Student Services Collaborative Agenda

October 11, 2017

11:00 a.m. to 12:30 p.m.

VCOE – Administrative Services Center-Simi Room

I. Welcome and Introductions – Dr. Roger Rice

II. Triennial Plan to Serve Expelled Students

III. Upcoming Trainings
   a. Restorative Approaches in School: Elementary, Middle and High School-October 9, 2017 - VCOE
   b. Trauma Informed Care-October 16, 2017 - VCOE
   d. CHAMPS: Proactive Behavior Management for Classified Personnel – October 26, 2017
   e. 11th Annual Special Populations Conference-November 9 VCOE
   f. Annual Legislative Update-Dec. 7th VCOE
   g. Trauma Informed Practices for Schools-Series of Trainings VCOE

IV. Resource Material and Information
   a. Removal of DASS Eligibility Criterion
   b. Law Enforcement Access to Student Records: What Is the Law?

V. District Share-Out

VI. SSC Website Link - http://www.vcoe.org/Student-Services/Student-Services-Collaboration
Countywide Plans for Expelled Students

County superintendents, and superintendents of the districts within the county, develop countywide plans for providing educational services to all expelled pupils.

Every three years, each county superintendent of schools, in conjunction with superintendents of the school districts within the county, are required to develop a plan for providing educational services to all expelled pupils in that county and to submit the plan to the State Superintendent of Public Instruction, per California Education Code Section 48926.

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 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.

The authors of the plans were also asked to include the following components:

- For each of the gaps in educational services to expelled pupils identified in the previous plan, discuss the implementation of the strategies outlined for filling those gaps, any other strategies, and progress since that time.
- Describe the articulation and coordination between school districts and the county office of education in providing educational placements for expelled pupils.

Program Summary
Information on program purpose, services, outcomes, students served, and results.

Letter to County and District Superintendents and Charter School Administrators (Dated 21-Jan-2015)

Countywide Plans (Updated 27-Oct-2015)
Links to approved countywide plans submitted per EC Section 48926.

Questions: Dan Sackheim | dsackhei@cde.ca.gov | 916-445-5595

Last Reviewed: Wednesday, May 3, 2017
ARTICLE 1. Suspension or Expulsion [48900 - 48927] (Article 1 repealed and added by Stats. 1983, Ch. 498, Sec. 91.)

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 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, 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 30th thereafter.

(Added by Stats. 1995, Ch. 974, Sec. 8. Effective January 1, 1996. Operative July 1, 1996, by Sec. 9 of Ch. 974, which was amended by Stats. 1996, Ch. 937.)
Program Summary

Information on program purpose, services, outcomes, students served, and results for Countywide Plans for Expelled Students.

Purpose

California Education Code (EC) Section 48916.1(a) provides that, 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 during the expulsion period. EC Section 48926 requires county superintendents, in conjunction with district superintendents within the county, to develop a plan for providing education services to all expelled pupils within that county. The plan was to be adopted by both the governing board of each school district within the county and by the county board of education, and then submitted to the State Superintendent of Public Instruction in 1997. EC Section 48926 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.

Program/Services

EC Section 48926 provides specifically that:

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, 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.

The State School Attendance Review Board (Board) provides statewide policy coordination to divert students with serious attendance and behavior problems from the juvenile justice system and to reduce the number of dropouts in the state public education system. The Board strongly recommends that the plans address progress being made in providing educational placement options and services to high-risk youth since the last plans were submitted, as well as looking forward.

The plans should address the following components:

1. For each of the gaps in educational services to expelled pupils that were identified in the plan submitted, discuss the implementation of the strategies outlined for filling those service gaps.

   Were the strategies successful? If not, what were the obstacles?
   What additional strategies were implemented? Were they successful?

2. Enumerate the educational services that are currently available and outline strategies for improvement during the next three years.
What are the current educational alternatives for expelled pupils?

Identify gaps in educational services to expelled pupils.

Outline strategies for filling those service gaps.

3. Specifically, 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.

4. The countywide plans require a regional perspective. Discuss the articulation and coordination between school districts and the county office of education in providing educational placements for expelled pupils.

Outcomes

The desired outcome is to ensure that appropriate educational placement options are available for students who have been expelled and as well as other at-risk/at-promise students. This will also result in:

- Closing the achievement gap
- Decreasing the dropout rate
- Increasing the graduation rate

Students Served

Students enrolled in kindergarten through twelfth grade who have been expelled pursuant to EC sections 48900 et seq and 48915 et seq.

Results

The countywide plans that have been submitted to the State Superintendent of Public Instruction are available at Countywide Plans.

Questions: Dan Sackheim | dsackhei@cde.ca.gov | 916-445-5595

Last Reviewed: Thursday, February 16, 2017
Dear County and District Superintendents and Charter School Administrators:

2015 COUNTYWIDE PLANS FOR PROVISION OF EDUCATIONAL SERVICES TO EXPELLED STUDENTS

California Education Code (EC) Section 48926 initially required county superintendents, in conjunction with superintendents of the school districts within the county, to develop a plan for providing educational services to all expelled pupils in that county. The plan was to be adopted by the governing board of each school district within the county and by the county board of education, and submitted to the State Superintendent of Public Instruction (SSPI) in 1997. EC Section 48926 also requires that each county superintendent of schools, in conjunction with district superintendents in the county, submit a triennial update to that plan to the SSPI.

The next triennial updates to the Countywide Plans for Provision of Educational Services to Expelled Students are due no later than June 30, 2015.

EC Section 48926 provides specifically that:

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, 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.

In 2012, the recommended content of the Countywide Plan was amended to address additional, more detailed questions that were raised and supported by the State School Attendance Review Board and the Student Programs and Services Steering Committee of the California County Superintendents Educational Services Association. These questions concern behavioral intervention approaches used to minimize the number of suspensions and expulsions, including a focus on how such practices may impact any disproportionate number of minority students being suspended or expelled.

