupil carries / possesses a “weapon” to or at school, on school premises or at school functions;<sup>5</sup>
  - ii. Pupil knowingly possesses or uses illegal drugs, or sells or solicits the sale of controlled substances at school, on school premises, or at school functions;
  - iii. Pupil inflicts “serious bodily injury”<sup>6</sup> while at school, on school premises or at a school function. (34 CFR 300.530(g).)
3. If conduct was *not* a manifestation of the pupil’s disability, general education discipline rules apply, but district must continue to provide FAPE. (FBA/BIP development/review not required but a good practice.)

### **C. Statutory Protections for Pupils Not Yet Identified as Eligible for Special Education.**

1. Basis of Knowledge: A pupil not yet identified as eligible for special education may assert statutory protections of a special education student if district had a basis for “knowledge” of a pupil’s disability *before* the behavior precipitating disciplinary action occurred.
2. District is deemed to have knowledge of a disability if *before* the behavior occurred:
  - a. In writing parent expressed concern to supervisors/teachers that student needs special education/related services;
  - b. Parent requested a special education evaluation; or
  - c. Teacher or other district personnel expressed specific concerns about a “pattern of behavior” to the special education director or other supervisory personnel. (34 CFR 300.534(b).)
3. Exceptions to deemed knowledge:
  - a. Parent has not allowed an evaluation;
  - b. Parent has refused services; and
  - c. Pupil has been evaluated and determined not eligible. (34 CFR 300.534(c).)
5. If no “Basis of Knowledge” exists, pupil may be subjected to disciplinary action in accordance with laws applicable to general education pupils.
6. If “Basis of Knowledge” exists, proceed with evaluation, development of IEP and provide services in accordance with usual IEP process. Do not proceed with disciplinary action.
6. Parent requests for evaluation while disciplinary action is pending. If district did not have basis of knowledge at time of request, district:

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<sup>5</sup> Any “weapon, device, instrument, material, or substance, animate or inanimate, that is readily used for, or is capable of, causing death or serious bodily injury....” Weapon does not include a pocket knife with a blade of less than 2.5 inches in length. (18 USC 930(g)(2).)

<sup>6</sup> “Serious bodily injury” means substantial risk of death, extreme physical pain, protracted/obvious disfigurement, or protracted loss or impairment of function of bodily member, organ, or mental faculty. (18 USC 1365(h)(3).)

- a. May stop disciplinary action, but not required.
- b. Complete an “expedited” special education evaluation.
- c. Upon completion of evaluation, notice and convene IEP meeting to determine eligibility.
  - i. If eligible, develop IEP and provide services. **May continue with discipline, but proceed with caution.**
  - ii. If not eligible, parent may seek special education due process hearing to dispute eligibility determination. Discipline process may proceed.
- d. During evaluation, pupil to remain in placement determined by district (which may be suspension/expulsion without services). (34 CFR 300.534(d)).



## APPENDIX D: DISTRICT REHABILITATION PLAN

### REHABILITATION PLAN

Student: \_\_\_\_\_

The above-named student is provided this Rehabilitation Plan pursuant to Education Code section 48916. Section 48916 provides, in pertinent part, "the governing board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs."

#### **Academic Performance**

\_\_\_\_\_ Student shall be enrolled in an accredited/approved alternative education placement offering at least a core curriculum of Language Arts, Math, Social Studies, and Science for grade \_\_\_\_\_.

\_\_\_\_\_ Student must complete \_\_\_\_\_ credits toward high school graduation during the semester/year enrolled in an accredited alternative education placement.

\_\_\_\_\_ Student must maintain a minimum 2.0 GPA in all courses taken toward high school graduation.

#### **Tutoring**

\_\_\_\_\_ To meet grade level performance standards, it is *recommended* that student participate in a reading/math/study skills improvement program.

#### **Attendance**

\_\_\_\_\_ Student shall maintain a 95% actual attendance rate for the semester/year enrolled in an accredited education placement.

\_\_\_\_\_ Any unexcused absence shall be regarded as a violation of the Rehabilitation Plan.

\_\_\_\_\_ Any tardiness or period cut shall be regarded as a violation of the Rehabilitation Plan.

\_\_\_\_\_ Truancy (3 or more unexcused absences) shall be regarded as a violation of the Rehabilitation Plan.

