

TULARE COUNTY PLAN
for
PROVIDING EDUCATIONAL
SERVICES
to
EXPELLED YOUTH
APPROVED BY THE
TULARE COUNTY BOARD OF EDUCATION
2018-2021

Jim Vidak

Tulare County Superintendent of Schools



Tulare County
Office of Education

Jim Vidak, County Superintendent of Schools

Plan for Providing Educational Services to Expelled Pupils
between the
Tulare County Office of Education
and the following
Tulare County School Districts

Allensworth School District
Alpaugh Unified School District
Alta Vista School District
Buena Vista School District
Burton School District
Columbine School District
Cutler-Orosi Joint Unified School District
Dinuba Unified School District
Ducor Union School District
Earlimart School District
Exeter Unified School District
Farmersville Unified School District
Hope School District
Hot Springs School District
Kings River Union School District
Liberty School District
Lindsay Unified School District
Monson-Sultana Joint Union School District
Oak Valley Union School District
Outside Creek School District
Palo Verde Union School District
Pixley Union School District
Pleasant View School District
Porterville Unified School District
Richgrove School District
Rockford School District
Saucelito School District
Sequoia Union School District
Springville Union School District
Stone Corral School District
Strathmore Union School District
Sundale Union School District
Sunnyside Union School District
Terra Bella Union School District
Three Rivers Union School District
Tipton School District
Traver Joint School District
Tulare City School District
Tulare Joint Union High School
Visalia Unified School District
Waukena Joint Union School District
Woodlake Union School District
Woodville Unified School District

Legal Basis for Triennial Review of the Plan for Expelled Youth

AB 922 is codified at Section 48926 of the California Education Code, and requires that every three years the county superintendent of schools in counties that operate community schools, in conjunction with superintendents of the school districts within the county, develop a county plan for providing education services to all expelled students (the “Plan”). Once developed, the Plan shall be adopted by the governing board of each school district within the county and by the county board of education.

To meet the requirements of Education Code Section 48926, the Plan for Expelled Youth must:

- Enumerate existing educational alternatives for expelled students (see, Section I);
- Identify gaps in educational services to expelled students, and strategies for filling those service gaps (see Section III); and
- Identify alternative placements for students 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. (See Section III.)

The processes of, including, but not limited to, referral, admission, entry, and transition referenced in this Plan apply to all students referred to the TCOE Community School Program for any reason, including, but not limited to, expulsion.

Requirement for Educational Program During Expulsion Period

California Education Code Section 48916.1 requires that when a governing board orders that a student be expelled, it must ensure that the student is provided with an education program during the expulsion period. This Plan reflects the programs available to expelled youth enrolled in Tulare County school districts. Section 48916.1 also requires that districts report annual “outcome data” to the Superintendent of Public Instruction by June 30 (see Education Code Section 48916.1, attached as Appendix A).

Outcome Data Required under Education Code Section 48916.1(d)

The outcome data required under Education Code Section 48916.1(d), to be maintained by each school district, includes the following:

- The number of students recommended for expulsion;
- The grounds for each recommended expulsion;
- Whether the student was subsequently expelled;
- Whether the expulsion order was suspended;
- The type of referral made after the expulsion; and,
- The disposition of the student after the end of the period of expulsion.

Implementation of the Plan

Implementation of the Plan is subject to the State’s funding of education during the next three years. Should the State reduce educational dollars resulting in the County program operating at a deficit, the Tulare County Superintendent of Schools (“TCOE”) will create an excess cost agreement in consultation with the County school district superintendents between districts and the TCOE to ensure adequate funding for serving students in the TCOE Community School Program.

I. Existing Educational Alternatives for the Expelled Youth of Tulare County

School districts located within Tulare County offer a range of options for expelled students. Depending on the facts regarding the specific offense, the Education Code violation, and the governing board’s order, a governing board may “suspend” the enforcement of the expulsion order and place the student:

- On the same school campus;
- At a different school campus within the district;
- In an alternative education program within the district; or,
- In an independent study program operated by the district.

A governing board may enforce the expulsion order and refer the student to:

- Its district community day school program;
- A district community day school program operated by another district on the condition that an attendance and behavior agreement has been developed by the districts;
- To the TCOE Community Schools Program; or,
- To a public charter school or to a private school. (The parents/guardians/responsible adults may elect to enroll the student in a private school; however, if they elect to do so, the parents/guardians/responsible adults are responsible for the costs, if any, associated with that private school enrollment.)

