

14.11

Office of Superintendent of Schools

ITEM REQUIRING ATTENTION - BOARD OF EDUCATION

To the Board of Trustees:

Date: **May 14, 2018**

Subject: Expulsion plan for expelled students between the Santa Clara County Office of Education and the Alum Rock Union Elementary School District for the implementation of Education Codes §489161.1 and §48926

Staff Analysis: 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 services and the County Office of Education offers additional options, this combination provides a continuum to expelled students.

Recommendation: Staff recommends approval of the submitted 2018-2021 Expulsion Plan for expelled students.

May 29, 2018

Submitted by: <u>Norma Flores</u> <i>NF</i>	Title: <u>Director of Student Services</u>
Approved by: <u>Rene Sanchez</u> <i>RS</i>	Title: <u>Assistant Superintendent, Instructional Services</u>

M. Samuel

To the Board of Trustees:	Meeting: May 29, 2018	ARUESD Board Approved <i>5/29/18</i>
Recommend Approval	Special Board Meeting	
<u>14.11</u>	<i>[Signature]</i>	
Agenda Placement	Hilaria Bauer, Ph.D., Superintendent	

<u>DISPOSITION BY BOARD OF TRUSTEES</u>		
Motion by: <u>Kare Marty</u>	Seconded by: <u>Esan R. Herrera</u>	
Approved: <u>4</u>	Not Approved: <u>0</u>	Tabled: _____

1 absent: Dolores Marquez -
Frausto



**THREE YEAR EXPULSION PLAN BETWEEN THE
ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT
&
SANTA CLARA COUNTY OFFICE OF EDUCATION
FOR THE
IMPLEMENTATION
OF
EDUCATION CODE §48916.1 and §48926**

2018-2021

Developed by

**Alum Rock Union Elementary School District
Student Services Department
2930 Gay Ave
San Jose, CA 95127**

INTRODUCTION

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 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 provided a rehabilitation plan designed by Alum Rock Union Elementary School District's Student Services Division. 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 the Alum Rock Union Elementary School District and/or County referral process.

EDUCATION CODES

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; identify gaps in education 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 of 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 that funds are appropriated for this purpose in the annual Budget Act or legislation, or both.

ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT EXISTING PLAN FOR EXPELLED YOUTH

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 240-300 minutes per day in community classrooms.
2. Contracted student programs (Independent Study) that require students to complete 20 hours of educational product.

Alum Rock 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 school campus;
- 2) Suspended expulsion with placement on a different school campus within the district;
- 3) Expulsion with referral and release to the Santa Clara County Office of Education Court and Community School/Day Center Program;
- 4) Placement in another district or charter school, with consent from all parties;
- 5) Expulsion with home instruction if appropriate;
- 6) Expulsion with placement in an NPS if required due to special education IEP needs.

The district's Board of Trustees makes the actual referral to such placement with recommendations from the district's Expulsion Panel.

DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

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

1. It is possible under Education Code §48916.1 (a) that a student would not be expelled. As an example, a student who has been expelled from Alum Rock under Education Code §48915 and referred to either a County operated Community School program could commit another violation of Education Code §48915 and ultimately be referred back to Alum Rock.

District Strategy for addressing this gap:

The status of the student will be reviewed by a District team. If appropriate the student may be referred to another Community School program, District or Home Instruction Program.

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

District strategy for addressing this gap:

Expelled students in grades one through six if appropriate will be transferred to another district elementary school or be transferred to a neighboring district if all parties are in agreement.

COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS

Step I

For 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:

The Alum Rock Union Elementary School District does not operate a Community Day School Program. The Alum Rock School District continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting and ensuring 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, or a Santa Clara County Office of Education Community School:

Expelled students will be 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 student's parents and COE staff. Part of this plan will include a goal for returning to the school district of residence after completing all district terms and conditions.

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete "Plan for Providing Educational Services to all Expelled Students in Santa Clara County." Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

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

repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.
4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serve expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In

addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, psychologist support
 - Character building programs

6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the Alum Rock Union Elementary School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the Alum Rock Union Elementary School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

**THREE YEAR EXPULSION PLAN BETWEEN THE
BERRYESSA UNION SCHOOL DISTRICT
&
SANTA CLARA COUNTY OFFICE of EDUCATION
FOR THE
IMPLEMENTATION
OF
EDUCATION CODES 48916.1 and 48926**

**Developed by
Berryessa Union School District Education Services Department**

**April 23, 2018
Berryessa Union School District – 1376 Piedmont Road
San Jose, CA 95132-2498 (408.923.1830)**

BOARD APPROVED: TBD

INTRODUCTION

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, the combination provides a continuum of alternatives for expelled students.

A Rehabilitation Plan is developed for each student whose behavior has resulted in expulsion. This plan may involve one or more of the options. A student who is simply in need of an educational alternative may also access these programs through a district and/or county referral process.

EDUCATION CODES

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 in 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 superintendent 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 an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided to the pupil who is subject to the expulsion order for the period of the expulsion. Except for pupils expelled pursuant to subdivision (d) of section 48915, the governing board of a school district is required to implement the provisions of this section only to the extent funds are appropriated for this purpose in the annual Budget Act or other legislation, or both.
- (b) Notwithstanding any other provision of law, any educational program provided pursuant to subdivision (a) may be operated by the school district, the county superintendent of schools, or a consortium of districts or in joint agreement with the county superintendent of schools.
- (c) Any educational program provided pursuant to subdivision (b) may not be situated within or on the grounds of the school from which the pupil was expelled.
- (d) If the pupil who is subject to the expulsion order was expelled from any of kindergarten or grades 1 to 6, inclusive, the educational program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of grades 7 to 12 inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district. This subdivision, as it relates to the separation of pupils by grade levels, does not apply to community day schools offering instruction in any of kindergarten and grades 1 to 8, inclusive, and established in accordance with Section 48660.

(e) (1) Each school district shall maintain the following data.

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

(2) The Superintendent may require a school district to report this data as part of the coordinated compliance review. If a school district does not report outcome data as required by this subdivision, the Superintendent may not apportion any further money to the school district pursuant to Section 48664 until the school district is in compliance with this subdivision. Before withholding the apportionment of funds to a school district pursuant to this subdivision, the Superintendent shall give written notice to the governing board of the school district that the school district has failed to report the data required by paragraph (1) and that the district has 30 calendar days from the date of the written notice of noncompliance to report the requested data and thereby avoid the withholding of the apportionment of funds.

(f) If the county superintendent of schools is unable for any reason to serve the expelled pupils of a school district within the county, the governing board of that school district may enter into an agreement with a county superintendent of schools in another county to provide education services for the district's expelled pupils.

BERRYESSA UNION SCHOOL DISTRICT PLAN FOR EXPELLED YOUTH

Existing Educational Alternatives for Expelled Youth

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

1. a suspended expulsion with placement on the same school campus;
2. a suspended expulsion with placement on a different school campus within the district;
3. expulsion with referral to the Santa Clara County Office of Education Community School/Day Center Program;
4. expulsion with home instruction;
5. expulsion with subsequent transfer to another district;
6. expulsion with placement in a Non Public School per an IEP team decision.

The district's Board of Trustees makes actual referral to such a placement with recommendations from the District's Expulsion Panel.

Gaps in Educational Services and Strategies for Filling Those Gaps

There are two major gaps that exist in respect to providing educational services to expelled pupils.

1. It is possible under Education Code 48916.1 that a student would not be expelled. As an example, a student who has been expelled for the district under Education Code 48915 and referred to a county Community Day School or Community School program could commit another violation of Education Code 48915 and ultimately be referred back to the original district.

Berryessa Union School District's strategy for addressing this gap: Student would be placed on full time independent study with SCCOE or another district. If special education needs exist, the IEP team would convene to determine placement for the student in the least restrictive environment.

2. 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 number of younger children being expelled is growing but generally there are not enough of them to develop an elementary school classroom or program.

Berryessa Union School District's strategy for addressing this gap: Students will attend a regional program or be referred to a different elementary school site within the district.

Alternative Placements for Pupils Who Have Been Expelled

The 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 education program is provided either within or outside the school district.

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

Expelled students who are referred to Santa Clara County Office of Education Community School shall develop an Individual Learning Plan with the students' parents and County Office of Education 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 in the county-operated program, they are referred back to the district for review and replacement.

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

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EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

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Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of

instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.
4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small

community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, psychologist support
 - Character building programs

6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the “District Name” School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational

alternative in the “District Name” School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

Cambrian School District

Plan for Expelled Youth
2018-2021

A JOINT PLAN

BETWEEN

THE CAMBRIAN SCHOOL DISTRICT

AND

THE COUNTY OFFICE OF EDUCATION

FOR

THE IMPLEMENTATION OF

EDUCATION CODES 48916.1 AND 48926

Developed by

CAMBRIAN SCHOOL DISTRICT

AND

SANTA CLARA COUNTY OFFICE OF EDUCATION

2018-2021

INTRODUCTION PAGE

CAMBRIAN 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.

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 education 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 education option for their expelled youth.

CAMBRIAN SCHOOL DISTRICT OVERVIEW

County Existing Educational Alternative Schools 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. Teen parent program.
4. Specific site names:

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools*

Osborne Advent

Blue Ridge

Community Schools

Sunol

CAMBRIAN SCHOOL DISTRICT EXISTING EDUCATIONAL ALTERNATIVES
FOR EXPELLED YOUTH

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

1. Suspended expulsion with placement on different school campus within the District;
2. Suspended expulsion with placement on a different school campus on a neighboring District (Union School District), with the Superintendent's or his/her designee's approval;
3. Expulsion with referral to the Santa Clara County Office of Education court and community School/Day Center Program;

Recommendations for expelled students and placement take the following information into consideration:

- The student's age
- The student's academic, attendance and discipline history
- Parental involvement in the student's rehabilitation plan

The decision to place students in an alternative placement and actual referral to such a placement is recommended to the Superintendent by the Director of Student Services. All expulsions must be approved by the Cambrian School District Governing Board and must be aligned to State Education Code and Cambrian School District Board policy.

SANTA CLARA COUNTY AND CAMBRIAN SCHOOL DISTRICT
GAPS AND STRATEGIES IN EDUCATION SERVICES

There are major gaps that exist in respect to providing education services to expelled pupils. Following each gap in the Santa Clara COE/Cambrian strategy for addressing these gaps:

1. It is possible under Education Code 48916.1a that a student who has been expelled from the Cambrian 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 Cambrian District.

Santa Clara County/Cambrian strategy for addressing this gap:

Cambrian 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/Cambrian strategy for addressing 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.

Cambrian 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. The 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 Cambrian strategy for addressing this gap:

- Regional program may be developed to reflect geographical or limited numbers.
- Provide Independent Study Program for grades K-6.

District strategy for addressing this gap:

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

CAMBRIAN DISTRICT/COUNTY PLAN FOR EXPELLED YOUTH

Education code – 68926:

Each county superintendent or schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of the school district 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 education alternative for expelled pupils, identify gaps in education 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 education services to all expelled pupils in the county no later than May 1, 2018, and shall submit a triennial update to the plan to the Superintendent of public Instruction including the outcome data pursuant to Section 48916.1.

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

Campbell Union School District Plan for Expelled Students

**Three-Year Expulsion Plan
Between
Campbell Union School District
And
The Santa Clara County Office of Education
For the implementation of
Education Code 48916.1**

**CAMPBELL UNION SCHOOL DISTRICT
Plan for Educational Alternative Setting**

Educational programs and services within Santa Clara County provide opportunities for all students who are in need of a traditional or an alternative education. While 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 Campbell Union School District. Each plan provides requirements specific to grades, attendance, behavior, counseling and community service. A student who is in need of an educational alternative may access these programs through the Campbell Union School District and/or county referral process.

After the student has completed and met the requirements of the rehabilitation plan, an intake meeting is held with the student and the student's family with the receiving school. High school articulation meetings are conducted for 8th grade students with the Directors of Student Services from the respective high school district.

CAMPBELL UNION SCHOOL DISTRICT
Existing Educational Alternatives For Expelled Youth

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

- Expulsion, suspended order, with placements on the same school campus, Educational Code 48917 (a).
- Expulsion, suspended order, with placement on a different school campus within the District, Educational Code 48917 (a).
- Expulsion with referral to a district community day program, if available, Education Code 48660.
- Expulsion with subsequent transfer to another district
- Expulsion with referral to Santa Clara County Office of Education Alternative Education Department Community School, Education Code 1981.
- Expulsion with referral to the district's Home Based Instruction Program

Recommendations for expelled students and placement take any or all of the following information into consideration:

- The student's age
- The student's academic, attendance and discipline history
- Parental involvement in the student's rehabilitation plan
- The student's programmatic needs (ELL, IEP, 504 Plan, etc.)

The decision to place students in an alternative placement and actual referral to such a placement is recommended to the Superintendent by the Director of Student Services. All expulsions must be approved by the Campbell Union School District Governing Board and must be aligned to State Education Code and Campbell USD Board policy.

CAMPBELL UNION SCHOOL DISTRICT Gaps and Strategies In Educational Services

There are the identified gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the district's strategy for addressing the gaps:

1. Gap:

Students in the elementary setting/grades one through five who are expelled do not have the same educational options available to them as expelled youth who are in the middle school setting/grades five through eighth, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle school students. While the numbers are growing within the county, they are generally not enough to warrant the development of an elementary school program.

Strategy:

Should the need arise, younger student who are expelled, may be provided with a Home Based instructional program.

2. Gap:

The need for mental health services has increased throughout Santa Clara County for school-aged children. A requirement for our expelled youth is to participate in counseling when they are placed in an alternative placement outside of the school district. Some of our students have experienced a delay in counseling services due to a lack of providers at the alternative placement. If the student completes all of the other requirements of the rehabilitation plan, we would not prevent the student from returning due to non-completion of that requirement that was beyond their control. This poses a challenge to the all those involved as we have determined that counseling is a critical piece for students who have been expelled.

Strategy:

We would provide expelled students with counseling services upon their return. Additionally, we will assist families with an outside referral. We have community liaisons available to assist families with the referral process.

3. Gap:

In 2016, our Intervention Opportunity Program was dissolved. Our decision to end the program was due to the expense of operating the program; challenges in finding appropriately trained staff and the length of enrollment for expelled youth. As the program often began with very low enrollment. At the inception of the program, the goal was to support the student's needs for the length of their rehabilitation plan. We found that students were not making progress towards their plan and were not transitioning back to a comprehensive school class within the provided time frame (rehabilitation plan timeline). The quality of the program was dependent upon the staff that was working with the students. We realized that for this program to be successful, a higher level of instruction and social emotional supports would be

necessary. These needs were not fiscally prudent for the number of students supported in the program.

Strategy:

We are working with all schools to align their systems of support to ensure their site's MTSS framework is based on data and responds with support for those students demonstrating challenges. We understand the correlation between academic success and behavior. Our work is centered on supporting the whole student. Our district is currently piloting Data Zone with Santa Clara County Office of Education, which allows sites to easily analyze individual student's academic, attendance, and behavior data for the school year in one system. School sites are able to create focus groups and strategize their supports in a more cohesive and fluid approach. Reviewing all 3 types of data creates opportunities for staff members to more quickly provide appropriate interventions and supports based on the student's needs. Decisions are data-driven and data-focused.

4. Gap:

In the past, we have been able to place students who are serving a suspended expulsion in a school other than their home school. Our challenge this upcoming school year will be the availability of options. We are downsizing from 3 middle schools to 2 middle schools for the 2018-2019 school year. Both middle schools will have student enrollments of over 1,000. The distance between the two middle schools may impact the transportation of students from their home school attendance area to the other school, which could create attendance issues if parents are unwilling and/or unable to transport their child.

Strategy:

As a district we are restructuring how we respond to student needs through our PLC work (Professional Learning Community) and MTSS (Multi-Tiered Systems of Support). We are working with sites to examine current systems of support for academic, behavior and social-emotional needs. Our district leadership team is working with all site administrators to align their systems to respond to needs based on evident data. We are reviewing our behavioral data and working with staff to reduce suspensions. In addition, every school is utilizing the PLC (Professional Learning Community) process to analyze and monitor student learning and progress. Additionally, The PLC process guides our classroom teachers and site administrators through conversations and dialogue around student outcomes. We must know what to address before we move forward. We are exploring professional development opportunities for our administrators to support their work in the area of behavior. We also understand that student engagement is critical and that behavior is often a means of communication. Our job is to ensure that the classroom experience for all students matches their need. When students are engaged, learning increases and suspensions decrease. Some of our teachers are also receiving training to provide culturally responsive classrooms. Additionally, we continue to expand our community-based partnerships to provide students and families with additional socio-emotional supports.

5. Gap:

When students aren't successful at the county's Community Day program, the district is tasked with finding an alternate placement. We have experienced this challenge most recently, in part due to the reduction of programs offered through the County. When alternative placements are not available, the district must hire teachers to provide home based instruction. In the long term, this impacts classroom teachers as their workday is extended. With only one other community day school program in the county managed by a neighboring school district, our school options for expelled students are limited.

Strategy:

We will seek to use our TOSAs (Teacher on Special Assignment) to support with home-based instruction, as their schedule is more flexible than a classroom teacher. We will also explore the option of hiring retired or former teachers to support these students.

Students who are placed in County community day school programs, but fail to meet the terms and conditions of their rehabilitation plan may be offered the following options:

CUSD Home Based Instruction

If there are expelled students who commit subsequent violations, the Director of Student Services, under the direction of the Superintendent, will work with the student's family to develop a revised Rehabilitation plan that includes referrals and agreements with outside public agencies and an internet based academic program that can be completed at home. If the student does not have the appropriate equipment to complete the online program, the district will provide it.

Campbell 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 alternative 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, 2015, 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

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.

SANTA CLARA COUNTY OFFICE OF EDUCATION

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools* (*Placement by non-education agency may be required*)

Osborne

Blue Ridge

Community Schools

Sunol (one location) grades 7-12

Independent Study 7-12

** Placement by non-education agency may be required*

Plan For Providing Educational Services To All Expelled Students In Santa Clara County

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara

County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is

made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all have the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition,

Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available, as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6

cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments has increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
- Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development

- Community liaisons
- Counselors, psychologist support
- Character building programs

6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, and use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the "District Name" School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the "District Name" School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

CAMPBELL UNION SCHOOL DISTRICT- Board Policy 5144.1

Suspension and Expulsion/ Due Process

The Governing Board has established policies and standards of behavior in order to promote learning and protect the safety and well being of all students. Student handbooks will also indicate the reasons and conditions for expulsion and suspension. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. [5144](#) - Discipline)

(cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code [48900.5](#))

(cf. [1020](#) - Youth Services)

(cf. [5144](#) - Discipline)

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or other school district, regardless of when it occurs, including, but not limited to, the following: (Education Code [48900\(s\)](#))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. [5112.5](#) - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

Suspended or expelled students shall be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

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

(cf. [5113](#) - Absences and Excuses)

(cf. [5113.1](#) - Chronic Absence and Truancy)

Except when a student commits an act that violates Education Code [48900](#)(a)-(e) or his/her presence causes a danger to others, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code [48900.5](#))

Except when a student commits an act listed in Education Code [48915](#)(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

(cf. [5131.7](#) - Weapons and Dangerous Instruments)

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 used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code [48915](#))

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be specified in administrative regulation.

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority. It ensures fair and equal treatment of all students and requires that all offenders be punished to the fullest extent allowed by law. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy and administrative regulation as cause for suspension or expulsion.

Zero tolerance requires a mandatory suspension and recommendation for expulsion of students who possess, sell or furnish a firearm, brandish a knife, sell a controlled substance, commit or attempt to commit a sexual assault or sexual battery, or possess an explosive. (Education Code [48915](#))

The Superintendent or designee shall notify staff, students and parents/guardians about the district's zero tolerance policy and the consequences, which may result from student offenses. He/she shall also ensure strict enforcement of this policy.

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and law. (Education Code [48911](#), [48915](#), [48915.5](#))

(cf. [5119](#) - Students Expelled from Other Districts)

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Removal from Class by a Teacher

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code [48900.1](#))

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code [48900.1](#))

Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may require that the student's parent/guardian who lives with the student attend a portion of a school day in that class, to assist in resolving the classroom behavior problems.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code [48900.1](#))

At the meeting with the student's parent/guardian, the principal or designee shall explain the district and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other method that maintains the confidentiality of the student's records.

(cf. [5125](#) - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code [48900.1](#))

On-Campus Suspension Program

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code [48900](#) and [48900.2](#), but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee may establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#))

Decision not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

At the end of each school year, the Superintendent or designee shall present a report to the Board regarding the use of suspension and/or expulsion in district schools. The report shall include, but is not limited to, outcome data, which the district is required by law to collect, and data related to the effect of suspension and/or expulsion on the district's minority student populations or groupings.

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code [48900.8](#) and [48916.1](#), including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

School shall disaggregate the report and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [9320](#) - Meetings and Notices)

Legal Reference:

EDUCATION CODE

[212.5](#) Sexual harassment

[233](#) Hate violence

[1981](#) Enrollment of students in community school

[17292.5](#) Program for expelled students

[32261](#) Interagency School Safety Demonstration Act of 1985

[35145](#) Open board meetings

[35146](#) Closed sessions (regarding suspensions)

[35291](#) Rules (for government and discipline of schools)

[35291.5](#) Rules and procedures on school discipline

[48645.5](#) Readmission; contact with juvenile justice system

[48660-48667](#) Community day schools

[48853.5](#) Foster youth

[48900-48927](#) Suspensions and expulsion

[48950](#) Speech and other communication

[48980](#) Parental notifications

[49073-49079](#) Privacy of student records

[52060-52077](#) Local control and accountability plan

CIVIL CODE

[47](#) Privileged communication

[48.8](#) Defamation liability

CODE OF CIVIL PROCEDURE

[1985-1997](#) Subpoenas; means of production

GOVERNMENT CODE

[11455.20](#) Contempt

[54950-54963](#) Ralph M. Brown Act

HEALTH AND SAFETY CODE

[11014.5](#) Drug paraphernalia

[11053-11058](#) Standards and schedules

LABOR CODE

[230.7](#) Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

[31](#) Principal of a crime, defined

[240](#) Assault defined

[241.2](#) Assault fines

[242](#) Battery defined

[243.2](#) Battery on school property

[243.4](#) Sexual battery

[245](#) Assault with deadly weapon

[245.6](#) Hazing

[261](#) Rape defined

[266c](#) Unlawful sexual intercourse

[286](#) Sodomy defined

[288](#) Lewd or lascivious acts with child under age 14

[288a](#) Oral copulation

[289](#) Penetration of genital or anal openings

[417.27](#) Laser pointers

[422.55](#) Hate crime defined

[422.6](#) Interference with exercise of civil rights

[422.7](#) Aggravating factors for punishment

[422.75](#) Enhanced penalties for hate crimes

[626.2](#) Entry upon campus after written notice of suspension or dismissal without permission

[626.9](#) Gun-Free School Zone Act of 1995

[626.10](#) Dirks, daggers, knives, razors, or stun guns

[868.5](#) Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

[729.6](#) Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

[1415](#)(K) Placement in alternative educational setting

[7151](#) Gun-free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:
<http://www.ed.gov/about/offices/list/osdfs>

Policy CAMPBELL UNION SCHOOL DISTRICT

Adopted: December 17, 1998 Campbell, California

Revised: March 17, 2005

Revised: August 24, 2006

Revised: June 20, 2013

Revised: June 25, 2015

At a meeting held on May 10, 2018, the Campbell Union School District Governing Board approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County for the implementation of Education Code 48916.1.

Cupertino Union School District
Plan for providing Educational Services to Expelled Youth
2018-2021



A Joint Plan Developed
by
The Cupertino Union School District
and
Santa Clara County Office of Education
for
Implementation of Education Codes 48916.1 and 48926
March 13, 2018

For information contact:
Cupertino Union School District
Attn: Debbie Textor
Executive Director, Pupil Services
Email: textor_debbie@cusdk8.org
Website: www.cusdk8.org

Cupertino Union School District Plan

Board Approval

At a meeting held on April 24, 2018, the Cupertino Union School District Board of Education approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County for the implementation of Education Code 48916.1.

Cupertino Union School District Plan

Existing Intervention Programs

- Intervention Strategy Teams (IST)
- Student Success Teams (SST)
- Positive School Climate Programs such as Positive Behavioral Intervention and Supports (PBIS), Project Cornerstone, Recess 101, etc.
- District-wide Student Attendance Review Board (SARB) Process
- Multi-Tiered System of Supports (MTSS) Framework – providing tiered interventions for academics and social/emotional needs

Cupertino Union School District Plan

Existing District Educational Alternatives for Expelled Students

- Expulsion, suspended order, with placements on the same school campus, Educational Code 48917 (a)
- Expulsion, suspended order, with placement on a different school campus within the District, Educational Code 48917 (a)
- Expulsion with referral to a district community day program, if available, Education Code 48660
- Expulsion with subsequent transfer to another district
- Expulsion with referral to the Santa Clara Unified Community Day Program (grades 6-8)
- Expulsion, suspended order, with placement in Independent Study
- Expulsion, suspended order, with placement in Home Study Program

Cupertino Union School District Plan

Gaps and Strategies in Educational Services for Expelled Youth

There are three major gaps that exist to providing education services to expelled students. Following each identified gap is a proposed strategy for addressing each issue.

1. Identified Gap

A student who has been expelled from the District and referred to either a district sponsored program, a neighboring district, or a county office Community Schools Program may commit another expellable violation and be referred back to the district of residence.

Strategy

The Cupertino Union School District will continue to use existing education strategies and programs to meet the needs of expelled students including but not limited to placement in the home study or home/hospital teaching programs. The Santa Clara County of Education will continue to provide education services to those eligible students placed or referred to a Court of Community School Program.

2. Identified Gap

Many school districts expel only a few students during the course of a school year. As a result, having specialized class or program for such students, located in each district, is not financially or geographically possible.

Strategy

The Cupertino Union School District will continue to collaborate with a consortium of districts and the County Office of Education to explore options for developing regional programs to address this issue.

3. Identified Gap

Students in grades one through five who are expelled, do not have the same education options as 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 expelled elementary students is not enough in any one district to develop a special program.

Strategy

Expelled students in grades one through five may be transferred to another district elementary school or may attend the District's Home Study program.

