



COUNTYWIDE PLAN FOR PROVISION OF EDUCATIONAL SERVICES TO EXPELLED STUDENTS

2021-2024

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Plan Requirements

California Education Code 48926

California Education Code Section 48926 requires that 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 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, was required to submit to the Superintendent of Public Instruction, the county plan for providing education 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. This document is the triennial update for 2021-2024.

California Education Code 48916.1

California Education Code Section 48916.1 states that 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 student who is subject to the expulsion order for the period of the expulsion. Educational programs pursuant to this code section may be operated by the school district, the county superintendent of schools, or a consortium of districts. This code section further states that if the pupil who is subject to the expulsion order was expelled from any kindergarten or grades 1 to 6, inclusive, the education program may not be combined or merged with educational programs for students in grades 7 to 12. It also delineates the data regarding expulsion to be maintained by school districts.

CHARTER SCHOOL REQUIREMENTS REGARDING EXPULSION

Charter schools are exempt from Education Code provisions with respect to student discipline and are required to describe their suspension and expulsion procedures in their charter. The charter's procedures may or may not mirror the policies of the charter-authorizing entity. However, once a pupil is expelled, he or she returns to the jurisdiction of the school district that he or she would be eligible to attend prior to enrolling in the charter school. Once a charter school student is expelled, rules of district residency would apply. The district should treat a charter-expelled student the same as a district-expelled student and comply with

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Education Code Section 48915.1, which provides that the district of residence holds a hearing to determine whether or not the student poses a continuing danger. If the student is found not to pose a continuing danger the district of residence could allow attendance by the expelled student. Charter schools are required to give 30-day notice to the district of residence for an expulsion of a student it enrolls in the charter.

Current Status

Education programs within Marin County continue to provide opportunities for students who are in need of alternative education programs. Individual school districts offer a broad spectrum of service and the Marin County Office of Education offers additional options, thus providing a continuum of alternatives to suspended/expelled students. A student whose behavior has resulted in expulsion is provided a rehabilitation plan that is designed by the district of residence. This plan may involve one or more of the options outlined below. A student who has not been expelled and is in need of an educational alternative may also access these programs through a district and/or county referral process.

The district of residence maintains responsibility for their expelled youth. Every Marin 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 the seriousness of offense, available educational alternatives, and other related factors. County level alternatives for expelled students will remain available to all expelled students. District level alternatives for expelled students, if district level alternatives exist, vary from one district to the next depending on the characteristics and resources of that district.

Marin County has continued to see a steady decrease in the number of expulsions over the past three triennial updates of the Marin Countywide Plan for Expelled Youth. This improvement is attributed to a concentrated effort by all school districts to minimize or eliminate expulsions. Successful strategies include: adoption and implementation of continued restorative practices at most all middle and high schools; strategies such as Positive Behavioral Interventions and Supports (PBIS), bullying-prevention programs, and Social Emotional Learning programs; and, the introduction of the California School Dashboard and Accountability system which has specific expanded emphasis on monitoring and reviewing student group data related to school climate and school engagement.

School Year	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
# of expulsions	43	21	8	8	1	4	6	3	4*

**Data for the 19-20 school year will yield only partial information due to school closures and the pandemic.*

Marin County Office of Education Overview

The Marin County Office of Education provides the following educational options for expelled students.

MARIN'S COMMUNITY SCHOOL/PHOENIX ACADEMY

Marin's Community School/Phoenix Academy is an educational program that provides local school districts with an additional educational option for expelled youth. Marin's Community School's facility is located adjacent to the County Office of Education in San Rafael. The school provides an educational program that provides individualized education support as well as social and emotional support to enable students to follow their passions and lead purposeful lives. Services within the program include individualized, standards-based academic instruction; bilingual/bicultural learning coaches and mentors; workplace learning and internship opportunities through the Learning Through Interest and School to Career programs; guidance on post-secondary pathways; Special Education services on site; and many on- and off-campus learning opportunities through field trips and partnerships with community organizations. We partner closely with the Multicultural Center of Marin and Marin Juvenile Probation Department to provide services and support in a positive, nurturing environment. Students attending Marin's Community School receive highly individualized attention oriented toward helping them to reach their goals for high school and beyond.