II. Tulare County Office of Education Services for Expelled Pupils

TCOE offers education alternatives through its Community School Program. This program requires referrals from the school districts or from the courts and/or probation officers. The referral process is as follows:

A. Referral Process for TCOE Community School Program

In order to refer a student to the TCOE Community School Program, it is necessary that a referral form be completed by the student's referring school district or agency. The referral form includes details regarding the student, including:

- Information regarding the student's Section 504 plan or individualized education program ("IEP") status with relevant paperwork, including, but not limited to, the current Section 504 plan or IEP, all assessment reports for assessments conducted over the past three (3) years, progress reports for the past year, and all manifestation determination documentation related to the incident that is resulting in the referral to the TCOE Community School Program;
- Probation status;
- Dependency status;
- Reason for expulsion with relevant paperwork, including any stipulated expulsion or suspended enforcement agreements;
- Student's progress toward meeting the student's school district of residence's high school graduation requirements, including any relevant information (e.g. adjusted graduation requirements or plan to be a fifth year senior) related to the student's graduation requirements pursuant to California Assembly Bills 1806 (2014) and 2306 (2016) for students who are homeless, foster youth, or have attended a juvenile court school;
- Attendance information from the last school year and the current school year, including any information related to Student's participation in the SARB process (letters, court documents, etc.);
- Immunization records;
- ELPAC (or alternative assessment) and Smarter Balanced Testing;
- Information from any Response to Intervention, multi-tiered system of support, and/or other general education interventions in which the student has participated prior to referral; and,
- The date on which the student will be eligible to return to the school district of residence.

The referring school district or agency shall communicate with the student's parents/guardians/responsible adults regarding all aspects of the referral process.

Upon the TCOE's receipt of a referral from the referring school district or agency, TCOE will determine if it can appropriately serve and/or has space for the student at the TCOE Community School Program. While TCOE attempts to serve as many of the referred students as possible; it is not required to take any students and may not be able to serve all students who are referred.

Reasons that a student may not be accepted into the TCOE Community School Program may include, but are not limited to, the following:

- Insufficient space in the TCOE Community School Program or in the student's specific grade level at the TCOE Community School Program;
- Insufficient space in or unavailability of the special education placement and/or services contained in a student's IEP or Section 504 plan;
- A review of the student's referral reveals potential issues related to child find under Section 504 or special education law;
- A review of the student's referral reveals a potential issue related to failure to assess the student for special education (either initial or re-evaluation) in all areas of suspected disability;
- A review of the student's file reveals that the student's special education placement and/or services per the student's IEP or Section 504 plan is likely inappropriate and the student likely cannot be appropriately served at the TCOE Community School Program;
- A review of the manifestation determination paperwork related to the incident resulting in referral to the TCOE Community School Program reveals that there may be an error—either procedurally or substantively—with the manifestation determination conducted;
- A review of the referral paperwork reveals inadequate general education interventions, especially alternatives to suspension;
- The student was previously unsuccessful in the TCOE Court or Community School Program;
- The student has been enrolled in the Community School Program and juvenile hall over the past six months and should be allowed the opportunity for success on a school district campus prior to additional enrollment in the Community School Program;
- The student's behavior prior to referral is too severe and/or dangerous and will pose a danger to staff and/or other students on the Community School Program campus;
- A victim of the student is already/will be on the Community School Program campus; and/or,
- There is a restraining order involving another student(s) on Community School Program campus.

If the student cannot be appropriately served and/or there is no space available for the student in the TCOE Community School Program, the TCOE Community School Program will notify the referring school district or agency in writing with the general reason(s) for denying admission to the TCOE Community School Program; should the referring school district or agency wish to obtain further information regarding the denial of admission, they may contact [Nicole Rocha/

Administrator of Educational Options at 559-651-2904] via telephone only for further information; no further information will be shared in writing. Additionally, there is no appeal process for denial of admission to the TCOE Community School Program.

The referring school district or agency shall be responsible for notifying the student's parents/guardians/responsible adults that the referral to the TCOE Community School Program was denied; TCOE shall have no responsibility for communicating with the parents/guardians/responsible adults regarding the referral process and/or denial of admission. The referring school district or agency shall not refer the student's parents/guardians/responsible adults to TCOE staff for information regarding these processes and/or additional information regarding a denial of admission. Any and all such contact to TCOE by parents/guardians/responsible adults will be referred back to the referring school district or agency for response.

If a student is able to be appropriately served and there is space available in the TCOE Community School Program, the TCOE Community School Program will contact the student and his/her parents/guardians/responsible adults notice of the date to report to the school for intake. As part of the intake process, the student, the parents/guardians/responsible adults, and TCOE staff will develop an Individual Learning Plan (“ILP”) for the student. In addition to addressing the student’s academic plan, the ILP will include the goal of the student’s return to the school district of residence after the expulsion term. The ILP shall be in addition to and will not replace or override any of the components of the student's Section 504 plan or IEP.

