



**SHASTA**  
COUNTY OFFICE OF  
EDUCATION

Countywide Plan for  
Expelled & SARB'ed Youth



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# EDUCATIONAL SERVICES PLAN for Expelled & SARB'ed Youth

2015-2018

Shasta County Superintendent of Schools  
Thomas A. Armelino

Developed February 2015

# Districts of Service

Anderson Union High School District  
Bella Vista Elementary School District  
Black Butte Union School District  
Cascade Elementary School District  
Castle Rock Elementary School District  
Columbia Elementary School District  
Cottonwood Elementary School District  
Enterprise Elementary School District  
Fall River Joint Unified School District  
French Gulch-Whiskeytown Union Elementary School District  
Gateway Unified School District  
Grant Elementary School District  
Happy Valley Union School District  
Igo-Ono-Platina School District  
Indian Springs Elementary School District  
Junction Elementary School District  
Millville Elementary School District  
Mountain Union School District  
North Cow Creek School District  
Oak Run Elementary School District  
Pacheco Union School District  
Redding School District  
Shasta Union Elementary School District  
Shasta Union High School District  
Whitmore Elementary School District

## Program Overview

Education Code 48926 requires each County Superintendent, operating County Community Schools (CCS) to develop, in conjunction with school district superintendents, a countywide plan for providing educational services to all expelled students in the county. The plan must be adopted by each school district's governing board and by the County Board of Education. Educational programs established to serve expelled students may be provided by the school district, the County Superintendent of Schools, or in joint agreement of the County Superintendent of Schools.

Chapter 974, Section 8 was enacted into law in 1995 as a result of passage of Assembly Bill 922, Friedman. Section 48926 requires the development of a plan for providing education services to all expelled students. The text of that section reads:

"Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan for providing education services to all expelled pupils in that county. The plan shall be adopted by the government board of each school district within the county and by the county board of education.

The plan shall enumerate existing educational alternatives for expelled pupils; identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to 48916.1, on June 30th thereafter."

# Referral Process

## **Expulsion**

Education Codes 48900, 48900.2, 48900.3, 48900.4, 48900.7, 48915 describe the offenses that may or shall result in the suspension or expulsion of a student from his/her school of attendance. Education Code 48916.1 requires the governing board of the expelling district to ensure that an educational program is provided to the expelled pupil for the duration of the expulsion. Additionally, the district of residence maintains the responsibility for developing a rehabilitation plan (see below) for the expelled student and referring the student to an appropriate educational setting. Part of this plan will include a review of the district rehabilitation directives to be completed prior to readmission to the school district of residence.

When the District determines that an educational option does not exist within the District for a grade 9 through 12 expelled student, the District may refer the student to the Shasta County Schools Community Program. The County will review the rehabilitation plan and develop an Individual Learning and Career Plan (see appendix) for each student based on his or her individual needs and circumstances. Placement will then be made to the Shasta County Office of Education's Community School.

Staff from the County Superintendent's Office, in conjunction with the County Probation Department and the referring school district, will collaboratively develop alternate strategies for those Community School students who have difficulty meeting the terms of their plan or who continue to pose a danger to other students.

## **How do we support students returning from expulsions?**

Transition support for students include an exit meeting with school-based staff; review of strategies designed to assist student in avoiding at-risk behaviors; a caring adult mentor established as the point of contact; check-in services and counselor access are all available to students who have transferred back to their comprehensive programs.

MOU Contract for placement

# Analysis of Placement Options

## 2012 Analysis

Gap	Recommendation	Progress
<p>There are students who are “released” from Charter Schools who do not re-enroll in their District of Residence. Districts do not consistently receive information when a student is released from a Charter School alerting them to their responsibility to serve the student.</p>	<p>Meet with the Charter Council to establish a standardized method of notification to districts of residence when a student is disenrolled from a Charter School. This notification will serve to notify the district of residence of the resumption of the responsibly to provide an appropriate educational placement to the student.</p>	<p>Some progress has been made on this, but this continues to be an area of concern.</p>
<p>There are informal arrangements between districts to serve one another’s students due to behavioral or other concerns. While these arrangements have been working well, they have not been formalized.</p>	<p>Create formalized agreements between those districts sharing services to at-risk students, defining the guidelines and procedures for placing and exiting students for both the sending and receiving district. This will allow the practice to continue should there be personnel changes.</p>	<p>Formal agreements have been established between some districts. These agreements are executed when there is space in a program. If there is no space, this continues to be of concern for some districts.</p>
<p>There is the potential for a student attending a school under an inter-district agreement to have the inter-district revoked with no additional consequences should the student commit an expellable offense.</p>	<p>There was agreement among the Superintendents that should a student on an inter-district agreement commit an expellable offense, the district in which that offense occurred will hold a SARB or expulsion hearing, as appropriate, which will follow the student when returned to his or her District of Residence.</p>	<p>There has been progress in this area, with expulsion hearings occurring. The concern still exists that once expelled, the inter-district transfer is revoked and programming responsibility returns to the district of residence.</p>
<p>Students who live in the remote areas of Shasta County are unable to access the services of the County Community School due to transportation issues.</p>	<p>As there are few viable options for arranging transportation to the County Community School, it is recommended districts collaborate to the extent possible to provide appropriate educational services to SARBed or expelled students. Independent Study may be offered as a program option. Students will only be placed on independent study with parent/student consent.</p>	<p>For remote districts, independent study is employed as an option. Some districts have made arrangements for alternative placements, though transportation costs are a concern.</p>