ORACLE INDEPENDENT STUDY

The Marin County Office of Education's voluntary contracted independent study program requires students to complete a minimum of 25 hours of learning work each week. The Oracle Independent Study program offers a wide range of support to its students including individualized instruction, work-experience opportunities through collaborations with local agencies including the Marin County Office of Education's Regional Occupational Program, and college and career guidance as needed. Special Education services for Oracle Independent Study students are provided by the district of residence unless otherwise negotiated.

The philosophy of each individual school district affects how the Marin County Office of Education community school program meets district needs. Some school districts use Marin's Community School as an educational option for their expelled students, while others use this program as a student assistance or placement alternative. If a student's expellable offense is serious and violent, students will often attend Oracle as an intermediary step while they access counseling and mentoring services.

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Marin County School Districts Overview

Local school districts within Marin County offer the below options for expelled youth, depending on the specific offense and the Education Code violation. Actual referral is varied and placements are made by the district governing board, generally with recommendations from the district Administrative Review Board or the School Attendance Review Board or a similar district referral process.

1. Expulsion, suspended order with placement on the same school 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, with parental consent.
4. Expulsion, suspended order with possible transfer to another district.
5. Expulsion with referral to a district community school program, if available.
6. Expulsion with possible transfer to another district.
7. Expulsion with referral to Marin County Office of Education alternative education programs.
8. Expulsion, but not permitted to attend the Marin County Office of Education alternative education programs.

As stated above, there has been a marked reduction in expulsions of Marin County students. This number appears to have largely stabilized. Expulsions between 2018-2021 occurred in the districts below. As required in the triennial plan, the district that have expelled students must summarize steps they are taking to reduce expulsions and their plans for providing education services to expelled students.

NOVATO UNIFIED SCHOOL DISTRICT

The Novato Unified School District (NUSD) is the largest school district in Marin County. Education Services has supported the implementation of restorative practices, which is an alternative to traditional school suspension. The Tobacco-Use Prevention Education (TUPE) grant funds counseling and education to students who bring illegal contraband, or are under the influence of controlled substances at school. The Novato Unified School District's strong focus is utilizing restorative practices, so students remain at school, and are educated about the dangers of using nicotine and controlled substances. The Novato Unified School District understands that less fortunate, struggling students, from diverse backgrounds, are at greater risk of being suspended or expelled from school than the rest of the student population. The NUSD and school site administration strongly supports and follows the NUSD Equity Imperative, Graduate Profile, and Anti-Racist resolution. The Novato Unified School District Leadership utilizes alternative to suspension programs in order to restore relationships, educate students, and keep them at school.

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The Novato Unified School District closely follows sections 48900 and 48915 of the California Education Code when enforcing student expulsion orders. Education Services Leadership attempts to keep students with expulsion orders enrolled in Novato Unified School District if expulsion offenses are committed. The Hearing Officer makes every attempt to keep students in the Novato Unified School District, rather than expel and send students to the Marin County Office of Education Alternative Education Programs. If the NUSD Hearing Officer deems the student to be a danger to students and staff at the school sites based on his or her actions, the Hearing Officer will offer the family a placement at the Marin County Office of Education Alternative Education Programs. The student and family are always informed about their right to a hearing, and everything that goes into that process. The expulsion packet is presented to the student and family at the extension of suspension meeting. At the extension of suspension meeting, the case and evidence against the student are shown and reviewed with the family. The due process options are presented to the family and student as well.

SAN RAFAEL CITY SCHOOLS

San Rafael City Elementary and High School Districts have instituted Positive Behavior Interventions and Supports (PBIS) to create schoolwide systems for behavioral intervention. PBIS is a comprehensive school climate initiative that sets clear expectations for student behaviors and addresses positive reward/award systems and progressive behavioral interventions. Each school in San Rafael City Schools maintains a PBIS team consisting of administration, teachers, classified staff, school psychologists and counselors.

San Rafael City Schools is committed to addressing the needs of students through a multitude of mental health supports and services. The District has increased in school counselors and psychologists in recent years. Additionally, Marriage and Family Therapists (MFT's) have been assigned to both Terra Linda and San Rafael High Schools, as well as MFT interns who have caseloads at both sites. The high school Counseling Enriched Classroom at Terra Linda High School supports students who require intensive support as identified in Individualized Education Plans. We have also contracted with a Trauma Informed Consultant to provide trauma informed support and professional development at our elementary schools.