B. Transition Process from TCOE Community School Program

Enrolled students will attend the TCOE Community School Program for the remainder of the expulsion period. At least 30 days prior to the end of the expulsion term, TCOE shall provide the school district of residence and any referring agency of notice of transition of student back to the school district of residence. Within the last 30 days of the student's term of attendance in the

TCOE Community School Program, TCOE will convene a transition meeting with at least the following invited to attend: the student, at least one of his/her parents/guardians/responsible adults, TCOE representative(s), and at least one representative of the student's district of residence. Other collaborative partners may be invited to attend this meeting as well. Failure of any invited members, including, but not limited to, the district of residence, to attend this meeting will not prevent the meeting from moving forward. At this meeting, the team will review, and the district of residence will be provided with, a transition report indicating the reason for transition back to the district, transition recommendations, TCOE Community School Program attendance and the following:

- Information regarding the student's Section 504 plan or IEP status with relevant paperwork, including, but not limited to, the current Section 504 plan or IEP, developed while the student was enrolled in the TCOE Community School Program;
- Probation status;
- Dependency status;
- Discipline records;
- Student's progress toward meeting the TCOE Court and Community School high school graduation requirements, including any relevant information (e.g. adjusted graduation requirements or plan to be a fifth year senior) related to the student's graduation requirements pursuant to California Assembly Bills 1806 and 2306 for students who are homeless, foster youth, or have attended a juvenile court school;
- Attendance information;
- Immunization records;
- ELPAC (or alternative assessment) and Smarter Balanced Testing; and,
- Information from any Response to Intervention, multi-tiered system of support, and/or other general education interventions in which the student has participated in the TCOE Community School Program.

Failure of the district of residence to participate in this transition process will not prevent the student from being returned to the district of residence; the TCOE Community School Program shall have no obligation to maintain the student's attendance following date of exit for which the school district of residence is provided at least 30 days' notice. A school district of residence may take a student back prior to the end of the 30-day transition time period if it so chooses. If a student is enrolled for less than 30 days or is disenrolled by the district of residence prior to the 30-day notice time period, the district of residence will receive the transition report within five (5) business days of the student's disenrollment from the TCOE Community School Program.

If the school district of residence or referring agency believe it is appropriate to remove the student from the TCOE Community School program to return to the school district of residence but the TCOE Community School Program staff do not believe that it is appropriate for the student to return to the district of residence and the student should remain in the TCOE Community School Program at the end of the expulsion term, this recommendation will be communicated to the district of residence and referring agency.

This process does not replace any other meetings and/or hearings (such as a readmission hearing) that may be convened by the student's district of residence. Any district of residence processes (such as a readmission hearing) should be scheduled and held by the district of residence prior to the TCOE Community School Program transition meeting described herein.

Once a student is transitioned or removed from the TCOE Community School Program for any reason by any entity for five (5) or more school days, including, but not limited to disenrollment by parents/guardians/responsible adults or incarceration in juvenile hall, the student will be

deemed exited from the TCOE Community School Program. The student will not be able to return to the TCOE Community School Program without going through the referral process again. The TCOE Community School Program, however, will comply with all laws related to school of origin for foster and homeless students.

C. Educational Services Provided to Expelled Students with Exceptional Needs

Consistent with state and federal law, a student with exceptional needs (who has a current IEP or Section 504 plan) may be expelled and referred by a school district for placement in the TCOE Community School Program. Enrollment in the TCOE Community School Program will be determined on an individual basis, and is dependent, in part, upon the appropriateness of placement and services available at the TCOE Community School Program to meet the individual needs of the student as stated in the current IEP or Section 504 plan as well as other factors described in Section II(A) above. As indicated above, a referral is not a guarantee of placement at the TCOE Community School Program. Districts may refer students with exceptional needs provided that:

- a. All procedural safeguards regarding the discipline of students with special needs have been met, including, but not limited to a procedurally and substantively appropriate manifestation determination meeting;
- b. The referring school district or agency has complied with all legal requirements regarding the education of special needs students, e.g., all procedural timelines have been met regarding annual/triennial reviews/assessments (Note: No students will be accepted if they have pending and/or overdue IEP/Section 504 plan assessments, meetings, etc. unless and until all timelines are brought current and/or are completed as specified on the referral form. This means that if anything is overdue or needs to be corrected, the referring school district or, if the student is being referred by an agency, the school district of residence must do so. Moreover, if an assessment is due within 60 days or less or an IEP team or Section 504 team meeting is due within 30 days or less, the referring school district or, if the student is being referred by an agency, the school district of residence must complete these processes.);
- c. The requirements as stipulated in Education Code Section 48915.5 have been met;
- d. The referring school district or agency has completed a Community School Referral Form and has provided the required attachments and documents; and,
- e. An IEP or Section 504 team has determined that a referral for placement at TCOE Community School Program meets the student's needs per the current IEP or Section 504 plan.