## 2015 Analysis

Gap	Recommendation	Progress
<p>Services for students in grades 7 and 8 are limited.</p>	<p>Create formalized agreements between those districts sharing services to at-risk students, defining the guidelines and procedures for placing and exiting students for both the sending and receiving district. This will allow the practice to continue should there be personnel changes.</p>	
<p>There was a concern that students on an inter-district transfer, when expelled, has the inter-district transfer revoked.</p>	<p>The student is ultimately the responsibility of the District of Residence.</p>	
<p>Students who live in the remote areas of Shasta County are unable to access the services of the County Community School due to transportation issues.</p>	<p>As there are few viable options for arranging transportation to the County Community School, it is recommended districts collaborate to the extent possible to provide appropriate educational services to SARBed or expelled students. Independent Study may be offered as a program option. Students will only be placed on independent study with parent/student consent.</p>	
<p>There are options for decreasing suspension that districts are not using extensively, specifically parent education and restorative justice.</p>	<p>Through the Instructional Services Department of SCOE and/or SELPA explore the possibility of offering training to districts in alternatives to suspension, specifically in the areas of parent education and restorative justice.</p>	

# Strategies for Decreasing Suspensions to Expulsions

Emerging research indicates that suspension or expulsion are not likely to change the inappropriate behavior of the students involved, nor do they serve to deter other students from engaging in the same behaviors (Skiba, Peterson & Williams, 1999, 1997). Instead, these consequences make the suspended student's academic progress more difficult, and they may increase the likelihood of the student dropping out of school or having other negative outcomes.

As a result, it is recommended that districts examine their school discipline policies with an eye to making them both more effective and less reliant on traditional exclusionary consequences. These changes may also help schools to better serve students with emotional and behavioral disorders. The examples that follow illustrate the kinds of actions that could be built into a school's formal disciplinary code of conduct as part of an array of consequences for inappropriate behavior. Each of these examples has at least some research demonstrating positive behavioral-change outcomes for students, and is an opportunity to maintain or re-engage students in school rather than pushing them out of school.

- **Problem solving/contracting.** Negotiation and problem-solving approaches can be used to assist students in identifying alternative behavior choices. The next step should involve developing a contract that reminds the student to engage in a problem-solving process, and which includes reinforcers for success and consequences for continuing problem behaviors.
- **Restitution.** In-kind restitution (rather than financial restitution, which often falls on the parents) permits the student to help to restore or improve the school environment either by directly addressing the problems caused by the student's behavior (e.g., in cases of vandalism students can work to repair things they damaged), or by having the student improve the school environment more broadly (e.g., picking up trash, washing lockers).
- **Mini-courses or skill modules.** Short courses or self-study modules can be assigned as a disciplinary consequence. These should be on topics related to the student's inappropriate behavior, and should be designed to teach the student to have increased awareness or knowledge about the topic, thus facilitating behavior change. These modules might include readings, videos, workbooks, tests, and oral reports on a range of topics such as alcohol/drug use or abuse, strategies for conflict resolution, anger control strategies, social skills (e.g., getting along with peers, making behavior appropriate for the setting), and appropriate communication skills (e.g., appropriate and inappropriate language, how to express disagreement).
- **Parent involvement/supervision.** Parents should be invited to brainstorm ways they can provide closer supervision or be more involved in their child's schooling. Better communication and more frequent contacts between teachers and parents, as well as coordinated behavior-change approaches, are very useful and could be formalized into a disciplinary consequence.
- **Counseling.** Students may be required to receive additional supports or individual counseling from trained helping professionals (e.g., counselor, school psychologist) focused on problem solving or personal issues interfering with learning.
- **Community service.** Programs that permit the student to perform a required amount of time in supervised community service outside of school hours (e.g., volunteer at another school or an organization) should be created.
- **Behavior monitoring.** Closely monitoring behavior and academic progress (e.g., self-charting of behaviors, feedback sessions for the student) will permit rewards to be provided for successful performance.
- **Coordinated behavior plans.** Creation of a structured, coordinated behavior support plan specific to the student and based on a hypothesis about the function of the target behavior to be reduced should be created. It should focus on increasing desirable behavior, and replacing inappropriate behaviors.
- **Alternative programming.** Provide short- or long-term changes in the student schedule, classes or course content or offer the option of participating in an independent study or work-experience program. Programming should be tailored to student needs, and permit appropriate credit accrual and progress toward graduation. Change of placement or programming must be made by the IEP (Individualized Education Program) team for students with EBD or other disabilities.
- **Appropriate in-school suspension.** In-school suspension should be provided and include academic tutoring, instruction on skill-building related to the student behavior problem (e.g., social skills), and a clearly defined procedure for returning to class contingent on student progress or behavior. The environment should be carefully managed to guard against using in-school suspension as a way to avoid attending classes.

