

Presented By:

Alliance for Children's Rights
Youth Justice Education Clinic,
Loyola Law School

National Center for Youth Law

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12:30-1:30 pm

Practical Tools to Support California Students Impacted By Alternative Education

Presenters



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Agenda

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



ALTERNATIVE EDUCATION IN CALIFORNIA: A Primer for Advocates and Community Stakeholders

February 2021

What Are Alternative Schools?

Alternative schools are public schools that provide a different learning setting than traditional K-12 "comprehensive" public schools.

Under California law, the California Department of Education (CDE) designates certain types of schools as Dashboard Alternative Schools (DASS) schools. According to the CDE, DASS schools are those that serve "high-risk" students. DASS schools are designated as such either because they are "high-risk" under the definition of DASS in the California Education Code,¹ or because a school has applied for DASS designation.

The DASS designation is powerful: It allows schools to report annual data about its student outcomes differently than comprehensive schools do. DASS schools use what are known as "modified measures." See the "Accountability" section below for more information on data reporting and its consequences.

The CDE reported that, during the 2018-19 school year, 1,117 schools in the state were classified as alternative schools using the DASS designation.² DASS schools included alternative schools of choice, community day schools, continuation schools, county community schools, district special education consortiums, home and hospital schools, juvenile court schools, opportunity schools, special education schools, and traditional schools.

Of the 1,117 DASS schools, 813 were continuation high schools, community day schools, county community schools, opportunity schools, juvenile court schools, and Division of Juvenile Justice schools. We analyzed data for these 813 schools in this report.

NCYL's primer on alternative education

Link:

<https://youthlaw.org/publication/alternative-education-in-california-a-primer-for-advocates-and-community-stakeholders/>

Types of Alternative Schools in This Study, Defined⁴

Division of Juvenile Justice schools: Operated within youth prisons run by the California Division of Juvenile Justice to serve students placed within those facilities. California recently decided to begin closing its youth prisons, so these schools will presumably close in the near future, as well.

4 schools

Juvenile court schools: Operated by County Offices of Education and located in juvenile justice facilities, such as juvenile halls and ranches, to serve students placed in such facilities.

69 schools

County community schools: Operated by County Offices of Education to serve K-12 students who are: expelled for non-mandatory offenses; referred by a School Attendance Review Board; referred by probation consistent with a court order; or under probation supervision and referred, with parent/guardian consent.

79 schools

Opportunity schools: Operated either by County Offices of Education or traditional school districts, intended as a short-term intervention for students who are habitually truant, have irregular attendance, or are otherwise unsuccessful at school. These schools may also exist as special programs on school campuses, in which case they do not need to report data separately from the school that houses them. Currently, 25 such programs report data as standalone schools.

25 schools

Community day schools: Operated by traditional school districts to serve K-12 students who are either expelled, referred by Probation, or referred by a School Attendance Review Board or other district-level referral process.

192 schools

Continuation high schools: Operated



Addressing Challenges for Students Entering or In Alternative Education

Addressing Challenges: Authority to Transfer

- 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

Foster Youth Education Toolkit



Practice Tip: Transfer Toolkit

Link:

https://allianceforchildrensrights.org/wp-content/uploads/2020/07/FosterYouthEducationToolkit_v3.pdf

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

Addressing Challenges: Detained Students

- 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

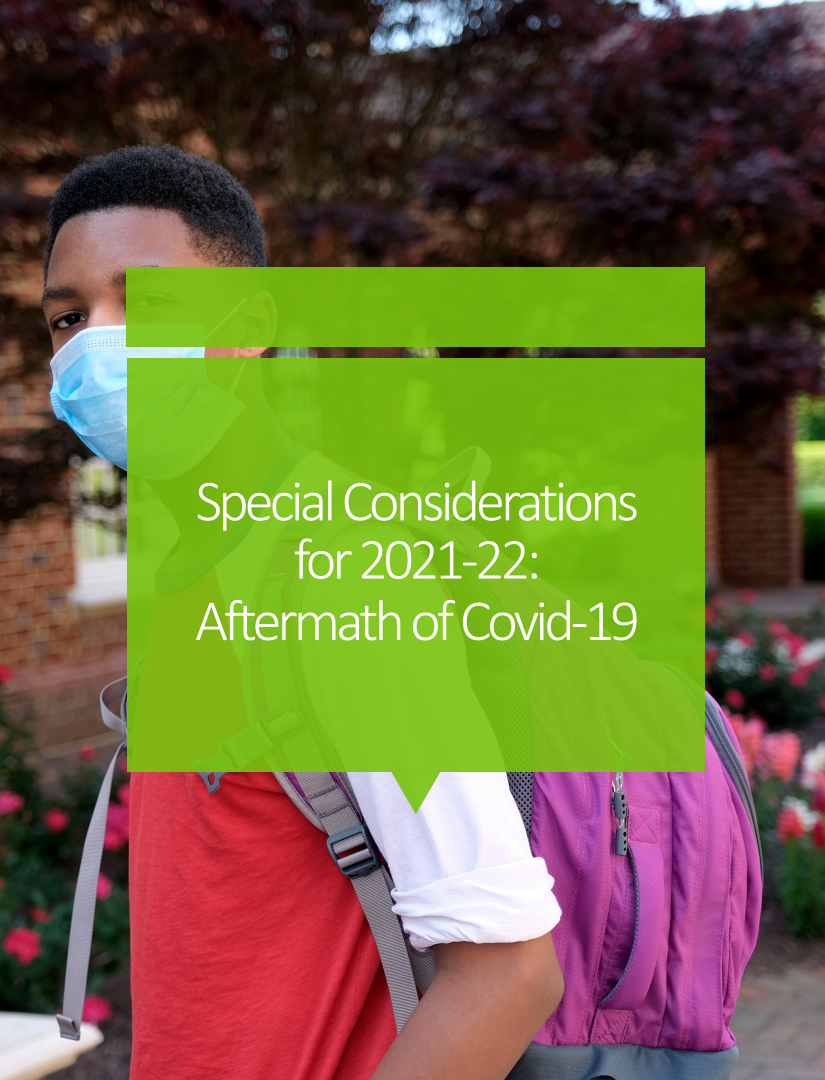
Addressing Challenges: Detained Students, cont.

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



Special Considerations for 2021-22: Aftermath of Covid-19

- 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)