



Alternative Education Programs

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This policy is designed to facilitate placement of a special education student into or return from an Alternative Educational Placement that is operated by the Marin County Office of Education. Alternative Education Placements include County Community School, Loma Alta School at Juvenile Hall, Phoenix Academy and Oracle Independent Study. This policy does not supercede district policies and procedures respective to District Board Policies on Discipline, Suspension or Expulsion. They are designed to provide other educational opportunities to school districts that may choose to utilize the opportunities outlined in this document.

I Procedures for Special Education Students to be Transferred From Their Current Program and Placed in a Marin County Office of Education (“MCOE”) Alternative Educational Program (“AEP”).

A. Changes of Placement. A change of placement of a special education student to a MCOE AEP may be initiated by, among others:

1. **The Student Attendance Review Board (“SARB”).** In such case, the district of special education accountability (DSEA) must convene an individualized education program (“IEP”) team meeting to discuss the proposed change of placement to a MCOE AEP with appropriate special education services. The AEP administrator or his/her designee must be invited to the IEP team meeting.
2. **The County of Marin Juvenile Court.** In such case, the MCOE AEP must make a 30-day administrative placement and then convene an IEP team meeting to make a final placement recommendation according to California Education Code section 56325.
3. **The District of Special Education Accountability (DSEA) Following Expulsion.** In such case, in conjunction with the student’s disciplinary removal, the DSEA must convene IEP team meetings (adhering to all statutory timelines and other requirements) to: (a) complete a manifestation determination; (b) discuss appropriate behavior interventions; and (c) discuss the proposed change of placement to a MCOE AEP with appropriate special education services. (*See* Title 20 United States Code section 1415(k); Title 34 Code of Federal Regulations section 300.519 et seq.) The AEP administrator or his/her designee must be invited to the IEP team meeting.
4. **Other Agencies.** In such case, the MCOE AEP must make a 30-day administrative placement and then convene an IEP team meeting to make a final placement recommendation according to California Education Code section 56325.

B. Interim Alternative Educational Settings. A change of placement to a MCOE AEP as an “interim alternative educational setting” according to Title 20 United

States Code section 1415(k) may be recommended by:

The District of Special Education Accountability. The DSEA may refer the student to a MCOE AEP as an “interim alternative education setting” for not more than 45 days when:

- a. The student carries or possesses a weapon to or at school, on school premises, or to or at a school function; or
 - b. The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.
1. In conjunction with the student’s disciplinary removal, the DSEA must convene an IEP team meeting (adhering to all statutory timelines and other requirements) to: (a) complete manifestation determination; (b) discuss appropriate behavior interventions; and (c) discuss the proposed change of placement to a MCOE AEP with appropriate special education services. (See Title 20 United States Code section 1415(k); Title 34 Code of Federal Regulations section 300.519 et seq.) The AEP administrator or his/her designee must be invited to the IEP team meeting.
 2. Any interim alternative educational setting in which the student is placed must be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications (including those described in the student’s current IEP) that will enable the student to meet the goals set out in that IEP.
- C. Special Education Services.** MCOE AEP personnel must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals and objectives or benchmarks set out in the student’s IEP.
- D. Funding.** If a student is placed in a MCOE AEP, the average daily attendance (“ADA”) revenue for that student must be reported by and credited to the MCOE AEP for the time period during which the student attends the MCOE AEP in accordance with State laws and regulations.
- E. Student Records.** At the time of enrollment, MCOE AEP personnel must request, and the DSEA must thereafter forward, copies of the student’s cumulative and other school records, including immunization records, to the MCOE AEP.
- F. IEP Team Meetings & Three-Year Reevaluations.** If an IEP team meeting

and/or a triennial reevaluation is pending at the time of enrollment, the DSEA must immediately convene the IEP team meeting and/or the triennial reevaluation. AEP personnel must be invited to the IEP team meeting.

