

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE SAN MATEO COUNTY SUPERINTENDENT OF SCHOOLS ("SUPERINTENDENT")
AND
THE SAN MATEO COUNTY PROBATION DEPARTMENT ("PROBATION")
REGARDING COMMUNITY SCHOOLS**

This Memorandum of Understanding (MOU) is made and entered into by and between the San Mateo County Superintendent of Schools ("Superintendent") and the San Mateo County Probation Department ("Probation").

WHEREAS the Superintendent, through the San Mateo County Office of Education (SMCOE), operates Community Schools to provide compulsory education for students needing an alternative instruction program; and

WHEREAS Probation provides Group Supervisors to enhance order and safety at Community Schools;

NOW, THEREFORE, the Superintendent and Probation mutually agree as follows:

I. Term

The term of this MOU shall be from July 1, 2007 to June 30, 2008. It shall automatically renew for successive one-year terms unless either party notifies the other of a request for revision or dissolution of the MOU. The notice of change shall be in writing and sent by January 1 of the year for the fiscal year starting the following July 1. Probation shall send the notice to the Superintendent of Schools and the Superintendent shall send the notice to Chief Probation Officer of the Probation Department.

II. Definitions

- A. Community Schools: Community Schools provide an alternative educational program for students who are expelled, or are referred by Juvenile Court, Probation, school districts, or the School Attendance Review Board. All referrals must be approved by the student's district of residence. (Education Code §1980)
- B. Court Schools: Schools operated within a Probation institution (Juvenile Hall, Camp Kemp, or Camp Glenwood). (Education Code §48645)

III. Responsibilities of the Superintendent

- A. The Superintendent may administer Community Schools as authorized by Education Code Section 1980.
- B. The Superintendent shall, with the approval of the districts of residence, make every attempt to give priority in new enrollment to students referred by Juvenile Court or Probation.
- C. The Superintendent shall reimburse Probation 50% of salary and benefits for the Community Schools Group Supervisor positions upon receipt of an invoice from Probation. The Superintendent shall also reimburse Probation 50% of salary and benefits for the time that Group Supervisor substitutes work in Community Schools.

- D. The Superintendent shall provide appropriate work spaces for Community Schools Group Supervisors.
- E. The Superintendent shall provide input to Probation supervisors upon request regarding the work performance of Community Schools Group Supervisors.
- F. The Superintendent or her/his designee shall meet on a quarterly basis with Probation to review progress on and compliance with the provisions of this MOU.

IV. Responsibilities of Probation

- A. Probation shall provide eight (8) Group Supervisors to carry out the following responsibilities at Community School sites:
 - 1. Intervene as early as possible and de-escalate conflict situations;
 - 2. Respond to emergency situations;
 - 3. Assist in and confer with Office of Education staff on all aspects of investigations of student misbehavior;
 - 4. Assist in the preparation of disciplinary incident reports;
 - 5. Provide individual counseling or small group discussions in the areas of good conduct, cognitive strategies, behavior modification techniques, or other topics;
 - 6. Assist teachers in achieving and maintaining order in classrooms;
 - 7. Conduct searches of students for objects or materials prohibited by school regulations;
 - 8. Supervise youth during lunches and after-school detention;
 - 9. Orient new students and parents or caregivers to school rules (intakes);
 - 10. Receive attendance information from teachers and attempt to contact or visit students who are absent from school;
 - 11. Counsel tardy students;
 - 12. Enter into behavior contracts with students and monitor compliance with those contracts;
 - 13. Assist probationers in complying with the conditions of their probation, including their school attendance and behavior;
 - 14. Interact with parents and caregivers regarding their child's behavior at school;
 - 15. Participate in incident review meetings;
 - 16. Attend briefings, monthly staff meetings, and inservices;
 - 17. Assist in planning special events or trips for students whenever possible; and
 - 18. Refer students and families to appropriate community-based organizations and resources as needed.
- B. Probation may provide Group Supervisors to conduct presentations for students, teachers, parents, and community members on issues and solutions to issues that have an impact on school campuses.
- C. Probation shall make every attempt to provide a substitute in the event of Group Supervisor absence, leave, or training.
- D. Probation shall provide 100% of the reasonable costs for voice/data lines, equipment, supplies, and other miscellaneous items related to the unique needs of the Community Schools Group Supervisors.

