

Elementary School Districts (continued)

Plans for Expelled Students

Los Altos School District

Plan for Expelled Students

Los Gatos Union School District

Plan for Expelled Students

A JOINT PLAN
BETWEEN
THE LOS GATOS UNION SCHOOL DISTRICT
AND
THE COUNTY OFFICE OF EDUCATION
FOR
THE IMPLEMENTATION OF
EDUCATION CODES 48916.1 AND 48926

Developed by
LOS GATOS UNION SCHOOL DISTRICT

AND
SANTA CLARA COUNTY OFFICE OF EDUCATION

2012

INTRODUCTION PAGE

LOS GATOS UNION SCHOOL DISTRICT PLAN FOR ALTERNATIVE EDUCATIONAL SETTING

Educational programs within Santa Clara County provide opportunities for students who are in need of traditional and/or alternative educational programs. Individual school districts offer a broad spectrum of service and the County Office of Education offers additional options. This combination provides a continuum of alternatives to expelled students.

The district of residence gives a student whose behavior has resulted in expulsion a rehabilitation plan that is designed. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.

LOS GATOS UNION SCHOOL DISTRICT/COUNTY PLAN FOR EXPELLED YOUTH:

Education Code - 48926:

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 governing 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 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 Section 48916.1, on June 30th thereafter.

Education Code - 48916.1

a. At the time of 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.

SANTA CLARA COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

LOS GATOS UNION SCHOOL DISTRICT OVERVIEW

County Existing Educational Alternatives for Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1. Daily educational programs that range from 240-300 minutes per day in Community classrooms;
2. Independent Study program (IS) that require students to complete a minimum of 20 hours of educational product.
3. Specific site names:

Alternative Placement Academy
AED Independent Study
Sunol Community School
Odyssey Community School
Snell Community School
Stonegate Park Community School
Terra Bella Community School

**LOS GATOS UNION SCHOOL DISTRICT EXISTING EDUCATIONAL
ALTERNATIVES FOR EXPELLED YOUTH**

Los Gatos Union School District located within Santa Clara County offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement on the same or different school campus;
2. Suspended expulsion with placement on a different school campus in a neighboring District;
3. Expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program; or
4. Expulsion with referral to a Community Day School Program.

The actual referral to such a placement is made by the District Governing Board to:

Stonegate Community School
Campbell Union School District Community Program

SANTA CLARA COUNTY AND LOS GATOS UNION SCHOOL DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are major gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the Santa Clara COE/Los Gatos Union School District strategy for addressing these gaps.

1. It is possible under Education Code 48916.1a that a student who has been expelled from the Los Gatos Union School District under Education Code 48915 and referred to either a Community Day School or a County operated Community school program could commit another violation of Education Code 48915 and ultimately be referred back to the Los Gatos Union School District.

Santa Clara County/Los Gatos Union School District strategy for addressing this gap:

Los Gatos Union School District has the option to refer to other District/County Community Day Schools if the program is appropriate.

2. Students who have failed their placement in County Community Day School may be referred to other county operated programs. If the student fails this program or commits another expulsion type offense, there may not be any viable alternatives remaining.

Santa Clara County/Los Gatos Union School District strategy for addressing this gap:

1. The Santa Clara Office of Education will continue to provide educational services to those eligible students placed or referred to the Court and Community School/Day Center Program.

2. Los Gatos Union School District will continue to explore existing educational strategies and programs to meet the needs of expelled students.

3. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through eight, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The numbers are growing within the county, but generally are not enough to develop an elementary school program.

Santa Clara County/Los Gatos Union School District strategy for addressing this gap:

Regional program may be developed to reflect geographical or limited numbers.

Itinerant Independent Study program to be developed for grades K-6 by the Santa Clara County Office of Education.

Explore current Ed. Code provisions, which separates K-6 and 7-12 to determine feasibility of grouping K-5 and 6-12.

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

- a. The six (6) hour, or 360-minute day exceeds the required hours for a minimum school day (240 minutes), the required hours for a continuation school day (15 hours per week), and the required hours for students enrolled in various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School program;
- b. Access to the additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding;
- c. The District Community Day School program limits the available instructional strategies which can be used, such as contracted study, which limits the program flexibility required for success;
- d. The separation of students in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult;
- e. Inability to locate on a comprehensive site is a further complication.

District strategy for addressing this gap:

Refer to a County level Student Study Team or SARB to analyze student needs and suggest alternatives.

COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS

For those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan or who pose a danger to other district pupils.

Step I

The School District of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

Step II

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district school, another district program, a district Community Day School Program, or the Santa Clara County Office of Education Community School.

Expelled students who are referred to a Santa Clara County Office of Education Community School, which is a permissive program. An Individual Learning Plan will be developed with the students' parents and COE staff. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail the County-operated program, they are referred back to the district for possible review and re-placement.

Adopted by Los Gatos Union School District Board of Trustees: June 26, 2012

Luther Burbank School District

Plan for Expelled Students

Luther Burbank Plan for Expelled Youth

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need an educational alternative may also access these programs through a District and/or county referral process.

Education Code 48926

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 governing 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, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 489161.1, June 30th.

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 the purpose in the annual Budget Act or other legislation, or both.

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined.

The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School Program will meet the needs of that particular school district. Some school districts use the Santa Clara County Office of Education program as an educational option for those students expelled under a district ‘zero tolerance’ policy, while others use this program as a student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

County Existing Educational Alternatives Available to Expelled Youth

The Santa Clara County office of Education Court and Community School/Day Care Center program offers the following options for expelled youth:

- 1) Daily educational programs that range from 240 to 360 minutes per day in community school classrooms;
- 2) teen parent program
- 3) Specific “nonrestrictive” sites:
 - Calero Community Schools (112 capacity)
 - South County Community School (48 capacity)
 - The Foundry (75 capacity)
 - McKinnon Community School (San Jose)
- 4) Partnership programs:
 - Santa Clara Community School (Santa Clara)
 - Stonegate Community School (Franklin McKinley)

District Existing Educational Alternatives for Expelled Youth

School Districts located within Santa Clara County offer the following options for expelled youth, depending on the specific offense and Education Code violation:

- 1) suspended expulsion with placement on the same school campus;
- 2) suspended expulsion with placement on a different school campus within the District;
- 3) suspended expulsion with placement on District Contracted Study (Independent Study), if the parent agrees;
- 4) expulsion with referral to a District Community Day School program; or
- 5) expulsion with referral to the Santa Clara County office of Education Court and Community School/Day Center Program.