## Behavior

- \_\_\_\_\_ Student shall comply with all state laws and all disciplinary rules and regulations of the District.
- \_\_\_\_\_ Student shall remain away from all \_\_\_\_\_ School District school grounds and activities including all after school and weekend school and sports activities. Student's presence on school grounds shall be deemed trespassing and reported to the police. Noncompliance shall be regarded as a violation of the Rehabilitation Plan.
- \_\_\_\_\_ Student shall not contact or approach any \_\_\_\_\_ School District student or employee on their way to and from school. Noncompliance shall be regarded as a violation of the Rehabilitation Plan.
- \_\_\_\_\_ Student shall not engage in gang activity or display evidence of gang affiliation including, but not limited to, tattoos, colors, or insignia. Student shall not participate in any gang-related behavior including, but not limited to, tagging, on or off school grounds.

## Counseling

- \_\_\_\_\_ To address anger management and defiance of authority concerns, it is *recommended* that student enroll in and successfully complete a counseling program conducted by a licensed counseling agency, MFCC psychologist, social worker, or other appropriate counselor/advisor selected by Parent(s).
- \_\_\_\_\_ It is *recommended* that student and his/her family enroll in and successfully complete a gang intervention counseling/diversion program.
- \_\_\_\_\_ It is *recommended* that student and his/her family enroll in and successfully complete an alcohol/drug rehabilitation program.
- \_\_\_\_\_ It is *recommended* that student and his/her family enroll in and successfully complete family maintenance program including counseling and parent education.
- \_\_\_\_\_ It is *recommended* that student and his/her family enroll in and successfully complete a domestic violence/child abuse intervention program.

## Community Service

- \_\_\_\_\_ No later than the last day of the Expulsion Period, Student shall successfully complete a minimum of \_\_\_\_\_ hours Community Service for a program or agency to be identified by Student no later than \_\_\_\_\_, 20\_\_\_\_. The program or agency shall be subject to the approval of the Superintendent or Superintendent's designee. The community service work shall not involve drugs, alcohol, or any other substance or activity that is inappropriate for minors.

## APPENDIX E: COMMUNITY SCHOOL REFERRAL INSTRUCTIONS

{Date}

Dear District Administrator;

This memo is intended to help and clarify the process for your school or district to complete your referral to Community School.

- We can usually screen complete referrals that we receive before Friday on the following Tuesday. Screening meetings for incoming referrals are held every Tuesday afternoon. This is a meeting for our staff and administrators, not for the students and their parents, to review all incoming referrals.
- Please completely fill out the referral form, including whether or not student has an IEP, 504, or is an English Learner.
- If student has an IEP, the referring school must schedule a Transition IEP meeting and invite one of our resource teachers to attend. This must be done **prior to screening**. We cannot accept a student with an IEP who has not had a meeting with one of our resource teachers present. This allows the parent to be informed about community school and decide if they want their child to attend one of our schools, in addition to allowing our staff to review the appropriateness of placement.
- After we receive the completely filled out referral, we will send you a request for records. This includes sending us a faxed copy of their current transcript, immunization records, and expulsion report (if applicable). Then mail or courier the following records requested:
  - The student's cumulative record, including:
    - SBAC Scores
    - Evidence of TDAP
    - SARB Minutes (if applicable)
  - Special Education File (if applicable)
  - English Learner File & CELDT Scores (if applicable)
  - IEP or 504 (if applicable)
  - Copy of Transition IEP (scheduled with a Community School Representative)

These items **must be received prior to screening**.

- Students must remain enrolled and attend their school of residence until community school informs you of their enrollment. Typical time from referral to enrollment is one week **if** the referral is complete, cumulative file is received, immunizations are current, and prior meetings have been held.

## APPENDIX F: COMMUNITY SCHOOL REFERRAL

### **Community School Referral 2017-2018**

PROBATION AND CHILD WELFARE: Please notify the school district of this referral. Please complete this referral and submit all required documentation. **INCOMPLETE REFERRALS WILL NOT BE PROCESSED.**

Date: \_\_\_\_\_ Student Name: \_\_\_\_\_

DOB \_\_\_\_\_

Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Ethnicity/Race: \_\_\_\_\_

Parents/Guardians: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_

\_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Numbers: Home: \_\_\_\_\_ Work: \_\_\_\_\_

Cell: \_\_\_\_\_

Last/current school of attendance: \_\_\_\_\_ Grade: \_\_\_\_\_

Current # Credits: \_\_\_\_\_

SSID# (10 digits): \_\_\_\_\_ **Eligible for:** \_\_\_\_\_ AB167

(FY) \_\_\_\_\_ AB1806 (HY)

Immunizations Current? Y \_\_\_\_\_ / N \_\_\_\_\_ If not, what is needed: \_\_\_\_\_

### **PRIMARY REASON(S) FOR REFERRAL:**

\_\_\_ Expulsion. **PLEASE** attach Expulsion Paperwork and rehabilitation plan.