*Impact: Feature Issue on Fostering Success in School and Beyond for Students with Emotional/Behavioral Disorders 18(2).*  
Minneapolis: University of Minnesota, Institute on Community Integration

# Development and Implementation Timeline

<b>DATE</b>	<b>TO BE COMPLETED</b>
<b>December 2014</b>	Initial information to superintendents and Needs Assessment survey distributed.
<b>January 22, 2015</b>	CSA meeting. Return of Needs Assessment by LEAs .
<b>February 26, 2015</b>	CSA meeting. Sharing of survey responses and potential solutions incorporated into first draft of plan.
<b>March 26, 2015</b>	CSA meeting. If needed, review changes as identified at previous meeting. Distribute copy of Board Resolution for approval by LEA Boards of Education/Trustees.
<b>April and May 2015</b>	Local Boards to approve the plan
<b>June 2015</b>	SCOE Board approval
<b>December 2017</b>	Tri-ennial needs survey and plan review
<b>January 2018</b>	CSA meeting. Return of Needs Assessment by LEAs .
<b>February 2018</b>	CSA meeting. Sharing of survey responses and potential solutions incorporated into first draft of plan.
<b>March 2018</b>	CSA meeting. If needed, review changes as identified at previous meeting. Distribute copy of Board Resolution for approval by LEA Boards of Education/Trustees.
<b>April and May 2018</b>	Local Boards to approve the plan

# EXPULSION HEARING COMPLIANCE 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 expulsion was appropriate or, if the pupil requested an extension in writing, 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(a)]
- \_\_\_\_\_ 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) a copy of the disciplinary rules of the district related to the alleged violation;
  - \_\_\_\_\_ d) a notice of the requirements of EC 48915.1;
  - \_\_\_\_\_ e) a notice of the parent's/pupil's right to appear in person or be represented by counsel;
  - \_\_\_\_\_ f) a notice of the right to inspect all documents to be used at the hearing, question witnesses who testify, question evidence presented at the hearing, and present oral and documentary evidence. [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) a pre-expulsion assessment was conducted;
  - \_\_\_\_\_ b) an IEP team met and determined that the misconduct was not caused by, nor was it a direct manifestation of, the pupil's identified disability and that the pupil had been appropriately placed;
  - \_\_\_\_\_ c) all due process hearing and appeals, if initiated pursuant to Section 1415 of Title 20 of the United States Code were completed. EC 58915.5(h)]
- \_\_\_\_\_ 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(k)]
- \_\_\_\_\_ Final action to expel was taken in open board session. [EC 48918(j)]

# EXPULSION HEARING COMPLIANCE CHECKLIST

- \_\_\_\_\_ 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)]
- \_\_\_\_\_ 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 five 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. [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)]

# Additional Information

## **Budgetary Concerns**

Shasta County Office of Education provides a placement option for expelled and SARB'ed youth for students in grades 9 -12. Local Control Funding Formula regulations present the need for Memorandum of Understandings to establish funding mechanisms for the provision of billing and invoicing for services provided.

## **Senate Bill 1111**

SB 1111 presents new challenges for districts to address the educational needs of SARB'ed and Expelled students.

## **LCAP Connections**

Local Control Accountability Plans must address the needs of SARB'ed and Expelled students. Districts need to insure they are conducting sub group analysis, particularly as it relates to suspensions.

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# RECOMMENDED REHABILITATION PLAN

## **REHABILITATION PLAN**

School \_\_\_\_\_ Site \_\_\_\_\_

Student \_\_\_\_\_ DOB \_\_\_\_\_ Grade \_\_\_\_\_

Expulsion Order Effective Dates: \_\_\_\_\_ to \_\_\_\_\_

Reason for Expulsion (Ed. Code violation): \_\_\_\_\_

## **REQUIRED REHABILITATION PLAN ELEMENTS**

Enroll in another school district, community school, or community day school

School Name \_\_\_\_\_

- Periodic review for readmission and/or assessment
- Individual responsible \_\_\_\_\_
- Restricted from school campus/activities
- Schools and conditions \_\_\_\_\_
- Restitution
- Terms \_\_\_\_\_

Other Rehabilitative Programs:

- \_\_\_\_\_
- \_\_\_\_\_

Additional criteria the district requires or will review prior to readmission:

- \_\_\_\_\_
- \_\_\_\_\_

Student will follow all conditions of expulsion and will maintain appropriate behavior and not pose a danger to others to regain admission to \_\_\_\_\_ School District.