The Countywide Plan requirements and recommendations are described below:

1. The Countywide Plan must list and describe the educational alternatives currently available for expelled students. It is recommended that the plan also describe strategies for improvement during the next three years, including:
   - Any behavioral intervention practices, at the site and district levels, and options used to:
     - Minimize the number of suspensions leading to expulsions
     - Minimize the number of expulsions being ordered
     - Support students returning from expulsions
Specific explanation of how those practices relate to any disproportionate representation of minority students in such interventions. For assistance in this area, you may review recent guidance issued by the U.S. Departments of Education and Justice located at http://www2.ed.gov/policy/gen/guid/school-discipline/index.html.

2. The Countywide Plan must address gaps in educational services and strategies for filling them. If a 2012 Countywide Plan identified gaps in educational services to expelled pupils, it is recommended the 2015 plan include the following information regarding the implementation of strategies outlined for filling those service gaps: Were the strategies successful or not? Please explain why and how they were or were not successful.
   - Were any additional strategies implemented? If so, explain why and how they were or were not successful.
   - For strategies that were not successful, describe any additional measure(s) or approach(es) taken, and the outcome(s).

3. 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 pose a danger to other district pupils, as determined by the governing board.

In addition, under the Local Control Funding Formula (LCFF), county offices of education are required to adopt a Local Control and Accountability Plan (LCAP) for county operated schools and programs which includes goals, actions, and expected measurable outcomes in 10 state priority areas, for all pupils and subgroups of pupils identified in EC Section 52052. Included among the priorities, a county office LCAP must address how it will coordinate the instruction of expelled students under EC Section 48926. Thus, the Countywide Plans will contribute to the information presented in the LCAP and provide a regional perspective on meeting the needs of expelled pupils.

Please submit both a hard copy and an electronic version of the 2015 Countywide Plan no later than June 30, 2015. Submit the hard copy of the plan to:

Dan Sackheim, Education Programs Consultant
Educational Options, Student Support, and American Indian Education Office
California Department of Education
1430 N Street, Suite 6408
Sacramento, CA 95814-5901

To submit the electronic version of the Countywide Plan, post the plan onto your county’s Web site. Then provide the Web address to Jan Cauble, Staff Services Analyst, Educational Options, Student Support, and American Indian Education Office, by e-mail at jcauble@cde.ca.gov.

The California Department of Education (CDE) will establish a link on the Countywide Plans for Expelled Students Web page to each of the county plans. The CDE Countywide Plans for Expelled Students Web page can be viewed at http://www.cde.ca.gov/sp/eo/ex/countrywideplans.asp.

If you have any questions regarding the electronic version of the Countywide Plans, please contact Jan Cauble, by phone at 916-319-0507.

Please maintain the links to both the 2012 and 2015 Countywide Plans on your county’s Web site. The purpose of the availability of both plans posted on the CDE Countywide Plans for Expelled Students Web page is to show each county’s progress in providing educational services to all expelled pupils.
If you have any questions regarding this subject, please contact Dan Sackheim, Education Programs Consultant, Educational Options, Student Support, and American Indian Education Office, by phone at 916-445-5595 or by e-mail at dsackhei@cde.ca.gov.

Sincerely,

[Original Signed By]

William J. Ellerbee, Jr., Deputy Superintendent
Student Support and Special Services Branch

WE:ds

Last Reviewed: Monday, January 23, 2017
Collaborative Plan

by

The Ventura County Office of Education

and

Briggs Elementary School District  
Conejo Unified School District  
Fillmore Unified School District  
Hueneme Elementary School District  
Mesa Union School District  
Moorpark Unified School District  
Mupu Elementary School District  
Oak Park Unified School District  
Ocean View School District  
Ojai Unified School District  
Oxnard Elementary School District  
Oxnard Union High School District  
Pleasant Valley School District  
Rio School District  
Santa Clara Elementary School District  
Santa Paula Unified School District  
Simi Valley Unified School District  
Somis Union School District  
Ventura Unified School District
# Ventura County Plan for Expelled Pupils

**Triennial Update**

**June 2015**

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Triennial Update of Plan for Providing Educational Services to Expelled Pupils

On July 1, 1996 California Education Code section 48926 became operational. California educational code 48926 states, “each county superintendent of schools in counties that operate community schools pursuant to section 1980, in conjunction with superintendents of school districts within the county shall develop a plan for providing educational 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.” California Education Code section 48926 required county superintendents to submit a plan to the Superintendent of Public Instruction, no later than June 30, 1997 regarding the provisions of educational services to all expelled students in the county.

Section 48926 further provides that each county superintendent of schools, in conjunction with district superintendents in the county, shall submit to the Superintendent of Public Instruction a triennial update to that plan on June 30 thereafter. The first triennial update was due no later than June 30, 2000, the second triennial update no later than June 30, 2003, the third triennial update was due no later than June 30, 2006, the fourth triennial update was due no later than June 30, 2009, the fifth triennial update was due no later than June 30, 2012, and the most current plan is to be submitted no later than June 30, 2015. A list of the board approval dates for each triennial update is contained in this document.

Education Code section 48926 requires that the following components be contained in this plan;

a. An enumeration of existing educational alternatives for expelled pupils
b. The identification of gaps in educational alternatives for expelled pupils
c. Proposed strategies for fulfilling said gaps
d. Alternative placements for those expelled students who have failed to meet the terms and conditions of their rehabilitation plan

California Education Code section 4816.1 states, “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.” Therefore, every Ventura County School District governing board will refer each expelled student to an appropriate educational placement for the period of the expulsion. The educational placement will be determined on an individual basis by the school district’s governing board based on;

1. The seriousness of the offense
2. Available educational alternatives
3. Other related factors

District-level alternatives for expelled pupils will vary form one district to another depending on such factors as district size, viable alternatives, and district philosophy. Ventura County Office of Education educational alternatives are also available for expelled pupils.
Sixth Triennial Update – June 2015
Representatives from all twenty local school districts in Ventura County participated in the development of the triennial update. The newly formed Ventura County Pupil Services Collaborative met on February 11, 2015 and March 11, 2015 to revise and update the plan. Updates and revisions were made to the plan regarding the commitment of county school districts to utilize the Ventura County Office of Education Community School for placement of expelled youth as opposed to creating district operated community days schools.