Santa Clara County Office of Education

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California’s school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- *Suspended expulsion with placement at a different district campus (within or outside of the district)*
- *Home teaching*
- *Non-public school placement*
- *District Community Day School*
- *Independent Study Program*

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students’ needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

Countywide Identified Gaps

- 1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings*
- 2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.*
- 3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.*
- 4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to*

start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

5. *Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.*

Evergreen School District

Three-Year Expulsion Plan

Between the

Evergreen School District

and

The Santa Clara County Office of Education

For the implementation of Education Code 48916.1

2018-2021

Approved by ESD Board of Trustees on
4/12/18

Katherine Jones



Evergreen School District

From strong roots grow bright futures

April 12, 2018

To: David Putney, Ed.D.
Director III, Alternative Education
Santa Clara County Office of Education

From: Gary Kishimoto
Director of Pupil Services
Evergreen School District

Re: Three-Year Expulsion Plan Between the Evergreen School District and The Santa Clara
County Office of Education for the implementation of Education Code 48916.1

At a meeting held on April 12, 2018, the Evergreen School District Board of Trustees approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County for the implementation of Education Code 48916.1.

Enclosures: Board agenda and minutes from the board meeting

cc: Kathy Gomez, Superintendent, Evergreen School District

District Office
3188 QUIMBY ROAD
SAN JOSE, CA 95148
PHONE: 408-270-6800
FAX: 408-274-3894
WWW.EESD.ORG

Superintendent: KATHY GOMEZ
Board of Trustees: SYLVIA ALVAREZ
BONNIE MACE
LEILA WELCH
BALAJIVENKATRAMAN
JIM ZITO

- 4.3 Approval of Resolution, Sale of General Obligation Refunding Bonds not to Exceed \$12,000,000
- 4.4 Three-Year Expulsion Plan between the Evergreen School District and The Santa Clara County Office of Education for the implementation of Education Code 48916.1
- 4.5 Parcel Tax Discussion
- 4.6 Approval of Resolution in Support of Participation in 2018 College Day, October 20, 2018
- 4.7 Approval of Resolution declaring May 17, 2018 as Evergreen School District Employees Recognition Day
- 4.8 Approval of Resolution, Adoption of Profile of A Learner

5. REPORTS

- 5.1 Local Control Accountability Plan (LCAP) and Local Educational Agency Plan (LEAP) 2018 Update

6. PERSONNEL

- 6.1 Discussion and/or Action: Job Description: Assistant Superintendent Business Services; Chief Business Officer: The Board will discuss the content of the job description (which may include suggested salary ranges) of this position in conjunction with the hiring process.

7. COMMUNICATIONS

8. FUTURE MEETINGS

- 8.1 May 10, 2018 - Reg Meeting / June 14, 2018 - Reg Meeting

9. INFORMATION ITEMS

10. CLOSED ITEMS

- 10.1 Conference with Labor Negotiators (Government Code section 54947.6), Evergreen School District and Evergreen Teachers Association (ETA). The Board will confer with District labor negotiators

11. REPORT OF ACTION FROM CLOSED SESSION

12. ADJOURNMENT

Any writing that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Trustees distributed less than 72 hours prior to that meeting shall be available for public inspection at the time of distribution to the Board of Trustees in the District Office, 3188 Quimby Road, San Jose, CA 95148 (Amendment to 54956.5) A person with a disability may contact the District Office (408-270-6811) at least 24 hours before the scheduled Board meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public Board meeting.

Closed Session may convene before, after or during the regular meeting. Closed session items may include: Negotiations, Personnel (Certificated, Classified, Management), Expulsions and Litigations.

April 12, 2018 Regular Meeting Board of Trustees, Closed Session after Call to Order at 6:00 p.m., Regular Session starts at 6:30 p.m. (Thursday, April 12, 2018)

Generated by Johanna Villareal on Thursday, April 19, 2018

Meeting called to order at 6:40 PM

1. OPENING ITEMS

Action (Consent): 1.1 Roll Call / Quorum

Members present

Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

Procedural: 1.2 Flag Salute

Carolyn Clark Elementary School students led the flag salute.

Discussion, Information: 1.3 Student Highlights

Gina Fierro, Principal, Carolyn Clark Elementary School, introduced students who participated in Odyssey of the Mind (OOTM). Mrs. Fierro talked about OOTM's goals, accomplishments, and activities. A video presentation was also shown to the Board. The Board expressed their appreciation and congratulated the parents, and students.

Superintendent Gomez also introduced Sergio Hernandez, Teacher, Katherine Smith Elementary School, who is one of five finalists for NBC Sports All Star Teacher Award.

2. MATTERS FROM THE PUBLIC

Information: 2.3 Comments from the Public

Pauline Benton, CSEA President, expressed her opinions on fresh starts, parcel tax, importance of maintaining the Music program in Evergreen, recent Classified PKS and Joint Use Facilities Committee.

Brian Wheatley, ETA President, expressed his opinion on Prop 13, ETA Scholarship Fund and other

Public Comments:

Leslye Lawler, ETA Trust Committee Member, expressed her opinion on the trust.
Robin Caldwell, Teacher and ETA Trust Committee Member, expressed her opinion on the trust.
Merrilee Claverie, ETA Trust Committee Member, expressed her opinion on the trust.
Margaret Hoang, Teacher and ETA Trust Committee Chair, expressed her opinion on the trust.
Kimberly Gurley, Teacher, expressed her opinion on the trust.
Mike Atkins, Teacher, expressed his opinion on the trust.
Jeff Beckley, Teacher, expressed his opinion on the trust.
Ginny Gomez, Community Member, expressed her opinion on Classified PKS, and declining enrollment.
Sharon Jones, Teacher, expressed her opinion on administration and management salary schedule.

3. CONSENT ITEMS (ACTION ITEMS)

Action (Consent), Minutes: 3.1 Approval of Board Meeting Minutes of March 8, 2018
Resolution: It is recommended to approve the March 8, 2018 Board Meeting Minutes as presented.

Action (Consent), Minutes: 3.2 Approval of Special Board Meeting Minutes of March 26, 2018
Resolution: It is recommended to approve the March 26, 2018 Special Board Meeting Minutes as presented.

Action (Consent): 3.3 Approval of Personnel Report
Resolution: It is recommended to approve the Personnel Board Report

Action (Consent): 3.4 Ratification of Contracts
Resolution: It is recommended to ratify contracts from the month of March.

Action (Consent): 3.5 Ratification of March Warrant List
Resolution: It is recommended to ratify March warrant list.

Action (Consent): 3.6 Ratification of Facilities Use Agreements
Resolution: It is recommended to ratify facilities use agreements

Action (Consent): 3.7 Approval of Williams Quarterly Report
Resolution: It is recommended to approve the Williams Quarterly Report.

Action (Consent): 3.8 Approval of Board Policy, Suicide Prevention
Resolution: It is recommended to approve the Board Policy, Suicide Prevention.

Action (Consent): 3.9 Approval of Comprehensive School Safety Plans
 Resolution: It is recommended to approve the school safety plans.

Action (Consent): 3.10 Approval of School Site Plans for Dove Hill, Katherine Smith, Millbrook, Montgomery, Norwood Creek, O.B. Whaley, Silver Oak Elementary Schools, and Quimby Oak Middle School
 Resolution: It is recommended to approve the school site plans for Dove Hill, K. Smith, Millbrook, Montgomery, Norwood Creek, O.B. Whaley, Silver Oak Elementary Schools and Quimby Oak Middle School.

Action (Consent): 3.11 Approval of Consent Items
 Resolution: To approve all consent items Items 3.1 - 3.10

Motion by Leila Welch, second by Balaji Venkatraman.
 Final Resolution: Motion Carries
 Yea: Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

4. ITEMS FOR IMMEDIATE DISCUSSION/ACTION

Action, Discussion, Information: 4.1 First Read and Approval, Board Policy, BP 3470 - Debt Policy

John Palmer, Bond Consultant, and David Olson, Consultant, PFM Financial Services, answered questions from the Board regarding the debt policy.

Motion by Jim Zito, second by Bonnie Mace.
 Resolution: It is recommended to approve the debt policy on May 10, 2018.

Final Resolution: Motion Fails
 Yea: Bonnie Mace, Jim Zito
 Nay: Sylvia Alvarez, Leila Welch, Balaji Venkatraman

Resolution: It is recommended to approve the debt policy today April 12, 2018

Motion by Balaji Venkatraman, second by Leila Welch.
 Final Resolution: Motion Carries
 Yea: Sylvia Alvarez, Leila Welch, Balaji Venkatraman
 Nay: Bonnie Mace, Jim Zito

Action: 4.2 Approval of Resolution, Sale of General Obligation Bonds not to Exceed \$35,000,000
 Resolution: It is recommended to approve the resolution, sale of general obligation bonds not to exceed \$35,000,000.

Motion by Jim Zito, second by Balaji Venkatraman.
 Final Resolution: Motion Carries
 Yea: Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

Action: 4.3 Approval of Resolution, Sale of General Obligation Refunding Bonds not to Exceed \$12,000,000
 Resolution: It is recommended to approve the resolution, sale of general obligation bonds not to exceed \$12,000,000

Motion by Bonnie Mace, second by Jim Zito.
 Final Resolution: Motion Carries
 Yea: Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

Discussion, Information: 4.4 Approval, Three-Year Expulsion Plan between the Evergreen School District and Santa Clara County Office of Education for the implementation of Education Code 48916.1

Resolution: It is recommended to approve the Three Year Expulsion Plan between the Evergreen School District and Santa Clara County Office of Education for the implementation of Education Code 48916.1.

Gary Kishimoto, Director, Pupil Services, recommended for approval, the three-year expulsion plan between Evergreen School District and Santa Clara County Office of Education.

Motion by Leila Welch, second by Jim Zito.
Final Resolution: Motion Carries
Yea: Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

Discussion, Information: 4.5 Parcel Tax Discussion

Action: 4.6 Approval of Resolution in Support of Participation in 2018 College Day, October 20, 2018
 Resolution: It is recommended to approve and support 2018 College Day.

Superintendent Gomez, recommended for approval to support 2018 College Day.

Motion by Leila Welch, second by Bonnie Mace.
 Final Resolution: Motion Carries
 Yea: Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

Action: 4.7 Approval of Resolution declaring May 17, 2018 as Evergreen School District Employees Recognition Day
Resolution: It is recommended to approve May 17, 2018 as ESD Employees Recognition Day.

Superintendent Gomez, recommended for approval, to officially recognize May 17, 2018 as ESD Employee Recognition Day.
Motion by Bonnie Mace, second by Leila Welch.
Final Resolution: Motion Carries
Yea: Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

Action, Discussion, Information: 4.8 Approval of Resolution, Adoption of Profile of A Learner
Resolution: It is recommended to approve the resolution, Adoption of Profile of A Learner.

Dan Deguara, Asst. Superintendent, recommended to approve Adoption of A Learner.

Motion by Bonnie Mace, second by Jim Zito.
Final Resolution: Motion Carries
Yea: Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

5. REPORTS

Discussion, Information: 5.1 Local Control Accountability Plan (LCAP) and Local Educational Agency Plan (LEAP) 2018 Update

Nelly Yang, Chief Business Officer, and Dan Deguara, Assistant Superintendent, presented the LCAP and LEAP update to the Board of Trustees.

6. PERSONNEL

Action, Discussion, Information: 6.1 Discussion and/or Action: Job Description: Assistant Superintendent Business Services; Chief Business Officer: The Board will discuss the content of the job description (which may include suggested salary ranges) of this position in conjunction with the hiring process.
Resolution: It is recommended to revise the job title to Chief Business Officer, everything else on the job description to remain the same.

Motion by Bonnie Mace, second by Leila Welch.
Final Resolution: Motion Carries
Yea: Bonnie Mace, Jim Zito, Sylvia Alvarez, Leila Welch, Balaji Venkatraman

7. COMMUNICATIONS

8. FUTURE MEETINGS

Information: 8.1 May 10, 2018 - Reg Meeting / June 14, 2018 - Reg Meeting

9. INFORMATION ITEMS

10. CLOSED ITEMS

Discussion, Information: 10.1 Conference with Labor Negotiators (Government Code section 54947.6), Evergreen School District and Evergreen Teachers Association (ETA). The Board will confer with District labor negotiators

11. REPORT OF ACTION FROM CLOSED SESSION

There is not report of action from closed session.

12. ADJOURNMENT

President Alvarez adjourned the April 12, 2018, ESD Board of Trustees Meeting.

Katherine Gomez
Superintendent / Secretary Ex-Oficio

Entered Into Official Proceedings of the Evergreen School District

EVERGREEN SCHOOL DISTRICT PLAN- EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

In compliance with California Education code 48916.1, the Evergreen School District has developed the following plan, which identifies educational services available to expelled youth. This plan identifies gaps in educational services to expelled youth and identifies strategies in order to fill these gaps. This plan also identifies alternative placements for pupils who are expelled 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 Board of Trustees.

A. Current program offerings, interventions, and administrative referrals or placements

i To minimize the number of suspensions leading to expulsions, to minimize the number of expulsions ordered, and to support students returning from expulsions, the Evergreen School District uses the following behavioral intervention practices:

- Meeting with parents to discuss ways to support the student at home and school.
- Friday After-School Program.
- Place student on a behavioral support plan/contract.
- School Psychologist/Social Worker/Counselor/MFT Intern support.
- Administrator open door practice where students feel safe to ask for support.
- Counseling with assistant principals.
- Counseling with police officers.
- Assemblies on topics such as social media usage and dealing with bullies.
- The use of Common Sense Media videos on proper usage of technology/social media.

- Implementation of the Positive Behavioral Intervention and Supports (PBIS) program. PBIS is a comprehensive, 3-tiered approach to implementing positive and consistent student discipline systems in our schools.
- Pilot of the Multi-Tiered System of Supports (MTSS) program. MTSS is an integrated, comprehensive framework that focuses on individualized student needs, and the alignment of systems necessary for all students' academic, behavioral, and social success.
- Referring students with complex social, emotional or behavioral needs for a Student Study Team (SST) meeting which may lead to psychological testing and services, health services, or other educational services, where needed.
- Discipline policies and student code of conduct are provided to students in an easily understandable, age-appropriate format that makes clear the sanctions imposed for specific offenses, and rules assemblies held twice a school year.
- Collect and use multiple forms of data, including school climate surveys, incident data, and other measures as needed, to track progress in creating and maintaining a safe, inclusive and positive educational environment.
- Develop a regulation requiring the regular evaluation of each school's discipline practices and other school-wide behavior management approaches to determine if they are affecting students of different racial and ethnic groups equally. Such a regulation could include requiring the regular review of discipline reports to determine whether students with different personal characteristics (e.g., race, sex, disability, and English learner status) are disproportionately disciplined, and any other indicators that may reveal disproportionate disciplinary practices.

ii *Evergreen School District offers the following options for expelled youth, depending on the particular offense and the California Education Code violation:*

- Expulsion with suspension of the expulsion order and placement to continue on the same school campus, Education Code 48917 (a).
- Expulsion with suspension of the expulsion order and placement on another school campus within the school district, Education Code 48917 (a).
- Expulsion with referral to a district community day program, if available, Education Code 48660.

- Expulsion with referral to the Santa Clara County Office of Education Alternative Education Department Community School, Education Code 1981.
- Expulsion with referral to the district Independent Study Program.
- Expulsion with referral to the Santa Clara County Office of Education Independent Study Program, if available.
- Expulsion with referral to the Mount Pleasant School District that accept students on a case-by-case basis.
- Expulsion with subsequent transfer to another district.
- Home Teacher.

B. There are gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the District strategy for addressing the gaps.

- i It is possible under Education Code 48916.1 that a student could be expelled not only from the District but also, if they commit another violation of Education Code 48915, could be discharged from the Community School where they are enrolled. They would be in need of another placement.

District strategy to address this gap:

Status of student will be reviewed by District team and recommendations made, if appropriate, to refer to another Santa Clara County Office (SCCOE) of Education Community School, SCCOE Independent Study program, District Independent Study program, or Non-Public School.

- ii Students in grades one through six who are expelled do not have the same educational opportunities available to them as do expelled youth who are in grades seven through twelve, due to limited numbers of students expelled in the lower grades. These younger children cannot attend the programs designed for middle and high school students.

District strategy to address this gap:

District to work in collaboration with adjoining school districts and the County Office of Education to create alternative educational options for younger children. A student may be able to utilize some of the existing services available through the Alternative Schools Department operated by the Santa Clara County Office of Education. This may include a modified independent study program or a modified educational program at a Community School campus. Home teaching or Non-Public School

placement might also need to be considered if no other options are available.

- iii Students in grades seven and eight may not have alternative educational programs available to them in close proximity to their home or local school district. This would occur if the closest site was at capacity.

District strategy to address this gap:

District will maintain continual dialogue with the Alternative Schools Department in the Santa Clara County Office of Education to alert them to trends in increasing numbers of expelled youth in order for them to plan additional classes.

- C. **For those expelled students who have been placed in an alternative educational program but who fail to meet the terms or conditions of their Rehabilitation Plan or who pose a danger to other district pupils, a plan must be established to address their needs.**

District Strategy:

The Evergreen School District continues to maintain responsibility for reviewing options remaining for the student. A review of the student's status should take place to determine what other options might be available. The student may be referred to a Santa Clara County Office of Education Community School program or Independent Study program. An Individual Learning Plan (ILP) may be developed with the student's parent and the student. It may be appropriate to involve other agencies or resources in this plan if they have not been involved in the past. The Evergreen School District is not obligated to place a student back in a District school if the terms or conditions of the Rehabilitation Plan have not been adhered to by the student.

Santa Clara County Office of Education

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools* (*Placement by non-education agency may be required*)

Osborne

Blue Ridge

Community Schools

Sunol (one location) grades 7-12

Independent Study 7-12

** Placement by non-education agency may be required*

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals

by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS

AND

STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serve expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program

- Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, psychologist support
 - Character building programs
6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the "District Name" School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the "District Name" School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

SUSPENSION AND EXPULSION/DUE PROCESS

The Board of Trustees desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law and the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or other school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

Appropriate Use of Suspension and Expulsion

Except when a student commits an act that violates Education Code 48900(a)-(e) or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

Except when a student commits an act listed in Education Code 48915(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5, 48900.6)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

District staff shall not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law and that, if there are reasonable factors that may prevent the parent/guardian from complying with the requirement, he/she should contact the school. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

At the meeting with the student's parent/guardian, the principal or designee shall explain the district's and school's discipline policies, including the disciplinary strategies that may be used to achieve proper student conduct.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail or other method that maintains the confidentiality of the student's records.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Supervised Suspension Classroom

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Decision Not to Enforce Expulsion Order

Upon voting to expel a student, the Board may suspend enforcement of the expulsion order pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Maintenance and Monitoring of Outcome Data

The Superintendent or designee may annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report may be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also may include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

Legal Reference: (continue on next page)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment
233 Hate violence
1981 Enrollment of students in community school
17292.5 Program for expelled students
32261 Interagency School Safety Demonstration Act of 1985
35145 Open board meetings
35146 Closed sessions (regarding suspensions)
35291 Rules (for government and discipline of schools)
35291.5 Rules and procedures on school discipline
48645.5 Readmission; contact with juvenile justice system
48660-48666 Community day schools
48853.5 Foster youth
48900-48927 Suspension and expulsion
48950 Speech and other communication
48980 Parental notifications
49073-49079 Privacy of student records
52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication
48.8 Defamation liability
CODE OF CIVIL PROCEDURE
1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt
54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia
11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined
240 Assault defined
241.2 Assault fines
242 Battery defined
243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference: (continued)

- 422.75 Enhanced penalties for hate crimes*
- 626.2 Entry upon campus after written notice of suspension or dismissal without permission*
- 626.9 Gun-Free School Zone Act of 1995*
- 626.10 Dirks, daggers, knives, razors, or stun guns*
- 868.5 Supporting person; attendance during testimony of witness*
- WELFARE AND INSTITUTIONS CODE*
- 729.6 Counseling*
- UNITED STATES CODE, TITLE 18*
- 921 Definitions, firearm*
- UNITED STATES CODE, TITLE 20*
- 1415(K) Placement in alternative educational setting*
- 7151 Gun-free schools*

Revised: November 13, 2014

Policy
adopted: March 21, 2013

EVERGREEN SCHOOL DISTRICT
San Jose, California

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. 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.
2. Referral to a certificated employee designated by the principal to advise students.
3. 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. (Education Code 48925)

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

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. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

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, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Grounds for Suspension and Expulsion

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))
2. 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 (Education Code 48900(b))
3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
4. 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 such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))
5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
7. Stole or attempted to steal school property or private property (Education Code 48900(g))
8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))
9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. 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 (Education Code 48900(k))
12. Knowingly received stolen school property or private property (Education Code 48900(l))
13. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means 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. (Education Code 48900(m))

14. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
17. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.

18. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property;

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 (items #21-23 below), that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

19. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31. (Education Code 48900(t))
20. Made terrorist threats against school officials and/or school property. (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

A student in grades 4-8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

21. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

22. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

23. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

Removal from Class by a Teacher and Parental Attendance

A teacher may remove a student from his/her class for the remainder of the day and the following day only for acts specified in Education Code 48900 and listed under "Grounds for Suspension and Expulsion" above. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code 48910)

As soon as possible after the teacher decides to remove the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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 or designee. (Education Code 48910)

A student removed from class shall not be placed in another regular class during the period of removal. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was removed. (Education Code 48910)

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. (Education Code 48913)

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed to 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. (Education Code 48900.1)

The notice shall:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. 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
3. Direct the parent/guardian to meet with the principal after the visit and before leaving school
4. Direct the parent/guardian to contact the school if there are reasonable factors that would prevent him/her from complying with the attendance requirement

Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, 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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. Brandishing a knife as defined in Education Code 48915(g)
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

In addition, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code 48900.5)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, when a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee 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, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving 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 the 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 a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **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. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state 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 add that state law requires the parent/guardian to respond to such requests without delay.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

Although the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. 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. (Education Code 48911)

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 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. (Education Code 48911)

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

In addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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 under "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. 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. (Education Code 35146, 48912)

Supervised Suspension Classroom

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code 48911.1)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled, upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. 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

Superintendent, Principal, or Designee's Authority to Recommend Expulsion

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g) or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code 48900(m), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (Education Code 48918(a))

The student is entitled to at least 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. (Education Code 48918(a))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

If the Board finds it impractical during the regular school year 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. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Stipulated Expulsion

After a determination that a student has committed an offense listed above under "Grounds for Suspension and Expulsion" for which expulsion is permitted or mandatory, the Superintendent, principal, or designee may offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion shall be effective upon approval by the Board.

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. (Education Code 48918.5)

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: (Education Code 48918.5)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. 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. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the expulsion 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: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of district disciplinary rules which relate to the alleged violation.
4. 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) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Additional Notice of Expulsion Hearing for Foster Youth

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code 48853.5 should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. 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 a request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code 48918(c))

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 also shall be allowed to attend the closed session. (Education Code 48918(c))

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. (Education Code 48918(c))

2. 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. (Education Code 48918(g))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

3. 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 Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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. (Education Code 48918(i))

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. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant 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 shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding 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. (Education Code 48918(f))

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.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. 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.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. 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.
 - g. 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.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) 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.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) 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
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. Decision: The Board's decision as to 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. (Education Code 48918(a))

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. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

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 expulsion proceeding shall be terminated and 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. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

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 or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(j))

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 any 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. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

With parent/guardian 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. (Education Code 48916.5)

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:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. 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 (Education Code 48918)

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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

1. 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. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. 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. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)
5. 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. (Education Code 48917)
6. 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 inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))
7. 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. (Education Code 48917)

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 with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification 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. (Education Code 48902)

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. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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. (Education Code 48902)

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. 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

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

3. 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 so certifies, students expelled for acts described in items #6-13 and #21-23 under "Grounds for Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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. (Education Code 48916.1)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. 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.
3. 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.
4. 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.
5. 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. (Education Code 48916)
6. 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. (Education Code 48916)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

7. 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. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

Board approved: September 12, 2013, November 13, 2014

Regulation revised: July 1, 2013, October 9, 2014

Regulation

approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT
San Jose, California

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536.

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A *change of placement* shall be deemed to have occurred under either of the following circumstances:

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur.

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation.

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function:

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team.

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. **Notice:** On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.
2. **Manifestation Determination Review:** Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following:

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability.

3. **Determination that Behavior is a Manifestation of the Student's Disability:** When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior.

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan.

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP.

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b).

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise.

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

Decision Not to Enforce Expulsion Order

The Board of Trustee's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students.

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian.

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had *knowledge* of the student's disability.

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred:

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

Legal Reference: (see next page)

SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES) (continued)

Legal Reference:

EDUCATION CODE

35146 *Closed sessions re: suspensions*
35291 *Rules of governing board*
48203 *Reports of severance of attendance of disabled students*
48900-48925 *Suspension and expulsion*
49076 *Access to student records*
56000 *Special education; legislative findings and declarations*
56320 *Educational needs; requirements*
56321 *Development or revision of individualized education program*
56329 *Independent educational assessment*
56340-56347 *Individualized education program teams*
56505 *State hearing*

PENAL CODE

245 *Assault with deadly weapon*
626.2 *Entry upon campus after written notice of suspension or dismissal without permission*
626.9 *Gun-Free School Zone Act*
626.10 *Dirks, daggers, knives, razors, or stun guns*

UNITED STATES CODE, TITLE 18

930 *Weapons*

1365 *Serious bodily injury*

UNITED STATES CODE, TITLE 20

1412 *State eligibility*

1415 *Procedural safeguards*

UNITED STATES CODE, TITLE 21

812 *Controlled substances*

UNITED STATES CODE, TITLE 29

706 *Definitions*

794 *Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 *Evaluation and placement*

104.36 *Procedural safeguards*

300.1-300.818 *Assistance to states for the education of students with disabilities, especially:*

300.530-300.537 *Discipline procedures*

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Board approved:

Regulation
approved: March 21, 2013

EVERGREEN SCHOOL DISTRICT
San Jose, California



Three Year Expulsion Plan
Between the
Franklin-McKinley School District
and
The Santa Clara County Office of Education
For the implementation of Education Code §48916.1 AND §48926
2018-2021

Developed by
Franklin-McKinley School District
645 Wool Creek Drive
San Jose, CA 95122

INTRODUCTION

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 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 provided a rehabilitation plan designed by Franklin-McKinley School District's Student Wellness and Support Services Division. 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 the Franklin-McKinley School District and/or County referral process.