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

There are seven major gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the County/District strategy for addressing these gaps.

1. It is possible under Education Code 48916.1a. that a student would not be expelled. As an example, a student who has been expelled from the District under Education Code 48915 and referred to either a district Community Day School or a County operated Community School program could commit another violation of Education Code 48915 and ultimately be referred back to the original District.
2. Students who have failed their placement in district Community Day Schools may be referred to other district programs or to a county operated Community School. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.
3. Small school districts within Santa Clara County generally expel very few students during the course of a school year; so few students are expelled that having a special class or program for such students, located in each district, is not financially or geographically possible.
4. Students who are expelled by individual small school districts, and by the combined small school districts within Santa Clara County vary as to age, grade level and expulsion offenses. The wide range of age, grade level, and seriousness of offense make it difficult to provide appropriate programs for these districts.
5. There are significant geographical distances between local small districts, thus districts or county operated classroom sites and programs for small districts, thus district or county operated classroom sites and programs for small school districts would require either extensive busing, which is not financially feasible for the county, or parent provided transportation, which is often impossible for the parents.

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

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

- a) the six (6) hour, or 360 minutes, day exceeds the required hours for a minimum school day (240 minutes), the required hours for a continuation school day (15 hours per week), and the required hours for students enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School program;
- b) access to the additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding and requiring additional attendance bookkeeping and record keeping;
- c) the Community Day School program limits the available instructional strategies which can be used, such as a contracted study, which can be used, such as contracted study, which limits the program flexibility required for success;
- d) the separation of students in grades K-6 from students in grades 7-8 also creates boundaries that will be financially and/or geographically difficult;
- e) inability to be located on a comprehensive site is a further complication.

Step 1

The School District of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

Step 2

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district's school or another district program, a district Community Day School Program (if funded), or the Santa Clara County Office of Education Community School.

Expelled students referred to a Santa Clara County Office of Education Community School enter a permissive program. An Individual Learning Plan will be developed with the students' parents and COE staff. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail the County-operated program, they are referred back to the district for possible review and another placement.

Moreland School District

Plan for Expelled Students

A PLAN
BETWEEN
THE MORELAND SCHOOL DISTRICT
AND
THE COUNTY OFFICE OF EDUCATION
FOR
THE IMPLEMENTATION OF
EDUCATION CODES 48916.1 AND 48926

Developed by
Moreland School District
and
Santa Clara County Office of Education
2012

INTRODUCTION PAGE

MORELAND SCHOOL DISTRICT
ALTERNATIVE EDUCATIONAL SETTING

Educational programs within Santa Clara County provide opportunities for students who are in need of traditional and/or alternative educational programs. Individual school districts offer a broad spectrum of services and the County Office of Education offers additional options. This combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.

SANTA CLARA COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

County Existing Educational Alternatives for Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

1. Daily educational programs that range from 240-300 minutes per day in community classrooms;
2. Independent Study program (IS) that requires students to complete a minimum of 20 hours of educational product;
3. A specific site close to the Moreland School District is Stonegate Community School.

**MORELAND DISTRICT EXISTING EDUCATIONAL ALTERNATIVES
FOR EXPELLED YOUTH**

Moreland School District, located within Santa Clara County, offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement on the same or different school campus;
2. Suspended expulsion with placement in the district's alternative program (depending on the offense);
3. Suspended expulsion with placement on a different school campus in a neighboring District;
4. Expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program; or
5. Expulsion with referral to a District Community Day School program.

Actual referral to such a placement is made by the District Governing Board.

SANTA CLARA COUNTY AND MORELAND SCHOOL DISTRICT
GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are a couple of gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the Santa Clara COE/Moreland strategy for addressing these gaps:

1. Student in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through eight, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The numbers are growing within the county, but generally are not enough to develop an elementary school program.

Santa Clara County/Moreland strategy for addressing this gap:

Regional program may be developed to reflect geographical or limited numbers.

Itinerant Independent Study program to be developed for grades K-6.

2. There are not programs and/or equivalent services for special education students who are expelled.

Santa Clara County/Moreland strategy for addressing this gap

Independent Study programs can be developed to meet the specific needs of these students

The district can contract with local organizations to provide these services.

3. The district Community Day School option for expelled students, as described in current California Education Code, is difficult for the local districts to develop due to the following reasons:
 - a. The six (6) hour, or 360 minute day exceeds the required hours for a minimum school day (240 minutes), the required hours for a continuation school day (15 hours per week), and the required hours for students enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School program;
 - b. Access to the additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding;

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

District strategy for addressing this gap:

Refer to a county level Student Study Team or SARB to analyze student needs and suggest alternatives.

MORELAND DISTRICT/COUNTY PLAN FOR EXPELLED YOUTH:

Education Code – 48926:

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 governing 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 other 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, 2012, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

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.

Mountain View Whisman School District

Plan for Expelled Students

INTRODUCTION PAGE

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a district and/or County referral process.

**SANTA CLARA COUNTY/MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT
PLAN FOR EXPELLED YOUTH**

Education Code – 48926

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 country. The plan shall be adopted by the governing board of each school district within the country 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 Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30th thereafter.

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.

DISTRICT EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

Mountain View Whisman School District will offer the following options for expelled youth, depending on the specific offense and Education Code violation:

- 1) suspended expulsion with placement on the same school campus;
- 2) suspended expulsion with placement on a different school campus within the District;
- 3) expulsion with referral to the North County Community Day School program or other Community Day School program operated by a district in Santa Clara County;
- 4) expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program.