- G. Return to District of Special Education Accountability.** When MCOE AEP personnel determine that it may be appropriate for the special education student to return to his/her DSEA or the student's return to his/her DSEA is initiated by the referring agency, MCOE AEP personnel must convene an IEP team meeting to discuss the proposed change of placement, prepare for the transition, and facilitate communication with the DSEA.
- H. Case Management.** Unless otherwise negotiated, the DSEA shall maintain responsibility for the special education case management of any student enrolled in Independent Study. Case management includes, but is not limited to, initial, annual and triennial evaluations, interagency communication, IEP development, IEP mandated services and file management.

II Additional Procedures for Students Who Are Not Currently Identified as Eligible for Special Education Services Placed in MCOE AEPs.

- A.** Upon referral, the student's DSEA must inform MCOE AEP personnel when:
 - 1. The student has been previously identified as eligible for special education services pursuant to the Individuals with Disabilities Education Act ("IDEA"); or,
 - 2. The student has been identified as eligible for accommodations pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"); or
 - 3. The student is being assessed for eligibility for special education services and/or Section 504 accommodations; or,
 - 4. The student has received educational accommodations despite no eligibility for special education services and/or Section 504 accommodations.
- B.** If, at the time of misconduct giving rise to the placement, the student's DSEA is assessing the student for eligibility for special education services, the DSEA must complete the assessment adhering to all statutory timelines and other requirements.
- C.** Upon referral, MCOE AEP personnel must conduct a student study team ("SST") meeting in order to determine whether the resources within the general education

program are sufficient to meet the student's educational needs.

1. If so, the MCOE AEP must continue to use those general education resources to meet the student's educational needs.
2. If not, the SST must determine whether to refer the student for an assessment for special education services and/or Section 504 accommodations.
3. If the SST determines to refer the student for an assessment for special education services, MCOE AEP special education personnel must develop an assessment plan and complete the assessment adhering to all statutory timelines and other requirements.
 - a. The DSEA must be invited to participate in all IEP team meetings.
 - b. If the student is determined to be eligible for special education services, MCOE AEP personnel must serve the student in accordance with his/her agreed upon IEP.
 - c. When MCOE AEP personnel determine that it may be appropriate for the special education student to return to his/her DSEA, MCOE AEP personnel must convene an IEP team meeting to discuss the proposed change of placement, prepare for the transition, and facilitate communication with the DSEA.

III Procedures for Special Education Students Placed in Juvenile Hall.

- A. Changes of Placement.** A change of placement of a special education student to a juvenile court school must be recommended by the County of Marin Juvenile Court. In such case, juvenile court school personnel must make a 30-day administrative placement and then a final placement recommendation according to California Education Code section 56325.
- B. Special Education Services.** Juvenile court school personnel provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals and objectives or benchmarks set out in the student's IEP.
- C. Funding.** The average daily attendance ("ADA") revenue for that student must be reported by and credited to the juvenile court school for the time period during which the student attends a juvenile court school in accordance with State laws

and regulations.

- D. Student Records.** At the time of placement in a juvenile court school, juvenile court school personnel must contact the DSEA to request the student's records. The DSEA must immediately forward copies of the student's cumulative and other school records, including immunization records, the student's current IEP, and most recent triennial reevaluation.
- E. IEP Team Meetings & Three-Year Reevaluations.** If an IEP team meeting and/or a triennial reevaluation is pending at the time of enrollment, juvenile court school personnel will coordinate convening the IEP team meeting and/or completing the triennial reevaluation with the student's last DSEA. Juvenile court school personnel, special education personnel from the last DSEA, and appropriate County of Marin Juvenile Court personnel must be invited to the IEP team meeting.
- F. Return to District of Special Education Accountability.** When a release from Juvenile Hall is initiated by the County of Marin Juvenile Court, Marin County Office of Education Alternative Education Program school personnel will whenever possible convene an IEP team meeting to discuss the proposed change of placement, prepare for the transition, and facilitate communication with the DSEA. Marin County Office of Education Alternative Education Program school personnel, special education personnel from the last DSEA, and appropriate County of Marin Juvenile Court personnel must be invited to the IEP team meeting.

Legal References

California Education Code §56325
Title 20 United States Code §1415(k)
Title 34 Code of Federal Regulations §300.519 et seq.