A listing of all educational options currently available to expelled youth in Ventura County is contained in the new plan. District superintendents submitted a signed and dated update to the county plan that indicated either

1. The program would continue as it has been, or
2. There would be changes to the plan (see enclosed updated forms)

The approval of the Ventura County Board of Education and submission of the plan to the superintendent of Public Instruction prior to June 30, 2015 shall satisfy requirements associated with the “county plans for provision of educational services to expelled pupils.” In addition, this plan shall be distributed to each district superintendent in Ventura County and uploaded into the VCOE website.

Fifth Triennial Update – June 2012
Gateway Community School operates from one central campus located at the Camarillo Airport. Gateway Community School recently restructured to include the following programs: Transition, Independent Studies, Recovery Classroom, and middle School. Special Education programs and specific support for English Language Learners are available at Gateway. Gateway students also have access to Career Technical Education through the VCOE Career Education Center.

Fourth Triennial Update – June 2009
Gateway Community School Moved into one central campus located at the Camarillo Airport. All previously operated satellite sites were merged into the main Camarillo campus to offer a full range of services at one location. Gateway Community School launched a program called Recovery Classroom to serve chemically dependent incarcerated minors willing to work on their recovery and educational goals.


Third Triennial Update - June 2006
Due to NCLB teacher certification and high school graduation requirements, plus the desire to provide a more comprehensive educational program, VCOE closed existing community school satellite sites. Pre the 2006 Plan, VCOE operated two clustered campuses, located in Camarillo and Ventura.
Gateway Community School staff members have further refined the referral process guidelines to Gateway Community Schools (COE-operated community schools). The referral process guidelines are contained in this document. In addition, the Ventura County SELPA, Ventura County Office of Education, and local school districts collaborated on the development of a referral process for special education students to attend Gateway Community Schools. This referral process was approved by the Superintendents' Policy Council on January 6, 2006.

Services to expelled pupils remain unchanged from the 2003 Plan to the 2006 Plan for all other local school districts in Ventura County.

**Second Triennial Update – June 2003**
Four local school districts (Fillmore, Oak Park, Ocean View, and Santa Paula Elementary) submitted revised sub-plans. In addition, VCOE established four more county community school extension sites since the first Triennial update. County community school extension sites were established in the following three cities; Oxnard, Simi Valley, and Santa Paula. The expanded county community school services in Santa Paula included an additional extension campus and a mobile unit.

In 2003 the Ventura County Board of Education and VCOE took action to adopt “Providence School,” as the name of the educational facility to be housed in the new Justice Steven Z. Perren Juvenile Justice Complex. Providence School opened in March of 2004. The new Providence School encompasses the three former VCOE juvenile court schools: Marguerite McBride School, Frank A Colston School, and Work Education Restitution Competency (WERC). McBride and Colston Schools had been located in Ventura and WERC was located in Camarillo at the Camarillo Airport.

**First Triennial Update – June 2000**
Two local districts, Oxnard Union High School and Santa Paula Elementary School District, established community day schools to expand their menu of services to expelled pupils. (The Santa Paula Elementary Community Day School was later closed due to financial reasons). The superintendents from the remaining local school districts indicated that their plan had remained unchanged since the original adoption of the county plan in 1997. The Ventura County Office of Education (VCOE) established three additional county community school extension sites. New Community school extension sites were established in Ojai, Santa Paula, and West Ventura. Juvenile Restitution Program (JRP), a VCOE operated juvenile court school was relocated to a larger facility at the Camarillo Airport in order to better serve a greater number of minors (the JRP was later renamed to WERC). In addition, VCOE established a community school to serve expelled students in grades K-6. However, operation of this program was discontinued June 1999 due to lack of participation and insufficient ADA.
Background

Ventura County covers an area of 1,843 square miles and ranks 26th in size and 11th in population among California’s 58 counties (pop. 839,000). It is boarded on the north by Kern County, on the west by Santa Barbara County, and on the south and east by Los Angeles County. The Pacific Ocean provides the county’s southwestern boarder stretching along 42 miles of coastline. There are ten incorporated cities in the county. The five cities with populations of 50,000 or more are Oxnard, Simi Valley, Ventura, Thousand Oaks, and Camarillo. Ventura is the County seat.

A total of twenty school districts in Ventura County (eleven elementary school districts, eight unified school districts, and one high school district) provide services to over 140,000 pupils. School districts range in size from the smallest with fifty plus pupils to the largest with enrollments of over 20,000 pupils.

Educational programs within Ventura County provide numerous opportunities for students who are in need of traditional and/or alternative educational programs. Individual school districts offer a spectrum of educational alternatives, and the Ventura County Office of Education (VCOE) offers options via court and community school programs. Together, the local school districts and VCOE attempt to provide the needed range of services for expelled pupils.

Educators in Ventura County recognize the need for a continuum of educational services for all pupils, including expelled pupils. It is important to provide support and service to the expelled pupil while recognizing the rights of others to be safe. Local educators also recognize the seriousness of expulsion and pledge to apply careful thought, with an emphasis on fairness and consistency during the decision making process.
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Existing School District Educational 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 Ventura 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. E.C. 48917(a)
2. Expulsion, suspended order, with placement on a different school campus within the district. E.C. 48917(a)
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, suspended order, with subsequent transfer to a charter school
7. Expulsion, suspended order, with subsequent transfer to private school
8. Expulsion with subsequent transfer to another district.
9. Expulsion with subsequent transfer to a charter school
10. Expulsion with subsequent transfer to a private school
11. Expulsion with referral to the Ventura County Office of Education Gateway Community School Program (grades 6-12).

Note: Parents may elect to enroll in a charter or private school. Costs associated with private schools or charter schools, if any, are the responsibility of the parent. School Districts will always offer a public school option for expelled pupils.

