



Kermith R. Walters  
Superintendent of Schools

## Siskiyou County Office of Education

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Providing Educational Leadership, Resources and Services to  
Districts and Schools to Ensure Learning for All Students

### Board of Education

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Brandon Fawaz  
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April 9, 2012

To: Superintendents  
From: Mike DeRoss, Assistant Superintendent  
Subject: Countywide Plan for Expelled Youth

Attached find the 2012 Countywide Plan for Expelled Youth. This plan has been reviewed by administrators in Siskiyou County in order to comply with the California Education Code (EC) Section 48296, which requires a plan be developed for providing education services to all expelled youth in each county. EC 48296 further requires that each county superintendent of schools, in conjunction with district superintendents in the county, submit a triennial update to that plan to the State Superintendent of Public Instruction (SSPI). The next triennial update is due by June 30, 2012 to the SSPI.

The 2012 Countywide Plan for Expelled Youth needs to be adopted by your governing board. Please ask your board to adopt the Plan at your May 2012 board meeting, indicate the date of your board's adoption, and return a copy to the Siskiyou County Office of Education no later than June 5, 2012.

Thank you for your assistance. Please contact me at 842-8440 if you have any questions.

MJD/hj

Attachment

# **SISKIYOU COUNTY PLAN FOR EXPELLED YOUTH**

Adopted by All Siskiyou County School Districts  
June, 2012

## **Introduction**

Educational programs within Siskiyou 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 options, the Siskiyou County Office of Education (SCOE) offers alternative programming for students whose needs cannot be met in traditional settings. Together, school districts and the county office of education provide students with a number of service and placement options.

The initial plan for expelled students was first approved by the SCOE Governing Board and the Siskiyou County Superintendent of Schools on June 30, 1997.

The first revised plan for expelled students serves as the triennial update. The triennial update was approved on June 30, 2000.

The second revised plan for expelled students serves as the triennial update. The triennial update was approved on June 30, 2003.

The third revised plan for expelled students serves as the triennial update. The triennial update was approved on June 30, 2006.

The fourth revised plan for expelled students serves as the triennial update. The triennial update was approved on June 30, 2009.

This latest plan for expelled students will serve as the triennial update and will be submitted to the California Department of Education by June 30, 2012.

## **Siskiyou County/District Plan for Expelled Youth**

### **Education Code ~ 48926**

Each county superintendent of schools that operates community schools pursuant to Section 1980, in conjunction with superintendents of the school districts within the county, shall develop a plan 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, then fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

Each county superintendent of schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997, and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30<sup>th</sup> 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. 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 education 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 data as specified in this subdivision and report the data annually to the State Department of Education, commencing June 1, 1997, on forms provided by the State Department of Education. The 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 expulsion.

(2) When a school district does not report outcome data as required by this subdivision, the Superintendent of Public Instruction may not apportion any further money to the school district pursuant to Section 48664 until the school district is in compliance with the provisions of this subdivision. Before withholding the apportionment of funds to a school district pursuant to this subdivision, the Superintendent of Public Instruction 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 school 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.

### **Alternative Education & AB 922 Legal Aspects**

#### **AB 922**

- A) AB 922 (Stats. 1995, Chapter 974) was passed by the Legislature in 1995 and became operative on July 1, 1996.
- B) AB 922 amended Education Code Sections 48915.2, 48916, and 48918 and added Education Code Sections 39141.12, 48916.1, 48926 and Sections 48660-48666. It repealed Education Code Section 48915.7

#### **Impact of AB 922**

- A) AB 922 changed the legal effect of expulsion. Expulsion no longer means the severing of the legal relationship between the school district and student and the cessation of educational services.
- B) The legal relationship remains intact, there is no cessation of educational services and school districts have a legal duty to refer students to alternative programs.
- C) Education Code Section 48916.1 requires that school districts provide an educational program to expelled students.

#### **Facilities**

- A) Education Code Section 39141.12 sets forth the types of facilities that may be utilized by districts when operating a program for expelled students. Districts may utilize available school facilities that conform to the Field Act, apply for the emergency portable classrooms or enter into lease agreements for facilities provided that the facilities are limited to a structure where a structural engineer has submitted a report that determines substantial structural hazards do not exist.

- B) Before entering into any lease, the governing board of the school district must certify to the State Allocation Board that all reasonable efforts have been made to locate the program in facilities that conform to the structural safety standards of the Field Act.
- C) On or before September 1, 1996, and every three years thereafter, each school district shall report to the state allocation board on the facilities utilized for the operation of these programs and efforts to place programs and facilities that conform to the Field Act.