\_\_\_ Upon the recommendation of the SARB board (**PLEASE** include SARB paperwork); or by DOR.

\_\_\_ On probation and/or not in attendance in any school.

### **SPECIFIC AREAS OF CONCERN/REASONS FOR REFERRAL:**

**ACTIVE IEP?** \_\_\_\_\_ Y \_\_\_\_\_ N Date of Last IEP: \_\_\_\_\_ Last Triennial: \_\_\_\_\_

Qualifier(s): Indicate Disability Primary: \_\_\_\_\_

Secondary: \_\_\_\_\_ Behavior Plan: \_\_\_\_\_ Y \_\_\_\_\_ N

FBA: \_\_\_\_\_ Y \_\_\_\_\_ N

SPED contact person for the DOR: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**\*\* See procedures for referrals of students with IEP's\*\***

**ACTIVE 504?** \_\_\_\_\_ Y \_\_\_\_\_ N Date: \_\_\_\_\_ (If Yes, please attach copy of 504.)

**Check One:** \_\_\_\_\_ Native English Speaker \_\_\_\_\_ English Learner \_\_\_\_\_ Reclassified English Learner

– Date RFEP \_\_\_\_\_

**Additional Agencies involved with Student/Family:** \_\_\_\_\_ CWS \_\_\_\_\_ Tribal:

\_\_\_\_\_ Other: \_\_\_\_\_

**REFERRED BY:** School Representative:

\_\_\_\_\_ District: \_\_\_\_\_

Probation : \_\_\_\_\_

Parent: \_\_\_\_\_

**NUMBER OF SUSPENSIONS THIS SCHOOL YEAR (INCLUDING OFFENSE):**

**1**

**2**

**3**

**ADD'L**

**SUMMARY OF INTERVENTIONS TRIED** (please include reasons why interventions were not successful):

**PLEASE SEND THE ORIGINAL REFERRAL AND THE FOLLOWING MATERIALS TO:**

HCOE Community Schools Registrar  
**applicable):**  
C/O Educational Resource Center  
1820 6<sup>th</sup> St.  
Eureka, CA 95501  
FAX: (707) 445-7071  
Email: ccarter@hcoe.org

**PLEASE INCLUDE ALL OF THE FOLLOWING (\*if**

- Cumulative File
- Current Transcript and/or grade cards
- 504 Plan\*
- Last IEP and Triennial to include Psych Evaluation\*
- Manifest Determination\*
- If behaviors are primarily externalizing please include FBA and PBIP\*
- Expulsion Paperwork\*
- English Learner file\*
- Immunization Records
- CAASPP scores
- Attendance/Behavior Records



## APPENDIX G: DISTRICT SURVEY RESULTS

What practices has your district had in place, or recently implemented, to minimize suspension and expulsion rates?	Does your discipline policy reflect the practices in #1 to include restorative and inclusive practices to respond to suspensions and expulsions?	What procedures has your district developed to support students returning to school after they have been expelled or suspended?	What needs are currently unmet in the county for students who have been expelled?	What strategies is your district using to prevent a disproportionate number of minority students from being suspended or expelled? (i.e. cultural awareness training for staff, restorative practices, etc.)	Do you have access to behavior/discipline data that helps inform preventative interventions to reduce incidents requiring disciplinary action?
PBIS/Restorative Practices/ Counseling/ Friendship Groups/PO for Staff	Yes	Re-entry meeting/ Conference w/Student	A place for middle schoolers (?) SDC placements - how to meet that need?	Trauma informed teaching practices/cultural awareness training	Yes/SEVIS & Aeries
No Expulsions/ Suspensions Nothing Implemented	Yes	n/a	unknown	n/a - no suspensions/expulsions and no minority students	If needed yes, all disciplinary actions (formal) are logged on a separate calendar/log
Response Classroom/ PBIS	Yes	Students meet w/ principal and teacher to discuss and plan, counseling when appropriate	No expulsions so not familiar with what students need	Responsive classroom (explicit instruction and positive feedback)	Yes, track students behavior