The Ventura County Office of Education (VCOE) is committed to providing educational services for pupils expelled from Ventura County school districts. Educational services for expelled Ventura County youth are provided through Gateway Community School. Additionally, expelled pupils who are detained while awaiting adjudication, or who are wards of the juvenile court serving a commitment in the Ventura County Juvenile Facility are provided educational services through Providence School.
Gateway Community School
Gateway Community School was established in 1980 by the Ventura County Office of Education. It is located in Camarillo, CA between Pleasant Valley Road and the Camarillo Airport. Gateway Community School serves youth in grades 6-12, students enrolled at Gateway are considered high-risk and referred based on their current status with their home district, probation and the Student Attendance Review Board. Gateway Community School accepts referrals from districts for reasons of expulsion, chronic truancy, severe misbehavior, need for a smaller and more structured setting or are referred by probation.

Gateway prepares students to be respectful, positive, productive and proud young people as a commitment to students, parents, community members and school districts. As a National Demonstration Site for Positive Behavior Intervention Gateway emphasizes to all of the students that regardless of what city they live in, Gateway is everyone’s community. Gateway Community School staff work collaboratively with students, parents, local public school districts, Ventura County Probation Agency, and other community agencies to provide Gateway students a renewed sense of educational purpose through high expectations and socio-emotional support. The primary goal at Gateway Community School is preparing students for academic success and for eligibility to return to their local public school districts. Students who do well in Gateway Community School may choose to stay and graduate with their high school diploma from Ventura County Office of Education.

Providence School
Providence School is located within the Ventura County Juvenile Facility on Vineyard Ave. in El Rio. Providence serves minors who are detained and awaiting adjudication in the Detention Program, and adjudicated minors who are wards of the court serving sentences in the Commitment Program. Providence School provides a high school diploma program, a GED preparation program, and Career Technical Education services. Providence students also have access to counseling, special education, and transition specialist services.
### County and District Gaps and Strategies Regarding the Provision of Education Services to Expelled Pupils

Per Education Code 48926, "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." VCOE and school district staff have identified four gaps that exist with respect to providing educational services to expelled pupils. What follows is an overview of the identified gaps and the corresponding County/District strategies for addressing these gaps in educational services.

<table>
<thead>
<tr>
<th>Service Gaps</th>
<th>County / District Strategies</th>
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<tbody>
<tr>
<td>Service Gap #1</td>
<td>County / District Strategy to Address Service</td>
</tr>
<tr>
<td>Referral back to original school district due to non-attendance or failed placement</td>
<td><strong>a.</strong> The county and district will exhaust their existing options, in conjunction with the Probation Department, SARBC, SELPA, and Behavioral Health to determine an educational program that will provide the pupil with educational options.</td>
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<td></td>
<td><strong>b.</strong> 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.</td>
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<tr>
<td></td>
<td><strong>c.</strong> In the event a student referred and accepted to Gateway Community School reoffends under Education Code 48915, fails to attend, or is unsuccessful within the Community School program, the student's district of residence will provide additional support in the form of resources and personnel.</td>
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<tr>
<td></td>
<td><strong>d.</strong> When all educational options available to the Ventura County Office of Education have been exhausted, a collaborative effort will be made for placement of pupil back in a district program which will serve the pupils' academic and behavioral needs.</td>
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<tr>
<th>Service Gap #2</th>
<th>Small School Districts</th>
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<tr>
<td><strong>a.</strong> The elementary districts will use their local...</td>
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</table>
Small school district, specifically Elementary school districts within Ventura County 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.

Service Gap #3
Pupil options grades 4-5
(AB 420 eliminates the ability to suspend students in grades K-3)

Expelled pupils in grades 4-5 do not have the same educational options available as do expelled pupils in grades 6-12.

Service Gap #4
District operated Community Day schools

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

<table>
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<th>Service Gap #3</th>
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<td>Pupil options grades 4-5</td>
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<td>(AB 420 eliminates the ability to suspend students in grades K-3)</td>
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<th>Service Gap #4</th>
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<td>District operated Community Day schools</td>
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<tr>
<td>a. The elementary districts will use their local alternatives in providing educational programs for their expelled students' grades 4-5. In the event the numbers would warrant the establishment of a separate program, the Ventura County Office of Education would enter into a cooperative agreement with the elementary districts to establish an alternative program.</td>
<td>a. 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.</td>
</tr>
<tr>
<td>b. The Ventura County Office of Education has established Community Middle School Program to address districts need for placement of expelled students grade 6-8</td>
<td>b. The Ventura County Office of Education will provide transportation to the County operated Community school for all pupils expelled by County School districts grades 6-12</td>
</tr>
</tbody>
</table>
impossible to provide services and cover cost. | School option for pupils expelled from Ventura County school districts in grades 6-12.

c. 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.

d. In the event the numbers of expelled pupils in grades 4-5 would warrant the establishment of a separate program, the Ventura County Office of Education would enter into a cooperative agreement with the elementary districts to establish an alternative program.

**County and District Agreement on Alternative Placements**

Per Education Code 48926, "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."

**Option #1**

The school district of residence continues to maintain responsibility for referring the pupil to an appropriate educational setting, and ensuring an educational program is provided either inside or outside the school district.

**Option #2**

Expelled pupils referred to the county operated community school program for placement will be provided an assessment of needs in partnership with community school staff, parents and/or legal guardian(s), and district representatives. If a pupil expelled under Education Code 48915 by a district to the county operated community school program reoffends under Education Code 48915, during their placement, and prior to the pupil being referred back to the district of residence, The Ventura County Office of Education and the student’s district of residence representatives will work collaboratively to identify additional support in the form of resources and personnel, and to place the student into the most appropriate and effective educational environment.
Gateway Community School General Education Referral Process Guidelines

Education Code Section 1981 states the county board of education may enroll pupils in a community school program who meet any of the following criteria:

1. Are expelled from a school district for any reason;
2. Upon the recommendation of a school attendance review board; or by the school district of attendance, upon the request of a pupil's parent/guardian, with the approval of the school district of attendance;
3. On probation or parole and not in attendance in any school;
4. Are considered to be homeless

Gateway Enrollment

Gateway School shall serve eligible sixth through twelfth grade special education students when staff has determined that the goals and objectives written on the student's Individualized Education Program (IEP) can be addressed at Gateway.

Related Services

It shall be the responsibility of the district of residence to fund/provide related services stipulated on a student's expulsion or rehabilitation plan that is beyond the services provided at Gateway Community School.