EDUCATION CODES

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; identify gaps in education 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, 2015 and shall submit a triennial update of 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 that funds are appropriated for this purpose in the annual Budget Act or legislation, or both.

FRANKLIN-MCKINLEY SCHOOL DISTRICT EXISTING PLAN FOR EXPELLED YOUTH

Franklin-McKinley 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 a different campus within the District.
- 2) Expulsion with referral and release to the Santa Clara County Office of Education Court and Community School/Day Center Program.
- 3) Placement in another public school or charter school, with consent from all parties.

Actual referral to such a placement is made by Franklin-McKinley's Board of Trustees or through District recommendation from the Expulsion Hearing Panel, SARB, or a similar district referral process.

Recommendations for expelled students and placement take the following information into consideration:

- The student's age
- The student's academic, attendance and discipline history
- Parental involvement in the student's rehabilitation plan

DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

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

1. It is possible under Education Code §48916.1 (a) that a student would not be expelled. As an example, a student who has been expelled from Franklin-McKinley School District under Education Code §4891 and referred to either a County operated Community School program could commit another violation of Education Code §48915 and ultimately be referred back to Franklin-McKinley.

District Strategy for addressing this gap:

The status of the student will be reviewed by a District team. If appropriate the student may be referred to another Community School.

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

District strategy for addressing this gap:

Expelled students in grades one through six will be transferred to another district elementary school.

A regional program may be developed to reflect geographic or limited numbers.

COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS

Step I

For 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:

The Franklin-McKinley School District does not operate a Community Day School Program. The Franklin-McKinley School District continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting and ensuring 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, or a Santa Clara County Office of Education Community School:

Expelled students will be 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 student's parents and COE staff. Part of this plan will include a goal for returning to the school district of residence after completing all district terms and conditions.

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

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A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

Countywide Identified Gaps

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the

county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.
3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.
4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two

largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, social workers, psychologist support
 - Character building programs

6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the Franklin-McKinley School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the Franklin-McKinley School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

Fremont Union High School District School District

Three Year Expulsion Plan

Between the

Fremont Union High School District

and

The Santa Clara County Office of Education

For the implementation of Education Code 48916.1



FREMONT UNION HIGH SCHOOL DISTRICT

Cupertino High School | Fremont High School | Homestead High School | Lynbrook High School | Monta Vista High School | Adult & Community Ed

5/1/18

To Whom It May Concern:

At a meeting held on April 24, 2018, the Fremont Union High School District Board of Trustees approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County for the implementation of Education Code 48916.1.

Sincerely,

Alison Coy
Director of Educational Options
Fremont Union High School District

Motion passed to adopt the Consent Agenda with the exception of Item 12.5 that was pulled from the agenda and will be considered separately.

12.5. Approval of Consulting Services Agreement with EMC Research for Market & Opinion Research Services

After a thorough discussion, the Board agreed that conducting a survey of the community for a future Bond measure would be worthwhile and of value to the District. District staff will share a copy of the draft survey with the Board prior to it being shared with community members. Motion passed to approve the Consulting Services Agreement with EMC Research for Market & Opinion Research Services

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Roy Rocklin, Trustee
SECONDER:	Hung Wei, Clerk
AYES:	Moe, Nunes, Rocklin, Wei, Wilson

13. Teaching and Learning

13.1. Approval of Three Year Expulsion Plan

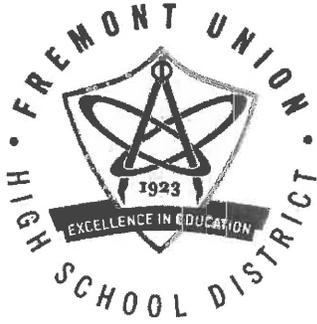
RESULT:	APPROVED [UNANIMOUS]
MOVER:	Barbara Nunes, Vice President
SECONDER:	Hung Wei, Clerk
AYES:	Moe, Nunes, Rocklin, Wei, Wilson

14. Bond and Facilities

14.1. Measure K Bond Update

Blach Construction and District staff provided a Measure K Bond update. Their presentation included information regarding the Bond project schedule, the current projects at all five high schools and the District Office and a financial summary. Associate Superintendent Graham Clark introduced Blach Construction Project Executive Dave Finn, who recently joined the team at FUHSD.

15. Bond and Facilities Consent Agenda



VISION STATEMENT

Our youth become lifelong learners; informed and active citizens of the world; knowledgeable and self-directed members of the workplace; and discerning participants in the arts.

Fremont Union High School District

Board of Trustees Agenda

Regular Meeting

Tuesday, April 24, 2018

3:15PM Study Sessions • 5:00PM Closed Session • 6:15PM Open Session

Fremont High School, 1279 Sunnyvale-Saratoga Rd., Sunnyvale, CA 94087

BOARD OF TRUSTEES

Jeff Moe

Barbara Nunes

Roy Rocklin

Hung Wei

Bill Wilson

STUDENT BOARD MEMBER

Samantha Millar

SUPERINTENDENT OF SCHOOLS

Polly M. Bove

We welcome you to today's meeting of the Fremont Union High School District Board of Trustees. The public may ask questions relevant to agenda items at the time those items are under consideration. We would appreciate it if you would identify yourself with your name and address when addressing the Board. Directions for public participation at Board meetings are described on a card located on a table at the entrance to this room. Any person with a disability may request this agenda be made available in an appropriate alternative format. A request for a disability-related modification or accommodation may be made to the Superintendent's Office at least 48 hours before the meeting: (408) 522-2202, Monday - Friday, 8:00 AM to 4:30 PM. (Government Code §54954.2).

Note:

This meeting is being audio recorded for the purpose of preparing minutes. Pursuant to Government Code section 54942.5: Any district recording may be erased or destroyed 30 days after the meeting. Please notify the Superintendent if a member of the audience is recording the meeting.

1. Call to Order/FHS Main Conference Room Convene no earlier than 3:15PM

Attendee Name	Present	Absent	Late	Arrived
Trustee Jeff Moe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Vice President Barbara Nunes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Trustee Roy Rocklin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Clerk Hung Wei	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
President Bill Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

2. Study Sessions/FHS Main Conference Room

- 2.1. FHS 2017-18 School Plan Mid-Year Update **3:15PM**
- 2.2. Review of CSBA Board Self Evaluation Report **Convene no earlier than 4:15PM**
- 2.3. Announcement of Closed Session Agenda: Anyone wishing to address the Board on closed session matters may do so at this time.

3. Closed Session/FHS Main Conference Room 5:00 PM

- 3.1. Deliberation on Recommended Expulsion: Student #022718
- 3.2. Discussion of Personnel Report, including: Employment, Change of Status and Salary Adjustments, Leaves, and Separation from Employment (Public Employee Appointment, Employment, and Release per Government Code Section 54957)
- 3.3. Public Employee: Discipline/Dismissal/Release

- 3.4. Meeting with Chief Negotiator Supt. Polly Bove to provide instruction regarding labor negotiations with the following groups of Employees: Fremont Education Assoc. (FEA); California School Employees Assoc. (CSEA), Chapter 237; Sunnyvale-Adult & Community Education Federation of Teachers (AFT), Local 6391; Unrepresented Employees: Management and Supervisory, including Superintendent, and Associate and Assistant Superintendents, (Pursuant to Govt. Code Section 54957)
- 3.5. Superintendent's Evaluation
4. **Open Session/Flag Salute/FHS Library Convene no earlier than 6:15PM**
5. **Adoption of Agenda**
6. **Announcement of Items Discussed in Closed Session and Actions Taken**
7. **Other Official Business**
 - 7.1. Presentation by City of Sunnyvale regarding the Lakewood Branch Library Project
 - 7.2. Approval of the Solicitation of Funds - United Way Bay Area
 - 7.3. Review of Quarterly Report on Williams Uniform Complaints
8. **Public Hearing - None Scheduled**
9. **Recognitions and Announcements**
 - 9.1. Principal's Welcome
 - 9.2. California School Employees Association (CSEA) and Fremont Education Association (FEA) Recognitions
 - 9.3. Student Board Member Report - Samantha Millar
 - 9.4. Fremont High School ASB Presentation
 - 9.5. Fremont High School Recognitions:
 - . Student Group & Coach: **Girls Varsity Soccer Team**, Coach **Payam Hajjarian**
 - . Student Group & Advisors: **Los Padres**, Advisors **Noe Ochoa** and **Ana Franco**
 - . Poster Students: **Neha Konakalla** and **Frank Wang**
 - . Staff Group/PLC Recognition: **Biology PLC**, Advisor **John Magee**

- . Retirees: **Billy Houck**, Drama Teacher; **Celia Krippene**, Living Skills Teacher; **David Novak**, Custodian; **Bobbe Ruch**, Special Education Teacher
- . Classified Employee-of-the-Year: **Leila Lurie**, Student Advocate
- . Certificated Employee-of-the-Year: **Jeff Kakes**, Social Science/Leadership Teacher
- 9.6. Fremont Union High Schools Foundation's Student Recognition: **Jackie Chavarria**
- 9.7. Fremont Union High Schools Foundation's Presentation to Fremont High School

Reception - FHS Library

10. Communications

- 10.1. Public - A maximum of twenty (20) minutes is allotted for non-agenda items. Each speaker is limited to three (3) minutes. Speakers will be called on in order of request.
- 10.2. Association's Representatives - Reports on activities and/or issues. A maximum of five (5) minutes is allotted for each association.

11. Pupil Personnel

- 11.1. Deliberation on Recommended Expulsion, Student #022718

12. Consent Agenda

- 12.1. Approval and Ratification of the Personnel Report Actions dated April 24, 2018
- 12.2. Approval of Purchase Orders from April 2, 2018 through April 20, 2018 Regarding Proposed Expenditures or Expenditure of Budgeted Funds
- 12.3. Acceptance of Donations as Specified and Sending Appropriate Letters of Appreciation
- 12.4. Approval of Textbooks and Supplemental Materials
- 12.5. Approval of Consulting Services Agreement with EMC Research for Market & Opinion Research Services

13. Teaching and Learning

- 13.1. Approval of Three Year Expulsion Plan

14. Bond and Facilities

- 14.1. Measure K Bond Update

15. Bond and Facilities Consent Agenda

- 15.1. Approval of Agreement with Waterproofing Associates for Roofing Repairs for the Fremont High School Science Building Roofing Project
- 15.2. Approval of Agreement with Ninyo & Moore for Geo-Technical and Geo-Hazard Services for the Homestead High School GSS Building Project
- 15.3. Approval of Amendment #1 with Consolidated Engineering Laboratories for Additional Inspection Services for the Homestead High School Innovation Hub Project
- 15.4. Approval of Agreement with HazMat Doc for Abatement Monitoring and Oversight for the Lynbrook High School Cafeteria, Main Quad and Gym Lobby Project

16. Business and Finance - No Agenda Items

17. Human Resources

- 17.1. Approval of Revised Job Descriptions

18. Policies - No Agenda Items

19. Policies Consent Agenda

- 19.1. Approve Revisions to Board Policy and Review Administrative Regulation 1312.3, *Uniform Complaint Procedures*

20. Communications

- 20.1. Public Communications (continued) - A maximum of twenty (20) minutes is allotted for non-agenda items. Each speaker is limited to three (3) minutes. Speakers will be called on in order of request.
- 20.2. Board of Trustees - (The Board may give reports on any travel and committee meetings related to their duties as members of the FUHSD Governing Board)
- 20.3. Superintendent and Staff

21. Future Agenda Items

22. Calendar Coordination and Scheduling

23. Adjournment

Future Board Meetings:

Tuesday, May 1 @ DO (DO/ACE/ED. OPS. Recognitions): Closed Session 5:00PM; Open Session 6:15PM

Tuesday, May 15 @ DO: Closed Session 5:00PM; Open Session 6:15PM

Tuesday, May 22 @ DO: Special Meeting/Supts. Evaluation; Closed Session 3:00PM; Open Session no earlier than 5:30PM

1. **FUHSD Plan- Educational Alternatives for Expelled Students**

a. ***Current program offerings, interventions, and administrative referrals or placements:***

The Fremont Union High School District is committed to providing a wide range of academic and behavioral interventions to support students who are not succeeding. In addition to a large number of interventions at individual school sites including tutorials, therapists and counselors, support groups and other support programs, the following options are available to all students at the District level:

- i. **FUHSD Saturday School:** A counseling-based Saturday School. A limited number of students (15) are assigned to a Saturday School classroom. At every Saturday School are: an administrator, a paraeducator, a teacher and a counselor. Students are required to complete a 'Student Success Plan' that addresses why they were assigned to Saturday School and plans how they will avoid it in the future. These plans are then shared with school site support staff for follow-up. If there are more than 15 students enrolled, an additional classroom is opened up and another teacher and counselor brought in to support the additional students. The high staff to student ratio, combined with the counseling and reflection has yielded excellent results in the first year.
- ii. **FUHSD 90-Minute Drug Intervention:** A one-time, 90-minute psycho-educational class on drug use. Students are assigned as an alternative to suspension for drug use, possession or paraphernalia.
- iii. **Perspectives:** A one-time, 60 minute class designed to help students learn positive decision making and anger management skills. Students are assigned as an alternative to suspension for other school offenses.
- iv. **Project Insight:** A counseling-based, 12-week program that helps students develop a better understanding of their anger. Students are assigned as an alternative to suspension or expulsion or as part of the rehabilitation plan.
- v. **Too Good for Drugs and Violence:** A 10-week course that is focused on teaching the 'protective factors' that children who choose not to use drugs/alcohol are more likely to be receiving within the home/school/community setting. Students are assigned as an alternative to suspension or expulsion or as part of the rehabilitation plan.
- vi. **Strengthening Families Program:** A 12-week (3-hours per week) parent, youth, and family skills-building curriculum that helps prevent teen substance abuse and other problem behaviors while improving parent/child relationships. Students can be assigned as an alternative to suspension or expulsion or as part of the rehabilitation plan.

- vii. **Advent 'Step Up' Program:** An ongoing, outpatient program for teens struggling with substance abuse and addiction. The student is provided with up to 10 hours/week of group therapy, recovery education, individual crisis counseling and family therapy. Students can be assigned as an alternative to suspension or expulsion or as part of the rehabilitation plan.
 - viii. **County Mobile Medical Van:** With a focus on supporting the whole child, the County Mobile Medical Van is available to FUHSD students 1-2 times a month.
 - ix. A District-wide focus on Equity, supported through visits, consultation and coaching by Dr. Pedro Noguera and his research team.
 - x. A District-wide commitment to Trauma Informed Care as evidenced by district-wide training and support.
- b. Expulsion, suspended order, with placements on the same school campus, Educational Code 48917 (a).
 - c. Expulsion, suspended order, with placement on a different school campus within the District, Educational Code 48917 (a).
 - d. Expulsion with referral to a district community day program, Education Code 48660: The FUHSD Community School
 - e. Expulsion with subsequent transfer to another district: FUHSD works with Santa Clara Unified School District on a case by case basis.
 - f. Expulsion with referral to Santa Clara County Office of Education Alternative Education Department Community School., Education Code 1981.

2. Identify gaps in educational services to expelled youth.

- a. What gaps in your previous plan did you identify?
 - i. A gap previously identified was the challenge of accessing SCCOE Programs when an expelled student was not able to find success in the FUHSD Community School.
 - ii. This gap was made worse with the closing of the one SCCOE school near FUHSD.
 - 1. We continued to build relationships with other school districts to find alternate placements for FUHSD schools.
 - iii. A Countywide gap that is shared by FUHSD is the over-representation of expelled Latino youth.

1. FUHSD has partnered with Dr. Pedro Noguera to identify areas of improvement and create more opportunities to build inclusive school communities.
 2. Additionally, schools are working to build stronger information and outreach programs to make sure that students are aware of the school rules and EdCode expectations and know where to go if they are in danger of breaking those. This effort will be focused at the beginning of the school year for all students and in an ongoing way for specific students.
- b. Were you successful in improving your program? Discuss the implementation of the strategies outlined for filling those service gaps.
 - i. See above.
 - c. What gaps are present in your current plan and discuss the implementation of the strategies outlined for filling those service gaps.
 - i. The SCCOE continues to work to develop a high quality school that is able to be accessed by students throughout the county.
 - ii. FUHSD continues to build partnerships with other school districts so that we can have school placements for students who have been unsuccessful in their community school placement.
 - d. Specifically, identify alternative placements for pupils who are expelled and placed in district (if your district has)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.
 - i. SCCOE Alternative School
 - ii. Santa Clara Unified School District Community School
 - e. Plan for Expelled Students who commit subsequent violations
 - i. SCCOE Alternative School
 - ii. Santa Clara Unified School District Community School

3. County Program Description

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

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- *Home teaching*
- *Non-public school placement*
- *District Community Day School*
- *Independent Study Program*

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Countywide Identified Gaps

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program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

- 2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.*
- 3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.*
- 4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.*
- 5. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation,*

individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

4. FUHSD Board Policies that are specific to expelled youth.

- a. BP 5144.1
- b. AR 5144.1
- c. AR 5144.2
- d. BP 5119
- e. BP 6185
- f. AR 6185

Gilroy Unified School District

Plan for Expelled Youth
Triennial Update
May 31, 2018

SANTA CLARA COUNTY OFFICE
OF EDUCATION
AND
GILROY UNIFIED SCHOOL
DISTRICT
FOR THE IMPLMENTATION OF
EDUCATION CODES
48916.1 AND 48926

INTRODUCTION PAGE



GILROY UNIFIED SCHOOL DISTRICT

7810 Arroyo Circle, Gilroy, California 95020

Tel. 408-847-2700 fax: 408-847-4717

www.gilroyunified.org

SUPERINTENDENT

Dr. Deborah A. Flores, Ph.D.

BOARD OF EDUCATION

Heather Bass ♦ B.C. Doyle ♦ Mark Good ♦ Patricia Midtgaard
James E. Pace ♦ Linda Piceno ♦ Jaime Rosso

June 1, 2018

Dr. David Putney
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, Ca 95131

Dear Dr. Putney,

Attached please find documentation to show that the Gilroy Unified School District has compiled with the state of California's requirements to develop a Three Year Expulsion Plan.

At a meeting held on May 31, 2018, the Gilroy Unified School Board of Education approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County Office of Education for the implementation of Education Code 48916.1.

Please feel free to contact me with any questions.

Sincerely,

Dr. Deborah Flores
Superintendent

Board of Education Regular Meeting

Gilroy USD

May 31, 2018 7:00PM

7810 Arroyo Circle Gilroy, CA 95020 Closed Session 5:30PM / Open Session 7:00PM

1. CALL TO ORDER (5:30 PM) (Procedural Item)

a. PUBLIC COMMENT ON CLOSED SESSION: Notice is hereby given that a closed session of the Board of Education will be held under the general provisions of Govt. Code Section 54957. This opportunity is provided to allow the public to comment prior to the Board's consideration (Govt. Code Section 54954.3). (Procedural Item)

2. ADJOURN TO CLOSED SESSION (Procedural Item)

a. REMOVAL/SUSPENSION/EXPULSION OF A STUDENT (Education Code 428912; 20 U.S.C. Section 1232g) Case # 2018-26 (Action Item) 

b. REMOVAL/SUSPENSION/EXPULSION OF A STUDENT (Education Code 428912; 20 U.S.C. Section 1232g) Case # 2018-27 (Action Item) 

c. REMOVAL/SUSPENSION/EXPULSION OF A STUDENT (Education Code 428912; 20 U.S.C. Section 1232g) Case # 2018-28 (Action Item) 

d. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957[b]) (Discussion Item) 

e. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Government Code Section 54956.9(b)) Number of Cases: (Discussion Item) 

f. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Government Code Section 54956.9) Name of Case: (Discussion Item) 

g. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957[a]) (Information Item) 

Quick Summary / Abstract:

Employee Organization(s):

California School Employees Association (CSEA)

Gilroy Federation of Paraeducators (GFP)

Gilroy Teachers Association (GTA)

GUSD Management and Confidential Group

District Negotiator: Deborah Flores, Superintendent

3. REGULAR SESSION (7:00 PM) (Procedural Item)

a. Pledge of Allegiance: South Valley Middle School (Patricia Mondragon, Principal) (Procedural Item)

b. Approval of Agenda (Action Item)

c. Recognition (Procedural Item)

Quick Summary / Abstract:

 Spring 2018 Expulsion Plan

i. Gilroy Unified School District three-year Expulsion Plan (Consent Item)

Rationale:

The California Department of Education and Educational Code mandates that every three years districts and county office of educations update their Expulsion Plan. The current plan expires July 1, 2018.

The Santa Clara County Office of Education is responsible for facilitating and assembling the County Plan whereas districts are responsible for updating their local plan. The GUSD school board must approve an expulsion plan and send it to the local School Boards approval and send it to the Santa Clara County Office of Education's Board of Trustees approval, post it on the SCCOE website, and submit the final to the California Department of Education.

Financial Impact:

20 spots at approximately \$11,500 for a total cost of \$230,000.

Recommended Motion:

Board approval is recommended for the updated expulsion plan.

Attachments:

 GUSD Plan for Expelled Youth 2018

 Three year expulsion plan letter

Board of Education Regular Meeting
May 31, 2018 7:00 PM
7810 Arroyo Circle

Gilroy, CA 95020

Closed Session 5:30PM / Open Session 7:00PM

Attendance Taken at 5:30 PM:

Present:
Heather Bass
B C Doyle
Mark Good
Patricia Midtgaard
James Pace
Linda Piceno
Jaime Rosso

7. CONSENT AGENDA: Educational Services

i. Gilroy Unified School District three-year Expulsion Plan

Motion Passed: Board approval is recommended for the updated expulsion plan. Passed with a motion by Mark Good and a second by B C Doyle.

Yes Heather Bass
Yes B C Doyle
Yes Mark Good
Yes Patricia Midtgaard
Yes James Pace
Yes Linda Piceno
Yes Jaime Rosso

Gilroy Unified School District

Summarization of the GUSD Plan for Expelled Youth:

Person(s) completing the form: Jennifer Del Bono

1) What are the current educational alternatives for expelled pupils? The Gilroy Unified School District offers the following options for expelled youth, depending on the specific offense and Education Code violation and grade level:

- Suspended Expulsion with placement on the same school campus
- Suspended Expulsion with placement on a different school campus within the District
- Suspended Expulsion with offer in Independent Studies
- Expulsion with referral to the Santa Clara County Office of Education Alternative Education Program
- Home teaching
- Non-public school placement

Actual referral to such a placement may be made by the District Governing Board, with recommendations from the Administrative Hearing Panel, the District Placement Committee, SARB or a similar District referral process.

2) What gaps exist in your educational services for expelled pupils? Options for elementary expelled students are very limited as the SCCOE program only serves grades 7-12.

Expelled youth must travel approximately 7 miles from Gilroy to San Martin. In the 2018-2019 expulsion plan, expelled youth will travel approximately 35 miles from Gilroy to San Jose to attend school daily. This poses a significant challenge for youth who are already considered “at-risk” and have rehabilitation plans which require 90% attendance in order to return from an expulsion order.

3) What strategies will you implement to fill the service gaps? Elementary students will be placed on a different campus within the District.

Expelled youth will be provided with bus passes from the Probation Department.

4) What are your best practices, and how do they relate to any disproportionate representation of minority students in such interventions? Numerous strategies are in place with a focus on promoting and reinforcing positive (vs. negative) behaviors. In accordance with AB 420, expulsions for 48900k: Willful Defiance, have been eliminated. Schools have utilized staff development to address positive intervention strategies, which included Positive Behavior Intervention and Supports (PBIS), Restorative Justice, Olweus Bully Prevention, and the use of a tiered system of support.

5) 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 (if offered in your district).

Gilroy Unified School District does not currently offer a community day school program.

Proactive Steps Taken at School Sites to Create Positive School Climates and Prevent Disciplinary Incidents

- CHARACTER COUNTS!- PBIS, Restorative Justice, Olweus, and Restore! Life Skills is implemented district-wide
- Administrators meet with the entire school, classes and/or groups of students about; creating a positive school climate, expectations regarding behavior, and consequences.
- At the high school level, student leaders plan activities and assemblies to promote a positive school climate and school spirit.
- Link Crews at Christopher HS and Gilroy HS are leading anti-bullying efforts at their schools. Mt. Madonna Continuation HS and Dr. TJ Owens Gilroy Early College Academy (GECA) has employed similar efforts using student led groups. GECA has a student led tribunal process for lower tiered behavioral issues.
- Student handbooks, planners, and Schoolloop spell out expectations and consequences.
- Staff is encouraged to develop and promote positive relationships with students. A discipline matrix has been developed to encourage standards of practice in dealing with negative behaviors.
- School Linked Services Coordinators within the district
- Outside agencies (Rebekah's, Foothill, Discovery, and Community Solutions) provide individual and group counseling.
- Multi-service team meetings are scheduled monthly for each site to address Tier 2 level student behavior concerns.
- The South County Youth Task Force supports district efforts with additional staff for Restorative Justice coaching.
- Students are asked to sign Behavior Contracts and/or Stay Away Contracts as needed.
- Secondary level, counselors and Academic Coordinators meet with individual students and/or groups of students about issues.
- Power School (after school & summer) teach character development.

- Students are required to sign an Internet contract which addresses cyber bullying.
- Two full-time School Community Resource Officers

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 outline. 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.

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for

each of the 31 Santa Clara County districts is identified in that district's sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete "Plan for Providing Educational Services to all Expelled Students in Santa Clara County." Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

District Existing Education Alternatives for Expelled Youth

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

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

- Suspended Expulsion with placement on the same school campus
- Suspended Expulsion with placement on a different school campus within the District
- Suspended Expulsion with offer in Independent Studies
- Expulsion with referral to the Santa Clara County Office of Education Alternative Education Program
- Home Teaching
- Non-public school placement

Actual referral to such a placement may be made by the District Governing Board, with recommendations from the Administrative Hearing Panel, the District Placement Committee, SARB or a similar District referral process.

COUNTY AND DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

Countywide Identified Gaps

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings
2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.
3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.
4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community

school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serve expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allow the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

5. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

GUSD Board Policies that are specific to expelled youth.

See attached.

