Presented By:
Alliance for Children’s Rights
Youth Justice Education Clinic, Loyola Law School
National Center for Youth Law

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Practical Tools to Support California Students Impacted By Alternative Education
Presenters

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1. The Basics of “Alternative Education”

2. Addressing Challenges for Students Entering or In Alternative Education
   - Alliance for Children’s Rights “Transfer Toolkit”
   - Practice Tips to Support…
     ○ Expelled Students
     ○ Students with Disabilities
     ○ Detained Students

3. Q & A

4. Resources
The Basics of “Alternative Education”

- Types of Schools
- Funding
- Accountability
Enrollment and Student Outcomes

- Schools included in our analysis
- Census vs. cumulative enrollment
- Disproportionate enrollment of Black, Latino and Native American youth, youth in foster care, and youth experiencing homelessness as compared to statewide rates
- Significantly higher suspension and chronic absenteeism rates than statewide schools, and significantly lower college/career readiness rates
NCYL's primer on alternative education

Addressing Challenges for Students Entering or In Alternative Education
Authority to transfer is a complicated issue that varies based on alternative school setting

Ex: County community and community day schools may receive students who are expelled, referred by SARB, or referred by probation

Ex: Continuation schools may receive students through voluntary enrollment or involuntary enrollment due to discipline or attendance issues

**Practice Tip**

Ensure parents/Ed Rights Holders fully understand the agency they have in transfer decisions
Practice Tip: Transfer Toolkit

Addressing Challenges: Expelled Students

Practice Tips for Returning to Comprehensive Settings

- Counsel students on importance of complying with rehabilitation plans
- Monitor dates to ensure schools hold rehabilitation plan review meetings on time
- Advocate at plan review meetings for return to comprehensive setting or other appropriate setting
- Ensure credits are tracked and transferred to new school
Addressing Challenges: Students with Disabilities

- Students with disabilities (SWD) have the right to a free and appropriate public education (FAPE) under IDEA and Section 504 of the Rehabilitation Act.

- When interacting with alternative ed systems, however, SWD may experience the following:
  - Pushout to alt ed due to issues stemming from unidentified disabilities
  - Illegal transfers to alt ed for disability-related reasons
  - Drastically reduced or inferior services and accommodations once in alt ed
Addressing Challenges: Students with Disabilities, cont.

Practice Tips

- Consider requesting an evaluation for special education for a student without identified disabilities
- Advocate at manifestation determination meetings to avoid illegal transfers
- Advocate at transfer IEP or 504 meetings to ensure student will receive FAPE
Detained students in California have a constitutional right to an education. Under the IDEA, detained students with disabilities also have a right to a free appropriate public education (FAPE).

Yet, students attending juvenile court schools experience the following issues:

- Over-reliance on independent packet work
- Probation interference with education
- Denied, delayed, or inadequate SpEd services & assessments
- Inconsistent access to virtual instruction
- COE’s failure to investigate “refusals” of services
- Lack of community-led accountability
Addressing Challenges: Detained Students, cont.

Practice Tips

- Request service logs regularly to ensure provision of IEP services
- Request an IEP meeting to discuss pattern of alleged refusals
- Request a functional behavior assessment (FBA) by a BCBA to observe student and recommend robust positive behavioral intervention strategies
- Request a meeting between COE, Probation, and other service providers to coordinate delivery of educational services
- Submit a Public Records Act request for the MOU between the COE and Probation regarding education services
- Provide public comment to COE school board or appropriate County agency
Practice Tips for Returning to Comprehensive Setting

- Upon release, probation youth have a right to immediate enrollment in comprehensive school or school of origin.
  - Attend Multi-Disciplinary Team and final IEP meetings to advocate for appropriate placement upon release
  - Connect w/COE Transition Counselor, Probation Officer, & Juvenile Hall/Camp Returnee School Liaison
  - COE Transition Counselor should provide all records, including updated transcript and current IEP, to the receiving school district
  - Check if youth qualifies to graduate with minimum state requirements under AB 167/216
Q & A
Advocates have demanded for the release of detained youth. In Los Angeles, we saw a reduction of 39% (from 840 to 514) from March to December 2020. Given the closure of DJJ facilities, we can expect more youth in County-operated alt ed settings.

More students are increasingly disengaged from traditional school settings and seeking out alternative education options, particularly independent study and credit recovery. The Legislature is currently considering what “distance learning” can look like next school year, which could also increase enrollment in alternative education.

Students will have difficulty adjusting to reopening schools. We can expect more voluntary/involuntary transfers to alt ed settings due to exclusionary school discipline.
Resources

- Alternative Education in CA: A Primer for Advocates and Community Stakeholders (NCYL, February 2021)
- Foster Youth Education Toolkit (ACR, 2016)
- Report and Recommendations on the California Advisory Task Force on Alternative Schools (Stanford, September 2020)
- Lost Instruction: The Disparate Impact of the School Discipline Gap in California (UCLA, October 2017)