Member districts of the Ventura County SELPA shall follow the steps outlined below when referring a special education student to Gateway Community Schools. Gateway Community School Referral Policy Updated (March 2014)

Referral must contain the following documents:

A completed referral packet will be submitted to Gateway. The referral packet shall include:

1. A completed Referral Recommendation Form signed by the parent/guardian, student and representative from district of residence. If the student is homeless, a district staff person authorized to determine residence shall sign the referral recommendation form. The form includes the following information:
   o Completed the Gateway Referral Form (must note previous interventions)
   o Rehab Plan/Expulsion Notice (if applicable)
   o Current Transcripts
   o Testing Scores & Current CELDT Level (if applicable)
   o RFEP Date (if applicable)
   o Immunization Records (includes TDAP eff. 11/12 SY)
2. A completed Release of Information signed by the parent/guardian.

3. For non-expelled students, a completed Inter-district Referral form signed by the parent/guardian.

4. A summary of any district interventions that have been tried and why they were not successful.

5. The name, phone and e-mail of the district’s designated contact person.

Gateway staff shall notify the referring school district, by phone or e-mail, if the referral packet is not complete and provide the referring district a list of the missing information that needs to be submitted.

Once a completed packet has been received, the referring school district shall be notified if the Gateway staff does not believe that Gateway is the appropriate setting for the student. A written explanation for the decision will be provided.

Once the student has been accepted, parent is invited to an orientation meeting at Gateway. Gateway staff will notify district if the parent misses enrollment appointments and will determine next steps.

Once the parent participates in the orientation meeting, student begins school on the following day. Student will attend transition support classes during their first week of school.

**Appeal Process**

1. The district of residence shall have the option to challenge the denial of enrollment.

2. Within five days of the denial of enrollment the district of residence shall request a review meeting with the Ventura County Office of Education Student Services Division administration. If the meeting between the representative of the referring district and the Student Services administration does not end in consensus, the referring school district shall have the right to appeal to the Ventura County Office of Education administration.

3. The referring school district representative and the representative of Gateway School shall meet with the Ventura County Office of Education to resolve the dispute.

4. The Gateway School representative shall present documentation and a rationale as to why Gateway school is not the appropriate educational placement option for the student and the referring district shall have the opportunity to present evidence as to why Gateway is the appropriate placement.
5. The Ventura County Office of Education Superintendent or Designee shall hear all relevant evidence and render a final decision within seven calendar days.

**Student Return to District**

District will be provided with a 30 day notice (unless it is an emergency situation) by Gateway Staff if student is being considered for return to district.

When considering returning a student to district, Gateway and district of residence will agree on an appropriate date. Students may be returned to the district of residence upon completion of their expulsion or term of referral.

**Expelled Students:**

1. The student has met the terms of the expulsion.

2. The student has exhibited severe behavioral or attendance issues and Gateway interventions are not successful. Student may be considered a “failed placement” at which point the district and Gateway will collaborate on best placement for the student.

3. Student may attend Gateway beyond the return to district date only if the student maintains attendance, passing grades, and has minimal incidences of behavior. If student is not showing sufficient progress they may be returned to district as a failed placement.

**Non-Expelled Students:**

1. The student has completed a full semester at Gateway and is being recommended for possible return to district by Gateway team. This recommendation may be made if the student is passing their classes, has consistent attendance and there is minimal incidence of behavior. Gateway Community School Referral Policy Updated (March 2014)

2. The student has exhibited severe behavioral or attendance issues and Gateway interventions are not working. Student may be referred to district as a failed placement.

3. The student has committed an expellable offense while enrolled at Gateway (*EC 48915 (c)*). Student may be returned as a failed placement at which point the district and Gateway will collaborate to determine best placement.
Ventura County SELPA Referral Process for Special Education Students to Gateway Community School

Policy: Referral Process for Special Education Students to Gateway Community Schools
Approved: Superintendents’ Policy Council - Approved May 23, 2014

Education Code Section 1981 states that the county board of education may enroll pupils in a community school program who meet any of the following criteria:

1. Are expelled from a school district for any reason;
2. Upon the recommendation of a school attendance review board; or by the school district of attendance, upon the request of a pupil’s Parent/Guardian, with the approval of the school district of attendance;
3. On probation or parole and not in attendance in any school;
4. Are considered to be homeless

Gateway Enrollment

Gateway School shall serve eligible sixth through twelfth grade special education students when staff has determined that the goals and objectives written on the student’s Individualized Education Program (IEP) can be addressed at Gateway.

Related Services

It shall be the responsibility of the district of residence to fund/provide related services stipulated on a student’s IEP if those services are not available at Gateway School, (i.e special circumstance paraprofessional, home instruction.)

Independent Study

Education code section 51745(c) states that independent study cannot be used unless it is stipulated in the student’s IEP.

Home Instruction

CCR section 3051.4 states that a student can be placed on home instruction through an IEP team decision. If a student is placed on home instruction, student will be dis-enrolled from Gateway and re-enrolled in District of Residence (DOR) during the interim period of home instruction.

Referral

Member districts of the Ventura County SELPA shall follow the steps outlined below when referring a special education student to Gateway Community Schools.
1. District contacts Gateway staff representative to arrange an IEP meeting to discuss school placement and services

2. A complete referral packet will be submitted to Gateway. The referral packet shall include:

   a. A completed Referral Recommendation Form signed by the parent/guardian, student and representative from district of residence. If the student is homeless, a district staff person authorized to determine residence shall sign the referral recommendation form.

   b. A completed Release of Information signed by the parent/guardian.

   c. For non-expelled students, a completed Inter-district Referral form signed by the parent/guardian

   d. The most current IEP. If at the most recent triennial review new assessment was not administered, attach copy of Triennial Review Worksheet/letter and Summary of Review.

   e. The most recent Psychoeducational Assessment reports. If applicable, the Manifestation Determination Review Worksheet.

   f. The Behavioral Analysis Review Worksheet (BARW) or a Functional Behavior Assessment (FBA) should be completed for students exhibiting primarily externalizing behaviors with a resulting Comprehensive Behavior Intervention Plan (CBIP) or Positive Behavior Intervention Plan (PBIP).

   g. For students with primarily internalizing symptoms, a completed BARW. A CBIP or PBIP could be included as a result of the worksheet.

   h. For students with social-emotional needs, social-emotional goal(s) as necessary. Other psychological, medical and educational and behavioral records, including all standardized required Statewide assessments (CAASPP, CELDT, CAHSEE, )

   i. A summary of any district interventions that have been tried and why they were not successful.

   j. The name, phone and e-mail of the district’s designated special education contact person.