Lakeside Elementary School District

Plan for Expelled Youth

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 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/Lakeside Joint School District Plan for Expelled Youth

(Education Code)

Education Code – 48926

Each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendent 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 education alternatives for expelled pupils, identify gaps in education services to expelled pupils, and strategies for gilling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community school programs, but who fail to meet 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 of 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 an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an education program is provided to the pupil who is subject to the expulsion order for the period of the expulsion, 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

Lakeside School District will 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. Expulsion with referral to a neighboring school district;
3. Expulsion with referral to the North County Community Day School program or other Community Day School program operation 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 recommendation from the District Discipline Review 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 outline. 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.

Lakeside Joint 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 240-360 minutes per day in community school classrooms;
2. Teen parent program
3. Specific “non-restrictive” sites
4. Partnership programs

County and District Gaps and Strategies in Educational Services

These 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. As an example, a student how 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 for address this gap: Districts who have developed a district Community 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 School may be referred to other district programs or to a 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 for 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/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 a school year; so few students are expelled that have a special class or program for such students, located in each district is not financially or geographically possible.

County/District strategy for address 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 district within Santa Clara County, vary as to age, grade level, and expulsion offenses. The wide range of age, grade level, and seriousness of offenses make it difficult to provide appropriate programs for these/this district(s).

County/District strategy for address this gap: Regional program may be developed to reflect geographical or limited numbers.

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

County/District strategy for address this gap: Regional programs may be developed to reflect geographical or limited numbers.

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 are expelled in these lower grades. These younger students cannot attend the programs designed for middle school and high school

students. The numbers are growing, but generally are not enough to develop an elementary school classroom or program.

County/District strategy for address 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 district 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 able 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.
- County/District strategy for address this gap:** Develop a Student Study Team (SST) to analyze student needs and suggest alternatives.

Loma Prieta Joint Union School District

Three Year Expulsion Plan

Between the

Loma Prieta Joint Union School District

And

the Santa Clara County Office of Education

for the Implementation of Education Code 48916.1



JOINT UNION SCHOOL DISTRICT

23800 Summit Road, Los Gatos California 95033

Phone: (408) 353-1101 Fax: (408) 353-8051

www.loma.k12.ca.us

Corey Q. Kidwell, Superintendent/Principal

Rebecca Carino, Assistant Principal/Curriculum Coordinator

To Whom It May Concern:

At a meeting held on April 18, 2018, the Loma Prieta Joint Union School Board of Education approved a Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County for the implementation of Education Code 48916.1.

Sincerely,

Corey Kidwell
Superintendent/Principal

Board of Trustees:

Deana A. Arnold, President Shannon Hickok, Vice-President

Ron Bourque, Member Marco V. Menéndez, Member Kerrie Mills, Member

Loma Prieta Joint Union School District Plan

Educational Alternatives for Expelled Students

Educational programs and services within Santa Clara County provide opportunities for all students who are in need of a traditional or an alternative education. While 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 Loma Prieta Joint Union School District. This plan may involve one or more of the options outlined. A student who is in need of an educational alternative may also access these programs through the Loma Prieta Joint Union School District and/or county referral process.

Loma Prieta Joint Union School District, located within Santa Clara County and Santa Cruz counties, offers the following intervention programs:

1. A strength of our small school size is that staff know students and their families well. Loma Prieta Elementary school uses a school-wide Zones of Regulation approach to instill in all students strategies to de-escalate conflicts and emotional challenges. C.T. English Middle School identifies students who are struggling and matches them with a teacher to serve as a mentor. Every effort is made to connect the student with a teacher with whom they have an established strong, positive connection.
2. When a student continues to show signs of struggle, the next step is to have the student referred to the Instructional Study Team. This team, consisting of the student's previous and current teachers, school counselor, administrator, and other support personnel, review the student's strengths and challenges and makes recommendations for the next level of intervention. This may include classroom-based strategies, time to meet with the counselor, additional behavior support, after school tutoring, or other strategies.
3. When a student's challenges fail to respond to early intervention, a formal Student Study Team meeting is called. This general education format includes site-based teachers in addition to the child's primary or homeroom teacher, the student's parents, the student, administrators, and counselors or other key allies. A student's strengths and challenges, along with parental concerns, are outlined and intervention strategies are aligned. This process includes regular follow-up as well.
4. Students who need continuing support can sometimes be referred to outside counseling, offered additional support through Saturday school, can be offered partial day class schedules which are designed to support core academics and reduce stress. An open and continuous line of communication with parents and other caregivers is maintained.
5. For students whose challenges include attendance issues, a student may be offered home-hospital if there are medical considerations, a family may also be referred to the Student Attendance Review Board (SARB).

Loma Prieta Joint Union School District offers the following options for expelled youth depending on the specific offense and Education Code violation:

1. Suspended expulsion with placement in a different classroom or with a different teacher.
2. Suspended expulsion with placement in a reduced day program.
3. Suspended expulsion with placement in an independent study program.
4. Suspended expulsion with placement in a neighboring District, only with the Superintendent's or her/his designee's approval.
5. Expulsion with referral to the Santa Clara County Office of Education Community School/Day Center program or to the Court, only with the approval of the Superintendent.

Recommendations for expelled students and placement take any or all of the following information into consideration:

- The student's age
- The student's academic, attendance and discipline history
- Parental involvement in the student's rehabilitation plan
- The student's programmatic needs (ELL, IEP, 504 Plan, etc.)

The decision to place students in an alternative placement and actual referral to such a placement is recommended to the Superintendent. All expulsions must be approved by the Loma Prieta Joint Union School District Governing Board and must be aligned to State Education Code and Loma Prieta Joint Union School District Board policy.

LOMA PRIETA JOINT UNION SCHOOL DISTRICT GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are gaps that exist in respect to providing educational services to expelled pupils. Following each gap is the Loma Prieta Joint Union School District strategy for addressing these gaps:

Students in the elementary setting/grades one through five who are expelled do not have the same educational options available to them as expelled youth who are in the middle school setting/grades five through eighth, due to the limited numbers of students who are expelled in these lower grades. These younger students cannot attend the programs designed for middle school students. The numbers are growing within the county, but generally are not enough to develop an elementary school program. Should the need arise, younger student who are expelled, may be provided with Home Schooling or Independent Study programs.

Given our geographic location, there are limited support services immediately available to families. Those residing in Santa Clara County have access to crisis intervention through Uplift Family Services, but there is no similar agency available to support crisis intervention in Santa Cruz County.

Another gap in our capacity to serve expelled youth is also related to our geography. Students and families that cannot be adequately supported within the Loma Prieta Joint Union School District must travel significant distances to receive placement in educational settings outside the district.

Students who cannot be supported locally or by a neighboring district will be referred to the Santa Clara County Office of Education.

Santa Clara County Office of Education

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools* (*Placement by non-education agency may be required*)
Osborne
Blue Ridge

Community Schools
Sunol (one location) grades 7-12
Independent Study 7-12

* *Placement by non-education agency may be required*

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during

the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in

grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program

- Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, psychologist support
 - Character building programs
6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the “District Name” School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the “District Name” School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

LOMA PRIETA JOINT UNION SCHOOL DISTRICT/COUNTY PLAN FOR EXPELLED YOUTH:

Board Policy BP 5144.1(a) SUSPENSION AND EXPULSION/DUE PROCESS

The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction.

(cf. 5144 - Discipline)

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

(cf. 6145 - Extracurricular and Cocurricular Activities)

Except where suspension for a first offense is warranted in accordance with law, suspension shall be imposed only when other means of correction fail to bring about proper conduct. (Education Code 48900.5)

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 shall be used only when there is a history of misconduct, when other forms of discipline, including suspension, have failed to bring about proper conduct, or when the student's presence causes a continuing danger to self or others.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulation.

Zero Tolerance

The Board supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

Student Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as

specified in administrative regulation and/or law. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Supervised Suspension Classroom

The Board recognizes that students who are suspended from school often have no supervision or guidance during the school hours when they are off campus and may fall behind in the coursework. The Board believes that, in many cases, it would be better to manage the student's behavior by keeping the student at school and providing him/her with supervision that is separated from the regular classroom.

The Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of law for students suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, who pose no imminent danger or threat at school, and for whom an expulsion action has not been initiated.

The Superintendent or designee shall examine alternatives to off-campus suspension and may establish a suspension program which involves progressive discipline during the school day on campus; use of conferences between staff, parents/guardians and students; detention; student study teams or other assessment-related teams; and/or referral to school support services staff. The use of such alternatives does not preclude off-campus suspensions.

Required Parental Attendance

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is suspended from class by a teacher because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities, or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may provide that the student's parent/guardian attend a portion of a school day in the class from which the student was suspended. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher shall apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

The principal or designee shall contact a parent/guardian who does not respond to the request to attend school. The Board recognizes that parent/guardian compliance with this policy may be delayed, modified, or prevented for reasons such as serious illness/injury/disability, absence from town, or inability to get release time from work.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law.

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35146 Closed sessions (re suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48660-48667 Community day schools

48900-48927 Suspension and expulsion

48950 Speech and other communication

49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

PENAL CODE (continued)

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

7151 Gun free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H., (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal.App.3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.caag.state.ca.us>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy **LOMA PRIETA JOINT UNION ELEMENTARY SCHOOL DISTRICT**
adopted: May 9, 2012 Los Gatos, California

Education Code – 48916.1

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.

Los Altos School District

Plan for Expelled Youth

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/LOS ALTOS SCHOOL DISTRICT
PLAN FOR EXPELLED YOUTH**

(Education Code)

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, 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 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

Los Altos 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 Review 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 placement alternative. The Community School is a permissive educational program that provides the local school districts with another educational option for their expelled youth.

LOS ALTOS 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 classrooms;
- 2) teen parent program
- 3) specific “non-restrictive” sites
 - Calero Community School (112 capacity)
 - Dixon Community school (32 capacity)
 - Escuela Popular (16 capacity)
 - Enterprise Academy (16)
 - South County Community School (48 capacity)
 - The Foundry (75 capacity)
- 4) Partnership programs:
 - Advent Community School (Group Home)
 - Almaden Community School (Union)
 - Cambrian Community School (Cambrian)
 - Camden Community School (Priority to Campbell HS District)
 - Fremont Community School (Fremont HS District opening 9/1/97)
 - Gilroy Community School (Gilroy)
 - North County Community School (Mountain View Whisman, Sunnyvale, Cupertino, Fremont HS, Palo Alto, Los Altos)
 - Phoenix (Community School JOOF)
 - Ridgemont Community School (Alum Rock)
 - Santa Clara Community School (Santa Clara)
 - San Jose Community School (San Jose)
 - Spangler Community School (Mtn. View, Palo Alto)
 - 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. 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.

County/District strategy for addressing 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 for addressing 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 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 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 offense make it difficult to provide appropriate programs for these/this district(s).

County/District strategy for addressing this gap:

- * Regional program may be developed to reflect geographical or limited numbers.
- * Los Altos School District has joined the North County Community School partnership and contributes funds to guarantee space for them.

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.

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 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 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 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 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 this 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 or who pose a danger to other district pupils)

Step 1

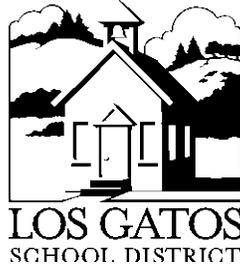
The School District of residence continues to maintain responsibility for developing a rehabilitation plan for the student, referring the student to an appropriate educational setting, and ensuring that an educational program is provided either within or outside the school district.

Step 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 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.

Los Gatos Union School District
Plan for providing Educational Services to Expelled Youth



A Joint Three Year Plan Developed
by
The Los Gatos Union School District
and
Santa Clara County Office of Education
for
Implementation of Education Codes 48916.1 and 48926
2018 – 2021

For information, contact:
Los Gatos Union School District
Attn: Misty Hartung
Director of Student Services
Email: mhartung@lgusd.org
Website: <http://www.lgusd.org>

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:

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

Education Code - 48916.1

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

SANTA CLARA COUNTY OFFICE OF EDUCATION OVERVIEW

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made.

Our district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements.

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

All educational alternatives provided by California’s school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915).

If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed

requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

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:

Sunol Community School (Grades 7-12)
County Independent Study Program (Grades 7-12)

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 an Alternative Day School Program. (Santa Clara Unified)

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

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

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

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

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement. In that event, Los Gatos Union School District will continue to explore existing educational strategies and programs to meet the needs of expelled students.

Another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6.

The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts.

The District may partner with a nearby District to explore placement or program options.

The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the

transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, psychologist support
 - Character building programs

6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of the community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population.

Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

**COUNTY AND DISTRICT ALTERNATIVE PLACEMENTS FOR STUDENTS
WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS**

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration.

If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options.

Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

Adopted by Los Gatos Union School District Board of Trustees: April 23, 2018

**Luther Burbank
School District**

Three Year Expulsion Plan

Between the

Luther Burbank School

District And

The Santa Clara County Office of Education

For the implementation code of Education Code

48916.1

Board approved May, 15, 2018

Letter from the Superintendent

To: Whom It May Concern,

At a meeting held on May 15, 2018, the Luther Burbank School District Board of Trustees approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County Office of Education for the implementation of Education Code 48916.1.

Sincerely,

Dr. Christopher Ortiz

Superintendent-Principal

Board Agenda and Minutes

Luther Burbank School District – Educational Alternatives for Expelled Students

The Luther Burbank School District provides early intervention strategies at the Luther Burbank School campus. The district provides interventions which include, but are not limited to:

Guidance:

After-school activities

One-on-one counseling

Faculty/Staff Mentor Support

Coordination of Student Services Team (COST)

Student Success Team (SST)

Parent/guardian support

meetings

Special Education services

Discipline:

In-School Suspension

Off Campus Suspension

Modified Day Schedule

Student Contracts

Furthermore, the Luther Burbank School District utilizes the following measures to ensure a safe school environment. The intended purposes for these measures is meant to serve as a means of correction and to assist students in successfully developing pro-social skills. aid for Among these include, but are not limited to:

Multi-Tiered Systems of Support (MTSS): Luther Burbank School District utilizes Tier I, Tier II, and Tier III academic and behavioral interventions to support student learning. As part of implementing School-Wide Positive Intervention Support (SWPBIS), the Luther Burbank School District, as part of Cohort 2 of the California Scale-UP MTSS Statewide (SUMS) Initiative, will be working with the Santa Clara County Office of Education to implement MTSS and SWPBIS over the course of the next three years.

Included in the multi-tiered systems of support are school wide structures for student behavior, attendance, and wellness. All of which contribute to a student's overall growth.

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/guardian 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 similar district referral process.

Identified Gaps in Educational Services to Expelled Youth:

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; because so few students are expelled, 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, thus limiting 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.

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 another 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/guardians 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.

A review of the 2015-2018 Luther Burbank School District Expulsion Plan indicates that due to its small school status, Luther Burbank does indeed have limited options for expelled youth. For example, to suspend expulsion with placement on the same school campus or different school campus within the district are not viable options at the Luther Burbank School District. Furthermore, the district does not have a community day school program as it is not financially

possible.

Luther Burbank School District is creating a Memorandum of Understanding (MOU) with another small school district to place an expelled student on another campus within another district. Due to the varied geography between small districts, the parent/guardian would be responsible for providing transportation.

In the event of an expelled student who commits subsequent violations, the student would be referred back to the Luther Burbank School District. In turn, the Luther Burbank School District would pursue other options as listed below.

Other options that do remain in place for Luther Burbank School District include placement of an expelled student on a District Contracted Study if the parent/guardian agrees, expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program.

Santa Clara County Office of Education

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula.

Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools* (*Placement by non-education agency may be required*)

Osborne

Blue Ridge

Community Schools

Sunol (one location) grades

7-12 Independent Study 7-12

** Placement by non-education agency may be required*

**PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED
STUDENTS IN
SANTA CLARA COUNTY**

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled

students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of

Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of underfunding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, psychologist support
 - Character building programs
6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the “District Name” School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the “District Name” School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

**Board Policy – Suspension and Expulsion/Due Process
BP 5144.1 Students**



Three Year Expulsion Plan Between the

Milpitas Unified School District

&

Santa Clara County Office of Education

2018-2021

For the implementation

of

Education Code 48916 .1



LEARNING AND DEVELOPMENT

INTRODUCTION

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 services and 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.

The Milpitas Unified School District will utilize County services as determined by the District's Board of Education when appropriate.

All gaps in services are addressed in the attached remediation plan. If a student violates conditions of the plan, moves out of the District, while under expulsion, is sent back to the District from a County program or asks for a different placement, the Director of Student Services will evaluate each circumstance on an individual basis.



Santa Clara COE/Milpitas USD Plan for Expelled Youth

Education Code Section 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.

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 district, 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 May 1, 2018, 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.



Student Services/Special Education Department
1331 East Calaveras Boulevard, Milpitas, CA 95035
Carla Crenshaw, Director
408.635.2600 | extension 6007
408.635.2624 | Fax
www.musd.org

April 13, 2018

Dear SCCOE,

At a meeting held on April 10, 2018, the Milpitas Unified School District Board of Education approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County for the implementation of Education Code 48916.1

Attached:

April 10, 2018 Board Meeting Agenda and minutes

Overview: Milpitas Unified School District Plan

Educational Alternatives for Expelled Students

1. Current Program Offerings, interventions and administrative referrals or placements
 - a. Identify existing intervention programs
 - MTSS District Work and Vision
 - District Leadership Team
 - PBIS Framework
 - PBIS Leadership Team
 - 5 of 8 Elementary Schools implementing PBIS framework
 - Peace Builder Practices
 - Spangler Elementary implements
 - Thomas Russell Middle School implements
 - Restorative Justice
 - Calaveras Hills High school uses Circle up strategies
 - Calaveras Hills staff has had training
 - Mindfulness Practices
 - Rose, Sinnott, Weller and Calaveras Hills have had staff training
 - Rose & Weller have shared Mindfulness with students
 - Trauma Informed Training
 - Rose, Sinnott, Weller, Cal Hills, MHS, and Elmwood Correctional (Adult Ed)

2. Milpitas Unified offers the following option for expelled youth, depending on specific offense and Education Code violation:

- a. Expulsion, suspended order, with placements on the same school campus, Education Code 48917 (a)
- b. Expulsion, suspended order, with placement on a different school campus within the District, Educational Code 48917 (a)
- c. Expulsion with referral to Santa Clara County Office of Education Alternative Education Department Community School., Education Code 1981.
- d. Expulsion with home instruction for students if required who receive Special Education.
- e. Expulsion with placement in a NPS if required due to Special Education.

3. Identify gaps and strategies in educational services to expelled youth in the previous plan.

- a. It is extremely hard for MUSD students to attend the County Community School Program due to the distance. If a student can't get to that location, they are in a difficult position.
 - i. Our strategy was to work with local districts to share students who need a "fresh" start.
- b. The District recognizes that African-American males have been suspended and expelled more often than other student sub groups.
 - i. Our strategy was to explore Restorative Justice options for MUSD.

4. Existing gaps and strategies in our current plan and strategies outlined for filling those service gaps.

- a. Options for elementary expelled students are very limited as the SCCOE program only serves grades 7-12.
 - i. The first option is to find one alternative placement at one of the 10 elementary schools in our district.
 - ii. Our strategy to address this gap, is that MUSD will collaborate with neighboring districts to consider placement outside MUSD.
- b. MUSD no longer has the option to move students to our Community Day School as that school was closed.
 - iii. Our strategy to address this gap is that MUSD will collaborate with nearby High School or Unified School District to consider a partnership for placement outside MUSD.
- c. It is extremely hard for MUSD students to attend the Sunol Program due to the distance. If a student can't get to that location, they are in a difficult position.
 - iv. Our strategy will be to work with local districts to share students who need a "fresh" start.
- d. The District recognizes that African-American & Latino males have been suspended & expelled more often than other student sub-groups.
 - v. Our strategy will be to expand Restorative Justice options for MUSD and expand PBIS efforts in MUSD and options to strengthen Tier I School Climate practices.

- vi. Another strategy relates to our instructional practices which include culturally responsive teaching practices and addressing unconscious bias overtime.

5. Identify alternative placements for pupils who are expelled and placed in district (if your district has) 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.

- a. MUSD does not currently offer a Community Day School Program.
- b. MUSD will refer the student to an appropriate educational setting, and ensure that an educational program is provided either within or outside the school district.
- c. There is could be consideration to have the student attend another site in the district and if of age, the district's Continuation High School.

6. Plan for Expelled Students who commit subsequent violations

- a. The district will look into other SCCOE options, such alternatives might include placement at the County Community School, the Independent Study Program in the County Community School,
- b. Additionally, the District may look voluntary placement at other program options in the County or in partner districts

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools* (*Placement by non-education agency may be required*)

Osborne

Blue Ridge

Community Schools

Sunol (one location) grades 7-12

Independent Study 7-12

** Placement by non-education agency may be required*

**PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN
SANTA CLARA COUNTY**

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS

AND

STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at defusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development

- Community liaisons
 - Counselors, psychologist support
 - Character building programs
6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the “District Name” School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the “District Name” School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have re-committed an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

Suspension And Expulsion/Due Process

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. [5131](#) - Conduct)

(cf. [5131.1](#) - Bus Conduct)

(cf. [5131.2](#) - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code [48900\(s\)](#))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. [5112.5](#) - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code [48900\(a\)-\(e\)](#), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#), [48900.6](#))

(cf. 1020 - Youth Services)

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [5144](#) - Discipline)

(cf. [6142.4](#) - Service Learning/Community Service Classes)

(cf. [6164.2](#) - Guidance/Counseling Services)

(cf. [6164.5](#) - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code [48910](#). (Education Code [48900](#))

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. [5113](#) - Absences and Excuses)

(cf. [5113.1](#) - Chronic Absence and Truancy)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code [48900](#) and [48900.2](#), but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code [48900.5](#))

Authority to Expel

A student may be expelled only by the Board. (Education Code [48918\(j\)](#))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code [48915](#))

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. [5131.7](#) - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in Health and Safety Code [11053-11058](#)

5. Committing or attempting to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committing a sexual battery as defined in Penal Code [243.4](#)

6. Possessing an explosive as defined in 18 USC [921](#)

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code [48915\(b\)](#) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. 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

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code [48917](#))

No student shall be expelled for disruption or willful defiance. (Education Code [48900](#))

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The

Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code [48911](#), [48915](#), [48915.5](#), [48918](#))

(cf. 5119 - Students Expelled from Other Districts)

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code [48900.8](#) and [48916.1](#), including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. [0460](#) - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment
422.75 Enhanced penalties for hate crimes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors, or stun guns
868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7961 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy Students:

<https://www2.ed.gov/about/offices/list/oese/oshs>

Policy MILPITAS UNIFIED SCHOOL DISTRICT

adopted: June 23, 2015 Milpitas, California

revised: February 13, 2018

[Milpitas USD](#) | AR 5144.1 Students

Suspension And Expulsion/Due Process

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code [48925](#))

- 1.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.
- 2.Referral to a certificated employee designated by the principal to advise students.
- 3.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. (Education Code [48925](#))

Day means a calendar day unless otherwise specifically provided. (Education Code [48925](#))

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code [48925](#))

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. (Education Code [48911](#))

School property, for the purposes described in Education Code [48900](#), includes, but is not limited to, electronic files and databases. (Education Code [48900\(u\)](#))

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, including suspension and expulsion. (Education Code [35291](#), [48900.1](#), [48980](#))

(cf. [5144](#) - Discipline)

(cf. [5145.6](#) - Parental Notifications)

Grounds for Suspension and Expulsion

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code [48900\(a\)](#) and (t))

2. 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 (Education Code [48900\(b\)](#))

(cf. [5131](#) - Conduct)

(cf. [5131.7](#) - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code [11053-11058](#), alcoholic beverage, or intoxicant of any kind (Education Code [48900\(c\)](#))

(cf. [5131.6](#) - Alcohol and Other Drugs)

4. 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 such controlled substance, alcoholic beverage, or intoxicant (Education Code [48900\(d\)](#))

5. Committed or attempted to commit robbery or extortion (Education Code [48900\(e\)](#))

6. Caused or attempted to cause damage to school property or private property (Education Code [48900\(f\)](#))

7. Stole or attempted to steal school property or private property (Education Code [48900\(g\)](#))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code [48900\(h\)](#))

(cf. [5131.62](#) - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code [48900\(i\)](#))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code [11014.5](#) (Education Code [48900\(j\)](#))

11. 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 (Education Code [48900\(k\)](#))

(cf. [5131.4](#) - Student Disturbances)

12. Knowingly received stolen school property or private property (Education Code [48900\(l\)](#))

13. Possessed an imitation firearm (Education Code [48900\(m\)](#))

Imitation firearm means 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. (Education Code [48900\(m\)](#))

14. Committed or attempted to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committed a sexual battery as defined in Penal Code [243.4](#) (Education Code [48900\(n\)](#))

15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code [48900\(o\)](#))

16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code [48900\(p\)](#))

17. Engaged in, or attempted to engage in, hazing (Education Code [48900\(q\)](#))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events.

18. Engaged in an act of bullying (Education Code [48900\(r\)](#))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code [48900.2](#), [48900.3](#), or 48900.4 (items #21-23 below), that has any of the effects described above on a reasonable student.