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

COUNTY OFFICE OF EDUCATION OVERVIEW

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. Some school districts use the Santa Clara County office of Education program as an educational option for those students expelled under a district “zero tolerance” policy, while others use this program as a student assistance or alternative placement. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT OVERVIEW

County Existing Educational Alternatives Available to Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Center Program offers the following options for expelled youth:

- 1) daily educational programs that range from 240 to 360 minutes per day in community school programs;
- 2) teen parent program
- 3) specific “non-restrictive” sites
 - a. Calero Community School (112 capacity)
 - b. Dixon Community School (32 capacity)
 - c. Escuela Popular (16 capacity)
 - d. Enterprise Academy (16 capacity)
 - e. South County Community School (48 capacity)
 - f. The Foundry (75 capacity)
- 4) Partnership programs
 - a. Advent Community School (Group Home)
 - b. Almaden Community School (Union)
 - c. Cambrian Community School (Cambrian)
 - d. Camden Community School (Priority to Campbell HS District)
 - e. Gilroy Community School (Gilroy)
 - f. North County Community School (Mountain View Whisman SD, Sunnyvale, Cupertino, Fremont HS, Palo Alto, and Los Altos)
 - g. Phoenix (Community School IOOF)
 - h. Ridgemont Community School (Alum Rock)
 - i. Santa Clara Community School (Santa Clara)
 - j. San Jose Community School (San Jose)
 - k. Spangler Community School (Mountain View Whisman, Palo Alto)
 - l. Stonegate Community School (Franklin-McKinley)

COUNTY AND DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are seven major gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the County/District strategy for addressing these gaps:

1. It is possible under Education Code 48916.1 (a) that a student would not be expelled. For example, a student who has been expelled from the District under Education Code 48915 and referred to either a district Community Day School or a County operated Community School program could commit another violation of Education Code 48915 and ultimately be referred back to the original District.

County/District strategy to address this gap:

Districts who have developed a district Community Day School will have the option to refer appropriate students to this program (if funded)

2. Students who have failed their placement in district Community Day Schools may be referred to other district programs or to a county operated Community school. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.

County/District strategy to address this gap:

The Santa Clara County Office of Education will continue to provide educational services to those eligible students placed or referred to the Court and Community School/Day Center program. Districts will continue to use existing educational strategies and programs to meet the needs of expelled students.

3. Small school districts within Santa Clara County generally expel very few students during the course of the school year; so few students are expelled that having a special class or program for such students, located in each district, is not financially or geographically possible.

County/District strategy for addressing this gap:

Regional program may be developed to reflect geographical or limited numbers.

4. Students who are expelled by individual small school districts, and by the combined small school districts within Santa Clara county, vary as to age, grade level, and expulsion offenses. The wide range of age, grade level, and seriousness of offenses makes it difficult to provide appropriate programs for these/these district(s).

County/District strategy for addressing this gap:

Regional program may be developed to reflect geographical or limited numbers. Mountain View Whisman SD contributes funds to guarantee space for their students.

5. There are significant geographical distances between local small districts, thus district or county operated classroom sites/programs for small school districts would require either extensive busing, which is not financially feasible for the county, or parent provided transportation, which is often impossible for the parents.

County/District strategy for addressing this gap:

Regional program may be developed to reflect geographical or limited numbers. Mountain View Whisman SD contributes funds to guarantee space for their students.

6. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The numbers are growing, but generally not enough to develop an elementary school classroom or program.

County/District strategy for addressing this gap:

*Regional program may be developed to reflect geographical or limited numbers.

7. The district Community Day School option for expelled students, as described in current California Education Code, is difficult for the local districts to develop due to the following reasons:
 - a) The six (6) hour, or 360 minute day exceeds the required hours for a minimum school day (240) minutes, the required hours for a continuation school day (15 hours per week), and the required hours for students enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community school programs;
 - b) Access to the additional funding is restricted by having the students complete six hours of hour-by hour attendance accounting in order for the district to receive the additional funding, and requiring additional attendance bookkeeping and record keeping;
 - c) The Community Day school program limits the available instructional strategies which can be used, such as contracted study, which limits the program flexibility required for success;
 - d) The separation of students in grades K-5 from students in grades 6-8 also creates boundaries that will be financially and/or geographically difficult;
 - e) Inability to locate on a comprehensive site is a further complication.

County/District strategy for addressing the gap:

*Develop a Student Study Team to analyze student needs and suggest alternatives; i.e. County operated Community Schools

COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS

(For those expelled students who have been placed in a district community day school but who fail to meet the terms or conditions of their rehabilitation plan who pose a danger to other district pupils)

Step I

The School District of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

Step II

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district school, another district program, a district Community Day School Program, or the Santa Clara County Office of Education Community School.

Expelled students who are referred to a Santa Clara County Office of Education Community School, which is a permissive program. An Individual Learning Plan will be developed with the students, parents, and COE Staff. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail the County-operated program, they are referred back to the district for possible review and re-placement.

Mount Pleasant School District

Plan for Expelled Students

**MT. PLEASANT ELEMENTARY
SCHOOL DISTRICT**

***MT. PLEASANT ELEMENTARY SCHOOL DISTRICT
FOR THE IMPLEMENTATION
OF EDUCATION CODES 48916.1 AND 48926***

Approved on _____

By Mt. Pleasant Board of Education

Board President

and

Superintendent

INTRODUCTION PAGE

Educational programs within Santa Clara County provide numerous opportunities for students who are in need of traditional and/or alternative education programs. While individual school districts offer a broad spectrum of service and the County Office of Education offers additional options, this combination provides a continuum of alternatives to expelled students.

A student whose behavior has resulted in expulsion is given a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined. A student who is simply in need of an educational alternative may also access these programs through a District and/or County referral process.

**MT. PLEASANT SCHOOL DISTRICT
PLAN FOR EXPELLED STUDENTS**

Education Code Section 48926

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 governing 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 Section 48916.1, on June 30 thereafter.

Education Code Section 48916.1

(a) At the time an expulsion of a pupil is ordered, the governing board of a 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.

1. GAPS IN SERVICES PREVIOUSLY IDENTIFIED

County and District Gaps previously identified in the 2009 Plan have been addressed and as such are no longer included in this Plan. Additional regional programs have been opened, more placements for students with disabilities have been provided and programs for younger students have been reviewed. The strategies used and the collaboration efforts of all those involved resulted in successfully addressing the need for more placement opportunities.

2. EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

The Santa Clara County Office of Education Court and Community School/Day Center program offers the following options for expelled youth:

- 1) daily educational programs that meet from 240 to 360 minutes per day in community classrooms;
- 2) specific site names (examples)
 - Stonegate
 - Calero
 - Ridgemont

Mt. Pleasant’s Existing Educational Alternatives for Expelled Youth

School districts located within Santa Clara County offer the following options for expelled youth, depending on the specific offense and Education Code violation:

- 1) suspended expulsion with placement on the same school campus;
- 2) placement on an alternative school campus;
- 3) expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program;
- 4) home instruction when appropriate at the parent’s request.
- 5) independent study is available upon parent’s request under extenuating circumstances

Actual referral to such a placement is made by the District Governing Board, with recommendations from the Director of Student Support Services.

- **COUNTY AND DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES**

There are two major gaps that exist with respect to providing educational services to expelled pupils. Following each gap is the District strategy for addressing these gaps.

1. Few placement options exist for expelled youth in the fifth or sixth grade that are appropriate to their unique needs and do not place them on a campus with High school students.

District strategy for addressing this gap:

- Look to neighboring districts for placement options.

2. Small school districts within Santa Clara County generally expel very few students during the course of a school year; so few students are expelled that having a special class or program for such students, located in each district, is not financially or geographically possible.

County/District strategy for addressing this gap:

- Regional programs have been developed to reflect geographical or limited numbers.

- **Best Practices for Behavioral Interventions**

Mt. Pleasant School District has adopted a positive behavior intervention and supports (PBIS) model at each school site. School sites are actively trying to minimize the number of suspensions leading to expulsions by focusing on universal interventions to address the needs of all students through clear behavioral expectations, explicit teaching of school rules and expectations, systematic supervision, focusing on developing positive relationships with staff, appropriate academic and behavioral interventions, positive reward systems for appropriate behavior and staff development. Viable alternatives to suspension are also being explored.

Practices employed to support students returning from expulsion include, individual meetings with the Director of Student Support Services to review the progress on the student's Rehabilitation Plan, prior to the of the expulsion period, in order to evaluate progress and determine if any assistance is needed to complete the Rehabilitation Plan and return to school. Following the completion of the Rehabilitation Plan a meeting is held between the site administrator, parent and student where the student is given a schedule, any concerns are discussed and the student is provided with adult resources on campus to talk with if there is a problem. The purpose of these meetings is to positively restore the student to the school community.

The District's current data does not reflect a disproportionate representation of minority students being suspended and expelled at this time.

3. COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS

STEP 1

The School District of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

STEP 2

An Individual Learning Plan will be developed with the students' parents and COE staff for those expelled students who are referred to a Santa Clara County Office of Education Community School. Part of this plan may include a goal of returning to the school district of residence after the district expulsion term. If students fail the County operated program, they are referred back to the district for possible review and re-placement.

STEP 3

If a student has not met the conditions of their Rehabilitation Plan, they may be given assistance or alternatives for completion, such as assistance finding a location for completing their assigned community service, if attendance is an issue due to the parent and not the student or they may be provided with an alternative placement at parent request. Expelled students who fail to meet the terms and conditions of the district rehabilitation plan regarding behavior and pose a danger to other students may be referred to a different district program, or a different Santa Clara County Office of Education Community School.

4. Mt. Pleasant School District and The Santa Clara County Office of Education Regional Perspective

The Santa Clara County Office of Education will continue to provide an educational option for expelled students. This program is one that fits in the continuum of educational care as outlined. The philosophy of each individual school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. Some school districts use the Santa Clara County program as an educational option for those students expelled under a district “no-tolerance” policy, while others use this program as a student assistance or placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth. The District and County have developed a responsive referral process with feedback to the District as to the success of students in placement. The current plan for providing services to expelled students has been effective resulting in timely placements of students and appropriate provision of educational services.

Oak Grove School District

Plan for Expelled Students

STUDENTS

Suspension and Expulsion/Due ProcessDefinitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following:

- A. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level
- B. Referral to a certificated employee designated by the principal to advise students
- C. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel.)

Day means a calendar day unless otherwise specifically provided.

School day means a day upon which the schools of the district are in session or weekdays during the summer recess.

Student includes a student's parent/guardian or legal counsel.

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office.

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment.

Notification shall include information about the availability of individual school rules and all district policies and regulations pertaining to student discipline.

Suspension and Expulsion/Due Process (continued)Grounds for Suspension and Expulsion

Students may be subject to suspension or expulsion for committing any of the acts listed below and shall be suspended and/or expelled when so required by law:

- A. Caused, attempted to cause, or threatened to cause physical injury to another person
- B. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (e.g. item of historical or cultural significance brought to school as part of educational project)
- C. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in the Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind
- D. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant
- E. Committed or attempted to commit robbery or extortion
- F. Caused or attempted to cause damage to school property or private property
- G. Stole or attempted to steal school property or private property
- H. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.
- I. Committed an obscene act or engaged in habitual profanity or vulgarity
- J. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5
- K. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties
- L. Knowingly received stolen school property or private property

Suspension and Expulsion/Due Process (continued)

- M. Possessed an imitation firearm, i.e. a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm
- N. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, Penal Code 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4
- O. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that student from being a witness or retaliating against that student for being a witness, or both

Students in grades 4 through 8 are also subject to suspension or recommendation for expulsion for any of the acts listed below:

- P. Unlawfully offered, arranged or negotiated to sell or sold Soma
- Q. Hazing, related to student organizations
- S. Aided or abetted physical injury, causing or attempting to cause physical injury

48900.2 Committed sexual harassment as defined in Education Code 212.5

48900.3 Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 3303

48900.4 Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment

48900.7 Terrorist threats against school official or school property

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, including but not limited to the following circumstances:

- A. While on school grounds
- B. While going to or coming from school
- C. During the lunch period, whether on or off the school campus
- D. During, going to, or coming from a school-sponsored activity

Suspension and Expulsion/Due Process (continued)

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from assigned school activities.

