

SUTTER COUNTY PLAN FOR EXPELLED YOUTH

2012-2015

Memorandum of Understanding

By and between

Sutter County Superintendent of Schools Office

and

Brittan Elementary School District

Browns Elementary School District

East Nicolaus Joint Union High School District

Franklin Elementary School District

Live Oak Unified School District

Marcum-Illinois Union School District

Meridian Elementary School District

Nuestro Elementary School District

Pleasant Grove Joint Union School District

Sutter Union High School District

Twin Rivers Charter

Winship-Robbins Elementary School District

Yuba City Unified School District

Yuba City Charter

Introduction

Education Code 48926 requires a countywide plan, which shall include the following provisions:

- a. Enumerate existing education alternatives for expelled youth
- b. Identify gaps in educational services to expelled pupils
- c. Identify strategies for filling those gaps in services
- d. Identify alternative placements for pupils who are expelled from districts within the county

Educational programs within the County of Sutter provide a variety of opportunities for students who are in need of traditional and/or alternative education programs. Individual schools districts offer a variety of program options within their respective schools. The Sutter County Superintendent of Schools offers educational services which include an independent study program, community school, and opportunity classes.

Education Code 48926: Plan for Expelled Youth

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 plans shall also identify alternative placements for pupils who are expelled and placed in district community day schools or alternative education 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's Superintendent of Schools, in conjunction with the superintendents of the school districts, shall submit to the Superintendent of Public Instruction the county plan for providing educational services to all expelled pupils in the county no later than June 30, 1997 and shall submit a triennial update to the plan to the Superintendent of Public Instruction, including the outcome data pursuant to Section 48916.1, on June 30 thereafter.

Education Code 48916.1: Educational Programs/Rehabilitation Plans

- 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 (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 kindergarten or grades 1 to 6, inclusive, the education program provided pursuant to subdivision (b) may not be combined or merged with educational programs offered to pupils in any of the grades 7 to 12, inclusive. The district or county program is the only program required to be provided to expelled pupils as determined by the governing board of the school district.
- e. (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 the 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 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 school district has 30 calendar days from the date of the written notice of non-compliance to report the requested data and thereby avoid the withholding of the apportionment 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.

Existing school District Alternatives for Expelled Pupils

Each school district shall take steps to see that services are provided for pupils who have an expulsion hearing. A pupil whose behavior has resulted in expulsion shall be given a rehabilitation plan that is designed by the district of residence. Any recommended placement should be monitored and appropriate documentation maintained. This plan may involve one or more of the options outlined below.

The governing board of each school district will determine which educational alternatives are appropriate and available. Educational alternatives throughout Sutter County for pupils recommended for expulsion included, but are not limited to, the following options:

1. Expulsion, suspended order, with placement on the same campus.
2. Expulsion, suspended order, with placement on a different school campus within the district.
3. Expulsion, suspended order, with placement in district independent study, if the parent consents.
4. Expulsion, suspended order, with subsequent transfer to another district.
5. Expulsion with referral to a district community day school, if available.
6. Expulsion with subsequent transfer to another district.
7. Expulsion with referral to the Sutter County Superintendent of Schools community school program (grades 9-12) and opportunity (grades 7-8).

Behavioral Intervention Approaches at the County Community Schools Program (FRA) as a means to minimize the number of suspensions

Alternative means of corrections may include, but are not limited to, (no particular order):

The Response to Intervention (RTI) process helps us learn what works and what does not. Some students need interventions that deal with specific academic skills deficits. Others need motivation or organizational skills or help with appropriate classroom behavior. Thinking strategies and interventions can aid students who need help in reading, writing, math, and problem solving. A variety of different

interventions may be considered. These interventions remain flexible based on individual needs and the student's response when the intervention is tried.

Tier I

- Warning
- Parent/Teacher Conference
- Parent contact
- Referral to counseling

Tier II

- Exclusion from school activities
- Behavior contract
- Community referral services
- Parent supervise student in class
- Saturday school
- Student Success Team (SST)
- Projects on campus
- Community service

Tier III

- In-school suspension
- Behavior support plan
- Placement in an alternative classroom for a defined time period
- School Attendance Review Board (SARB)

Student Support Services:

Presently, students attending Feather River Academy participate in counseling programs and are closely supervised by the Sutter County Probation Department. Programs include, but not limited to:

- Cognitive Behavioral Therapy (CBT)
- Functional Family Therapy (FFT)
- Seeking Safety Program
- Thinking For a Change Program
- Gang Resistance Education and Training
- Strengthening Families Program
- Teaching Pro-Social Skills

In addition, students receive support from the Sutter County Superintendent of Schools IPP (Intervention, Prevention and Program) staff, and counseling from the school psychologist and academic school counselor. Lastly, the Yuba-Sutter Mental Health Department provides programs and support to FRA students and families.

Service Gaps

There are four (4) potential gaps in providing a comprehensive service model for expelled students in Sutter County. The districts and Sutter County Superintendent of Schools Office must work to develop solutions that are both educationally sound and financially possible.

1. A pupil expelled under Education Code 48915 by a district could potentially reoffend under Education Code 48915, during their placement in a district community day school or a county community school, resulting in a referral back to the district of residence.

Strategy: The county and district will exhaust their existing options, in conjunction with the Probation Department, to determine an educational program that will provide the pupil with educational options.