Electronic act means the creation or transmission of a communication originated on or off school site, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code [48900\(r\)](#))

(cf. [1114](#) - District-Sponsored Social Media)

(cf. [5131.2](#) - Bullying)

(cf. [6164.4](#) - Identification and Evaluation of Individuals for Special Education)

(cf. [6164.6](#) - Identification and Education under Section 504)

19. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code [31](#). (Education Code [48900\(t\)](#))

20. Made terrorist threats against school officials and/or school property. (Education Code [48900.7](#))

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code [48900.7](#))

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

21. Committed sexual harassment as defined in Education Code [212.5](#) (Education Code [48900.2](#))

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code [212.5](#), [48900.2](#))

(cf. [5145.7](#) - Sexual Harassment)

22. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code [233](#) (Education Code [48900.3](#))

Hate violence means any act punishable under Penal Code [422.6](#), [422.7](#), or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code [233](#); Penal Code [422.55](#))

(cf. [5145.9](#) - Hate-Motivated Behavior)

23. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code [48900.4](#))

(cf. [5145.3](#) - Nondiscrimination/Harassment)

Removal from Class by a Teacher and Parental Attendance

A teacher may remove a student from his/her class for the remainder of the day and the following day only for acts specified in Education Code [48900](#) and listed under "Grounds for Suspension and Expulsion" above. (Education Code [48910](#))

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed. (Education Code [48910](#))

As soon as possible after the teacher decides to remove the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code [48910](#))

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 or designee. (Education Code [48910](#))

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. (Education Code [48913](#))

Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code [48915\(c\)](#))

1. Possessing, as verified by a district employee, 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

2. Brandishing a knife as defined in Education Code [48915\(g\)](#)

3. Unlawfully selling a controlled substance listed in Health and Safety Code [11053-11058](#)

4. Committing or attempting to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committing a sexual battery as defined in Penal Code [243.4](#)

5. Possessing an explosive as defined in 18 USC [921](#)

In addition, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for

Suspension and Expulsion" above or if the student's presence causes a danger to persons. (Education Code [48900.5](#))

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code [48900.5](#))

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain them in the student's record. (Education Code [48900.5](#))

(cf. [5125](#) - Student Records)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code [48911](#))

A student may be suspended from school for not more than 20 school days in any school year. However, when a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code [48903](#), [48911](#), [48912](#))

(cf. [6184](#) - Continuing Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code [48911](#))

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee 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, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code [48911](#))

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving 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 the 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 a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code [48911](#))

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code [48911](#))

3. 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. (Education Code [48911](#))

This notice shall state the specific offense committed by the student. (Education Code [48900.8](#))

In addition, the notice may state 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 add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code [48914](#))

Although the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code [48911](#))

5. 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. (Education Code [48911](#))

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 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. (Education Code [48911](#))

If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code [48853.5](#), [48911](#), [48918.1](#))

(cf. [6173.1](#) - Education for Foster Youth)

In addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code [48912](#))

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 under "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code [48915](#). (Education Code [48912.5](#))

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code [49073-49079](#). (Education Code [35146](#), [48912](#))

(cf. [9321](#) - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. 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. (Education Code [35146](#), [48912](#))

Supervised Suspension Classroom

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code [48911.1](#))

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing. (Education Code [48911.1](#))

Authority to Expel

A student may be expelled only by the Board. (Education Code [48918\(j\)](#))

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code [48915](#))

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled, upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code [48915\(b\)](#) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. 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

Superintendent, Principal, or Designee's Authority to Recommend Expulsion

Unless the Superintendent, principal, or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code [48915\(a\)](#))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code [48915\(g\)](#) or other dangerous object of no reasonable use to the student

3. Unlawful possession of any controlled substance as listed in Health and Safety Code [11053-11058](#), except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician

4. Robbery or extortion

5. Assault or battery, as defined in Penal Code [240](#) and [242](#), upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code [48915](#))

Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code [48915\(c\)](#))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence

However, possession of an imitation firearm, as defined in Education Code [48900\(m\)](#), shall not be regarded as an offense requiring a mandatory recommendation for expulsion and mandatory expulsion.

2. Brandishing a knife as defined in Education Code [48915\(g\)](#) at another person

3. Unlawfully selling a controlled substance listed in Health and Safety Code [11053-11058](#)

4. Committing or attempting to commit a sexual assault as defined in Penal Code [261](#), [266c](#), [286](#), [288](#), [288a](#), or 289, or committing a sexual battery as defined in Penal Code [243.4](#)

5. Possessing an explosive as defined in 18 USC [921](#)

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code [48915](#))

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed one of the acts listed above under "Grounds for Suspension and Expulsion." (Education Code [48918\(a\)](#))

The student is entitled to at least 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. (Education Code [48918\(a\)](#))

If the Board finds it impractical during the regular school year 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. (Education Code [48918\(a\)](#))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code [48925](#). Unless the student requests in writing that the expulsion

hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code [48918\(a\)](#))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code [48918\(a\)](#))

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. (Education Code [48918.5](#))

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: (Education Code [48918.5](#))

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. 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. (Education Code [48918.5](#))

Written Notice of the Expulsion Hearing

Written notice of the expulsion 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: (Education Code [48900.8](#), [48918\(b\)](#))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. 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\(a\)](#) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing

7.The opportunity to confront and question all witnesses who testify at the hearing

8.The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth

At least 10 days prior to a hearing to determine if a student who is a foster youth as defined under Education Code [48853.5](#) should be expelled for an offense not requiring a mandatory recommendation for expulsion, the Superintendent or designee shall notify the student's attorney and a representative of an appropriate county child welfare agency. If the hearing is pursuant to an offense requiring a mandatory expulsion recommendation, the Superintendent or designee may provide the same notification. The notice shall be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code [48918.1](#))

Conduct of Expulsion Hearing

1.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 a request is made, the meeting shall be public unless another student's privacy rights would be violated. (Education Code [48918\(c\)](#))

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 also shall be allowed to attend the closed session. (Education Code [48918\(c\)](#))

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. (Education Code [48918\(c\)](#))

2.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. (Education Code [48918\(g\)](#))

3.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 Code of Civil Procedure [1985-1985.2](#) and enforced in accordance with Government Code [11455.20](#). (Education Code [48918\(i\)](#))

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. (Education Code [48918\(i\)](#))

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. (Education Code [48918\(i\)](#))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant 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 shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code [48900](#) and listed in "Grounds for Suspension and Expulsion" above. (Education Code [48918\(h\)](#))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding 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. (Education Code [48918\(f\)](#))

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.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code [48918](#), [48918.5](#))

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. 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.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code [868.5](#).
- f. 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.
- g. 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.

- (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
- (2) 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.
- (3) The person conducting the hearing may:

- (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
- (b) 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
- (c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to 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. (Education Code [48918\(a\)](#))

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 or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board at a public meeting. (Education Code [48918\(j\)](#))

(cf. [9321.1](#) - Closed Session Actions and Reports)

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 any 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. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code [48916](#))

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code [48916](#))

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian 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. (Education Code [48916.5](#))

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:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion" (Education Code [48900.8](#))
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code [48916](#))

3. Notice of the right to appeal the expulsion to the County Board (Education Code [48918](#))
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code [48918](#))
5. 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](#) (Education Code [48918](#))

Decision Not to Enforce Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. 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:

1. 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. (Education Code [48917](#))
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code [48917](#))
3. 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. (Education Code [48917](#))
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code [48917](#))
5. 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. (Education Code [48917](#))
6. 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 inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code [48915.1\(b\)](#). (Education Code [48918\(j\)](#))
7. 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. (Education Code [48917](#))

Right to Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code [48919](#))

The student shall submit a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board. The district shall provide the student with these documents within 10 school days following the student's written request. (Education Code [48919](#))

Notification 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](#). (Education Code [48902](#))

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. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code [48915\(c\)\(1\)](#) or (5) or Penal Code [626.9](#) and [626.10](#). (Education Code [48902](#))

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. (Education Code [48902](#))

Post-Expulsion Placements

The Board shall refer expelled students to a program of study that is: (Education Code [48915](#), [48915.01](#))

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. 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
3. Not housed at the school site attended by the student at the time of suspension

(cf. [6158](#) - Independent Study)

(cf. [6185](#) - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #21-23 under "Grounds for Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code [48915](#))

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. (Education Code [48916.1](#))

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code [48916](#))

2. 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.

3. 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.

4. 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.

5. 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. (Education Code [48916](#))

6. 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. (Education Code [48916](#))

7. 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. (Education Code [48916](#))

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code [48645.5](#))

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code [48900.8](#))

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code [48918\(k\)](#))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code [48915.1](#))

(cf. 5119 - Students Expelled from Other Districts)

Regulation MILPITAS UNIFIED SCHOOL DISTRICT

approved: June 23, 2015 Milpitas, California

Suspension And Expulsion/Due Process (Students With Disabilities)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC [1400-1482](#), is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR [300.536](#). (Education Code [48903](#); 34 CFR [300.530](#))

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

(cf. [6159](#) - Individualized Education Program)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR [300.536](#))

1. The removal is for more than 10 consecutive school days.

2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:

- a. The series of removals total more than 10 school days in a school year.
- b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
- c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC [1412\(a\)\(1\)\(A\)](#); 34 CFR [300.530](#))

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code [48915.5](#))

(cf. [3541.2](#) - Transportation for Students with Disabilities)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC [1415\(k\)\(1\)\(G\)](#); 34 CFR [300.530](#))

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC [1415\(k\)\(1\)\(G\)](#); 34 CFR [300.531](#))

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR [300.504](#). (20 USC [1415\(k\)\(1\)\(H\)](#); 34 CFR [300.530](#))

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC [1415\(k\)\(1\)\(D\)](#); 34 CFR [300.530](#))

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern,

or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR [300.504](#). (20 USC [1415\(k\)\(1\)\(H\)](#); 34 CFR [300.530](#))

(cf. [5145.6](#) - Parental Notifications)

(cf. [6159.1](#) - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC [1415\(k\)\(1\)\(E\)](#); 34 CFR [300.530](#))

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC [1415\(k\)\(1\)\(E\)](#); 34 CFR [300.530](#))

a. Caused by or had a direct and substantial relationship to the student's disability

b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC [1415\(k\)\(1\)\(E\)](#); 34 CFR [300.530](#))

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC [1415\(k\)\(1\)\(F\)](#); 34 CFR [300.530](#))

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC [1415\(k\)\(1\)\(F\)](#); 34 CFR [300.530](#))

(cf. [6159.4](#) - Behavioral Interventions for Special Education Students)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC [1415\(k\)\(1\)\(D\)](#); 34 CFR [300.530](#))

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC [1415\(k\)\(1\)\(D\)](#); 34 CFR [300.530](#))

(cf. [6158](#) - Independent Study)

(cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR [300.530](#) (suspension and removal for dangerous circumstances) or 34 CFR [300.531](#) (interim alternative placement), or the manifestation determination under 34 CFR [300.530\(e\)](#), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR [300.507](#) and [300.508](#)(a) and (b). (20 USC [1415\(k\)\(3\)](#); 34 CFR [300.532](#))

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR [300.507](#), [300.508](#)(a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR [300.532](#) as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC [1415\(k\)\(4\)](#); 34 CFR [300.533](#))

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code [48917](#))

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code [49076](#))

(cf. [5131.7](#) - Weapons and Dangerous Instruments)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code [48203](#))

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC [1415\(k\)\(5\)](#); 34 CFR [300.534](#))

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC [1415\(k\)\(5\)](#); 34 CFR [300.534](#))

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.

2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC [1414\(a\)\(1\)\(B\)](#) or 34 CFR [300.300-300.311](#).

(cf. [6164.4](#) - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR [300.300-300.311](#), the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC [1415\(k\)\(5\)](#); 34 CFR [300.534](#))

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR [300.530](#), the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC [1415\(k\)\(5\)](#); 34 CFR [300.534](#))

Legal Reference:

EDUCATION CODE

[35146](#) Closed sessions re: suspensions

[35291](#) Rules of governing board

[48203](#) Reports of severance of attendance of disabled students

[48900-48925](#) Suspension and expulsion

[49076](#) Access to student records

[56000](#) Special education; legislative findings and declarations

[56320](#) Educational needs; requirements

[56321](#) Development or revision of individualized education program

[56329](#) Independent educational assessment

[56340-56347](#) Individualized education program teams

[56505](#) State hearing

PENAL CODE

[245](#) Assault with deadly weapon

[626.2](#) Entry upon campus after written notice of suspension or dismissal without permission

[626.9](#) Gun-Free School Zone Act

[626.10](#) Dirks, daggers, knives, razors, or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

[1412](#) State eligibility

[1415](#) Procedural safeguards

UNITED STATES CODE, TITLE 21

812 Controlled substances

UNITED STATES CODE, TITLE 29

[706](#) Definitions

[794](#) Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

[104.35](#) Evaluation and placement

[104.36](#) Procedural safeguards

[300.1-300.818](#) Assistance to states for the education of students with disabilities, especially:

[300.530-300.537](#) Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

Regulation MILPITAS UNIFIED SCHOOL DISTRICT

approved: June 23, 2015 Milpitas, California

Moreland School District

Three Year Expulsion Plan

Between the

Moreland School District

and

The Santa Clara County Office of Education

For the implementation of Education Code 48916.1

May 2018



May 9, 2018

Dr. Mary Ann Dewan
Attn: Superintendent's Office
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131-2304

At a meeting held on May 8, 2018, the Moreland Elementary School District Board of Education approved the Three Year Expulsion Plan which follows the Countywide Expulsion Plan developed by Santa Clara County for the implementation of Education Code 48916.1.

The agenda from the May 8th meeting is attached to this letter.

Sincerely,

Mary Kay Going, Ed.D.
Superintendent
Moreland School District

BOARD OF TRUSTEES

BRIAN PENZEL · JULIE REYNOLDS-GRABBE · HEATHER SUTTON · ROBERT VARICH · KAREN WHIPPLE

4711 CAMPBELL AVENUE · SAN JOSE, CALIFORNIA 95130-1790
(408) 874-2900 · FAX (408) 874-2968



MORELAND
SCHOOL DISTRICT
INNOVATE COLLABORATE EDUCATE

Tuesday, May 8, 2018 Regular Board Meeting

District Office (Educational Services Bldg.) - Boardroom

5:30 pm Employee/Volunteer Recognition Event

7:00 pm Open Session (Closed Session following meeting)

Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District office located at 4711 Campbell Ave., San Jose, during normal business hours.

1. Opening Item

- A. Call to Order
- B. Roll Call

2. Procedural/Routine Items

- A. Flag Salute - Latimer Elementary
- B. Approve the Agenda
- C. Comments from the Public
- D. Creating and sustaining a positive governance team culture-Governance Norms
- E. Strategic Plan 2016-2023

3. Annual "People of the Year" Ceremony

- A. Employee & Volunteer Recognition

4. Communication

- A. Superintendent's Report
- B. Board Member Communications

5. Reports

- A. 2016-2017 Parcel Tax Report & Measure A Final Review
- B. 2016-2017 Annual Measure K Bond Oversight Committee Report
- C. West Valley Community Service Report

6. Action/Discussion Items

- A. Public Hearing Regarding Moreland Teachers Association (MTA) and Moreland Chapter 198 of the California School Employees Association (MCSEA) Initial Bargaining Proposals for Contract Year 2018-2019 with the District
- B. Accept the Moreland Teacher Association (MTA) Initial Bargaining Proposal for Contract Year 2018-2019
- C. Approve Moreland School District's Initial Bargaining Proposal with the Moreland Teachers Association (MTA) for Contract Year 2018-2019

- D. Accept the Moreland Chapter 198 of the California School Employees Association (MCSEA) Initial Bargaining Proposal for Contract Year 2018-2019
- E. Approve Moreland School District's Initial Bargaining Proposal with the Moreland California School Employees Association (MCSEA) for Contract Year 2018-2019
- F. Award bid for the Anderson Elementary School HVAC Replacement and Exterior Finishes Project
- G. Approve Moreland School District Plan for Expelled Youth

7. Consent Items

- A. Classified, Certificated, Management/Confidential Personnel Nominations, Resignations, Retirements, Leave of Absence, Changes and Limited -Term Employment Assignments
- B. Consideration of Minutes for April 24, 2018 Regular Board meeting
- C. Contracts & Consultants \$125,000 and Under
- D. Approve Exclusive Negotiation Agreement with De Anza Force Soccer Club
- E. Approve Updates to Board Policy 1113: District and School Websites

8. Closing Items

- A. Future Meeting Dates
- B. Announcements/Reminders/Requests
- C. Adjourn to Closed Session

9. Closed Session

- A. Public Employee Discipline/Dismissal/Release and/or Reassignment
- B. Conference With Legal Counsel - Pending Litigation
- C. Conference with Labor Negotiator
- D. Adjournment

Moreland School District Educational Alternatives for Expelled Youth

The Moreland School District offers the existing intervention programs:

Program/Activity	Description of Activity	Grade Level
PBIS	A multi-tiered approach to positive behavior management.	TK-8
MTSS	A multi-tiered approach to ensure all students have the opportunity to learn by incorporating academic, behavior, and social-emotional support.	TK-8
SST	A team of school staff and parents meeting to discuss a student's academic, behavior, and social-emotional needs.	TK-8
SARB	School Attendance Review Board meets with families to provide support and address barriers to attendance.	TK-8
Tobacco Use Prevention Education (TUPE)	Tobacco prevention used to educate students on the hazards of drugs, alcohol, and tobacco.	TK-8

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

1. Expulsion, suspended order, with placements on the same school campus, Educational Code 48917 (a).
2. Expulsion, suspended order, with placement on a different school campus within the District, Educational Code 48917 (a).
3. Expulsion with referral to a district community day program, if available, Education Code 48660.
4. Expulsion with subsequent transfer to another district.

5. Expulsion with referral to Santa Clara County Office of Education Alternative Education Department Community School., Education Code 1981.
6. Partner with other local districts for alternative placement.

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

Gaps in Educational Services to Expelled Youth

There are gaps that exist in respect to providing educational services to expelled youth. Following each gap is the Moreland School District 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.
 - a. Moreland strategy for addressing this gap:
 - i. Regional program may be developed to reflect geographical or limited numbers.
 - ii. 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.
 - a. Moreland strategy for addressing this gap:
 - i. Independent Study programs can be developed to meet the specific needs of expelled youth.
 - ii. 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.

Moreland strategy for addressing this gap:

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

4. Plan for Expelled Students who commit subsequent violations:

- a. Expulsion, suspended order, with placements on the same school campus, Educational Code 48917 (a).
- b. Expulsion, suspended order, with placement on a different school campus within the District, Educational Code 48917 (a).
- c. Expulsion with referral to a district community day program, if available, Education Code 48660.
- d. Expulsion with subsequent transfer to another district
- e. Expulsion with referral to Santa Clara County Office of Education Alternative Education Department Community School., Education Code 1981.
- f. Partner with other local districts for alternative placement.

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

Plan for Providing Educational Services to All Expelled Students in Santa Clara County

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4)

alternative placements for students who fail community day school placements (if offered in your district).

Existing Educational Alternatives for Expelled Students

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

Suspended expulsion with placement at a different district campus (within or outside of the district)

- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

Countywide Identified Gaps

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies,

including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at defusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.
3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.
4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.
5. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include

differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

Moreland ESD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law and the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or other school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension and Expulsion

Except when a student's act violates Education Code 48900(a)-(e) as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory

recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm

3. Brandishing a knife at another person

4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058

5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4

6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. 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

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall maintain outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The District may report this data as part of the coordinated compliance review. The Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, student with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48667 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability
CODE OF CIVIL PROCEDURE
1985-1997 Subpoenas; means of production
GOVERNMENT CODE
11455.20 Contempt
54950-54963 Ralph M. Brown Act
HEALTH AND SAFETY CODE
11014.5 Drug paraphernalia
11053-11058 Standards and schedules
LABOR CODE
230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child
PENAL CODE
31 Principal of a crime, defined
240 Assault defined
241.2 Assault fines
242 Battery defined
243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment
422.75 Enhanced penalties for hate crimes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors, or stun guns
868.5 Supporting person; attendance during testimony of witness
WELFARE AND INSTITUTIONS CODE
729.6 Counseling
UNITED STATES CODE, TITLE 18
921 Definitions, firearm
UNITED STATES CODE, TITLE 20
1415(K) Placement in alternative educational setting
7961 Gun-free schools
COURT DECISIONS
T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267
Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy Students:

<https://www2.ed.gov/about/offices/list/oese/ohs>

Policy

adopted: July 10, 2012

revised: May 14, 2013

revised: August 2014

revised: April 24, 2018

MORELAND ELEMENTARY SCHOOL DISTRICT

San Jose, California

Moreland ESD

Administrative Regulation

Suspension And Expulsion/Due Process

AR 5144.1
Students

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. 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
2. Referral to a certificated employee designated by the principal to advise students
3. 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

Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

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, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)
(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or

abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

2. 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 (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

4. 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 such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Knowingly received stolen school property or private property (Education Code 48900(l))

12. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means 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. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an

identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

a. A message, text, sound, video, or image

b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A *terrorist threat* includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code

48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code

48900.5)

(cf. 5125 - Student Records)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee 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, presented with the available evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving 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 the conference and 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 a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)

3. 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 also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. 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, provided the following requirements are followed: (Education Code 48911)

a. The extension of the original period of suspension is 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 parent/guardian to challenge the original suspension.

b. 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. (Education Code 48911)

c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

d. If the student involved is a homeless child or youth, the Superintendent or designee shall

notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of

marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician

4. Robbery or extortion

5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least 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. (Education Code 48918(a))

If the Board finds it impractical during the regular school year 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. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

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. (Education Code 48918.5)

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: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. 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. (Education Code 48918.5)

Written Notice of the Expulsion Hearing

Written notice of the expulsion 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: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation

4. 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) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing

7. The opportunity to confront and question all witnesses who testify at the hearing

8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. **Closed Session:** Notwithstanding 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 a request is made, the meeting shall be public to the extent that privacy rights of other

students are not violated. (Education Code 48918)

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 also shall be allowed to attend the closed session. (Education Code 48918(c))

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. (Education Code 48918(c))

2. 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. (Education Code 48918(g))

3. 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 Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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. (Education Code 48918(i))

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. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant 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 shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding 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. (Education Code 48918(f))

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.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

- a. Any complaining witness shall be given five days' notice before being called to testify.
- b. 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.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. 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.
- g. 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 non threatening environment.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
 - (2) 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.

(3) The person conducting the hearing may:

(a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness

(b) 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

(c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to 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. (Education Code 48918(a))

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. The Board may also 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. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

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 expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

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 any 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. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian 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. (Education Code 48916.5)

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:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. 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 (Education Code 48918)

Decision to Suspend Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. 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:

1. 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. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be

on probationary status. (Education Code 48917)

3. 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: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)

4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5. 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. (Education Code 48917)

6. 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 inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

7. 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. (Education Code 48917)

Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification 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. (Education Code 48902)

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. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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. (Education Code 48902)

Placement During Expulsion

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. 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 any of these
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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. (Education Code 48916.1)

Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

1. 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.

2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.

3. 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.

4. 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. (Education Code 48916)

5. 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.

6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying admittance 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. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Regulation
approved: February 15, 2006

MORELAND ELEMENTARY SCHOOL DISTRICT
San Jose, California

revised: January 22, 2013

revised: April 30, 2013

revised: July 9, 2014

revised: April 2015

revised: April 16, 2018

Morgan Hill Unified School District

Three Year Expulsion Plan

Between the

Morgan Hill Unified District

and

The Santa Clara County Office of Education

For the implementation of Education Code 48916.1

Steve Betando, Superintendent

Dr. Ramon Zavala, Assistant Superintendent

Educational Services Division

Linda Row

Director of Student Services and Enrollment



Morgan Hill Unified School District

15600 Concord Circle, Morgan Hill, CA 95037 (408) 201-6000

April 18, 2018

Dr. David Putney
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131

Dear Dr. Putney,

Attached please find documentation to show that the Morgan Hill Unified School District has complied with the state of California's requirements to develop a Three Year Expulsion Plan.

At a meeting held on April 17, 2018, the Morgan Hill Unified School Board of Education approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County Office of Education for the implementation of Education Code 48916.1.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Betando", is written over the typed name and title.

Steve Betando
Superintendent

/jg

MORGAN HILL UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION AGENDA
Regular Board Meeting
April 17, 2018, 6:00 PM
15600 Concord Circle; Morgan Hill, CA 95037
MHUSD Board Room and Trustee David Gerard's teleconference location: 17520 Montoya Circle, Morgan Hill, CA 95037 Closed Session 4:00 PM

MEETING TIMES

The meeting time listed above is the time of Public Session. If posted on the agenda, the Board may meet for Closed Session prior to Public Session. If a Closed Session is scheduled for this meeting, the time will be listed on the agenda under "A. Call to Order." The Board is allowed to meet in Closed Session to discuss labor negotiations, student discipline, personnel matters, litigation, and other matters provided under California state law. Members of the public may address the Board on Closed Session agenda items immediately prior to the Board adjourning to Closed Session.

Following Closed Session, the Board reconvenes to Public Session

Agenda item times are estimated and are subject to change and items may be presented before or after indicated time.

Adjournment of the Public Session will be no later than 9:30 p.m. for all regular and special meetings, unless extended by a majority vote of the Board.

****SI USTED DESEA DIRIGIRSE A LA MESA DIRECTIVA DE EDUCACION****
Si usted desea dirigirse a la mesa directiva de educación y necesita el servicio de traducción en español, por favor llame 24 horas con anticipación a la oficina del superintendente al (408-201-6001). Las reglas para dirigirse a la mesa directiva están disponibles en español en la recepción de la junta.

****IF YOU WISH TO ADDRESS THE BOARD OF EDUCATION****

Please submit a "Speaker's Request" card (which can be found near the entry to the meeting area) to the Superintendent's Secretary prior to the meeting being called to order. Upon recognition by the President of the Board, please come to the podium and identify yourself before speaking. The Board of Education reserves the right to limit speaking time to three (3) minutes or less per individual, and to limit the total time for public communication to no more than 20 minutes (in accordance with Board Bylaw 9323).

Non-Agenda Items (Regular board meetings only) may be addressed under "Public Comment / Communications."

Agenda Items may be addressed either under "Public Comment / Communications" or at the time the agenda item is addressed by the Board. Public comment on agenda items occurs before staff presentation.

Special Accommodations. In compliance with the Americans with Disabilities Act, if you need special assistance to access the Board meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Superintendent's Secretary at 408-201-6001. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting.

Public Records related to the public session agenda that are distributed to the Governing Board less than 72 hours before a regular meeting may be inspected by the public at 15600 Concord Circle during regular business hours (8am to 5pm, Monday through Friday).

****PLEASE SWITCH ALL ELECTRONIC DEVICES TO SILENT MODE WHILE IN THE BOARD ROOM DURING A BOARD MEETING****

Page 1 of 4

In addition, in compliance with Board Bylaw 9323.3, Board members will not communicate electronically during meetings with members of the public, other board members, or school district staff regarding official school board business, agenda items, or other board matters that are properly discussed publicly during board meetings.