Removal from Class by a Teacher/Parental Attendance

A teacher may suspend any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. A teacher also may refer a student to the principal or designee for consideration of suspension from school.

When removing a student from his/her class, the teacher shall immediately report this action to the principal and send the student to the principal for appropriate action. The student shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal.

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed.

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal.

Pursuant to Board policy, a teacher may provide that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law.

This notice shall also:

- A. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
- B. Describe the legal protections afforded to the parent/guardian as an employee under Labor Code 230.7

Suspension and Expulsion/Due Process (continued)

- C. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
- D. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal, or Principal's Designee

The Superintendent, principal, or principal's designee may suspend a student from a school for not more than five consecutive school days unless the suspension is extended pending expulsion.

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be:

- A. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
- B. Brandishing a knife, as defined in Education Code 48915(g), at another person
- C. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
- D. Committing or attempting to commit a sexual assault or committing a sexual battery as defined under "Grounds for Suspension and Expulsion"
- E. Possessing an explosive

Suspension also may be imposed upon a first offense if the Superintendent, principal or designee determines the student violated items "A" to "E" listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

Informal Conference: Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense.

Suspension and Expulsion/Due Process (continued)

This conference may be omitted if the principal, designee or the Superintendent determines that an emergency situation exists. An "emergency situation" involves a clear and present danger to the lives, safety or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of a conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference will be held as soon as the student is physically able to return to school.

Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior.

A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.

Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension.

This notice shall state the reasons for suspension and the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may also add that state law requires the parent/guardian to respond to such requests without delay.

Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter.

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such conference. The student may not be denied readmission solely because the parent/guardian failed to attend.

Extension of Suspension: If the Board is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision.

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or

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Suspension and Expulsion/Due Process (continued)

parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Principal's Designee" above.

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915.

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by certified mail. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session.

Community Service

In lieu of other disciplinary action as prescribed in this regulation, the Board of Trustees, the Superintendent, a principal, or the principal's designee may require a student to perform community service on the school grounds during nonschool hours. For purposes of this section, "community service" may include, but is not limited to, work performed on school premises in the areas of outdoor beautification, campus betterment, and/or teacher or peer assistance. This provision shall not apply in any instance where suspension or expulsion is required by law, policy, or regulation.

Authority to Expel

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

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AR 5144.1

Suspension and Expulsion/Due Process (continued)

The Board also may order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following:

- A. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
- B. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

Mandatory Recommendation for Expulsion

Unless the principal or Superintendent finds that expulsion is inappropriate due to particular circumstances, the principal, Superintendent or designee shall recommend a student's expulsion for any of the following acts:

- A. Causing serious physical injury to another person, except in self-defense
- B. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
- C. Unlawful possession of any controlled substance, as listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
- D. Robbery or extortion
- E. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

Mandatory Recommendation and Mandatory Expulsion

The principal, Superintendent or designee shall recommend that the Board expel any student found at school or at a school activity to be:

- A. Possessing, as verified by a district employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
- B. Brandishing a knife as defined in Education Code 48915(g) at another person
- C. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
- D. Committing or attempting to commit a sexual assault or committing a sexual battery as defined under "Grounds for Suspension and Expulsion"
- E. Possessing an explosive

Suspension and Expulsion/Due Process (continued)

Upon finding that the student committed any of the above acts, the Board shall expel the student.

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred.

The student is entitled to one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion.

If the Board finds it impractical to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental or emotional needs of a student who is the complaining witness.

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to all the following:

- A. Receive five days' notice of his/her scheduled testimony at the hearing
- B. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies
- C. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending.

Suspension and Expulsion/Due Process (continued)

Written Notice of the Expulsion Hearing

Written notice of the hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include:

- A. The date and place of the hearing
- B. A statement of the specific facts and charges upon which the proposed expulsion is based
- C. A copy of district disciplinary rules which relate to the alleged violation
- D. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a).
- E. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel
- F. The right to inspect and obtain copies of all documents to be used at the hearing
- G. The opportunity to confront and question all witnesses who testify at the hearing
- H. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Conduct of Expulsion Hearing

- A. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session.

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including but not limited to videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television.

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Suspension and Expulsion/Due Process (continued)

- B. **Record of Hearing:** A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.
- C. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11525.

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding.

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below.

- D. **Presentation of Evidence:** While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

Findings of fact shall be based solely on the evidence at the hearing. While no evidence shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

- E. **Testimony by Complaining Witnesses:** The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student:
1. Any complaining witness shall be given five days' notice before being called to testify.

Suspension and Expulsion/Due Process (continued)

2. Any complaining witness shall be entitled to have up to two adult support persons, including but not limited to a parent/guardian or legal counsel, present during his/her testimony.
3. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
4. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
5. If one or both support persons are also witnesses, the hearing shall be conducted according to Penal Code 868.5.
6. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
7. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
 - a. The district shall provide a room separate from the hearing room for the use of the
 - b. At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
 - c. The person conducting the hearing may:
 - (1) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (2) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
 - (3) Permit one of the support persons to accompany the complaining witness to the witness stand

Suspension and Expulsion/Due Process (continued)

- F. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed.
- G. Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled.

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures as apply to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing."

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian.

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order.

The hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year.

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel must be taken by the Board at a public meeting.

Suspension and Expulsion/Due Process (continued)

If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final, and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred.

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include:

- A. Periodic review as well as assessment of the student at the time of review for readmission
- B. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service and other rehabilitative programs

With parental consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

- A. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian
- B. Notice of the right to appeal the expulsion to the County Board of Education
- C. Notice of the alternative educational placement to be provided to the student during the time of expulsion
- D. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1

Suspension and Expulsion/Due Process (continued)

Suspension of Enforcement of the Expulsion

The Board, upon voting to expel a student, may suspend the enforcement of the expulsion order for not more than one calendar year.

When deciding whether to suspend the enforcement of an expulsion, the Board shall take into account the following criteria:

- A. The student's pattern of behavior
- B. The seriousness of the misconduct
- C. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

- A. The Board may, as a condition of the suspension of enforcement, assign the student to a school, class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program.
- B. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
- C. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the district's rules and regulations governing student conduct.
- D. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
- E. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
- F. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.
- G. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education.