- E. Probation shall provide semi-annual invoices and documentation of personnel/payroll to: Deputy Superintendent, Student Services Division, 101 Twin Dolphin Drive, Redwood City, CA, 94065-1064.
- F. Probation shall encourage Community Schools Group Supervisors to schedule their vacation leave during periods of time when school is not in session.
- G. Probation shall meet on a quarterly basis with the Superintendent or her/his designee to review progress on and compliance with the provisions of this MOU.

V. Hold Harmless

- A. Probation shall indemnify, hold harmless and defend the Superintendent and SMCOE's trustees, officers, employees and agents from and against every claim, demand and/or liability which may be made by reason of the negligent act(s) or omission(s) of Probation and/or its employees or agents in their performance of this Memorandum of Understanding.
- B. The Superintendent shall indemnify, hold harmless and defend Probation and its trustees, officers, employees and agents from and against every claim, demand and/or liability which may be made by reason of the negligent act(s) or omission(s) of the Superintendent and/or SMCOE employees or agents in their performance of this Memorandum of Understanding.
- C. In the event of the concurrent negligence of the Superintendent and/or SMCOE officers and/or employees and Probation, its officers and/or employees, the liability for any and all claims for injuries which arise out of the performance of this contract shall be apportioned under "California's Theory of Comparative Negligence" as presently established or as may hereafter be modified.

VII. Amendments

This MOU may be amended in writing at any time by mutual agreement of the parties.

APPROVED,

Jean Holbrook, Ed.D
 County Superintendent of Schools

Date

Loren Buddress
 San Mateo County Probation Department
 Chief Probation Officer

Date

ATTACHMENT

CALIFORNIA EDUCATION CODE

1980. A county board of education may establish and maintain one or more community schools.
1981. The county board of education may enroll in a community school pupils who are any of the following:
- a. Expelled from a school district for any reason other than those specified in subdivision (a) or (c) of Section 48915.
 - b. Referred to county community schools by a school district as a result of the recommendation by a school attendance review board or pupils whose school districts of attendance have, at the request of the pupil's parent or guardian, approved the pupil's enrollment in a county community school.
 - c.
 1. Probation-referred pursuant to Sections 300, 601, 602, and 654 of the Welfare and Institutions Code.
 2. On probation or parole and not in attendance in any school.
 3. Expelled for any of the reasons specified in subdivision (a) or (c) of Section 48915.
 - d. Homeless children.
- 1981.2 For purposes of this chapter, the term "homeless children" means either of the following:
- a. A schoolaged child who lacks a fixed, regular, and adequate nighttime residence.
 - b. A schoolaged child who has a primary nighttime residence that is any of the following:
 1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.
 2. An institution that provides a temporary residence for individuals intended to be institutionalized.
 3. A temporary, makeshift arrangement in the accommodations of other persons.
 4. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
1982. a. County community schools shall be administered by the county superintendent of schools. For purposes of making apportionments from the State School Fund and the levying of local taxes, any attendance generated by pupils in county community schools in kindergarten or any of grades 1 to 12, inclusive, who are enrolled pursuant to subdivisions (a), (b), and (d) of Section 1981 as well as any attendance generated by pupils in county community schools in kindergarten or any of grades 1 to 6, inclusive, who are enrolled pursuant to paragraph (1) or (2) of subdivision (c) of Section 1981 shall be credited to the district of residence. School districts shall pay to the county for the purposes of the community schools the entire revenue limit for each average daily attendance credited pursuant to this section. No funds

generated by average daily attendance credited pursuant to this section shall be retained by the district of residence. The county superintendent of schools may use funds derived from existing tax revenues to provide additional funding per pupil enrolled in county community schools but not to exceed the difference between the amount derived per pupil from the district and the amount available per pupil enrolled in juvenile court schools.

- b. For the purposes of making apportionments from the State School Fund, pupils enrolled in county community schools pursuant to subdivision (c) of Section 1981 shall be deemed to be enrolled in a county juvenile hall or camp except pupils enrolled in kindergarten or any of grades 1 to 6, inclusive, who are enrolled pursuant to paragraph (1) or (2) of subdivision (c) of Section 1981.
- c. For the purposes of this section, the county superintendent of schools providing educational services to homeless children shall be deemed to be the district of residence of those children.