A. CALL TO ORDER

A.1. PUBLIC COMMENT ON CLOSED SESSION TOPICS

A.2. ADJOURN TO CLOSED SESSION (4:00 PM)

A.2.a. PUPIL PERSONNEL - Student discipline Education Code §49918 (c)(K-12)

A.2.a.1. Recommendation for Expulsion and Rehabilitation Plan for Student E-17/18-010

A.2.a.2. Recommendation for Expulsion and Rehabilitation Plan for Student E-17/18-012

A.2.b. LIABILITY CLAIMS - Governmental Code Section 54956.95

A.2.b.1. ASCIP Case No. 1704588; LC 17/18-001

A.2.c. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9; three cases

A.2.d. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to subdivision (a) of Government Code §54956.9

A.2.d.1. Denise Reilly v. Morgan Hill Unified School District, Case No. 16CV303125

A.2.d.2. A Voice for Choice Advocacy, Inc., v. Morgan Hill Unified School District, et al, Case No. 17CV316128

A.2.d.3. Santa Clara Superior Court Case No. 17CV319128; EL 17/18-001

A.2.d.4. Claude Jenkins v. Morgan Hill Unified School District, State Case #WC-CM-459235

A.2.e. CONFERENCE WITH LABOR NEGOTIATOR (Government Code § 54957.6) Morgan Hill Classified Employees Association (MHCEA) and Morgan Hill Federation of Teachers (MHFT), Designated representative: Fawn Myers / Morgan Hill Educational Leaders Association (MHELA), Unrepresented employees, Designated representative: Steve Betando, and Superintendent, Designated representative: Karen Rezendes, Lozano Smith

A.2.f. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code §54956.8)

A.2.f.1. Property: APNs 764-16-028 (Main @ Hale Avenue) Agency Negotiators: Steve Betando, Superintendent; Kirsten Perez, Assistant Superintendent; Phil Henderson, Orbach Huff Suarez & Henderson Negotiating Parties: Santa Clara County Valley Transportation Authority Under Negotiation: Price and terms of payment for potential purchase

A.2.g. PUBLIC EMPLOYEE-DISCIPLINE / DISMISSAL / RELEASE / REASSIGNMENT / COMPLAINT (Government Code § 54957 and 54957.1)

Page 2 of 4

- A.2.h. PUBLIC EMPLOYMENT / PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code § 54957) Title: Superintendent
- A.3. RECONVENE TO PUBLIC SESSION
- A.4. CALL TO ORDER / PLEDGE OF ALLEGIANCE (6:00 PM)
- A.5. INTRODUCTION OF BOARD MEMBERS AND STAFF (6:03 PM)
- A.6. RECOGNITIONS / PRESENTATIONS (6:05 PM)
 - A.6.a. Intrepid Philanthropy Foundation for the Light Awards Program
- B. ADOPTION OF AGENDA / APPROVAL OF CONSENT CALENDAR (6:15 PM)
- C. APPROVAL OF MINUTES (6:18 PM)
 - C.1. Approve the minutes from the Regular Board meeting of March 20, 2018
- D. PUBLIC COMMENT / COMMUNICATIONS (6:20 PM)
- E. COMMUNICATIONS
 - E.1. Closed Session Action Report (Government Code § 54957.1)
 - E.2. Report: Student Board Member
 - E.3. Reports: Superintendent / Staff
 - E.4. Reports: Board Members
 - E.5. Reports: Employee Groups: Morgan Hill Classified Employee Association / Morgan Hill Federation of Teachers / Morgan Hill Educational Leaders Association
 - E.6. Calendar: Upcoming events
- F. CONSENT ITEMS
 - F.1. BUSINESS SERVICES
 - F.1.a. Adopt resolution consenting to the dissolution of Corporation Yard Commission
 - F.1.b. Adopt resolution to accept donations made to the Morgan Hill Unified School District
 - F.1.c. Adopt resolution to accept increases to budgets as a result of donations and make changes between funds as needed
 - F.1.d. Adopt resolution to apply for Proposition 51 modernization and new construction funding through the Office of Public School Construction
 - F.1.e. Approve delegation of authority to award contracts for Live Oak Roof Replacement
 - F.1.f. Approve Pitney Bowes postage machine agreement
 - F.2. EDUCATIONAL SERVICES
 - F.2.a. Approve agreements for partnerships with The Tech Museum of Innovation
 - F.2.b. Approve contract with EL Achieve for Elementary Constructing Meaning

- F.2.c. Approve grant agreement with Intrepid Philanthropy Foundation for the Light Awards Program
- F.2.d. Approve travel for fifteen Britton Middle School MENCHU students to Mount Madonna Campground in Watsonville, California
- F.2.e. Ratify contract for Special Education Services for 2017-18 in the amount of \$6,000

F.3. HUMAN RESOURCES

- F.3.a. Approve Memorandum of Understanding between Career Technical Education Credentials Program and Morgan Hill Unified School District
- F.3.b. Approve personnel action to employ, re-employ, promote, reassign, accept resignation, accept retirement, and authorize related compensation
- F.4. SUPERINTENDENT
 - F.4.a. Proposed revisions to Board Policies based on updates from California School Boards Association Policy Maintenance Services

G. GENERAL BUSINESS - PUBLIC SESSION ITEMS FOR BOARD DISCUSSION

- G.1. Equity Item: Approve District's Three Year Plan for Expelled Youth (6:50 PM)
- G.2. Socio-Economically Disadvantaged Student Participation in Extra-Curricular Activities (7:00 PM)
- G.3. Adopt Resolution declaring May 4, 2018 "School Lunch Hero Day" (7:10 PM)
- G.4. Adopt Resolution declaring May 9, 2018 "California Day of the Teacher" (7:13 PM)
- G.5. Adopt Resolution Declaring May 9, 2018 "National School Nurse Day" (7:16 PM)
- G.6. Adopt Resolution Declaring May 20-26, 2018 "Classified School Employee Week" (7:19 PM)
- G.7. 1st Quarterly Report 2018 on Williams Uniform Complaints, January 1, 2018 - March 31, 2018, for the Morgan Hill Unified School District (7:21 PM)
- G.8. New business: future agenda items / recognitions (7:24 PM)
- H. PUPIL DISCIPLINE (7:30 PM)
 - H.1. Recommendation for Expulsion and Rehabilitation Plan for Student E-177/18-010
 - H.2. Recommendation for Expulsion and Rehabilitation Plan for Student E-177/18-012
- I. ADJOURNMENT (7:35 PM)

Documents provided to a majority of the Governing Board regarding an open session item in the agenda will be made available for public inspection in the District Office located at 15600 Concord Circle, Morgan Hill during normal business hours.

Regular Board Meeting

April 17, 2018 6:00 PM

MHUSD Board Room and Trustee David Gerard's teleconference location: 17520 Montoya Circle, Morgan Hill, CA 95037 Closed Session 4:00 PM

(APPROVED
4/17/18 jg)

Agenda Item: G.1. Equity Item: Approve District's Three Year Plan for Expelled Youth (6:50 PM)

Rationale: The attached plan describes the Morgan Hill Unified School District's policy and procedures for ensuring that students expelled from the District have appropriate educational options during the term of expulsion. The information in this document reflects a triennial update of the 2015 plan, and is formatted to respond to the requirements and recommendations put forth in by the California Department of Education.

Once approved, the District's plan will be submitted to the Santa Clara County Office of Education. The SCCOE plan, which will incorporate the plans of all 32 school districts, will be submitted to the State Department of Education subsequent to approval by the County Board of Education.

Please note that this plan only addresses the District's policies and procedures for providing educational services to students expelled from our District. It does not address the conditions under which a student would be recommended for expulsion from the District or the expulsion process itself.

Recommended

Motion: Approve as submitted
Passed with a motion by Gino Borgioli and a second by Teresa Murillo.

Financial Impact: Cost of 5 county-program allocations at \$11,385 each for a total of \$56,925 from LCFF Base funds

Comments: Submitted by:
Linda Row, Director Student Services and Enrollment
Dr. Ramon Zavala, Assistant Superintendent Educational Services

Attachments:
180417 MHUSD Three Year Expulsion Plan

Morgan Hill Unified School District Plan Educational Alternatives for Expelled Students

The following plan describes the Morgan Hill Unified School District's policy and procedures for ensuring that students expelled from the District have appropriate educational options during the term of expulsion. The information in this document reflects a triennial update of the 2015 plan, and is formatted to respond to the requirements and recommendations put forth in by the California Department of Education.

Describe current program offerings, interventions, and administrative referrals or placements

The Morgan Hill Unified School District employs a Multi-Tiered System of Support (MTSS) for prevention and early intervention related to student conduct that could potentially lead to expulsion.

All schools in the District have been or are being trained in Positive Behavioral Intervention and Supports (PBIS). The District employs a full-time PBIS Coach, who provides direct technical assistance and support to site implementation teams.

MHUSD participates in a Santa Clara County initiative called School Linked Services. This initiative has helped the District develop a robust system of mental health services provided on campus by our community partners. The District's School Linked Services Coordinator serves as the point person for counseling referrals, manages enrollment in family-centered programs such as the Positive Parenting Program, links students and families to material resources such as food, clothing and school supplies and connects them with services such as low- or no-cost health exams and immunizations.

The District partners with three local counseling agencies to provide a variety of mental health services to students: Community Solutions, Rebekah Children's Services and Discovery Counseling Center. At our Title I elementary schools, students living in poverty have access to the Prevention and Early Intervention (PEI) Program (provided by Community Solutions and Rebekah) an evidence-based program which incorporates skill-building for students and families to promote a positive connection to school and to foster academic success. In addition, these same CBOs also provide counseling programs to middle and high school aged students in our schools with high poverty

rates. Discovery Counseling provides Marriage and Family Therapist interns and trainees to every campus in the District for individual and group counseling support.

Because of its extreme cost of housing, Morgan Hill has a high rate of students experiencing homelessness as defined by the McKinney-Vento act. The District has developed a team of certificated and classified employees to provide direct service to homeless, foster, and low income students in grades 6 - 12. The Coordinated Advocacy and Resources for Education (CARE) team members work directly with students and families to connect them with resources and services, as well as provide academic counseling, mentoring and basic behavioral coaching to help students meet their goals.

The District is building capacity in restorative practices and restorative justice as part of our MTSS focus. School administrators have a working understanding of the principles of RJ and incorporate them into their PBIS implementation. Staff at a few schools have been trained to facilitate harm-repair circles.

School staff in the District are in the exploration phase of implementing trauma-informed practices. All certificated staff TK - 12 have engaged in professional development, led by professional trainers from one of our community partners. Trauma-informed practices shifts the focus from "what is wrong with you?" to "what happened to you?" and is especially valuable in responding to chronic student misbehavior.

As part of our trauma-informed practice, the District is in the initial stages of implementing a FOCUS (Focus on Children Under Stress) program. This program collects data from local first responders and alerts school staff when a student has been involved in a traumatic event off campus, such as domestic violence, arrest of a family member, house fire etc. The school staff do not receive details or confidential information, only a general notice that the student may need some extra attention and care.

The District participates in a collaborative group known as the South County Youth Task Force (SCYTF). A partnership between the cities of Morgan Hill and Gilroy, this group is comprised of representatives from the police department, school district, and city government, along with a wide variety of local youth-focused agencies such as the YMCA, juvenile probation, the faith community, gang-intervention specialists and the District Attorney's office. The SCYTF serves as a forum to identify high-risk students and connect them with a higher level of intervention than what is available through the standards school program.

MHUSD employs a full time School Resource Officer who is a member of NASRO (the National Association of School Resource Officers), trained in Restorative Justice and committed to a community policing philosophy that is predicated on positive relationships with students. The SRO often helps school staff intervene when student conduct poses a safety risk.

When a student is recommended for expulsion and goes through the due process, there are a range of placement options that the District considers, including

- Expulsion, suspended order, with placements on the same school campus, Educational Code 48917 (a).
- Expulsion, suspended order, with placement on a different school campus within the District, Educational Code 48917 (a).
- Expulsion with subsequent transfer to another district.
- Expulsion with referral to Santa Clara County Office of Education Alternative Education Department Community School., Education Code 1981.
- Elementary Schools- Identify a partner district that will accept expulsion referrals.

Identify gaps in educational services to expelled youth.

2015 GAP: Geographical Distance

There are significant geographical distances between the MHUSD schools and county-operated schools and programs. This means that in order to get MHUSD expelled students to school, they must either be bussed, which is not financially feasible for the county, take public transportation which incurs a cost and which is not time-efficient for a student to get to San Jose, or parent-provided transportation which is often impossible for the parents.

STRATEGY:

The county's middle grades program was relocated to the local community school, so with a few exceptions, long-distance (20+ miles) transportation support was not necessary and students in grades 7 - 12 could attend the local community school.

However, starting in fall of 2018, all expelled students will be placed at Sunol community school. Transportation is expected to continue to be a significant challenge.

2018 Update:

Geographical distance continues to be a challenge and this gap has increased rather than improved due to the impending closure of the county-run Odyssey Community School located in a town adjacent to Morgan Hill. The County Office of Education will

move its program for expelled students to be housed on the Sunol Community School campus in San Jose, a drive of more than 20 miles way from Morgan Hill, which could take more than an hour in heavy commute traffic. The District does not provide transportation for expelled students and for some families this distance will pose a challenge in ensuring that students have access to their educational placement.

New 2018 Gap: Closure of Local Community School

Due to declining enrollment and unsustainable costs, the local county-run community school will close in June 2018. In addition, the cost of one allocation in the county program has nearly tripled, so the number of alternative education seats that the District reserves annually has declined from 15 to 5. In the 2018 - 2019 school year the District anticipates only sending students expelled for Education Code 58915 C violations to the county program. The program will be located on a community school campus more than 20 miles from the city of Morgan Hill and the District will not pay for transportation. Discussions are in progress with a neighboring district about developing a shared program for expelled youth. This program will not yet be in operation in the 2018- 2019 school year.

Identify alternative placements for pupils who are expelled but fail to meet the terms of their rehabilitation plan.

A student who has been expelled from the District under Education Code 48900 or 48915 and who has failed to find success in a variety of placement options within the county-operated Community School programs is then referred back to the District's Department of Student Services.

The District will work with the County Office of Education to identify the best placement for the expelled student who has been dropped from a county program. A meeting with all concerned parties (parent, student, county staff, and the District) may be held to explore other alternatives such as:

- Placement in another county Community School or program
- Independent Study through a county Community School
- Placement in a probation-ordered educational program such as Edge
- Recommendation for a residential program such as Grizzly Youth Academy
- Recommendation for an employment-training program such as Job Corps
- A more restrictive educational placement in accordance with the services delineated in the student's IEP

Plan for Expelled Students who commit subsequent violations

Students who have been readmitted to the District after an expulsion return to regular student status. They can be assigned to a support program at their school of residence to assist in their transition from a community school to a comprehensive secondary school. If a student commits an expellable offense after readmission, and all alternative means of correction have been exhausted, the student may be referred for expulsion again.

Plan For Providing Educational Services To All Expelled Students In Santa Clara County

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the

school district's governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district's sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete "Plan for Providing Educational Services to all Expelled Students in Santa Clara County." Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

Existing Educational Alternatives For Expelled Students

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of

education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

Countywide Identified Gaps

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at defusing potentially volatile

situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

5. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use

of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

Morgan Hill Unified Board Policies that are specific to expelled youth.

Morgan Hill USD | BP 5144.1 Students

Suspension And Expulsion/Due Process

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law and the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or other school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension and Expulsion

Except when a student commits an act that violates Education Code 48900(a)-(e) or his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct.

Except when a student commits an act listed in Education Code 48915(c), the Superintendent or designee shall have the discretion to determine whether to recommend to the Board that the student be expelled.

(cf. 5131.7 - Weapons and Dangerous Instruments)

To correct the behavior of any student who is subject to discipline, the Superintendent or designee shall, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144 - Discipline. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Services)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

District staff shall not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the teacher and the student and his/her parents/guardians and to improve the student's behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law and that, if there are reasonable factors that may prevent the parent/guardian from complying with the requirement, he/she should contact the school. (Education Code 48900.1) (cf. 5145.6 - Parental Notifications)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by any method that maintains the confidentiality of the student's records.

(cf. 5125 - Student Records)

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Supervised Suspension Classroom

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law. Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Decision Not to Enforce Expulsion Order

Upon voting to expel a student, the Board may suspend enforcement of the expulsion order pursuant to the requirements of law and administrative regulation. (Education Code 48917)

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion,

the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities.

The report also shall include information about whether and how the **district is meeting its goals for improving school climate as specified in its local control and accountability plan.**

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School

Discipline, January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

PolicyMORGAN HILL UNIFIED SCHOOL DISTRICT

adopted: June 23, 2015 Morgan Hill, California

Morgan Hill USD | AR 5144.2 Students

Suspension And Expulsion/Due Process (Students With Disabilities)

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20

school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the

student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of

the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365
The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the

goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

(cf. 5145.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the

parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current

placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian.

(Education Code 49076)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless

assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.

2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Legal Reference:

EDUCATION CODE

35146 Closed sessions re: suspensions

35291 Rules of governing board

48203 Reports of severance of attendance of disabled students

48900-48925 Suspension and expulsion

49076 Access to student records

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individualized education program teams

56505 State hearing

PENAL CODE

245 Assault with deadly weapon

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act

626.10 Dirks, daggers, knives, razors, or stun guns

UNITED STATES CODE, TITLE 18

930 Weapons

1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

1412 State eligibility

1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

812 Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

Regulation MORGAN HILL UNIFIED SCHOOL DISTRICT

approved: November 13, 2012 Morgan Hill, California

**Mountain View Whisman
School District**

Plan for Expelled Youth

2015

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 30 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 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;

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

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/this 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.

Three-Year Expulsion Plan
Between the
Mt. Pleasant School District
and
The Santa Clara County Office of Education
For the implementation of Education Code 48916.1

2018-2021

Adopted by Mt. Pleasant School District Governing Board, May 9, 2018

Over the last five years the Mt. Pleasant School District has shown a significant decline in the number of students who have been suspended or expelled from district schools. By utilizing school wide interventions such as Positive Behavior Interventions and Supports (PBIS), less exclusionary means of discipline including Restorative Justice practices and changes in District policies and procedures fewer students are being removed from instruction. The District has also undertaken work in the area of equity to assure that certain groups are not disproportionately receiving exclusionary discipline and being suspended or expelled. Below is Mt. Pleasant School District's plan for implementation of education code 48916.1

Mt. Pleasant School District Plan - Educational Alternatives for Expelled Students

- a) Current program offerings, interventions, and administrative referrals or placements
 - i) Current intervention programs include Positive Behavior Intervention and Supports (PBIS) and implementation of Restorative Justice practices within all district schools.
 - ii) Expulsion, with a suspended order, with placements on the same school campus, Educational Code 48917 (a).
 - iii) Expulsion with referral to a district community day program, if available, Education Code 48660.
 - iv) Expulsion with subsequent transfer to another district
 - v) Expulsion with referral to Santa Clara County Office of Education Alternative Education Department Community School.
 - vi) Mt. Pleasant has established a partnership with Evergreen School District to accept expulsion referrals on a case by case basis.

- b) Identify gaps in educational services to expelled youth.
 - i) There are no elementary community school sites operated by the Santa Clara County Office of Education and only one middle school site within ten miles of the school district boundaries. Funding is limited for alternative schools and the numbers of students referred has decreased significantly, which has subsequently decreased the number of alternative school programs available in the County.
 - ii) Transportation to appropriate programming is an issue for parents. Many parents work or do not have the time or financial resources to transport their student across town daily to attend a community school. Even when offered bus passes or tokens by the District most parents do not want their middle school aged student taking a bus across town daily by themselves.
 - iii) Parent perception of community school placements is not positive as student is with other expelled youth. Therefore some parents refuse enrollment in the community school placement creating a gap in educational services for the student.
 - iv) Mt. Pleasant is a small district with only one middle school and one dependent charter school. The District does not have another middle school available for placement.
 - v) Although there are informal agreements with other districts, acceptance is on a case-by-case basis and not always feasible given the nature of the expulsion

- infraction. Neighboring districts tend to decline students with serious safety infractions.
- vi) Lack of alternative education options such as a blended learning model with home and school instruction, virtual learning options and mental health supports to assist students in learning from their behavior and making other choices or dealing with behavioral health issues.
- c) Current strategies for filling the outlined service gaps.
- i) To address the placement gaps identified above, the District is looking to collaborate with the Santa Clara County Office of Education on a blended learning model allowing students the option of both independent study and classroom learning to meet their needs with mental health supports.
 - ii) The Mt. Pleasant School District has offered bus tokens to families to assist with transportation needs when funding is an issue and has offered tokens as well to Parent/Guardians wanting to accompany their student.
 - iii) To address concerns with attending the Community Day School, The Mt. Pleasant School District works with parents to observe the Community School Program and available supports before making decisions about enrollment.
 - iv) The Mt. Pleasant School District has established a partnership with Evergreen School District to support student placement.
 - v) Independent Study or Home Instruction may be considered if a Parent/Guardian refuses enrollment in Community Day School, or is unable to attend a comprehensive school site and student is not enrolled in school.
- d) Plan for students 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.
- i) Students who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils are to remain in a community school until able to successfully return to the comprehensive school campus.
- e) Plan for Expelled Students who commit subsequent violations
- i) The District works with the County Office of Education to either return a student to the District who has committed subsequent offenses or to determine if other placement options are available to meet the expelled student's needs.

Santa Clara County Office Of Education Plan

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending

on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district's sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete "Plan for Providing Educational Services to all Expelled Students in Santa Clara County." Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- *Suspended expulsion with placement at a different district campus (within or outside of the district)*
- *Home teaching*
- *Non-public school placement*

- *District Community Day School*
- *Independent Study Program*

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

Countywide Identified Gaps

- 1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings*
- 2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.*
- 3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated*

student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

- 4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.*

- 5. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.*

Oak Grove School District

Three Year Expulsion Plan

Between the

Oak Grove School District

and

The Santa Clara County Office of Education

For the implementation of Education Code 48916.1

OAK GROVE SCHOOL DISTRICT

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

Our goal is to keep all students in the mainstream classroom at comprehensive school site unless doing so is detrimental to the safety of the student or of others. Oak Grove School District, located within the Santa Clara County, offers the following options for expelled youth, depending on the specific offenses and Educational Code violation:

- Suspended expulsion with placement at a different campus within the District
- Expulsion with placement at a District community day school (subject to availability)
- Expulsion with referral to the Santa Clara County Office of Education Community School

All expulsions must be approved by the Oak Grove Board of Trustees and must be aligned to the State Education Code and Oak Grove School District Board Policy.

EXISTING INTERVENTION PROGRAMS

- Positive Behavioral Interventions and Support
- MTSS team development
- Mental Health support through outside agencies
- Mental Health Counselor
- Academic Counselors
- Social Worker Support

GAPS AND STRATEGIES IN EDUCATIONAL SERVICES

There are gaps that exist in respect to providing educational services to expelled pupils. Following each is the Oak Grove School District strategy for addressing these gaps:

- **Identified Gap:**

Students in the elementary setting /grades one through five who are expelled do not have the same educational options available to them as expelled youth who are in the middle school setting/grades five through eighth, due to the limited number of students who are expelled in these lower grades

- **Strategy:**

Should the need arise, younger students who are expelled, may be offered a suspended expulsion which would allow them to attend a different school within our district. As an alternative Home Schooling or Independent Study programs may also be offered as a parent choice.

- **Identified Gap:**

A student who has been expelled from the district and referred to either a district sponsored program or a county office community School Program may commit another expellable violation and be referred back to the district of residence.

- Strategy:**

The Oak Grove School District will continue to use existing education strategies and programs to meet the needs of expelled students and when the need arises alternatives will be explored. The Santa Clara County of Education will continue to provide education services to those eligible students placed or referred to a Court or Community School Program.
- Identified Gap:**

The Oak Grove School District has a disproportionate representation of minority students being expelled. For the past three years, an average of approximately 66% of students being expelled are students of color.
- Strategy:**

The Oak Grove School District will reexamine current practices to support early identification of students that may be at risk of being expelled in order to provide early interventions through social workers, counselors, and mental health specialists. Equity based professional development will create further awareness to develop a variety of approaches to support students of color inside and outside the classroom.

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

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4. *Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.*

5. *Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.*

Orchard School District

Three Year Expulsion Plan

Between the

Orchard School District

And

The Santa Clara County Office of Education

**For the implementation code of Education Code
48916.1**

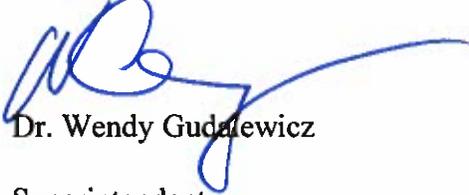
Board approved 4/24/2018

Letter from the Superintendent

To: Whom It May Concern,

At a meeting held on April 24, 2018, the Orchard School Board of Education approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County Office of Education for the implementation of Education Code 48916.1.

Sincerely,



Dr. Wendy Gudalewicz

Superintendent

**AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES
ORCHARD SCHOOL DISTRICT**

921 Fox Lane, San Jose, California 95131

Location: Board Room

Tuesday, April 24, 2018

Open Session 5:30 PM

Closed Session following

Reconvene to Open Session 5:45 PM

OPEN SESSION

- Call to Order/Roll Call:

PUBLIC TO ADDRESS THE BOARD ON CLOSED SESSION AGENDA

Any member of the public may address the Board of Trustees on the Closed Session Agenda. Discussion is limited to three (3) minutes per speaker, and twenty (20) minutes in total.

CLOSED SESSION

- a. Conference with labor negotiator: Agency Negotiator Dr. Wendy Gudalewicz - Employee
Organization: OTA
- b. Superintendent Evaluation

ANNOUNCEMENTS – REPORT ON CLOSED SESSION

RECONVENE TO OPEN SESSION

- Call to Order/Roll Call:
- Pledge of Allegiance
- Approval of Agenda:

STUDENT COUNCIL REPORT / SCHOOL ACTIVITIES REPORT

COMMUNICATION – EMPLOYEE ORGANIZATIONS (OTA/SEIU)

PUBLIC COMMENTS

Any member of the public may address the Board of Trustees on a non-agenda item. Discussion is limited to three (3) minutes per speaker, and twenty (20) minutes in total. The Board of Trustees may ask questions or give direction to the staff, but may not make comments, discuss or take action.

CONSENT AGENDA

All the items listed under the Consent Agenda are considered by the Board to be routine and will be enacted by the Board in one action. There will be no discussion of these items prior to the time the Board votes on the motion, unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Agenda.