Suspension and Expulsion/Due Process (continued)

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision to the County Board of Education. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion action is suspended and the student is placed on probation.

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that meets all the following conditions:

- A. Is appropriately prepared to accommodate students who exhibit discipline problems
- B. Is not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
- C. Is not housed at the school site attended by the student at the time of suspension

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items "E" through "M" and "P" through "R" under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12.

Readmission After Expulsion

Readmission procedures shall be as follows:

- A. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student.
- B. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
- C. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.

Suspension and Expulsion/Due Process (continued)

- D. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
- E. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees.
- F. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
- G. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district.

Maintenance of Records

The Board shall maintain a record of each expulsion, including the cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school.

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district.

Notifications to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245.

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10.

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol, or intoxicants of any kind.

OAK GROVE SCHOOL DISTRICT 17/18
San Jose, California 6/07

AR 5144.1

Suspension and Expulsion/Due Process (continued)

Outcome Data

The Superintendent or designee shall maintain the following data and report such annually to the California Department of Education, using forms supplied by the California Department of Education:

- A. The number of students recommended for expulsion
- B. The grounds for each recommended expulsion
- C. Whether the student was subsequently expelled
- D. Whether the expulsion order was suspended
- E. The type of referral made after the expulsion
- F. The disposition of the student after the end of the expulsion period

Orchard School District

Plan for Expelled Students

County Existing Educational Alternatives Available to Expelled Youth

The Santa Clara County Office of Education Court and Community School/Day Care Center program offers the following options for expelled youth:

1. Daily educational programs that range from 240 to 360 minutes per day in community school classrooms:
2. Teen parent program
3. Specific “nonrestrictive” sites:
 - Calero Community School
 - South County Community School
 - The Foundry School
4. Partnership programs:
 - Advent Community School (group home)
 - Ridgemont Community School (Alum Rock)
 - Santa Clara Community School (Santa Clara)
 - Stonegate Community School (Franklin-McKinley)

District Existing Educational Alternatives for Expelled Youth

School Districts located within Santa Clara County offer the following options for expelled youth, depending on the specific offense and Education Code violation:

1. suspend expulsion with placement on the same school campus;
2. suspend expulsion with placement on a different school campus within the District,
3. suspend expulsion with placement on District Contracted Study (Independent Study), if the parent agrees;
4. expulsion with referral to a District Community Day School program; or
5. expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program.

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

There are seven major gaps that exist in respect to providing education services to expelled pupils. Following each gap is the County/District strategy for addressing these gaps.

1. It is possible under Education Code 48916.1a that a student would not be expelled. As an example, a student who has been expelled from the District under Education 48915 and referred to either a district Community Day School or a County operated Community School program could commit another violation of Education Code 48915 and ultimately be referred back to the original District.
2. Students who have failed their placement in district Community Day Schools may be referred to other district programs or to a county operated Community School. If the student fails the program or commits another expulsion type offense, there may not be any viable alternatives remaining.
3. Small school districts within Santa Clara County generally expel very few students during the course of a school year; so few students are expelled that having a special class or program from such students, located in each district, is not financially or geographically possible.
4. Students who are expelled by individual small school districts, and by the combined small school districts within Santa Clara County vary as to age, grade level and expulsion offenses. The wide range of age, grade level, and seriousness of offense make it difficult to provide appropriate programs for these districts.
5. There are significant geographical distances between local small districts, thus district or county operated classroom sites and programs for small school districts would require either extensive

busing, which is not financially feasible for the county, or parent provided transportation, which is often impossible for the parents.

6. Students in grades one through six who are expelled do not have the same educational options available as do expelled youth who are in grades seven through twelve, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle and high school students. The numbers are growing, but generally are not enough.
7. The district Community Day School option for expelled students, as described in current California Education Code, is difficult for the local districts to develop due to the following reasons:
 - a) the six (6) hour, or 360 minute, day exceeds the required hours for a minimum school day (240 minutes), the required hours for a continuation school day (15 hours per week), and the required hours for students enrolled in the various elementary school programs, and the current 300 minutes used by the Santa Clara County operated Community School program;
 - b) access to the additional funding is restricted by having the student complete six hours of hour-by-hour attendance accounting in order for the district to receive the additional funding, and requiring additional attendance bookkeeping and record keeping;
 - c) the Community Day School program limits the available instructional strategies which can be used, such as contracted study, which limits the program flexibility required for success;
 - d) the separation of students in grades K-6 from students in grades 7-8 also created boundaries that will be financially and/or geographically difficult.;
 - e) inability to locate on a comprehensive site is a further complication.

Step 1

The School District of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

Step 2

Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to a different district's school another district program, a district Community Day School Program (if funded), or the Santa Clara County Office of Education Community School.

Expelled students referred to a Santa Clara County Office of Education Community School enter a permissive program. An Individual Learning Plan will be developed with the students' parents and COE staff. Part of this plan may include a goal of returning to the school district or residence after the district expulsion term. If students fail the County-operated program, they are referred back to the district for possible review and another placement.

Saratoga Union School District

Plan for Expelled Students

SARATOGA UNION SCHOOL DISTRICT
A Plan Between the Santa Clara County Office of Education and the Saratoga Union School District
For the Implementation of Education Codes 48916.1 and 48926

Form completed by Lane Weiss, Superintendent and Diane Smalley, Director of Educational Services

Summary of Plan:

What are the current educational alternatives for expelled pupils?

The County offers the following options for expelled students:

1. Daily educational programs in community classrooms
2. Independent Study Program (IS)
3. Specific Site Names, the closest being Cambrian Community School

Saratoga Union School District offers the following options for expelled students:

1. Suspended expulsion placement on the same or different campus, (in the case of a middle school student, the placement would have to be at the same school since there is only one middle school in the district).
2. Suspended expulsion placement on a different campus in a neighboring district
3. Suspended expulsion placement on a District Contracted Study
4. Expulsion with a referral to either the SCCOE Court or Community School or the Cambrian Community Day School

**Placement referral is made by the District Governing Board.*

What gaps and strategies in educational services in the educational services for expelled pupils?