What practices has your district had in place, or recently implemented, to minimize suspension and expulsion rates?	Does your discipline policy reflect the practices in #1 to include restorative and inclusive practices to respond to suspensions and expulsions?	What procedures has your district developed to support students returning to school after they have been expelled or suspended?	What needs are currently unmet in the county for students who have been expelled?	What strategies is your district using to prevent a disproportionate number of minority students from being suspended or expelled? (i.e. cultural awareness training for staff, restorative practices, etc.)	Do you have access to behavior/discipline data that helps inform preventative interventions to reduce incidents requiring disciplinary action?
Intervention	Yes	Intervention with Principal and School Psychologist, follow-up with diversion counselors at Arcata PD	Currently no real alternative settings for students in middle school	Recommend the Parent Project to families, offer assistance with drug and alcohol prevention counseling, restorative practices available, individual positive incentives, alternatives to suspension, cultural awareness discussion and training	Yes
MTSS/PBIS Training in Restorative Practices	Yes	-	n/a	n/a	PBIS/MTSS
Developed Alternatives to Suspension Matrix/ISS Program/PBIS and Restorative Practices	Yes	Behavior contract, healing/harm circles/ Restorative chats	Options for accessing academic support/mental and family health services	Culturally relevant teaching P.D. through AVIO for secondary students	PBIS/Behavior data
Restorative Practices Training	Not sure - will review	-	-	Restorative Practices	Teachers trace referrals to office for documentation antecedent/ resolution

What practices has your district had in place, or recently implemented, to minimize suspension and expulsion rates?	Does your discipline policy reflect the practices in #1 to include restorative and inclusive practices to respond to suspensions and expulsions?	What procedures has your district developed to support students returning to school after they have been expelled or suspended?	What needs are currently unmet in the county for students who have been expelled?	What strategies is your district using to prevent a disproportionate number of minority students from being suspended or expelled? (i.e. cultural awareness training for staff, restorative practices, etc.)	Do you have access to behavior/discipline data that helps inform preventative interventions to reduce incidents requiring disciplinary action?
No expulsions/suspensions Nothing Implemented	Restorative Practices	n/a	Counseling/ Mental Health Services	n/a	Office referrals
Restorative Practices/TLC	Yes	Contact with students support counselors	-	Community building strategies	No
Second Step/Part time Counselor	Yes	Student, Teacher, Parent, Principal meeting	n/a	n/a	n/a
PBIS/RP training	Yes	Re-entry meeting with students	Alternative placements	Restorative Practices, Restorative Circles, morning meetings, community building	Yes
PBIS	Yes	In Progress	n/a	Restorative Practices	Yes
Restorative Practices/ Alternatives such as Community Service/Writing apology notes	It will	Meet with students	n/a	Cultural training, implicit bias training, restorative practices	SWIS/PBIS monthly meetings
Change of placement	Yes	n/a	None	Cultural awareness, psychological training for staff	Yes

## APPENDIX G: KEY TERMS

**COUNTY COMMUNITY SCHOOL:** Refers to an educational program offered by the county office of education under authority of Education Code Section 1980 (c). County community schools are optional programs.

**DISTRICT COMMUNITY DAY SCHOOL:** Refers to an educational program offered by a local school district in accordance with Education Code Section 48660 et seq. District community day schools are optional programs.

**EXPULSION:** Expulsion means removal of a pupil from the immediate supervision and control, or the general supervision, of school personnel, as those terms are used in Education Code Section 48900. In accordance with law, certain infractions require a board to expel a student while other infractions are optional in this regard. Please see the appendix for a more thorough discussion of the criteria for suspension/expulsion from school.

**EXPULSION ORDER:** Refers to the specific action of the governing board of a local school district to remove a pupil from attendance. Only a governing board can expel a student under authority described in Education Code Section 48918 (j).

**INDEPENDENT STUDY:** Describes an instructional approach wherein an individualized program (plan) of study is created for a student with most of the instruction occurring at home, or in the community, and not under the direct supervision of a credentialed teacher. Many independent study programs require as little as one hour of direct instruction per week with the remaining time in student self-directed study. Independent study programs are optional and, if authorized under local board policy, require parent and student approval before being utilized.

**REHABILITATION PLAN:** Refers to the required component within any order of expulsion that requires the board to describe a plan for rehabilitation for the expelled pupil. That plan may include, but is not limited to: a) periodic review and assessment at the time of review for readmission; b) recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and/or other rehabilitation programs; and c) with parent/guardian consent, enrollment in a county-supported drug rehabilitation program if the offense was related to controlled substances as defined in Sections 11054 to 11058, inclusive, of the Health and Safety Code, or alcohol. (Reference Education Code Section 48916.5).

**SUSPENDED EXPULSION:** Refers to an action by the governing board to suspend their order of expulsion under certain conditions mutually agreed to by the student, the parent/guardian, and the board. A suspended expulsion plan typically requires the student to maintain appropriate behavior and positive attendance/academic progress during what would have been the term of expulsion. The penalty for failing to adhere to such terms and conditions automatically voids the suspension and results in the original expulsion order being implemented without further review by the board. Only those expulsions for behaviors considered "less serious" may be considered for possible suspension.