3. Gateway staff shall notify the referring school district within two days, by phone or e-mail, if the referral packet is not complete and provide the referring district a list of the missing information that needs to be submitted.

4. Once a completed packet has been received, the referring school district shall be notified within five working days if the Gateway staff does not believe that Gateway is the appropriate setting for the student. A written explanation for the decision will be provided.
5. If the student's IEP stipulates services or materials not available on the Gateway campus, it shall be the responsibility of the referring district to provide and or fund the identified services and materials (i.e. SCP, Level 1 transportation).

6. IEP Placement meeting will be held to discuss service and programs. When developing the IEP for new placement, include the Worksheet for Specialized Out of District Program for non-expelled referrals. District of Service will be changed in SIRAS.

7. Once the student has been accepted, parent is invited to an orientation meeting at Gateway. Gateway staff will notify district if the parent misses two enrollment appointments and will determine next steps.

8. Once the parent participates in the orientation meeting, student begins school on the following day. Student will attend transition support classes during their first week of school. Special education services will be provided during this time.

Appeal Process

1. The district of residence shall have the option to challenge the denial of enrollment.

2. Within five days of the denial of enrollment the district of residence shall request a review meeting with the Ventura County Office of Education Student Services Division administration. If the meeting between the representative of the referring district and the Student Services administration does not end in consensus, the referring school district shall have the right to appeal to the Ventura County Office of Education administration.

3. The referring school district representative and the representative of Gateway School shall meet with the Ventura County Office of Education to resolve the dispute.

4. The Gateway School representative shall present documentation and a rationale as to why Gateway school is not the appropriate educational placement option for the student and the referring district shall have the opportunity to present evidence as to why Gateway is the appropriate placement.

5. The Ventura County Office of Education Superintendent or Designee shall hear all relevant evidence and render a final decision within seven calendar days.

Initial/Annual/Triennial Evaluations

Any SST recommended or parent requested special education initial assessment must be completed with final determination as to whether the student is eligible for services prior to student being referred to Gateway.

If a triennial evaluation is due within 90 days of the student enrollment in Gateway, the referring district is responsible for completing the assessment.
If a triennial evaluation is due beyond 90 days of the student enrollment in Gateway, the Ventura County Office of Education is responsible for completing the assessment.

For annual IEPs due within 30 days of entering Gateway or returning to district, every effort will be made to hold the annual IEPs within the timeline.

**Student Return to District**

District will be provided with a 30 day notice (unless it is an emergency situation) by Gateway Staff if student is being considered for return to district.

When considering returning a Special Education student to district, Gateway and district of residence will agree on an appropriate date and time to convene an IEP meeting. Special Education Students may be returned to the district of residence if determined by the IEP team for the following examples:

**Expelled Students:**

1. The student has met the terms of the expulsion and rehabilitation plan.

2. The student has exhibited severe behavioral or attendance issues and Gateway interventions are not successful. IEP meeting will be scheduled to discuss areas of concern.

3. The student has committed an expellable offense while enrolled at Gateway (*EC 48915 (c))*. Manifest Determination meeting will be scheduled through the student’s district of residence. District of residence will continue with the expulsion procedures/process.

4. Student has attended Gateway one semester past return to district date and is not showing significant progress. An IEP meeting will be held with home district to discuss matter and facilitate return of student. Student will only be returned to district at start of semester if IEP team is in agreement.

**Non-Expelled Students:**

1. The student has completed middle school and is transitioning to high school. IEP meeting will be held to discuss progress and possible placement recommendations.

2. The student has completed a full semester at Gateway and is being recommended for possible return to district by Gateway team. This recommendation may be made if the student has passed all classes with a C or above and behavior or attendance issues have been decreased by at least 50%. IEP meeting will be schedule to discuss recommendations.
3. The student’s educational needs as defined in the IEP are not being met. IEP meeting will be scheduled to discuss areas of need.

4. The student has exhibited severe behavioral or attendance issues and Gateway interventions are not working. IEP meeting will be scheduled to discuss areas of concern.

5. The student has committed an expellable offense while enrolled at Gateway (EC 48915 (c)). Manifestation Determination meeting will be scheduled through the student’s district of residence. District of residence will continue with the expulsion procedures/process.

Referral Process for Providence Students

When a student has been enrolled in Providence an IEP must be held prior to referring to Gateway Community School. If the student has been committed to Juvenile Hall, Gateway will be responsible for the IEP. However, if the student has only been detained, the student’s home school/district is responsible for the IEP.
Hi Dr. Rice,

I added a number of comments to the shared Google document. My brief comments included:

- Adding some precautionary language from AB 2276 whenever there is discussion about students being referred to Gateway from Providence - "prohibiting a pupil from being denied enrollment or readmission to a public school because he or she has had contact with the juvenile justice system".

- Adding a better description of Gateway programs/services (PBIS, trauma informed care, social-emotional services, restorative justice, CA aligned curriculum, project based learning, college/career readiness)

- Adding a section that details the referral, appeal, and return to district processes for general education students, which would mirror the much more detailed description for SELPA SPED students.
  - The possibility of districts completing a more standardized list of documented interventions prior to the referral to Gateway.
  - The possibility of a "student dashboard" to provide districts a more holistic approach to determining student readmission.
  - The possibility of detailing more "transition out" approaches to ensure students are successful when they successfully return to their district schools.

Kenny Loo
Principal, Court & Community Schools
Ventura County Office of Education
Jessalyn Nash, M.A. is an international Restorative Justice Trainer. She has taught restorative justice principles and practices nationwide and to international organizations including, UNICEF, World Congress on Criminology, and the International Congress on Restorative Justice.