Gaps in Educational Services	Strategies for Addressing the Gaps
While in the referred placement, a student could commit another violation of Ed Code 48915 and be referred back to SUSD	SUSD has the option to refer to other district/county Community Schools
If students fail in their placement in a County Community Day School and are referred to other County programs and fails in this program, there may not be other options.	SCCOE will continue to provide educational services. SUSD will continue to explore existing educational strategies and programs to meet the student's needs.
SUSD is a small district and it is not financially or geographically possible to offer a special class or program.	A regional program may be developed to reflect the geographical or limited numbers.
The wide range of age, grade level, and seriousness of the offense makes it difficult to provide appropriate programs.	A regional program may be developed to reflect the geographical or limited numbers.
It would not be financially feasible for SUSD to offer transportation over significant geographical distance or ask parents to provide transportation.	A regional program may be developed to reflect the geographical or limited numbers.

Students in younger grades do not have the same educational options as they cannot attend the programs designed for secondary school students.	A regional program may be developed to reflect the geographical or limited numbers.
<p>The Community Day School option is difficult due to:</p> <ul style="list-style-type: none"> --hours exceed the required hours for minimum school day, continuation school day, and various elementary school day --access to additional funding is restricted --limited available instructional strategies and program flexibility --separation of students in grades K-6 from 7-8 students presents financial and geographic difficulty --inability to locate on a comprehensive site 	Develop a Student Study Team to analyze student needs and suggest alternatives

What are our best practices?

While we do not have much experience with expulsions, (in nine years we have only had two expulsions), using a decision-making focus on the academic, social/emotional, and health needs of the student up for expulsion as well as other students' health and safety are in the forefront of our discussions and decision.

Identify alternative placements for students who are placed in community day school programs, but fail to meet the terms and conditions of their rehabilitation plan.

In building a rehabilitation plan, we would consult with outside educational and health agencies as well as utilize the internal resources in our district.

**As we move to expulsion hearings this month, we will consider appropriate revisions to our current plan for expelled youth.*

Sunnyvale School District

Plan for Expelled Students

Sunnyvale

School

District

Plan for Expelled Youth

Carrie Bosco, Director of Special Education and Student Services

Emily Wu, Coordinator of Special Education

Sheila Coli, Staff Secretary, Department of Special Education

SUNNYVALE SCHOOL DISTRICT

PLAN FOR SERVING EXPELLED STUDENTS

IMPLEMENTATION

Of

EDUCATION CODES

48926

And

48916.1

Developed by

Sunnyvale School District

2012

Board approved: June 7, 2012

Why is this plan being developed?

1. Education Code 48926 requires:
 - (a) each District and the County Office of Education develop a plan for providing education services to all expelled pupils,
 - (b) adoption of the plan by the district's governing board,
 - (c) adoption of the plan by the county office of education governing board.

2. The required plan must:
 - (a) identify existing educational alternatives for expelled pupils,
 - (c) identify gaps in educational services to expelled pupils,
 - (d) identify strategies for filling service gaps,
 - * fail to succeed in Community Day School Programs
 - * fail to meet the terms and conditions of their rehabilitation plan
 - * pose a danger to other district pupils

3. The County Superintendent of Schools is required to submit the plan to the State Superintendent of Schools by June 30, 2012 and update the plan every three years.

EXISTING EDUCATIONAL ALTERNATIVES FOR
EXPELLED STUDENTS

Sunnyvale School District

District Existing Education Alternatives for Expelled Youth

The Sunnyvale School District offers the following options for expelled youth, depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement on the same school campus within the District
2. Suspended expulsion with placement on a different school campus within the District
3. Suspended expulsion with placement on Independent Study, (if the parent agrees)
4. Expulsion with referral to the Santa Clara Unified Community School Program (grades 6-8)
5. Expulsion with referral to Home Study Program through neighboring school districts
6. Expulsion with placement on home teaching

CURRENT EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

Santa Clara County Office of Education

The Sunnyvale School District will continue to provide educational options for expelled students. Santa Clara Unified Community School program meets the needs of the Sunnyvale School District students who have been expelled. The Santa Clara Unified School District Community School program offers the following:

1. Daily educational programs that meet the 240 – 360 minutes per day in community classrooms
 - (a) including smaller class sizes and a higher staff to student ratio

Sunnyvale School District also refers expelled students to the Santa Clara County Office of Education Alternative School program as appropriate.

Gaps and Strategies in Education Services for Expelled Students and Strategies for filing Those Gaps

There are four major gaps that exist in respect to providing educational services to expelled students. Following each identified gap is the strategy for addressing these gaps:

1. Identified Gap

It is possible under Education Code 48916.1a that a student would not be expelled. As an example, a student who has been expelled from the District under Educational Code 48915 and referred to the County Office Community School program could commit another violation of Education Code 48914 and ultimately be referred back to the Sunnyvale School District.

Strategy for addressing Gap

The Sunnyvale School District continues to collaborate with Santa Clara Unified and neighboring district to participate in a collaborative Community School program thus providing the regional option to refer appropriate students to as needed. (Grades 6-8)

2. Identified Gap

Expelled students, who have failed their placement in the Santa Clara Unified Community School program may be referred to the county operated Community School. If the student fails the program or commits another expellable offense, there may not be any viable alternative remaining.

Strategy for addressing Gap

The Sunnyvale School District will continue to use existing educational strategies and program to meet the needs of expelled students including but not limited to independent study and home schooling. Santa Clara County Office of Education continues to provide educational services to those eligible students placed or referred to the Court and Community School/Day Center Programs and is used as an alternative when the regional collaborative program at Santa Clara Unified is not a viable placement.

3. Identified Gap

Small school districts generally expel very few students during the course of a school year; so few students are expelled, that having a specialized class or program for such students, located in each district, is not financially or geographically possible.

Strategy for Addressing Gap

The Sunnyvale School District has collaborated with Santa Clara Unified School District to provide a regional, educational option.

4. Identified Gap

Students in grades Kindergarten through fifth, who are expelled, do not have the same educational options available as do expelled youth who are in grades six, seven and eight, due to the limited number of students who are expelled in the lower grades. These younger students cannot attend the programs designed for middle and high school students. The number of elementary students is not enough to develop an elementary school classroom or program.