D. High School Credits Awarded at TCOE Community School Program

- a. The referring school district or, if the student is referred by another agency, the school district of residence shall calculate and provide all credits earned by the student, including partial credits for the portion of the current semester attended in the school district, to TCOE Community School Program within two (2) business days of the student's enrollment in the TCOE Community School Program.
- b. The TCOE Community School Program awards credits to high school students in accordance with the rules and regulations governing court and community schools. If the student does not earn full credits, partial credits will be awarded by TCOE Community School Program for the time of attendance in the TCOE Community School Program.
- c. The school district of residence shall accept any and all partial credits awarded to the student by any school district or the TCOE Court and Community School Program.
- d. TCOE Community School Program complies with California Assembly Bills 1806 and 2306 for students who are homeless, foster youth, or have attended a juvenile court school. Information regarding the student's status under these bills will be provided as part of the transition report when the student leaves the TCOE Community School Program.

III. Identification of Gaps in Educational Services to Expelled Students and Strategies for Filing Those Service Gaps

- a. **Due to the small number of grade K-6 students expelled and the legal requirement that such students be served in a separate program, service delivery can be problematic.**

Although smaller districts have worked cooperatively to place expelled students in neighboring Community Day Schools, the limitations for determining appropriate placement of elementary mandatory expulsions continue.

County/District Strategy for Addressing this Gap. Each district will review the available educational options to best provide a customized and appropriate program to meet the needs of its expelled students. Districts may consider operating their own K-6 community day school programs or form a consortium with consultation of TCOE to create a program of school district-shared costs and space.

- b. **Tulare County is a large county with remote districts. Distances between districts and the county program sites make it difficult for some students to participate in programs for expelled students offered by TCOE, charter schools, and/or other districts.**

County/District Strategy for Addressing this Gap. Remote districts within Tulare County may develop a community day program, or work with TCOE to provide a program for their expelled students. Districts may choose to form a consortium with the consultation of TCOE and create a program of school district-shared costs. Whenever possible the district and TCOE can negotiate transportation for students to a County Community School.

- c. **Students referred attend TCOE Community School Program intake, but fail to attend class.**

County/District Strategy for Addressing this Gap. Students will be considered enrolled in the TCOE Community School Program once they attend the first day of instruction following the TCOE intake. If this student subsequently fails to attend school at least 80% of the time, the school district of residence will be contacted for a joint effort to obtain student's at least 80% attendance at the TCOE Community School Program, including, for example: phone calls, emails, and text messages to the student's parents/guardians/responsible adults; home visits by TCOE Community School Program staff; Probation Department intervention; Department of Family and Children Services intervention; and/or court intervention notices)

- d. **Alternative educational placements for Community Day School failures, deemed to have failed meeting the terms and conditions of their rehabilitation plans at their review hearings or who pose a danger to other district pupils as determined by their governing board, who have committed another expellable, offense have limited placement alternatives.**

County/District Strategy for Addressing this Gap. Districts have extended additional supports to CDS students through their rehabilitation plans, behavior contracts, and input provided at review hearings. Stipulation in the 2018 Plan that county-operated Community Schools would consider conditional enrollment under a Memorandum of Understanding has offered more flexibility in placing students.

IV. **District Level Behavioral Intervention Approaches: Options to Minimize Number of Suspensions Leading to Expulsions and Expulsions Ordered; Support for Students Returning to Home Schools following Expulsion**

In proactive efforts to prevent expulsion, Districts shared behavioral intervention strategies employed prior to expulsion and referral to the TCOE Community School Program. These strategies have been identified by the Districts as effective interventions to minimize the number of suspensions leading to expulsion orders and to support students returning from suspensions. Those strategies include:

Best Practices:

Parental Involvement
Progressive Discipline
In school Suspension
Counseling Program
Proactive SST
Multi-tiered PBIS
Reconnecting Youth
Trauma Informed Practices
Behavior Data Tracking
Alternative to Suspension Program
Intervention Resource Class – Social Skills
Leader in Me Strategies
County Psychologists
Behavior Plan Contracts
CAST Classes
Translation Services

Support for Returning Students:

Behavior Contracts
Reinstatement Meetings
Academic Intervention Support
Formal and Informal check-in with student and Principal and/or school Psychologist and/or SSIP Coach, etc.
Grades and Attendance Monitored
Parent Involvement
Communicate with Stakeholders
Utilize Intervention Resource Class

Currently, districts report not having a disproportionate number of minority students expelled. However, districts will continue to monitor data in order to be aware of disproportionate representations. The above-mentioned practices will continue and evolve as needs arise.

V. District Responsibilities

In accordance with Sections 48916 and 48916.1 of the Education Code, the school district of residence will be responsible for: 1) recommending a rehabilitation plan for expelled students; 2) ensuring that an educational program is provided to expelled students; and 3) complying with the state reporting requirements.