In this all-day training Ms. Nash will facilitate a morning session on Elementary School Restorative Approaches and an afternoon session on Middle and High School Restorative Justice. The sessions will give you a strong understanding of how Restorative Approaches would benefit your school culture and provide social and emotional learning. As part of PBIS, Restorative Approaches and Restorative Justice align well with CHAMPS and other district behavior initiatives. A county-wide tool to reliably collect data on student success experienced through implementation of Restorative Justice will be presented.

October 9, 2017  8:30 - 11:30 am / 12:30 - 3:30 pm
Cost: $75 per person per session
Register Online
Elementary AM Session: https://vcoe.k12oms.org/139084
Middle and High School PM Session: https://vcoe.k12oms.org/139086

Emily Austin is a national advocate and an attorney working on improving system responses to sexual assault and violence in educational settings, incarcerated populations, and the workplace. She provides technical assistance and training on issues of trauma-informed strategies, collaborative models, and advocacy. Her fellowship focused on teen dating violence, assault, and harassment. Ms. Austin has provided direct representation to survivors of domestic violence and has worked on international women’s rights, civil rights, and police misconduct cases. She has published and co-authored several policy and research papers on teen violence and sexual abuse.

In this session Ms. Austin will examine trauma informed care and discuss practices to create a caring, empathetic school system that supports, empowers and grows our future leaders. She will also discuss ways to develop skills that nurture awareness, sustainability, and promote protective factors that support social emotional development and prevent long-lasting impacts of traumas.

October 16, 2017  4 - 7 pm
Cost: $100 per person
Register Online: https://vcoe.k12oms.org/139098
Cristina Miranda
Cristina has worked in the fields of child welfare and education for over a decade. Cristina completed a Master's degree in Public Policy and Administration from California Lutheran University, and is currently completing an Ed.D. at Pepperdine University. In the future, Cristina hopes to teach graduate level students.

Marisol Homan
Marisol spent the majority of her childhood in foster care and became a mom at the age of 15. She is now attending college, and hopes to graduate from San Diego State University in 2020. She hopes to become a journalist, traveling the world and bringing awareness to important issues affecting children.

TRAUMA is an umbrella term used to describe the inability of an individual or a community to respond in a healthy way physically, emotionally, and mentally to acute or chronic stress.

Becoming "trauma-informed" means recognizing that people often have many different types of trauma in their lives. People who have been traumatized need support and understanding from those around them. Often, trauma survivors can be re-traumatized by well-meaning caregivers and community service providers.

Participants will:
Learn about the physiological impacts of trauma on the brain and possible emotional, behavioral, social and intellectual/academic impacts on students in foster care (e.g., attachment issues, externalized behaviors, disabilities, etc.)

Learn about the Adverse Childhood Experiences (ACES) studies and how they relate to life-long impacts for students impacted by trauma

How schools and classrooms are creating trauma sensitive learning environments and strategies for responding to these impacts

Hear about the importance of self-care: addressing our own traumatic experiences/history

Ventura College Foster & Kinship Care

TRAINERs
Cristina Miranda
Cristina has worked in the fields of child welfare and education for over a decade. Cristina completed a Master's degree in Public Policy and Administration from California Lutheran University, and is currently completing an Ed.D. at Pepperdine University. In the future, Cristina hopes to teach graduate level students.

Marisol Homan
Marisol spent the majority of her childhood in foster care and became a mom at the age of 15. She is now attending college, and hopes to graduate from San Diego State University in 2020. She hopes to become a journalist, traveling the world and bringing awareness to important issues affecting children.
California’s newly introduced California History-Social Science Framework provides strategies to increase civic knowledge to students starting as early as kindergarten. The framework states that students should have the opportunity to “pose and answer questions about events they encounter in historical documents, eyewitness accounts, oral histories, letters, diaries, artifacts, photographs, maps, artworks, and architecture.” (ch.2)

In this special session you will hear from three Holocaust survivors who will tell their stories.

- **Clara Knopfler**, “I am Still Here, My Mother’s Voice”
- **James Bachner**, “My Darkest Years”
- **Michael Mark**, “Auschwitz: Labor Camps”

Participants will learn how to integrate this living history into their curriculum and provide an opportunity for their students “for participation and for reflection on the responsibilities of citizens in a free society.” (introduction pg. 19)

**October 25, 2017**

**4-7 pm**

VCOE Conference and Educational Services Center

5100 Adolfo Road, Camarillo, CA 93012

**Cost: FREE**

Registration Online: [https://vcoe.k12oms.org/141257](https://vcoe.k12oms.org/141257)

For more information contact Lydia Ichavira@vcoe.org

“Commitment to Quality Education for All”
Implementing positive behavior support is a schoolwide effort that involves all staff - not just teachers.

Topics include:

- Improving structures for supervision and safety,
- Increasing respectful interactions with students and,
- Working with difficult behaviors.

Susan Isaacs, M.S., has been a teacher and consultant for 25 years. She is a national trainer for Safe and Civil Schools.

Appropriate for all non-certificated staff including part-time employees, school office personnel, para-educators, and parent volunteers.

Made possible through the California Mental Health Services Act and Ventura County Behavioral Health.
11th Annual Special Populations Conference

This annual conference will offer a keynote speaker along with a variety of workshops supporting the education and well-being of our at-risk students. Included in the day's schedule will be continental breakfast, lunch and conference materials. There is no fee associated with this event.

"Prism of Possibilities"

Thursday, November 9, 2017
8:00 a.m. – 2:00 p.m.
Conference Educational Services Center, 5100 Adolfo Road, Camarillo Ca. 93012

Register at: https://veoa.k12oms.org/eventdetail.php?id=140608
Registration deadline is November 6, 2017

Presented by: Stanley C. Mantooth, Ventura County Superintendent of Schools
Coordinated by Special Populations Educational Support Dept.
ANNUAL LEGISLATIVE UPDATE

December 7, 2017
8:30 a.m. – 12:00 p.m.