### **Community Day Schools**

- A) Education Code section 48660 authorizes the governing board of a school district to establish one or more community day schools for students in kindergarten or any of grades 1-12 inclusive who meet one or more of the conditions specified in Section 48662 (b).
- B) Section 48660.1 states that it is the intent of the Legislature that school districts operating community day schools to the extent possible include the following program components:
  1. School district cooperation with the county office of education, law enforcement, probation and human service agencies personnel who work with at-risk youth.
  2. Low pupil teacher ratio.
  3. Individualized instruction and assessment.
  4. Maximum collaboration with school district, support service resources, including but not limited to, school counselors and psychologists, academic counselors and pupil discipline personnel.
- C) Section 48661 states that a community day school shall not be situated on the same site as an elementary, middle, junior high, comprehensive senior high, opportunity or continuation school unless the governing board approves by a two-thirds vote that satisfactory alternative facilities are not available for a community day school.
- D) Section 48662 states that the governing board of a school district that establishes a community day school shall adopt policies that provide procedures for the involuntary transfer of students to a community day school. A student may be assigned to a community day school only if he or she meets one or more of the following conditions:
  1. The student is expelled for any reason.
  2. The student is probation referred pursuant to Sections 300 and 602 of the Welfare and Institutions Code.
  3. The student is referred to a community day school by a school attendance review board or other district-level referral process if a district does not operate a school attendance review board.
  4. First priority for assignment to community day school shall be given to a student expelled pursuant to Education Code section 48915 (d), second priority shall be given to students expelled for any other reasons, and third priority shall be given for placement to all other students pursuant to this section unless there is an agreement that the county superintendent of schools shall serve any of these students.
- E) Section 48663 states that the minimum school day for students enrolled in community day schools is 360 minutes of classroom instruction provided by a certificated employee of the district or a consortium of school districts. A student enrolled in a community day school may

not generate more than one day of community day school attendance credit in a school day for any purpose. Independent study may not be utilized as a means of providing any part of the minimum instructional day.

- F) Section 48664(e) requires the State Department of Education to evaluate and report to the appropriate legislative policy committees and budget committees on or before October 1, 1998, and for two years thereafter the following programmatic and fiscal issues relating to community schools:
1. The number of expulsions statewide.
  2. The number of school districts operating community day schools.
  3. Status of the county-wide plans.
  4. Evaluation of the community day school average daily attendance funding percentage cap.
  5. The number of small school districts requesting and the number receiving a waiver.
  6. The effect of hourly accounting.
  7. The number of students and average daily attendance served in community day programs.
  8. Pupil outcome data and other data.
  9. Other programmatic or fiscal matters as determined by the State Department of Education.
- G) Section 48666 authorizes the governing board of a school district maintaining a community day school to establish attendance policies for the community day school that permit the community day school to require students to attend school for up to seven days each week when this action is taken as part of a directed program designed to provide community day students with the skills and attitudes necessary for success when returned to a regular school environment.

### **Changes in Expulsion Laws**

- A) Section 48915.2 was amended to indicate that a student expelled under Section 48915(a) or (c) shall not be permitted to enroll in any other school or school district during the period of expulsion unless it is a county community school, a juvenile court school or a community day school operated by a school district.
- B) Section 48916.1 requires the governing board of the school district to ensure that an educational program is provided to the student who is expelled. The program may be provided by the school district, the county superintendent of schools or a consortium of districts that are in joint agreement with the county superintendent of schools. Any educational program for expelled students shall not be situated within or on the grounds of the school from which the pupil was expelled. Programs for grades 1-6 inclusive, and grades 7-12, inclusive, shall not be combined or merged. For students expelled from grades 7 through 12, the school district or county superintendent of schools may offer the student independent study with the written consent of the student and the parent. School districts are required to maintain outcome data and report the data to the State Department of Education on students who are expelled.
- C) Education Code section 48926 requires each county superintendent of schools in counties that operate community schools in conjunction with superintendents of school districts within the county to develop a plan for providing to all expelled students 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 alternatives for expelled students; identify gaps in educational services to expelled students and strategies for filling those service gaps. The plan shall also 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 students as determined by the governing board. Each county plan shall be submitted to the Superintendent of Public Instruction no later than June 30, 1997, and shall submit a triennial update to the plan including outcome data on June 30, thereafter.