The District has established a partnership with the Anti-Defamation League (ADL) in support of its anti-bias and bullying work. The ADL has provided training to staff and students, and soon will expand into parent trainings. San Rafael High School, Davidson Middle School, and Venetia Valley K-8 have all been awarded with a "No Place for Hate" designation by the ADL.

Davidson Middle School, Venetia Valley, Terra Linda High School, San Rafael High School, and Madrone High School utilize Restorative Practices which include Restorative Circles, Solution Teams, and Peer Court/Suspension Diversion to address behavior and mitigate suspensions and expulsions. Sites will soon be partnering with local nonprofit agencies to expand upon these existing supports.

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SHORELINE UNION SCHOOL DISTRICT

Shoreline Unified School District's educational community maintains a focus on keeping students in school and finding alternatives to suspension/expulsion that support student learning. The district's Local Control and Accountability Plan (LCAP) places a priority on ensuring that students are connected to a safe and supportive school culture. This priority is addressed through a variety of strategies including the services of bilingual Student and Family Advocates and school site counselors. These strategies have proved effective in that Shoreline District has had only one expulsion in the last six years.

TAMALPAIS UNION HIGH SCHOOL DISTRICT

In tandem with the rest of the County, the Tamalpais Union High School District (TUHSD) has dramatically reduced the number of expelled students. As a district, TUHSD has shifted focus to alternative means of correction when disciplinary offenses occur in an effort to minimize both the loss of student instructional time and loss of connection to their school community.

TUHSD has also created Wellness Centers at all three comprehensive high schools. The TUHSD Wellness Center model focuses on health, mental health, substance abuse, and reproductive health support for all students. The Wellness Center utilizes both school staff and community-based organizations to provide on-site counseling services. All students who are suspended for drug-related infractions and incidents related to bullying or harassment are referred to the Wellness Center for support, including educational modules directly related to the at-risk or unhealthy behavior that resulted in a disciplinary referral.

Administrators and school counselors refer students who have not had disciplinary incidents, but who may be exhibiting at-risk behavior or seeking help for substance use/abuse issues. Peer Resource, a student led peer support program is featured at all of the comprehensive school sites. Each site has an Anonymous Tip Line that provides a means for students, parents and the community to provide information to administration about dangerous or at-risk behavior. For students on suspended expulsion, a behavior contract is reviewed, counseling support is provided, and the District works to return them to the school site as quickly as possible to minimize the number of days they are excluded from school.

Progress toward Addressing Gaps in Educational Services to Expelled Students 2018-2021

The triennial update of the Countywide Plan for Provision of Educational Services to Expelled Students must address the progress made in providing education placement options and services to high-risk youth since the last plans were submitted. Specifically, the updated plan should address whether the strategies were successful and identify the obstacles that resulted in any unsuccessful strategies.

1. GAP IN EDUCATIONAL SERVICE: PROXIMITY, SIZE AND PROGRAM OPTIONS IN DISTRICTS

Marin County is comprised of 18 school districts of varying sizes including small and rural districts. District size can make it challenging to offer the range of alternative education programs or programs for expelled youth found in larger districts.

The strategy for addressing this gap is to maintain a county community school program that is committed to providing educational services to all 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 diverse student populations.

This strategy has been effective in addressing this gap. Referrals from districts have been made to Marin's Community School or other MCOE alternative education programs from multiple districts for students from 7th to 12th grade. Students are being provided new and individualized education opportunities. An indicator of success is that many students are choosing to stay at Marin's Community School even after they are allowed to return to their home districts.

2. GAP IN EDUCATIONAL SERVICE: SECONDARY PLACEMENT FOR EXPELLED STUDENTS UNABLE TO BE SERVED IN MARIN COUNTY OFFICE OF EDUCATION PROGRAMS

Marin's Community School program students who commit an expellable offense while in the county office program, and those who commit a second expulsion offense during an expulsion period, have limited alternatives available for secondary placement. These students will be referred to a countywide Expulsion Review Panel on a case by case basis for review and determination as to educational placement. While there were no second expulsion offenses from Marin's Community School or other MCOE alternative education programs during the triennial reporting period of 2018-2021, this potential gap in services could occur and would be addressed by the process below.

A County Expulsion Review Panel will review these cases and will be responsible for the expulsion appeal process. The County Expulsion Review Panel will include:

- a) A site administrator from the student’s grade level;
- b) A site administrator from the next grade level; and
- c) A school board member.