Update: 1)when all educational options available to Sutter County have been exhausted, placement in a contiguous county will be explored. Sutter County Superintendent of Schools has established a reciprocal consideration relationship with Yuba and Colusa Counties in order to address the service gap identified in the 2009 Plan. 2) Pupils have the option to apply to a private school at no expense to the school district or apply to a Charter School in or out of the County. The private school or Charter School is not obligated to accept the pupil.
2. Elementary schools expel very few pupils. Some of the smallest elementary districts have virtually no history of expulsion. The geographic spread of the schools and scarcity of expulsion cases present a challenge to the establishment of a program to serve this group.

Strategy: The elementary districts will use their local alternatives in providing educational programs for their expelled students. In the event the numbers would warrant the establishment of a separate program, the Sutter County Superintendent of Schools would enter into a cooperative agreement with the elementary districts to establish an alternative program.

Update: Sutter County continues to experience a significantly small number of pupils expelled from elementary schools. These small numbers continue to pose a cost prohibitive challenge to establishing a classroom for our county's expelled elementary pupils.
3. The current requirements associated with the establishment of community day schools make this alternative very difficult for districts to implement. The restrictive nature and funding base, when coupled with small numbers, make it financially impossible to provide services and cover cost.

Strategy: Districts will monitor changes under the community day school legislation. Joint planning may result in options that do not currently exist between the participating entities.

Update: This strategy continues to be in effect.
4. Elementary students may not be housed on the same campus as students in grades 7 to 12. Current Sutter County Superintendent of Schools' programs for expelled pupils is housed on a single site. (Education Code 48916.1(d))

Strategy: In the event that a program is established by the Sutter County Superintendent of Schools to serve elementary pupils, an alternative location will be developed in conjunction with the districts.

Update: This strategy remains in effect.

Process of Referral

When a district determines that an appropriate educational option does not exist within the district for an expelled pupil or otherwise at-risk pupil, the district may refer the student to the Sutter County Superintendent of Schools' community school program (Feather River Academy). The county will review the district Rehabilitation Plan and referral in order to develop an individual learning program for each student based on their individual needs and circumstances. Parents will be included and expected to work cooperatively in addressing the needs of their children. Feather River Academy (FRA) does not provide transportation services.

The referring district shall provide the following documentation at the time of referral for enrollment:

- a. County referral form
- b. CSIS Number (California Statewide Student Identifier Number)
- c. Expulsion Rehabilitation Plan (if applicable)
- d. Attendance and discipline information
- e. Current transcript
- f. Most recent assessment data (CASHEE, CST, CELDT, etc.)
- g. IEP/504 Plan (if applicable)

Expelled pupils referred to FRA from the districts are under the Rehabilitation Plan developed by the district and will be held accountable to both the district and the county. For all pupils referred to FRA, if the placement at FRA does not result in meeting the pupil's needs or the pupil commits an offense(s) that preclude their continuing at FRA, the FRA staff will:

- a. Refer the pupil to the police department or probation for prosecution, if appropriate
- b. Inform and refer the pupil to their home district to find an appropriate placement
- c. Inform the family of the option of attending a charter school in or out of the county
- d. Offer the student the option of enrolling in independent study (if applicable)

Feather River Academy will provide districts with progress reports and notification of a pupil's change of residence, termination from the program, or completion of requirements of graduation. District administrators will be provided data necessary to meet all reporting requirements associated with Education Code 48916.

Special Education

Any pupil referred to Feather River Academy that has an active IEP, must present a copy of his/her most recent IEP upon registration. The referring district will hold a change of placement IEP prior to sending the pupil and invite the appropriate FRA staff to the meeting. At the meeting, the IEP team will determine how the provisions of the IEP will be implemented at FRA. SELPA coordination will be necessary to ensure that the pupil's needs can and will be addressed by appropriately credentialed staff. Every effort must be made to ensure compliance with PL 101476 in the event of a special education student expulsion. It is anticipated that Sutter County Superintendent of Schools Office and the Special

Education Staff of the referring district will coordinate efforts to determine the most appropriate placement and continuity of the IEP implementation.

Should it become necessary to reevaluate the appropriateness of services and/or placement as mandated in a pupil's IEP while attending Feather River Academy, representatives from the referring district shall be invited to participate in any meetings where change of services or placement will be discussed.

Revenue

The districts will pass all ADA revenue generated by their pupils while in attendance at FRA, including but not limited to Lottery and special one-time funds to the Sutter County Superintendent of Schools Office. In the event the costs of operating programs that have been requested by the districts should exceed revenue generated by the ADA and associated funds, excess costs will be billed back to the districts based on their share of program use. A district's share of program use will be calculated based on the number of student attendance days generated by students referred from the district to the county program. Districts shall be directly involved in creating new programs at FRA that address specific district needs and which may generate costs to the districts.

Districts agree to notify the Sutter County Superintendent of Schools by January 15th, of the school year prior to implementing alternative programs that would result in a significant loss of ADA for the community school. The notification would allow the Sutter County Superintendent of Schools to make appropriate adjustments in staffing for the following year and present March 15 lay-off notifications as required by Education Code if necessary. Should a district fail to notify the County Superintendent in a timely manner, and deficits result, the district will be included in the bill back based on figures generated from the prior attendance period, whether the district remains in the program or not.

Communication

District and county representatives will meet at a minimum annually, more often if needed, during each school year to update, revise and enhance communication regarding this plan.