**Siskiyou County:** Siskiyou County, at the top of the state, is one of the largest counties in California with one of the smallest populations. The county's twenty-five school districts are small, and serve a total of approximately 5890 students (average daily attendance) in kindergarten through grade 12. With over six thousand square miles in the county, many districts are remotely situated in very small communities. Mountain roads are frequently difficult to negotiate in winter.

**Alternatives for Expelled Youth:** All school districts within Siskiyou County are small and limited with respect to providing educational alternatives to expelled youth. Small school districts experience many of the student behaviors that were once attributed only to students who attended schools in large urban school districts. Small school districts, however, are not experiencing large numbers of students who are exhibiting behaviors which result in expulsion. The fact that large numbers of students are not being expelled from small school districts is naturally quite positive; however, it does create a situation where the development of either district or county specific classes or programs for such students is difficult financially and/or geographically.

#### **Best Practices:**

1. In Siskiyou County, early intervention strategies or pro-active strategies are the major focus of district programs and the subsequent student success. The school districts in Siskiyou County provide early intervention strategies which include, but are not limited to, one-on-one counseling, student study teams, academic and emotional assessments, parent support meetings, in-school suspension, off-campus suspension, special education services, after school activities, conflict management, violence reduction strategies and student contracts.
2. Several schools have adopted the school-wide Positive Behavioral Interventions and Supports (PBIS) framework. PBIS is a decision-making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving academic and behavioral outcomes for all students.
3. These strategies apply to all students and do not result in any disproportionate representation of minority students in such interventions.

### **I. Existing Educational Alternatives**

Because of the very low rate of expulsion for students in small schools of Siskiyou County, there are few existing alternatives for expelled youth. These are categorized below based on the severity of the expellable offense. The Education Code restricts the allowable classroom alternatives for youth expelled for the most serious offenses to a court school, a county community school, or a district community day school. The serious offenses, from EC 48915 (c), include:

- Possessing, selling, or otherwise furnishing a firearm
- Brandishing a knife at another person
- Unlawfully selling a controlled substance
- Committing or attempting to commit a sexual assault or committing a sexual battery, and
- Possession of an explosive

All California Education codes will be adhered to regarding students with IEPs. Special education services will follow the student.

**Alternatives for Students Expelled for Serious Offenses:**

1. Community Day Schools operated by districts:

Butte Valley Unified  
 Mahogany Community Day High  
 Picard Community Day Elementary  
 Dunsmuir Elementary  
 Dunsmuir Joint Union High  
 Grenada Elementary  
 Happy Camp Union Elementary  
 Happy Camp Elementary Community Day  
 Happy Camp Union Elementary School Primary Community Day  
 Montague Elementary  
 Mt. Shasta Union Elementary  
 Headwaters Community Day  
 Scott Valley Unified  
 Etna Community Day  
 Fort Jones Community Day  
 Scott River Community Day  
 Scott Valley Community Day  
 Siskiyou Union High  
 Happy Camp Community Day  
 South County Community Day  
 Weed Union Elementary  
 Wyeka Vista Community Day  
 Yreka Union Elementary  
 Yreka Community Day  
 Yreka Union High

2. Siskiyou County Office of Education: Community School - grades 7-8 (younger with waiver).

The Siskiyou County Office of Education (SCOE) Community School, formally located at Jackson Street School of the Yreka Union Elementary School District (YUESD), was discontinued at the beginning of the 2001-02 school year. It was discontinued because most students enrolled in the Community School were from Jackson Street School and the YUESD decided to start their own Community Day School. If the need arises for the SCOE to re-open the Community School, it is prepared to do so. The County Plan for Expelled Youth will continue to reflect the grade 7-8 Community School as an option for expelled



students. There have been no requests to re-open the Siskiyou County Office of Education Community School.

3. Siskiyou County Office of Education Court School: Juvenile Hall, Yreka, grades 7-12. Infrequently, younger incarcerated students are served.

### **Alternatives for Students Expelled for Less Serious Offenses**

Due to the less serious nature of the offense, the Education Code allows more options for providing alternatives for students expelled for such offenses listed in EC 48915 (e).