1. CONSENT AGENDA

- a. Approve Payroll and Vendor Warrants for March 2018
- b. Approve Additional LLI Intervention Materials – ACTION (5 MIN)

REGULAR AGENDA

2. EDUCATIONAL SERVICES

- a. Approve Expulsion Plan 2018-2021 Curriculum – ACTION (10 MIN)

3. BUSINESS AND FINANCE

None at this time

4. GENERAL FUNCTIONS

- a. Discuss Facility Needs – DISCUSSION (10 MIN)
- b. Discuss Facilities Use Policies – DISCUSSION (10 MIN)
- c. Revision of Board Policy 5141.31 Immunizations – DISCUSSION/ACTION (10 MIN)
- d. Revision of Board Policy 5141.4 Child Abuse Prevention and Reporting – DISCUSSION/ACTION (10 MIN)
- e. Revision of Board Policy 5144.1 Suspension and Expulsion – DISCUSSION/ACTION (10 MIN)
- f. Revision of Board Policy 5145.3 Nondiscrimination/Harassment – DISCUSSION/ACTION (10 MIN)
- g. Revision of Board Policy 5145.7 Sexual Harassment – DISCUSSION/ACTION (10 MIN)
- h. Approve Compensation Agreement with City of San Jose – ACTION (10 MIN)

5. HUMAN RESOURCES

- a. Approve a New Job Description, Speech Language Pathologist Assistant - ACTION (5 MIN)
- b. Approve a New Job Description, Administrative Assistant - ACTION (5 MIN)

6. FUTURE MEETINGS AND AGENDA ITEMS

- Next Regular Board Meeting Tuesday, May 8, 2018
- Next Regular Board Meeting Tuesday, May 22, 2018
- Topics for future meetings

7. SUPERINTENDENT'S REPORT

8. BOARD REPORTS

9. RECONVENE TO CLOSED SESSION

10. ANNOUNCEMENTS – REPORT ON CLOSED SESSION

11. ADJOURNMENT

Note: Any person with a disability may request this agenda be made available in an appropriate alternative format. A request for a disability-related modification or accommodation may be made by person with a disability who requires such modification or accommodation in order to participate in the public meeting to the District Office at 921 Fox Lane, San Jose, California, or call (408) 944-0397 between the hours of 8:00 a.m. to 4:00 p.m., at least 48 hours before the meeting.

**AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES
ORCHARD SCHOOL DISTRICT**

921 Fox Lane, San Jose, California 95131

Location: Board Room

Tuesday, April 24, 2018

Open Session 5:30 PM

Closed Session following

Reconvene to Open Session 5:45 PM

OPEN SESSION

- Call to Order/Roll Call: *Jacobson, Kasolas-Jacobson, and Hill with Nazari and Morales absent at the time of roll call.*

PUBLIC TO ADDRESS THE BOARD ON CLOSED SESSION AGENDA

Any member of the public may address the Board of Trustees on the Closed Session Agenda.

Discussion is limited to three (3) minutes per speaker, and twenty (20) minutes in total.

Ms. Erin McCarthy addressed the Board on closed session item a.

CLOSED SESSION

- a. Conference with labor negotiator: Agency Negotiator Dr. Wendy Gudalewicz - Employee
Organization: OTA
- b. Superintendent Evaluation

ANNOUNCEMENTS – REPORT ON CLOSED SESSION

There was nothing to report from closed session. Board Member Nazari entered 5:45 PM

RECONVENE TO OPEN SESSION

- Call to Order/Roll Call: *Jacobson, Kasolas-Jacobson, Nazari, and Hill with Morales absent.*
- Pledge of Allegiance
- Approval of Agenda:

Moved by **Kasolas-Jacobson** Seconded by **Hill** Vote **4/0**

Roll Call Vote:	Stephanie Hill	<u> yes </u>
	Diana Nazari	<u> yes </u>
	Katherine Kasolas-Jacobson	<u> yes </u>
	Richard Morales	<u> absent </u>
	Karl Jacobson	<u> yes </u>

COMMUNICATION – EMPLOYEE ORGANIZATIONS (OTA/SEIU)

There were no requests for members from employee organizations to address the Board.

PUBLIC COMMENTS

Any member of the public may address the Board of Trustees on a non-agenda item. Discussion is limited to three (3) minutes per speaker, and twenty (20) minutes in total. The Board of Trustees may ask questions or give direction to the staff, but may not make comments, discuss or take action.

Mr. Robin Roemer discussed the Charcot Avenue Project. He gave an update to the Board regarding community involvement and current actions being taken. He requested assistance from the Board.

CONSENT AGENDA

All the items listed under the Consent Agenda are considered by the Board to be routine and will be enacted by the Board in one action. There will be no discussion of these items prior to the time the Board votes on the motion, unless members of the Board, staff, or public request specific items to be discussed and/or removed from the Consent Agenda.

1. CONSENT AGENDA

- a. Approve Payroll and Vendor Warrants for March 2018
- b. Approve Additional LLI Intervention Materials – ACTION (5 MIN)

Moved by **Kasolas-Jacobson** Seconded by **Hill** Vote **4/0**

Roll Call Vote:	Stephanie Hill	<u>yes</u>
	Diana Nazari	<u>yes</u>
	Katherine Kasolas-Jacobson	<u>yes</u>
	Richard Morales	<u>absent</u>
	Karl Jacobson	<u>yes</u>

REGULAR AGENDA

2. EDUCATIONAL SERVICES

- a. Approve Expulsion Plan 2018-2021 Curriculum – ACTION (10 MIN)
Ms. Quilantang gave a presentation on the new expulsion plan for Orchard. She discussed the steps taken before expulsion and summarized the plan for approval.

Moved by **Nazari** Seconded by **Hill** Vote **4/0**

Roll Call Vote:	Stephanie Hill	<u>yes</u>
	Diana Nazari	<u>yes</u>
	Katherine Kasolas-Jacobson	<u>yes</u>
	Richard Morales	<u>absent</u>
	Karl Jacobson	<u>yes</u>

3. BUSINESS AND FINANCE

None at this time

4. GENERAL FUNCTIONS

- a. Discuss Facility Needs – DISCUSSION (10 MIN)
The Board discussed facility items that they wish to have addressed in the facilities master plan. Ms. Moreno presented a list of modernization items and took note of the items requested by the Board.
- b. Discuss Facilities Use Policies – DISCUSSION (10 MIN)

Orchard School District – Educational Alternatives for Expelled Students

Orchard School District provides early intervention strategies at the Orchard School campus. The district provides interventions which include, but are not limited to:

Guidance:

After-school activities

One-on-one counseling

Check-in Check out system of support with mentor

Student Success Team (SST)

Parent support meetings

Special Education services

Discipline:

In-School Suspension

Off Campus Suspension

Modified Day Schedule

Student Contracts

Furthermore, Orchard School District utilizes the following measures to ensure a safe school environment. The intended purposes for these measures is meant to serve as an aid for student success. Among these include, but are not limited to:

Multi-Tiered Systems of Support (MTSS): Orchard School District utilizes Tier I, Tier II, and Tier III academic and behavioral interventions to support student learning. As part of the continual growth process, Orchard will be working with the Santa Clara County Office of Education to implement MTSS over the course of the next three years.

Included in the multi-tiered systems of support are school wide structures for student behavior, attendance, and wellness. All of which contribute to a student's overall growth.

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 similar district referral process.

Identified Gaps in Educational Services to Expelled Youth:

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.

A review of the 2015-2018 Orchard School District Expulsion Plan indicates that due to its small school status, Orchard does indeed have limited options for expelled youth. For example, to suspend expulsion with placement on the same school campus or different school campus within the district are not viable options at Orchard School District. Furthermore, the district does not have a community day school program as it is not financially possible.

Orchard School District is creating a Memorandum of Understanding (MOU) with another small school district to place an expelled student on another campus within another district. Due to the varied geography between small districts, the parent would be responsible for providing transportation.

In the event of an expelled student who commits subsequent violations, the student would be referred back to the Orchard School District. In turn, the Orchard School District would pursue other options as listed below.

Other options that do remain in place for Orchard School District include placement of an expelled student on a District Contracted Study if the parent agrees, expulsion with referral to the Santa Clara County Office of Education Court and Community School/Day Center Program.

Santa Clara County Office of Education

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools* (*Placement by non-education agency may be required*)

Osborne

Blue Ridge

Community Schools

Sunol (one location) grades 7-12

Independent Study 7-12

** Placement by non-education agency may be required*

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled

students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of

Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serves expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, psychologist support
 - Character building programs
6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the “District Name” School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the “District Name” School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

Orchard ESD

Board Policy

Suspension And Expulsion/Due Process

BP 5144.1

Students

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 1020 - Youth Service)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5144 - Discipline)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)
(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. 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

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7961 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of

Education and Kenneth H. (2001) 85 Cal.App.4th 1321
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807
Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807
John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)
80 Ops.Cal.Atty.Gen. 348 (1997)
80 Ops.Cal.Atty.Gen. 91 (1997)
80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

**U.S. DEPARTMENT OF EDUCATION PUBLICATIONS, OFFICE FOR CIVIL RIGHTS
PUBLICATIONS**

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, January
2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy Students:

<https://www2.ed.gov/about/offices/list/oese/oshs>

Policy ORCHARD ELEMENTARY SCHOOL DISTRICT

adopted: February 26, 2013 San Jose, California

revised: April 25, 2018

Orchard ESD

Administrative Regulation

Suspension And Expulsion/Due Process (Students With Disabilities)

AR 5144.2

Students

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Suspension

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

(cf. 6159 - Individualized Education Program)

The Superintendent or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
 - a. The series of removals total more than 10 school days in a school year.
 - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
 - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

(cf. 5145.6 - Parental Notifications)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

a. Caused by or had a direct and substantial relationship to the student's disability

b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

4. **Determination that Behavior is Not a Manifestation of the Student's Disability:** When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

Decision Not to Enforce Expulsion Order

The Governing Board's criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Report to County Superintendent of Schools

The Superintendent or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

3. The teacher of the student or other district personnel has expressed specific concerns

directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

Legal Reference:

EDUCATION CODE

- 35146 Closed sessions re: suspensions
- 35291 Rules of governing board
- 48203 Reports of severance of attendance of disabled students
- 48900-48925 Suspension and expulsion
- 49076 Access to student records
- 56000 Special education; legislative findings and declarations
- 56320 Educational needs; requirements
- 56321 Development or revision of individualized education program
- 56329 Independent educational assessment
- 56340-56347 Individualized education program teams
- 56505 State hearing

PENAL CODE

- 245 Assault with deadly weapon
- 626.2 Entry upon campus after written notice of suspension or dismissal without permission
- 626.9 Gun-Free School Zone Act
- 626.10 Dirks, daggers, knives, razors, or stun guns

UNITED STATES CODE, TITLE 18

- 930 Weapons
- 1365 Serious bodily injury

UNITED STATES CODE, TITLE 20

- 1412 State eligibility

- 1415 Procedural safeguards

UNITED STATES CODE, TITLE 21

- 812 Controlled substances

UNITED STATES CODE, TITLE 29

706 Definitions

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

COURT DECISIONS

Schaffer v. Weast, (2005) 546 U.S. 549

Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489

M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044

Honig v. Doe, (1988) 484 U.S. 305

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>

adopted: April 25, 2018 San Jose, California

(11/06 3/10) 3/12

PALO ALTO UNIFIED SCHOOL DISTRICT



PLAN FOR EXPELLED YOUTH

2018-2021

A JOINT PLAN BETWEEN THE
SANTA CLARA COUNTY OFFICE OF EDUCATION
AND
PALO ALTO UNIFIED SCHOOL DISTRICT
FOR IMPLEMENTATION OF
CALIFORNIA EDUCATION CODE 49926 AND 48916

May 2018

PALO ALTO UNIFIED SCHOOL DISTRICT

PLAN FOR EXPELLED YOUTH 2018-2021

BACKGROUND

The California Education Code EC §46926 and EC §48916.1(a) requires that all school districts have a plan to provide an educational program for expelled students.

***EDUCATION CODE §48926:** Each county superintendent of schools in counties that operate community schools pursuant to EC §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 §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.*

COMPONENTS OF THE PLAN

- A description of educational alternatives for expelled youth.
- A description of gaps in educational services to expelled youth.
- Proposed strategies for filling service gaps.
- Other alternatives for students who fail to meet the terms and conditions of their rehabilitation plan and/or pose a danger to other District students.

DESIRED OUTCOMES

The desired outcome is to ensure that appropriate educational placement options are available for students who have been expelled and as well as other students at risk for school removal. This will also result in closing the achievement gap, decreasing the dropout rate, and increasing the graduation rate.

GAPS AND STRATEGIES IDENTIFIED IN 2015

In 2015, the PAUSD Expulsion Plan outlined the gaps in educational services for expelled youth and strategies for filling those gaps. A summary of the gaps and strategies identified in 2015 are provided below along with a summary of progress.

GAP	SOLUTION STRATEGY	PROGRESS
A student who is expelled from the District under Education Code §48915 and referred to a COE operated Community School program could commit another violation of Education Code §48915, and ultimately need another placement.	Refer the student to another Community Day school, if possible, or work out an Independent Study Program to meet the student's needs.	Since 2015, there have been no incidents of recidivism regarding expelled students. This issue, while not a significant issue in PAUSD, requires more attention in the event that a student engages in another expellable offense. Independent Study remains an option but no clear parameters have been set regarding this as an option.
Students in grades K-5 are generally not recommended for expulsion, and there are few programs to address students in these grades.	Program(s) will be developed or existing programs expanded to respond to these limited referrals.	The District is committed to ensuring that students in grades K-5 are only expelled when they continue to pose a danger in the educational environment. Thus, there have been no expulsions at the elementary level over the past 3 years. The District will rely on partnerships with other school Districts for placements for students in grades K-5.
There are occasionally geographical distances between District and the COE programs for expelled students, thus assigning students to these programs may require busing.	A transportation plan will be worked out for students in this situation. This plan will include either District busing, funding for transportation, or some other busing arrangement.	Each student referred to a Community Program is provided with transportation. A meeting is held to discuss transportation options for each individual case.

CURRENT EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH

The following options exist for students recommended for expulsion, 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 in Independent Study, if the parent agrees.
4. Expulsion with referral to the Santa Clara County Office of Education Court and Community School Program.
5. Expulsion with home instruction for students who receive special education.
6. Expulsion with placement in a non-public school if required due to special education.

The Palo Alto School District staff will develop a rehabilitation plan for each student that is recommended for expulsion by the Board of Education. This rehabilitation plan involves placement into one of several possible programs and clear guidelines for return to the District. These programs are also available for any student needing an alternative educational experience for any reason other than expulsion.

OPTIONS FOR YOUTH WHO FAIL TO MEET CONDITIONS OF THEIR REHABILITATION PLAN

To address the needs of 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, the Board of Education will approve an Independent Study Program using online options (i.e. Edgenuity, Odysseyware) for continuation with A-G approved coursework.

ARTICULATION AND COORDINATION WITH THE COUNTY OFFICE OF EDUCATION

The Santa Clara County Office of Education offers additional options for students. The Community School is a permissive educational program that is paid on a slot by slot basis. This program is one that fits in the continuum of educational care and includes the following:

1. Daily educational programs that meet the requirement for a full school day.
2. Contracted study programs that require students to complete a minimum of 20 hours of educational product and a minimum of 10 hours of in-class assignments.
3. Contracted study programs (Independent Study) that require students to complete a minimum of 20 hours of educational product.
4. Teen parent Programs.

CURRENT GAPS AND NEW STRATEGIES

PAUD will continue to address the gaps posed in 2015 to ensure a strong continuum of educational options. The gaps and strategies have been updated to reflect additional challenges.

GAPS	ADDITIONAL STRATEGIES
<p>A student who was expelled from the District and referred to either a District sponsored program, a neighboring District, or a COE operated Community School program, may commit another expellable violation and be referred back to the District of residence.</p>	<p>Explore options for the use of A-G approved online courseware (i.e. Edgenuity, Oddyseware) for use at home.</p>
<p>There are few programs to address expelled students in grades K-5. Students in grades K-5 are generally not recommended for expulsion. However, in the event of a serious case where the student is a danger in the environment, more options are needed.</p>	<p>Independent Study Programs/Online Programs designed to meet the needs of young learners will be explored.</p>
<p>The use of expulsion is low in PAUSD. As a result, having specialized classes/programs is not cost effective.</p>	<p>PAUSD will collaborate with a consortium of Districts and SCCOE to explore options for regional programs to address the needs of students who are expelled and/or at risk of school removal due to behavior.</p>

San Jose Unified School District

Plan for Expelled Students

San Jose Unified School District

Plan for Expelled Students

The implementation Education Codes 48916.1 and 48926

Dr. Vincent Matthews, EDD. Superintendent

**Jason Willis, Associate Superintendent
Community Engagement and Accountability Division**

**Developed by
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Table of Contents

San Jose Unified School District Plan for Expelled Youth

County and District Alternative Placements

District Overview

District Existing Educational Alternatives for Expelled Youth

Elementary Options

Middle School Options

High School Options

County and District Gaps and Strategies in Educational Services

SAN JOSE UNIFIED SCHOOL DISTRICT PLAN FOR EXPELLED YOUTH

Education code – 48926

Each county superintendent of school in counties that operate community schools pursuant to Section 1980, in conjunction with the 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 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 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 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 48916.1

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.

County and District Alternative Placement

Step I

The San Jose Unified School District continues to maintain responsibility for developing a rehabilitation plan for every expelled student and ensuring that an educational program is provided either within or outside the school district.

Step II

Expelled students or students on suspended expulsions who fail to meet the terms and conditions of the district rehabilitation plan may be referred to the Santa Clara County Office of Education Alternative Schools.

Step III

For students referred to the COE, 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 a student fails at the County-operated program, a joint meeting between the County, District, student and parent will be held to review placement options.

District Overview

San Jose Unified School District provides many early intervention strategies at the comprehensive school sites. The District provides intervention strategies which include, but are not limited to:

Guidance

Academic and emotional assessments
After school activities
Alternative school placements
Conflict management
Coordination of Services Team
CWA Counselor services
Gang prevention and intervention services
Crisis Support Team
Individual and group counseling
Parent Education and Support meetings
Parent Project
Positive Behavior Intervention System (PBIS)
Role Model Program
Student Study Team
Vocational training

Discipline

Administrative placements
Detention
Disciplinary Hearing
Modified school day
Off campus suspension
On campus suspension
On site Disciplinary
hearings
Saturday School
Student behavior contracts

There are students whose behavior violates California Education Code discipline sections and who are referred by the school site administrator for expulsion from school. The District Administrative Hearing Panel may recommend expulsion and a rehabilitation program to the Governing Board. Post-expulsion educational referrals are made by the Student Services Discipline Department.

District Existing Educational Alternatives for Expelled Youth

San Jose Unified School District offers the following options for expelled youth:

- 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 at the Broadway B Alternative Program
- 4) Expelled with placement to the Santa Clara County Office of Education Alternative Schools
- 5) Expelled SDC students will be placed at the Santa Clara County Office of Education Alternative Schools.

ELEMENTARY – Options

Home Study

Kindergarten through eighth grades; for family who choose to educate their own children at home;

Parent is primary instructor; parent meets monthly with resource teacher.

MIDDLE SCHOOL – Options

Home Study

Kindergarten through eighth grades; for families who choose to educate their own children at home.

Parent is primary instructor; parent meets monthly with resource teacher.

Liberty Alternative School

Where independent studies is the primary instructional strategy and is always a voluntary placement grades 6 – 12.

HIGH SCHOOL – Options

Liberty Alternative School

Where independent studies is the primary instruction strategy and is always a voluntary placement grades 6 – 12.

Middle College Program

Eleventh and twelfth grades for students interested in middle college programs must pass City College placement test.

Located at San Jose Community college, 70 students, two teachers, students take “core” classes with SJUSD teachers; students enroll in college courses and receive college and high school credit.

Necessary Small Continuation High Schools

Willow Glen Plus

San Jose Plus

Leland Plus

Pioneer Plus

Gunderson Plus

Necessary Small Continuation High Schools serve students in the 11th, and 12th grades. Small class size, career and vocational counseling.

Broadway High School

A continuation high school serving 11th – 12th grade students (best practices place students at least 16 years or older).

Broadway B High School

An alternative afternoon program located on the Broadway High Campus to serve the most at-risk students who are in danger of expulsion or whose expulsion has been suspended.

County and District Gaps and Strategies in Education Services

There are three 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) There is no District Community School Program or a County Community school for an elementary school student who has been expelled from the District under Education Code 48915.

District strategy for addressing GAP 1: The district will work with the County Office of Education to identify the best placement for the expelled elementary student who has been dropped from the County program. A meeting with all concerned parties (parent, student, County, and the District) may be held to explore other alternatives such as: * Placement in another County Community School * Independent Studies through the County Community School

2) Students who are Second English Language learners and/or are perceived to be a Sureno gang member may be referred to other District programs or to a county operated Community School. If the student fails the program or commits another expellable offense, there may not be any viable alternatives remaining.

District strategy for addressing GAP 2:

The District will work with the County Office of Education to identify

the need and expand the existing county program for a Second Language Learner or expelled Sureno gang member. A meeting with all concern parties (parent, student, County, and the District) may be held to explore other alternative such as: * Placement in a County Community School * Independent Studies through the County Community School * Placement in another District's Community Day School * Voluntary placement at Liberty Alternative School

3) Students who have failed their placement at a county operated Community School. If the student fails the program or commits another expellable offense, there may not be any viable alternatives remaining.

District strategy for addressing GAP 3: The District will work with the County Office of Education to identify the need of the existing county programs for an expelled student. A meeting with all concerned parties (parent, student, County, and the District) may be held to explore other alternatives such as: * Placement in a County Community School * Independent Studies through the County Community School * Voluntary Placement at Liberty Alternative School

Santa Clara Unified School District

Three Year Expulsion Plan

Between the

Santa Clara Unified District

and

The Santa Clara County Office of Education

For the implementation of Education Code 48916.1

Santa Clara Unified School District Plan Educational Alternatives for Expelled Students

The Santa Clara Unified School District (SCUSD) will continue to implement PBIS and MTSS at our elementary schools and expand it to our secondary schools. SCUSD will continue to provide educational placements for expelled students. Several program options are available for consideration by SCUSD Board of Trustees when a student is expelled, depending upon the nature of the expellable offense. Placement recommendations are guided by input from the administrative hearing panels and Department of Student Services.

District Options

1. Suspended enforcement of expulsion with placement on original school campus
2. Suspended enforcement of expulsion with a placement on another comprehensive school campus.
 - a) SCUSD has four traditional middle schools and two comprehensive high schools
 - b) SCUSD partners with the Fremont Union High School District (FUHSD) for placement of some high school students who have been expelled with a suspended enforcement.
3. Suspended enforcement of expulsion with placement on a continuation or alternative school campus
 - c) New Valley High School (Continuation 10-12)
 - d) Wilson High School (Independent Study 9-12)
 - e) Gateway High School (Opportunity – 9-10)
 - f) Santa Clara Community Day School (6-8 and 9-12)

County Options

1. Suspended expulsion with placement at Santa Clara County Community School, which offers 360 minutes of daily instruction.
2. Expulsion with placement at Santa Clara County Community School.

REINSTATEMENT PROCEDURES

Any time that a student is expelled, the student receives a rehabilitation plan that the student must follow in order to be considered for reinstatement following the terms of the expulsion. Such a plan might include conditions such as counseling, academic assistance, substance abuse intervention, or community service.

When students fail to follow rehabilitation plan during an expulsion term and are not eligible for reinstatement, they will continue to receive district assistance in finding an appropriate educational setting at a county directed community school or county independent study program. They will receive a new target date for reinstatement and clarification of conditions for reinstatement.

SERVICE GAPS AND STRATEGIES

1. Students in grades K-6 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 number of students grades K-6 who are expelled. These younger students cannot attend the programs designated for middle and high school students.

Strategy: The Santa Clara Unified School District continues to work with representatives from Santa Clara County Office of Education as well as neighboring districts to consider collaborative programs for expelled K-6 students.

2. There exists a lack of appropriate placements for expelled Special Education students.

Strategy: The Santa Clara Unified School District will work with the Santa Clara County Office of Education to expand educational options for Special Education students.