Conference and Educational Services Center
5100 Adolfo Road • Camarillo, CA 93012

$65 registration fee *(Includes continental breakfast, PPT and Legislative Guide)*

Register at: [https://vcoe.k12oms.org/139158](https://vcoe.k12oms.org/139158)

Each year, new legislation impacts the daily operations and systems in our public schools. As the majority of these laws go into effect in the middle of the school year, district, charter and school site leaders are faced with many challenges in keeping track of and complying with these laws. The primary focus of this legislative update will be on new laws affecting the areas supported by student services/child welfare and attendance staff for the 2017-2018 school year.

Attendees will also be provided with guidance on which laws will require notification to parents/guardians and revisions of board policies and procedures, as well as suggested strategies and resources to assist with implementation and compliance.

TOPICS INCLUDE BUT ARE NOT LIMITED TO...

- Equity
- High school counseling
- School attendance
- School safety
- Student enrollment
- Transfer options

Presented by

Maria Hwang de Bravo & Jennifer Gomeztrejo
Student Support Services Solutions, Inc. (S4)

*S4 builds the capacity of adults to help children and youth through technical support, training, identification of appropriate resources and dissemination of timely information.*
Dear Accountability Coordinators:

REMOVAL OF DASHBOARD ALTERNATIVE SCHOOL STATUS ELIGIBILITY CRITERION

The purpose of this e-mail is to inform you of a change to the Dashboard Alternative School Status (DASS) eligibility criteria list.

After the July 2017 State Board of Education (SBE) meeting, the California Department of Education (CDE) was made aware that the Advisory Commission on Special Education (ACSE) wanted to again review the criteria list due to concerns that a student with disabilities group in the DASS eligibility criteria may not be appropriate. At the August 2017 ACSE meeting, the Commission had a robust discussion on this topic following a short presentation by the CDE. The ACSE recommended the removal of criterion seven, emotionally disturbed students, from the eligibility criteria for the DASS program.

As a result, criterion seven, emotionally disturbed students was removed from the DASS eligibility criteria list by SBE action at the September 2017 SBE meeting.

Questions regarding this letter should be directed to the DASS Team by e-mail at DASS@cde.ca.gov or by phone at 916-319-0863.

Sincerely,

/s/

Jenny Singh, Administrator
Academic Accountability Unit

JS:dc
Law Enforcement Access to Student Records: What Is the Law?
By Mia Little and Amelia Vance

In the current political climate, schools have expressed a great deal of concern about government agencies – including law enforcement – requesting student data in order to identify and deport undocumented students. With the repeal of the Deferred Action for Childhood Arrivals (https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca) (DACA) program last month, it is important that schools – and the companies that serve them – understand their legal options and when they may be required to disclose student personal information to law enforcement.
Today, the Future of Privacy Forum (FPF) released “Law Enforcement Access to Student Records: A Guide for School Administrators & Ed Tech Service Providers (https://fpf.org/wp-content/uploads/2017/09/Law-Enforcement-Access-to-Data-Final.pdf),” written by Amelia Vance and Sarah Williamson. This guide helps to answer some of the basic questions that we have heard from key stakeholders about law enforcement access to data over the past nine months.

Schools should only be collecting the information they need to help students, and, if the disclosure of that information could cause a greater harm than benefit to students, schools should consider deleting that information.

The publication emphasizes issues that schools and third-party service providers must consider before disclosing student data in response to law enforcement requests. First, schools and service providers should proactively review the information they collect to align the amount and types of data to the programs and services they provide. Schools should only collect the information they need to help students, and, if the disclosure of that information could cause a greater harm than benefit to students, schools should consider deleting that information if they are not legally obligated to retain it. Second, schools and service providers should consult legal counsel to determine their legal obligations to students and law enforcement when presented with a request for student data. Federal civil rights laws (https://www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plilerfact.pdf) and the Supreme Court decision Plyler v. Doe (https://supreme.justia.com/cases/federal/us/457/202/) require states to provide equal access to public education for undocumented children, and schools cannot use any information collected about race, ethnicity, national origin, or English proficiency to discriminate against students.

Under the Family Educational Rights and Privacy Act (FERPA (https://studentprivacy.ed.gov/)), schools and service providers may be required to disclose certain student data if presented with a valid and narrowly tailored warrant, court order, or subpoena. However, schools cannot disclose information they do not have. For example, if your school does not need to collect immigration status data, then don’t collect it. If your school must collect sensitive data to better serve students, then please note that a student’s immigration status is likely considered part of their education record and is therefore protected under FERPA.

With that said, if your school does collect sensitive data that could be used to determine a student’s immigration status, you should know that schools and service providers have legal obligations to both students and law enforcement. Under FERPA, schools that receive funding from the U.S. Department of Education are obligated to protect student privacy. FERPA offers privacy protection for student education records, but some exceptions (https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPA%20Exceptions_HANDOUT_horizontal_0.pdf) may apply to disclosures to law enforcement. However, it is very important for schools to know that, if they are compelled to turned over student records to law enforcement, FERPA typically requires that schools notify (https://ferpasherpa.org/educators/) the student or parent prior to disclosure unless a court has ruled otherwise.

Service Providers (https://studentprivacy.ed.gov/audience/education-technology-vendors) should always insist on appropriate legal process before disclosing FERPA protected data to law enforcement. Under FERPA, service providers are only allowed to (re)disclose student data on behalf of the school; and if service providers engage in any unauthorized disclosure, they may also risk penalties under the Electronic Communications Privacy Act (https://it.ojp.gov/PrivacyLiberty/authorities/statutes/1285) (ECPA), which is a federal law designed to prevent unauthorized access to private electronic communications. In any case, it’s important for schools to verify that their contracts with service providers (https://studentprivacy.ed.gov/audience/education-technology-vendors) include a requirement that they be notified about a record request from law enforcement.

Overwhelmingly, every expert FPF talked to recommended that schools and service providers should always consult legal counsel prior to the disclosure of student records to law enforcement without consent. You can read our new publication here (https://fpf.org/wp-content/uploads/2017/09/Law-Enforcement-Access-to-Data-Final.pdf) for more information, and we list additional helpful resources below. If this all sounds overwhelming, then it’s important to remind you of the number one best practice: strive to minimize legal risks on the back end by limiting the amount and types of data you collect about students on the front end.

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