\_\_\_\_\_  
Student signature/Date

\_\_\_\_\_  
Parent signature/Date

\_\_\_\_\_  
School signature/Date

## **READMISSION CONFERENCE**

Provisions of Rehabilitation Plan have been met: yes \_\_\_\_/ no \_\_\_\_

\_\_\_\_ Recommend approval of readmission to \_\_\_\_\_

Reason \_\_\_\_\_

\_\_\_\_ Does not recommend approval of readmission to \_\_\_\_\_

Administration recommends the school attend \_\_\_\_\_

\_\_\_\_\_  
Student signature/Date

\_\_\_\_\_  
Parent signature/Date

\_\_\_\_\_  
School Official Signature/Date

# SAMPLE RESOLUTION

Approving the Plan for Providing Educational Services to Expelled/SARBed Youth in Shasta County for 2015-2018

WHEREAS, the mission of the \_\_\_\_\_ District is to provide all students, including those that have been expelled or SARBed, with appropriate educational services;

WHEREAS, California Education Code 48926 requires each County Superintendent of Schools, in conjunction with Superintendents of the School Districts within the County, to develop a plan for providing education serviced to all expelled pupils in that county;

WHEREAS, the Shasta County Superintendent of Schools in conjunction with District Superintendents developed the Plan for Providing Educational Services to Expelled/SARBed Youth in Shasta County for 2015-2018;

WHEREAS, the plan is to be adopted by the governing Board of each school district within the County and by the County Board of Education, and then submitted to the Superintendent of Public Instruction;

WHEREAS, California Education Code Section 48926 further requires that each County Superintendent of School, in conjunction with Superintendents of the School Districts, to submit a triennial update to that plan to the Superintendent of Public Instruction;

NOW, THEREFORE, BE IT RESOLVED, that \_\_\_\_\_

School District Governing Board adopts the triennial update of the Plan for Providing Educational Services to Expelled/SARBed Youth in Shasta County for 2015-2018;

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2015 by the following vote:

\_\_\_\_\_  
Board President, (DISTRICT NAME)

\_\_\_\_\_  
Superintendent, (DISTRICT NAME)

# EDUCATIONAL CODE REFERENCES

## **Education Code 48926**

As required by AB 922 (Chapter 974, Statutes of 1995; E.C. 48926), the County Superintendent, in conjunction with district superintendents, developed a plan for providing education services to all expelled students in the county. The plan was adopted by the governing board of each school district and the County Board of Education. The plan was subsequently submitted to the Superintendent of Public Instruction by the deadline of June 30, 1997.

The plan enumerated existing alternatives for expelled students, identified gaps in educational services to expelled students, and provided strategies for filling those service gaps. The plan also identified alternative placements for students who were expelled and placed in district community day school programs, but who failed to meet the terms and conditions of their rehabilitation plan or posed a danger to other district students.

AB 922 requires the County Superintendent, in conjunction with district superintendents, to submit a triennial update to the plan to the Superintendent of Public Instruction on June 30th thereafter. The first update was due June 30, 2000. This plan reflects the 2012 update.

## **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, but only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.

(b) Notwithstanding any other provision of law, any educational program provided pursuant to subdivision (a) may be operated by the school district, the County Superintendent of Schools, or a consortium of districts or in joint agreement with the County Superintendent of Schools.

(c) Any educational program provided pursuant to subdivision (b) shall not be situated within or on the grounds of the school from which the pupil was expelled.

(d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) shall not be combined or merged with educational programs offered to pupils in any of grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district.

(e) If the pupil who is subject to the expulsion order was expelled from any of grades 7 to 12, inclusive, the school district or the County Superintendent of Schools may offer the pupil who is subject to the expulsion order independent study in order to satisfy the requirement of subdivision (a). In order to offer IAE to a pupil who is subject to an expulsion order and in addition to any other requirements set forth in Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for independent study, the parent or guardian of the pupil and the pupil shall provide the written consent for placement in IAE. A school district or the County Superintendent of Schools shall notify the expelled pupil of the option of classroom instruction pursuant to paragraph (7) of subdivision (c) of Section 51747.

(f) Each school district shall maintain data for reporting to the State Department of Education pertaining to:

- 1) The number of pupils recommended for expulsion
- 2) The grounds for each recommended expulsion
- 3) Whether the pupil was subsequently expelled
- 4) Whether the expulsion order was suspended
- 5) The type of referral made after the expulsion