The members of the County Expulsion Review Panel will be selected from a list of administrators and board members in alphabetical order by district on a rotational basis and will not include representatives from the student’s district of residence. Staffing assistance to the Panel will be provided by Marin County Office of Education.

As in existing appeal procedures, the grounds for an appeal are limited to one or more of the following:

- a) Did the County Expulsion Review Panel act without or in excess of jurisdiction?
- b) The appellant was denied a fair hearing before the County Expulsion Review Panel.
- c) There was a prejudicial abuse of discretion in the hearing.
- d) There is relevant and material evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the County Expulsion Review Panel.

3. GAP IN EDUCATIONAL SERVICE: SERVICES FOR K-6 STUDENTS

Students in grades K-6 are rarely expelled in Marin County. There were no expulsions of students in grades K-6 during the triennial reporting period of 2018-2021. Expelled students in grades K-6 do not have the same educational options available as do their grades 7-12 counterparts. In addition, educational services for students in grades K-6 cannot be merged or combined with services in grades 7-12 and independent study is not considered an appropriate option for younger students. If in the future a K-6 expulsion occurs, the district of residence will work with the family and other key stakeholders to determine the education plan and best placement for the student.

Strategies for Addressing Gaps in Educational Services to Expelled Students 2021-2024

As identified in the prior section, gaps exist in respect to providing educational services to expelled pupils in Marin County. These gaps and available strategies for addressing them are listed below:

1. GAP IN EDUCATIONAL SERVICE: PROXIMITY, SIZE AND PROGRAM OPTIONS IN DISTRICTS

Marin County is comprised of 18 school districts of varying sizes including small and rural districts. District size can make it challenging to offer the range of alternative education

programs or programs for expelled youth found in larger districts.

Strategies for addressing this gap include school districts continuing to provide alternative education programs to expelled students or students needing an alternative setting, as practicable, based on district size and scope of services. The Marin County Office of Education will continue to provide services for students countywide, including expelled students, at Marin's Community School and in other alternative education programs. These strategies will insure that all alternative programs are available for students who desire them and for expelled students.

2. GAP IN EDUCATIONAL SERVICE: SECONDARY PLACEMENT FOR EXPELLED STUDENTS UNABLE TO BE SERVED IN MARIN COUNTY OFFICE OF EDUCATION PROGRAMS

Students in Marin's Community School or other alternative education programs of the Marin County Office of Education who commit a second expellable offense during an expulsion period have limited alternatives available for secondary placement. These students will be referred to the county expulsion panel on a case by case basis for review and determination as to available placement. The process described in the prior section will be followed.

3. GAP IN EDUCATIONAL SERVICE: POSITIVE SCHOOL CLIMATE AND RESTORATIVE PRACTICES

Over the past triennial reporting period 2018-2021, significant gains have been made in ensuring that school climate remains a feature in student program design and development. A considerable and concerted effort has been made across all districts to understand more about bias and the impact on all students, but most especially the underserved.

Building on this foundation, this work will continue to be a focus for the Marin County Office of Education and Marin school districts. Programs to be continued and expanded include professional development specific to race, equity, social-emotional well-being and further implementation of restorative practices encouraging a broader look and deeper regard for the unique and varying needs of our students. In addition, working closely with partners such as public health, law enforcement and community agencies, there must be a countywide effort to reduce disproportionate contact of students of color with law enforcement and the juvenile justice system.

Youth voice will be an essential part of this strategy, especially youth who our schools have failed to successfully serve or who have been through the expulsion process. We have seen the positive results at Marin's Community School when youth voice is empowered and will build on that success.

Marin County schools will continue their efforts to collaborate and maintain strong partnerships within and across districts as well as with community partners.

Alternative Placements for Expelled Students Placed in Community School Who Fail to Meet the Terms of Rehabilitation Plans or Pose a Danger to Others

The district of residence will always maintain responsibility for their expelled youth. If the district refers to a neighboring district or county office program, they will maintain close communication with the educational entity serving the student. 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 (if available) or a Marin County Office of Education Alternative Education Program. Regardless of student placement, the district of residence maintains responsibility for the student.

If an expelled student enrolled at Marin's Community School or other Marin County Office of Education alternative education programs does not meet the terms or conditions of their expulsion, commits a second expellable offense, or is deemed to pose a danger to others, the student may be removed from county programs and referred back to the district of residence.