1. Referral to the Siskiyou County Office of Education Court and Community School: Middle-school-aged students expelled for less serious offenses may be served in the county community school classroom, if needed. Younger students may be served with a waiver.
  - a) Community School independent study if all parties agree, and other appropriate educational options are available, grades K-8.
2. Independent Study (EC 51747 c (7)). A student expelled for a less serious offense may be offered independent study, provided that an appropriate alternative classroom program is offered as a choice, and the on-site portion of the independent study does not occur on the site from which the student was expelled (EC 48916.1 c). The alternative of classroom instruction includes another district site or the county community school for grades k-8 students (with waiver). Students with IEPs will have continued services.
3. Referral to a district community day school.
4. Suspended Expulsion with placement on the same school campus.
5. Suspended Expulsion with placement on a different school campus within the district.
6. Suspended Expulsion with placement on district independent study, if all parties agree and other appropriate education alternatives are available.
7. Enrollment at another district as described in EC 48915.1.

## **II. Gaps in Educational Program for Expelled Pupils and Strategies for Filling Them:**

Through a countywide collaborative process, the following gap has been identified with respect to providing educational services to expelled pupils. Following the gap are the suggested strategies for addressing it:

- 1) Smaller school districts within Siskiyou County generally expel very few students during the course of a school year. Due to this fact, it is not financially or geographically possible to have a special class or program for such students located in each district. As an illustration of this, in Siskiyou County there are 6 districts, that are all approximately one hour away from the nearest district community day school or the County Office community school. There are 12 districts in Siskiyou County that each have an enrollment of less than 100 students. In addition, students who are expelled by individual small school districts within

Siskiyou 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.

County/District Strategy for Addressing This Gap:

- a) The Siskiyou County Office of Education will continue to provide a continuum of educational services to those eligible students placed or referred to the Court School Program and Community School programs, if needed. There have been no requests to re-open the Siskiyou COE Community School.
- b) The Siskiyou County Office of Education will investigate the opening of a County Community Day School if a student commits a mandatory expellable offense and is:
  1. From a district with no community day school, or
  2. From a district with a community day school and other options for service are not in the student's best interest.
- c) Inter-district agreements with clearly defined parameters. This strategy has been used infrequently due to geographical issues and distance between community day schools. However, it is a strategy that could possibly work for districts, which are within reasonable distances. Over the past three years there have been instances where inter-district agreements were not able to be completed. There have been several factors which have contributed to this including: a CDS having an enrollment which prevented new students from other districts being enrolled, and lack of timely communication between administrators. Since boards from the receiving district make the final decision whether to enroll an expelled student from another district, for this strategy to be successful it is important that conversations regarding the possibility of inter-district agreements begin well in advance of the actual expulsion and decision about placement.
- d) Independent Study, if all parties agree, and other appropriate options are available, may be offered.

**III. Identify alternative placements for pupils who are expelled and placed in community day schools, but who fail to meet terms and conditions of their rehabilitation plans or who pose a danger to other district pupils.**

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. The governing board is required to recommend a plan of rehabilitation. If the expelled students fail to meet the terms and conditions of their rehabilitation plan, commit another expulsion offense, or pose a danger to other students, the school district of residence continues to maintain responsibility for developing a rehabilitation plan for the student ensuring that an educational program is provided either within or outside the school district.

Strategies to Address this Requirement:

- 1) A new rehabilitation plan may be developed, building on the strengths of the original plan, while maintaining the educational placement called for in the original plan.
- 2) A new rehabilitation plan may be developed, building on the strengths of the original plan, but using a different educational placement than what was called for in the original plan.
- 3) Independent Study, if all parties agree, and other appropriate options are available, may be offered.
- 4) Working closely with other city/county agencies is strongly encouraged to assist with successful completion of the rehabilitation plan. These agencies include local police or sheriff departments, and agencies that provide counseling and family support.

**Countywide Plan and a Regional Perspective  
Review Process**

The triennial review of the Countywide Plan for Expelled Youth included the following steps:

1. Review of the plan by a committee of superintendents, principals, and the Superintendent of County Schools, Assistant Superintendent, and Chief Business Official from the Siskiyou County Office of Education
2. Review of the plan by all of the district and site administrators
3. Approval of the plan by all of the administrators
4. Approval by each of the district boards of trustees.

**Siskiyou County Office of Education Role**

The Siskiyou County Office of Education provides technical assistance in the development of the plan as well as technical assistance and advisory support when superintendents have questions regarding expulsion and the placement of students.

**Administrative Expulsion Hearing Panel**

For interested districts, in lieu of the district board serving as the expulsion hearing panel another option has been developed. Based upon EC 48918(d), the board may appoint an impartial administrative panel to conduct the hearing. The administrative panel would be comprised of three or more administrators from other school districts. The district board would make the final decision regarding expulsion.

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Date of Governing Board Approval of  
2012 Countywide Plan for Expelled Youth

Superintendent's Signature