Santa Clara County Office of Education

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools* (*Placement by non-education agency may be required*)

Osborne

Blue Ridge

Community Schools

Sunol (one location) grades 7-12

Independent Study 7-12

* *Placement by non-education agency may be required*

PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county

community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at diffusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.
4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara

County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serve expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allow the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

5. Best practices identified by Santa Clara districts include the following practices:
 - Positive Behavior Interventions Support (PBIS)
 - Multi-tiered System of Support (MTSS)
 - Response to Intervention (RTI)
 - BEST Behavior Program
 - Opportunity Program
 - Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development
 - Community liaisons
 - Counselors, psychologist support
 - Character building programs

6. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the "District Name" School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the "District Name" School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have recommitted an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

Suspension And Expulsion/Due Process

The Governing Board desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

(cf. 5144 – Discipline)

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-12" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

BP 5144.1(b)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

(cf. 1020 - Youth Services)

(cf. 5144 - Discipline)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence

(cf. 5131.7 - Weapons and Dangerous Instruments)

BP 5144.1(c)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. 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

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The

Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

BP 5144.1(d)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

In presenting the report to the Board, the Superintendent or designee shall disaggregate data on suspensions and expulsions by school and by numerically significant student subgroups, including,

but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52052 Numerically significant student subgroups

52060-52077 Local control and accountability plan

Legal Reference: (continued next page)

BP 5144.1(e)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference: (continued)

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines
242 Battery defined
243.2 Battery on school property
243.4 Sexual battery
245 Assault with deadly weapon
245.6 Hazing
261 Rape defined
266c Unlawful sexual intercourse
286 Sodomy defined
288 Lewd or lascivious acts with child under age 14
288a Oral copulation
289 Penetration of genital or anal openings
417.27 Laser pointers
422.55 Hate crime defined
422.6 Interference with exercise of civil rights
422.7 Aggravating factors for punishment
422.75 Enhanced penalties for hate crimes
626.2 Entry upon campus after written notice of suspension or dismissal without permission
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razors, or stun guns
868.5 Supporting person; attendance during testimony of witness
WELFARE AND INSTITUTIONS CODE
729.6 Counseling
UNITED STATES CODE, TITLE 18
921 Definitions, firearm

Legal Reference continued: (see next page)

BP 5144.1(f)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Legal Reference: (continued)

UNITED STATES CODE, TITLE 20

1415(K) *Placement in alternative educational setting*

7961 *Gun-free schools*

UNITED STATES CODE, TITLE 42

11432-11435 *Education of homeless children and youths*

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 118
Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 *Ops.Cal.Atty.Gen.* 146 (2001)

80 *Ops.Cal.Atty.Gen.* 348 (1997)

80 *Ops.Cal.Atty.Gen.* 91 (1997)

80 *Ops.Cal.Atty.Gen.* 85 (1997)

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline,
January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Healthy Students:
<https://www2.ed.gov/about/offices/list/oese/osh>

Policy CSBA MANUAL MAINTENANCE SERVICE

adopted: February 13, 2014 December 2017

revised: May 12, 2016

revised: April 12, 2018

[Santa Clara USD](#) | ADMINISTRATIVE REGULATIONS 5144.1 Students

Suspension And Expulsion/Due Process

Students

AR 5144.1(a)

SUSPENSION AND EXPULSION/DUE PROCESS

Definitions

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. 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
2. Referral to a certificated employee designated by the principal to advise students
3. 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

Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

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, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-12

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. 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 (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, e-cigarettes or like material, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

4. 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 such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

AR 5144.1(c)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
11. Knowingly received stolen school property or private property (Education Code 48900(l))
12. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means 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. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))
16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. *Hazing* does not include athletic events or school-sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic

AR 5144.1(d)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

performance or ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code 48900(r))

Bullying includes any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-12," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

- a. A message, text, sound, video, or image
- b. A post on a social network Internet web site, including, but not limited to, -posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

AR 5144.1(e)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

Additional Grounds for Suspension and Expulsion: Grades 4-12

Any student in grades 4-12 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - *Student Disturbances*)

A student in grades 4-12 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - *Sexual Harassment*)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

AR 5144.1(f)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-19 under "Grounds for Suspension and Expulsion: Grades K-12" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the principal or designee. (Education Code 48910)

AR 5144.1(g)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

Suspension by Superintendent, Principal or Principal's Designee

To implement disciplinary procedures at a school site, the principal may, in writing, designate as the principal's designee another administrator or, if the principal is the only administrator at the school site, a certificated employee. As necessary, the principal may, in writing, also designate another administrator or certificated employee as the secondary designee to assist with disciplinary procedures when the principal and the principal's primary designee are absent from the school site.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

The Superintendent, principal, or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-12" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent, principal, or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

AR 5144.1(h)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Length of Suspension

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee 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, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against him/her, and shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists involving 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 the conference and 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 a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

AR 5144.1(i)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee. (Education Code 48911)
3. **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 also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. **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, provided the following requirements are followed: (Education Code 48911)

- a. The extension of the original period of suspension is 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 parent/guardian to challenge the original suspension.
- b. The Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the

AR 5144.1(j)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- c. student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)
- c. If the student involved is a foster youth, the Superintendent or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

- d. If the student involved is a homeless child or youth, the Superintendent or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent, principal, or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above and within the limits specified under "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the

AR 5144.1(k)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

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. (Education Code 35146, 48912)

On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.

3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

Superintendent or Principal's Authority to Recommend Expulsion

Unless the Superintendent or designee determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
AR 5144.1(l)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent, principal, or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent, principal, or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least 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. (Education Code 48918(a))

If the Board finds it impractical during the regular school year 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. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

AR 5144.1(m)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent, principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

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. (Education Code 48918.5)

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: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. 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. (Education Code 48918.5)

AR 5144.1(n)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Written Notice of the Expulsion Hearing

Written notice of the expulsion 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: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. 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) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney adviser

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

AR 5144.1(o)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Conduct of Expulsion Hearing

1. **Closed Session:** Notwithstanding Education Code 35145, the Board, hearing officer or administrative panel 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 a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

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 also shall be allowed to attend the closed session. (Education Code 48918(c))

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, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. **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. (Education Code 48918(g))

AR 5144.1(p)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

3. **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 Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

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. (Education Code 48918(i))

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. (Education Code 48918(i))

4. **Presentation of Evidence:** Technical rules of evidence shall not apply to the expulsion hearing, but relevant 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 shall be supported by substantial evidence that the student committed

any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-12" and "Additional Grounds for Suspension and Expulsion: Grades 4-12" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding 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. (Education Code 48918(f))

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.

AR 5144.1(q)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

5. **Testimony by Complaining Witnesses:** The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)
 - a. Any complaining witness shall be given five days' notice before being called to testify.
 - b. 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.
 - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
 - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
 - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
 - f. 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.

- g. 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.
 - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.

AR 5144.1(r)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

- (2) 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.
 - (3) The person conducting the hearing may:
 - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
 - (b) 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
 - (c) Permit one of the support persons to accompany the complaining witness to the witness stand
6. **Decision:** The Board's decision as to 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. (Education Code 48918(a))

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. The Board may also 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. (Education Code 48918)

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

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

AR 5144.1(s)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

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. (Education Code 48918(f))

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, a hearing officer, or an administrative panel or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

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 any act listed under "Superintendent or Principal's Authority to Recommended Expulsions" 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

AR 5144.1(t)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs

With parent/guardian 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. (Education Code 48916.5)

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:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)

4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. 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 (Education Code 48918)

AR 5144.1(u)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Decision to Suspend Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. 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:

1. 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. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. 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: Grades K-12" or "Additional Grounds for Suspension and Expulsion: Grades 4-12" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5. 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. (Education Code 48917)
6. 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
AR 5144.1(v)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

7. 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. (Education Code 48917)

Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

Notification 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. (Education Code 48902)

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. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

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

AR 5144.1(w)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

Placement During Expulsion

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. 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 any of these
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-12" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-12" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior high school or at an elementary school. (Education Code 48915)

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. (Education Code 48916.1)

Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

1. 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.

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

2. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. 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.
4. 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. (Education Code 48916)
5. 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.
6. 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. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

AR 5144.1(y)

SUSPENSION AND EXPULSION/DUE PROCESS (continued)

Regulation
adopted: February, 13, 2014
revised: March 13, 2014
revised: April 4, 2014
revised: May 12, 2016
revised: April 12, 2018

CSBA MANUAL MAINTENANCE SERVICE
December 2017



Three Year Expulsion Plan
between the
Saratoga Union School District
and
The Santa Clara County Office of Education
for the implementation of Education Code 48916.1
2018 - 2021

Approved by the SUSD Board of Trustees on April 26, 2018



SARATOGA UNION SCHOOL DISTRICT

2018 - 2021

A Plan Between the Saratoga Union School District and the Santa Clara County Office of Education

For the Implementation of Education Codes 48916.1 and 48926

EDUCATIONAL ALTERNATIVES FOR EXPELLED YOUTH IN SANTA CLARA COUNTY AND SARATOGA UNION SCHOOL DISTRICT:

SCCOE 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

SUSD: GAPS IN, AND STRATEGIES FOR ADDRESSING THE GAPS, IN EDUCATIONAL SERVICES FOR EXPELLED YOUTH

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	SCCOE will continue to provide educational services.

County programs and fails in this program, there may not be other options.	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.
The Community Day School option is difficult due to: <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

SUSD'S BEST PRACTICES

While we do not have much experience with 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.

SUSD's best practices:

- Positive Behavior Interventions Support (PBIS)
- Multi-tiered System of Support (MTSS) - in development
- Coordination and implementation of multiple community resources, as appropriate
- Counselors, psychologist support
- Behavioral Support Specialist
- Character building programs
- Student Study Team process

SUSD'S 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.

SUSD'S BOARD POLICIES RELATED TO EXPULSION AND EXPELLED YOUTH:

- BP 5119 Students Expelled from Other Districts (3/09)
- BP 5144.1 Suspension and Expulsion: Due Process (6/13)
- AR 5144.1 Suspension and Expulsion: Due Process (6/13)
- AR 5144.2 Suspension and Expulsion: Due Process (Special Education) (1/13)

SANTA CLARA COUNTY OFFICE OF EDUCATION PROGRAM DESCRIPTION

The Santa Clara County Office of Education offers educational alternatives to expelled students through court and community schools. Court schools require the formal placement of students into the program by the juvenile court or its probation/parole department representatives. These programs can be either residential or non-residential and expulsion status of a student has no negative impact on eligibility or placement. Community school enrollment may require referral from the school district of residence and these schools provide services to students in accordance with California Education Code 1981 (a) and 1981 (c). School districts in Santa Clara County enter into a Memorandum of Understanding with the Santa Clara County Office of Education to provide educational programs with a chargeback formula. Expulsion status of a student has no negative impact on eligibility or placement of a student in community schools but may be used for classification purposes (California Education Code 1981). Students can be referred to the community school for a daily program, blended learning, and or Independent Study through an intervention process to include but not limited to: Student Attendance Review Team, Student Attendance Review Board, discipline meeting, or through the expulsion process.

Educational alternatives offered by the Santa Clara County Office of Education include the following:

Court Schools* (*Placement by non-education agency may be required*)

- Osborne

- Blue Ridge

Community Schools

- Sunol (one location) grades 7-12
- Independent Study 7-12

** Placement by non-education agency may be required*

SCCOE: PLAN FOR PROVIDING EDUCATIONAL SERVICES TO ALL EXPELLED STUDENTS IN SANTA CLARA COUNTY

California Education Code Section 48926 states “each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county.” This section of California Education Code also states that “The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of

the 31 Santa Clara County districts is identified in that district's sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete "Plan for Providing Educational Services to all Expelled Students in Santa Clara County." Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

SCCOE: EXISTING EDUCATIONAL ALTERNATIVES FOR EXPELLED STUDENTS

All educational alternatives provided by California's school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program
-

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a

regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

SCCOE: GAPS IN EDUCATIONAL SERVICES TO EXPELLED STUDENTS AND STRATEGIES FOR FILLING THOSE GAPS

The gaps identified in 2018 in educational services to expelled students remain a focus for Santa Clara County. We continue to work with staff, districts, students and families to mitigate their impact.

The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings

In an effort to ease the enrollment process and to decrease the time it takes to enroll into the community school district patterns will provide a SCCOE enrollment form to referred students at the time of referral. Thereafter, the student and family will either contact the community school and or the community school transition office will make contact to set up an enrollment meeting. At the enrollment meeting the student will be enrolled into the community school and be provided their first level of academic support that may include but not limited to: academic assessments, welcome instructional assignments, meet with the principal and support staff, and receive their class schedule.

Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses and to ensure that disproportionate representation doesn't occur when students exhaust resources.

One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at defusing potentially volatile situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at

a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serve expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

The community school is being consolidated to one school site to ease the financial cost of the program and to ensure that there is a community school for the foreseeable future. Since the geographical area of the county is very large, traffic patterns are some of the most congested within the state, and the length of public transportation to the school site from our two largest feeder districts can vary from a couple minutes to well over an hour, the County Office of Education is exploring an early start and a late start to the school day to ease the transportation issues for students and offer more flexibility for school attendance. In addition, the referring school district will provide bus tokens to students for the first two weeks of school. Thereafter, COE and support providers will provide bus tokens to ensure that students have access to stable transportation.

SCCOE: BEST PRACTICES IDENTIFIED BY SANTA CLARA DISTRICTS INCLUDE THE FOLLOWING PRACTICES:

- Positive Behavior Interventions Support (PBIS)
- Multi-tiered System of Support (MTSS)
- Response to Intervention (RTI)
- BEST Behavior Program
- Opportunity Program
- Coordination and implementation of multiple community resources, such as California Youth Outreach (CYO), Parents Helping Parents Project, drug and alcohol counseling, and job development

- Community liaisons
- Counselors, psychologist support
- Character building programs

Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

ALTERNATIVE PLACEMENTS FOR STUDENTS WHO FAIL COMMUNITY DAY SCHOOL PLACEMENTS

The court and community school programs operated by the Santa Clara County Office of Education maintains commitment of accepting most students who have been expelled from their district of residence and who have exhausted all of the alternatives offered by the district. If an initial placement is made to a district operated community day school and the student commits and expellable offense or fails the program, the “District Name” School District Board of Education shall review the plan of rehabilitation that was established at the time of expulsion and make the adjustments necessary. If there is no educational alternative in the “District Name” School District, the student may be referred to the county community school program.

For students in the Santa Clara County community schools who have re-committed an expellable offense, the Santa Clara County Office of Education works closely with the district, probation, families and school officials to determine the next phase of support. Options are limited to Independent Study, modified curriculum and school day, and/or incarceration. If all of these options are exhausted an expelled student may be referred back to their home district to explore additional options. Additionally, the Santa Clara County Office of Education is developing a hybrid alternative blended learning/independent study program for 2018-19 school year which will combine multiple resources and options for students, based on their individual learning plan.

Sunnyvale School District

Plan for Expelled Youth

Tasha L. Dean Ed.D., Assistant Superintendent of Student Services

Claudia Valazquez, Student Services Staff Secretary

SUNNYVALE SCHOOL DISTRICT
PLAN FOR SERVING EXPELLED STUDENTS
IMPLEMENTATION
Of
EDUCATION CODES
48916.1
Developed by
Sunnyvale School District
2018

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, 2018 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 placement on home teaching
6. Expulsion with referral to Santa Clara County Community School Program (grades 6-8)

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 filling 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. The District will work with Luther Burbank School District to place 1-2 students a year if 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. Sunnyvale continues to work with agencies in the county to address the needs of students.

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 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. The District is also working with the County Office of Education on possible Blended Learning Models to better support students with diverse learning needs.

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 County Office of Education on possible program options to assist with the educational needs of middle school students. In addition, the District is working with Luther Burbank School District on serving 1-2 students in order to develop additional educational options for students.

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. Options for K-8 districts continue to be limited and Sunnyvale has maintained ongoing conversations regarding the importance of our community being proactive in its approach and in providing meaningful interventions for students and parents. The District has also partnered with the City of Sunnyvale to look at community options for mentoring after school and on weekends for students. Additional supports/resources are also being considered for the students' family. The hope is that the additional supports and resources will allow school interventions to have a more positive impact on the academic performance of students.

Effective Practices:

- Student Review Team, will transition to a District MTSS team in 2018-2019 that will focus on the District's systems and also review challenging cases referred from site MTSS teams.
 - Site SST/RTI teams will transition into site MTSS team(s)
 - District level Behavior and Attendance Review Team (MTSS/SARB)
 - Continued coaching and support for Positive Behavior Intervention Systems (PBIS) at each site.
- Goal of the teams is to look into alternatives for suspensions and expulsions and ongoing collaboration with PBIS teams at the site and district level.
- 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 MTSS team:
 - District and school Administrators
 - School Psychologists
 - Social worker/counselor
 - Sunnyvale Police
 - Community Member
 - Considering parent for 2018-2019 school year
- Advantages of creation of the team:
 - Maintaining 0-1 number of expelled students
 - Accept a universal behavior/SEL screener for the District
 - Increase the use of school-wide, universal academic and behavior data
 - Improve use of evidence based academic, behavioral, and attendance practices
 - Review & evaluate tiered interventions for academic, behavior, and socio-emotional
 - Positive, student-centered interventions implemented with fidelity
 - MTSS team communicates data to staff, parents, and students as appropriate
 - Academic, behavior, and socio-emotional data is included in RTI plans at each tier.

Union School District

Three Year Expulsion Plan

Between

Union School District



And

The Santa Clara County

Office of Education

Table of Contents

Information in Regard to Adoption of Expulsion Plan	2
Union School District Plan - Educational Alternatives for Expelled Students	2
Gaps in Educational Services for Expelled Students and Strategies to Address the Gaps	3
Alternative Placements for Students Who Fail Community Day School Placements	4
Summary	5
Plan for Providing Educational Services to All Expelled Students in Santa Clara County	5
Countywide Identified Gaps	7
USD Board Policies Specific to Expelled Youth	9

Information in Regard to Adoption of Expulsion Plan

At a board meeting held on _____, __ 2018, Union School Board of Education approved the Three Year Expulsion Plan, which follows the Countywide Expulsion Plan developed by the Santa Clara County for the implementation of Education Code 48916.1.

School Board meeting agenda and minutes from the _____ __, 2018 will be inserted here documenting board approval

Union School District Plan - Educational Alternatives for Expelled Students

Union School District’s (USD) Plan for students potentially facing expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for one-time 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 is attributed to the District’s commitment to creating and maintaining a positive, proactive school environment.

School leadership teams at Lietz Elementary School and both middle schools in Union School District, Dartmouth Middle School and Union Middle School are participating in initial MTSS training to identify support teams and strategies to promote positive prosocial student behavior and wellness.

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, home instruction or county office alternative program. USD has an agreement with the Cambrian School District to seek alternate placement for a student, elementary or middle school age, who has been expelled from USD.
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 include: Stonegate Community Park School, Community Alternative Program and 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 will be collaborating with local districts to develop a quality program that supports these students, academically, emotionally, and socially. USD will also explore online programs, supported by home instruction.

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 will collaborate with local districts to develop a quality program that supports these students, academically, emotionally, and socially, as noted above. USD will explore online programs, supported by home instruction that provides engagement, differentiation and family involvement/support.

Alternative Placements for Students Who Fail Community Day School Placements

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 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 if 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.

Plan for Providing Educational Services to All Expelled Students in Santa Clara County

California Education Code Section 48926 states "each county superintendent of schools in counties that operate community schools pursuant to Section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing education services to all expelled pupils in that county." This section of California Education Code also states that "The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those gaps.

The 20 elementary districts, 5 high school districts and 6 unified school districts of Santa Clara County provide services to 266,256 students at 395 school sites spread over an area of 1,315 square miles. Santa Clara County recognized the need for a continuum of educational services for all students, including expelled students long before the 1995 legislation mandated educational placements for expelled students. This Santa Clara County Plan for Educational Services for Expelled Students provides the description of the part of that continuum of services that relates directly to expelled students. A series of legislative bills in 1995, and since 1995, have created new challenges that have resulted in adjustments and refinements to this Santa Clara continuum of educational services over the past ten years. This 2018 triennial update of the Santa Clara Countywide Plan for Expelled Students will highlight these changes to the educational landscape for this student population.

California Education Code 48916.1 states “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...” Every Santa Clara County school district governing board will refer each expelled student to an appropriate educational placement for the period of expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on 1) seriousness of the offense, 2) available educational alternatives and 3) other related factors. County level alternatives for expelled students will remain available to most expelled students. Any expelled student who requires, and is entitled to, transportation to the county-level educational placement may have that transportation provided by the district of residence. District level alternatives for expelled students will vary from one district to the next depending on the characteristics of that district. The list of educational alternatives that exist for each of the 31 Santa Clara County districts is identified in that district’s sub-plan, included as a part of the total countywide plan.

A district sub-plan has been developed and board approved, if necessary, for every school district in Santa Clara County. Those district sub-plans are included in this countywide plan to provide the complete “Plan for Providing Educational Services to all Expelled Students in Santa Clara County.” Any substantive changes to district sub-plans during the period between triennial updates receive approvals by the school district governing board at the time the change is made. Each district sub-plan includes 1) a list of existing educational services to expelled students, 2) gaps in educational services to expelled students, 3) strategies for filling those gaps and 4) alternative placements for students who fail community day school placements (if offered in your district).

Existing Educational Alternatives for Expelled Students

All educational alternatives provided by California’s school districts are not available to all expelled students and most are not available to any expelled students. Seriousness of offense, location of offense and grade level of the student all has the potential to restrict the district level educational alternatives available to the student during the period of expulsion. Students expelled for any of the offenses listed in Subdivisions (a) or (c) of Section 48915 of the California Education Code shall not be permitted to enroll in any district-operated program during the period of expulsion unless it is a community day school (California Education Code 48915.2). All expelled students shall be referred to an educational placement that is 1) not provided at a comprehensive middle, junior or senior high school or any elementary school and 2) not housed at the school site attended by the student at the time of the offense (California Education Code Section 48915). If the expelled student is in grades K-6, the educational placement for the student shall not be merged or combined with educational programs offered to

students in grades 7-12 (California Education Code Section 48916.1). In addition to the above listed requirements, such factors as district size, district level alternatives, county level alternatives and district philosophy can impact the determination by a district board of education of what educational alternatives are appropriate for the students who are expelled.

Alternatives available for expelled pupils in districts include the following:

- Suspended expulsion with placement at a different district campus (within or outside of the district)
- Home teaching
- Non-public school placement
- District Community Day School
- Independent Study Program

The Santa Clara County Office of Education works collaboratively with all districts to ensure timely communication and responsiveness to our students' needs. The transition office serves as a hub for all student referrals and interacts with district liaisons on a regular basis. Monthly district liaison meetings are hosted to address professional development needs and service coordination.

Countywide Identified Gaps

1. The size of the districts in Santa Clara County varies greatly. There is everything from small elementary districts with one school and 44 students to larger school districts with 57 schools and over 32,000 students. Some districts are located in rural areas and others in the urban center of the county. This variance makes it difficult to offer the range of alternatives to all districts. The strategy for addressing this problem is to maintain a county community school program that is committed to providing educational services to the school districts in the county and that employs a variety of instructional strategies, including those that are capable of overcoming obstacles associated with providing educational services to rural often isolated settings
2. Students who commit an expellable offense during an expulsion period may have limited alternatives available for a secondary placement. The strategy for addressing this problem is to maintain a commitment to providing educational services to students regardless of repeated offenses. These services may be in locations where distance becomes a serious obstacle. One strategy is that students may be returned to their school district of residence to provide an educational program placement, another strategy that has been employed at the county-level programs is to provide intense training to educational staff that improves their skills at defusing potentially volatile

situations with students, and decreasing the likelihood of a problem escalating to an expellable level. In addition, Independent Studies/Blended Learning opportunities may be offered to serve expelled youth within the community school program.

3. Students in grades K-6 who are expelled do not have the same educational options available as do their counterparts in grades 7-12. Students in grades K-6 are expelled at a much lower rate than students in grades 7-12. These two factors, together with the requirement that educational services for students in grades K-6 cannot be merged or combined with services to students in grades 7-12, make it very difficult to identify an educational placement for the expelled student who is in grades K-6. The strategy for addressing this problem is to develop a cooperative plan for maintaining a multi-district educational alternative capable of serving this smaller, more isolated student population between school districts. The Santa Clara County Office of Education works with districts to ensure communication and collaboration occurs to ensure that expelled youth have their educational needs addressed. A gap of under-funding for K-6 services in county community schools is a barrier. It is important to work with the California Department of Education to increase funding to establish and maintain an educational alternative for expelled students in grades K-6.

4. Transportation and funding continue to be gaps for our countywide Expelled Students Plan. Many of our families cannot access the educational opportunities because of a lack of finances. Funding for community schools continues to be low and requires that Santa Clara County Office of Education to operate on a chargeback system to our participating districts. To ensure that a community school program is being provided the allotments have increased significantly to allow proper staffing at the community school to serve expelled youth. It is difficult to anticipate the need county wide and therefore, the allotments allows the county to start the school year with at least a small community school program. We will continue to explore opportunities for additional funding to address these gaps.

5. Districts continue to focus on disproportionate representation of minority students in interventions. Based on 2016-17 data, Latino male students represent 74% of our community schools population. In Santa Clara County, Latino males represent approximately 38% of the student population. Strategies to address this concern include differentiation, individualization, use of an equity lens in the planning and development of culturally relevant activities and ongoing professional development for staff to ensure employees are culturally sensitive and linguistically proficient.

USD Board Policies Specific to Expelled Youth

Union SD I BP 5144.1 Students

Suspension And Expulsion/Due Process

The Board of Trustees desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring within any district school or another school district, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-8" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

No student may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent or principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school, at a school activity off school grounds, or to or from school: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-8" and "Additional Grounds for Suspension and Expulsion: Grades 4-8," the Superintendent or principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e)).

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct

2. 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

A vote to expel a student shall be taken in a public session.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911,48915,48915.5, 48918)

Maintenance and Monitoring of Outcome Data

The Superintendent or designee shall annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report shall be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also shall include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

Legal Reference

Education Code:

212.5 Sexual harassment

233 Hate violence

1981-1981.5 Enrollment of students in community school

17292.5 Program for expelled students

32261 Interagency School Safety Demonstration Act of 1985

35145 Open board meetings

35146 Closed sessions (regarding suspensions)

35291 Rules (for government and discipline of schools)

35291.5 Rules and procedures on school discipline

48645.5 Readmission; contact with juvenile justice system

48660-48666 Community day schools

48853.5 Foster youth

48900-48927 Suspension and expulsion

48950 Speech and other communication

48980 Parental notifications

49073-49079 Privacy of student records

52060-52077 Local control and accountability plan

CIVIL CODE

47 Privileged communication

48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt

54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined

240 Assault defined

241.2 Assault fines

242 Battery defined

243.2 Battery on school property

243.4 Sexual battery

245 Assault with deadly weapon

245.6 Hazing

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

289 Penetration of genital or anal openings

417.27 Laser pointers

422.55 Hate crime defined

422.6 Interference with exercise of civil rights

422.7 Aggravating factors for punishment

422.75 Enhanced penalties for hate crimes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors, or stun guns

868.5 Supporting person; attendance during testimony of witness

WELFARE AND INSTITUTIONS CODE

729.6 Counseling

UNITED STATES CODE, TITLE 18

921 Definitions, firearm

UNITED STATES CODE, TITLE 20

1415(K) Placement in alternative educational setting

7151 Gun-free schools

UNITED STATES CODE, TITLE 42

11432-11435 Education of homeless children and youths

COURT DECISIONS

T.H. v. San Diego Unified School District (2004) 122 Cal. App. 4th 1267

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H. (2001) 85 Cal.App.4th 1321

Garcia v. Los Angeles Board of Education (1991) 123 Cal. App. 3d 807

Fremont Union High School District v. Santa Clara County Board (1991) 235 Cal. App. 3d 1182

John A. v. San Bernardino School District (1982) 33 Cal. 3d 301

ATTORNEY GENERAL OPINIONS

84 Ops.Cal.Atty.Gen. 146 (2001)

80 Ops.Cal.Atty.Gen. 348 (1997)

80 Ops.Cal.Atty.Gen. 91 (1997)

80 Ops.Cal.Atty.Gen. 85 (1997)

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Board of Trustees to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline,
January 2014

WEB SITES

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf>

U.S. Department of Education, Office of Safe and Drug-Free Schools:
<http://www.ed.gov/about/offices/list/osdfs>

Policy UNION SCHOOL DISTRICT

adopted: November 14, 2016 San Jose, California