Strategy for Addressing Gap

The Sunnyvale School District will continue to provide alternatives to expulsion such as reassignment to other district schools and home schooling as appropriate.

Best Practices:

- New Task Force created
 - Site level Behavior and Attendance Review Team
 - District level Behavior and Attendance Review Team (DBART)
- Goal of the teams is to look into alternatives for suspensions and expulsions
- Functioning of the teams:
 - Each case is reviewed by the team
 - Based on individual student concerns, individualized interventions are developed
 - Student is monitored to ensure fidelity of intervention implementation
- Composition of DBART team:
 - District and school Administrators
 - School Psychologists
 - Social worker/counselor
- Advantages of creation of the team:
 - Reduction in overall numbers of expelled students

Positive, student-centere

Union School District

Plan for Expelled Students

UNION SCHOOL DISTRICT
Santa Clara County
San Jose, CA

Plan for Expelled Youth

April 2012

Santa Clara County Office of Education Overview/Introduction

Education programs within Santa Clara County provide opportunities for students who are in need of traditional and/or alternative education programs. Individual school districts offer a broad spectrum of service and the County Office of Education offers additional options. This combination provides a continuum of alternatives to expelled students.

The district of residence gives a student whose behavior has resulted in expulsion a rehabilitation plan that supports adherence to good behavior, attendance and grades, and often includes a counseling component. A student who is simply in need of an educational alternative may also access these programs through a district and/or county referral process.

The Santa Clara County Office of Education provides an educational option for expelled students. The philosophy of each school district affects how the Santa Clara County Office of Education Community School program will meet the needs of that particular school district. The Community School is a permissive educational program that provides the local school district with another educational option for their expelled youth.

This report from Union School District, which includes 1 preschool, 6 elementary schools and 2 middle schools (ADA: 5100+), enumerates existing educational alternatives for expelled pupils, identifies gaps in educational services to expelled pupils, and strategies for filling those gaps. The plan identifies alternative placements for pupils who are expelled and placed in community day school program, but fail to meet the terms and conditions of their rehabilitation plan. The plan also outlines USD's commitment to a safe and positive school environment so that all students can learn and be successful.

Union School District (USD) Educational Services to Expelled Students

Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is usually used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, and/or when the students' presence causes a continuing danger to other students. All USD schools offer positive behavior intervention programs for all students. These programs assertively promote good decisions, ethical reasoning, kindness, appreciation of other cultures and community service. School surveys show an increase in student satisfaction and feeling of "connectedness" at school. This increase in student satisfaction in USD attributed to the District's commitment to creating and maintaining a positive, proactive school environment.

USD offers the following options for expelled youth, depending on the specific offense and Education code violations:

1. Suspended expulsion with placement on the same or different school campus within USD;
2. Suspended expulsion with placement on a different school campus in a neighboring district;
3. Stipulated expulsion, with placement at another district school, local school or county office alternative program.
4. Expulsion with referral to a county community day school program or exchange with local school district. Community school programs available to expelled Union School District students:
 - Stonegate Community Park School
 - Community Alternative Program: Independent Study

The District Governing Board reviews the recommendation of the Administrative Hearing Panel and/or Chairperson of the Administrative hearing Panel. The District Governing Board makes the final referral for placement for all expelled students.

Gaps in Educational Services for Expelled Students and Strategies to Address the Gaps.

Typically, expelled USD youth attend a Santa Clara County alternative program. The number of age-appropriate, local alternatives for students is limited. The District is working aggressively to create local, personalized, differentiated programs for expelled youth. Two main gaps are identified and addressed as follows:

Gap #1: Students in grades three through five who are expelled do not have the same educational options available as do expelled youth who are in grades six through eight, due to the limited number of students who are expelled in these lower grades. Students at these grade levels need a more personal, local, family-involved, age-appropriate alternative to support positive academic and social development.

Strategies Implemented to Address Gap: USD is collaborating with local districts to develop a quality program that supports these students, academically, emotionally, and socially. USD is also exploring on-line programs, supported by home instruction. USD is currently investigating opening an alternative program, which would include expelled students from Union School District and several surrounding school districts. Discussion/exploration on-going in Spring 2012 to discuss program and funding, with potential new alternative school opening in Fall 2012. Preliminary site and administrative/budgetary responsibilities are being reviewed.

Gap #2: Students in grades 6-8 need a local school alternative. The current middle school county alternative program is approximately 12 miles from USD and poses transportation difficulties for USD families. In addition, USD seeks to include these students as part of the USD community for closer monitoring, feedback to families, and smoother transition after the expulsion process.

Strategies Implemented to Address Gap: USD is collaborating with local districts to develop a quality program that supports these students, academically, emotionally, and socially, as noted above. USD is also exploring on-line programs, supported by home instruction that provides engagement, differentiation and family involvement/support.

Alternative Placements for Students Who Fail Community Day School Placements

Step 1: The school district of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting and ensuring that an educational program is provided either within or outside of the school district.

Step II: Expelled students who fail to meet the terms and conditions of the district rehabilitation plan may be referred to another district program, a local school district, or a County Community Day School Program.

Expelled students are referred to a Santa Clara County Office of Education (SCCOE) Community School, which is a permissive program. Students attending this program will be given an Individual Learning Plan that is developed with the students' parents and SCCOE staff. Part of this plan may include a goal returning to the school district of residence after the district expulsion term. If students fail the county-operated program, they are referred back to the district for possible review and re-placement.

Summary

A student is expelled in USD for single acts of a grave nature, when other forms of discipline have failed to bring about proper conduct, and/or when the student's presence causes a continuing danger to other students. The grounds for suspension and the process for implementing expulsion are specified in the District's Administrative Regulations and are in accordance with Educational Code 48900 and 48915. USD administration proactively informs all students and parents/guardians of the school's discipline rules and implements character building into curriculum, while promoting a positive, safe school environment for all. Expulsion is only implemented necessary. The District is now seeking ways to collaborate with local districts to provide a personal, localized, age-appropriate, supportive educational alternative for grades 3-8 expelled students.