1982.3. Any amounts received by a county superintendent of schools for revenue limit purposes that are derived from the average daily attendance generated by pupils enrolled in a community school shall be expended only for the purposes specified in subdivision (b) of Section 42238.18.

1982.5. Notwithstanding subdivision (b) of Section 1982, for purposes of making apportionments from the State School Fund, pupils enrolled in juvenile court schools because they were expelled pursuant to subdivision (a) of Section 48915 shall be deemed the same as pupils enrolled in county community schools pursuant to subdivision (a), (b), or (d) of Section 1981.

- 1983. a. Pupils enrolled in county community schools shall be assigned to classes or programs deemed most appropriate for reinforcing or reestablishing educational development.
- b. Such classes or programs may include, but need not be limited to, basic educational skill development, on-the-job training, tutorial assistance, independent study requirements, and individual guidance activities.
- c. An individually planned educational program based upon an educational assessment shall be prescribed for each pupil.
- d. The course of study of a county community school shall be adopted by the county board of education and shall enable each pupil to continue academic work leading to the completion of a regular high school program.

1983.5. Notwithstanding any other provision of law, apportionments claimed by a county office of education for units of average daily attendance for pupils enrolled pursuant to subdivision (c) of Section 1981 in excess of the number claimed by that county office in the 1991-92 fiscal year shall be funded at the statewide average revenue limit per unit of average daily attendance for that category of enrollment. This section does not apply to pupils enrolled in kindergarten or any of grades 1 to 6, inclusive, pursuant to paragraphs (1) or (2) of subdivision (c) of Section 1981.

1984. For the purposes of establishing and maintaining a county community school, a county board of education shall be deemed to be a school district.

- 1986.
- a. The Legislature hereby recognizes that community schools are a permissive educational program.
 - b. If a county superintendent of schools elects to operate a community school pursuant to this chapter, he or she shall do one or more of the following:
 1. Utilize available school facilities that conform to the requirements of Part 2 (commencing with Section 2-101), Part 3 (commencing with Section 3-089-1), Part 4 (commencing with Section 4-403), and Part 5 (commencing with Section 5-102), of Title 24 of the California Code of Regulations.
 2. Apply for emergency portable classrooms pursuant to Section 17717.2 or Chapter 25 (commencing with Section 17785) of Part 10.
 3. Enter into lease agreements provided that the facilities are limited to one of the following:
 - A. Single story, wood-framed structure.
 - B. Single story, light steel frame structure.
 - C. A structure where a structural engineer has submitted a report that determines substantial structural hazards do not exist. The county board of education shall review the report prior to approval of the lease and may reject the report if there is any evidence of fraud regarding the facts in the report.
 - c. Before entering into any lease pursuant to paragraph (3) of subdivision (b), the county superintendent of schools shall certify that all reasonable efforts have been made to locate community schools in facilities that conform to the structural safety standards listed in paragraph (1) of subdivision (b).
 - d. On or before September 1, 1993, and every three years thereafter, each county superintendent of schools shall report to the State Allocation Board on the facilities utilized for the operation of community schools and efforts to place community school programs in facilities that conform with the requirements of Part 2 (commencing with Section 2-101), Part 3 (commencing with Section 3-089-1), Part 4 (commencing with Section 4-403), and Part 5 (commencing with Section 5-102), of Title 24 of the California Code of Regulations.
 - e. This section shall become operative on July 1, 1990.
- 42238.18.
- a. Notwithstanding any other provision of law, only those pupils enrolled in county office of education programs while detained in a juvenile hall, juvenile home, day center, juvenile ranch, juvenile camp, or regional youth educational facility established pursuant to Article 23 (commencing with Section 850), Article 24 (commencing with Section 880), and Article 24.5 (commencing with Section 894) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code shall be counted as juvenile court school pupils. For purposes of apportionments, those pupils in a group home housing 25 or more children placed pursuant to Sections 362, 727, and 730 of the Welfare and Institutions Code or in any group home housing 25 or more children and operating one or more additional sites under a central administration for children placed pursuant to Section 362, 727, or 730 of the Welfare and Institutions Code shall be reported as county group home and institutions pupils to the

Superintendent and shall be counted as juvenile court school pupils for purposes of apportionments.

- b. Notwithstanding any other provision of law, any county superintendent of schools operating juvenile court schools, county group home and institutions schools, or community schools, or any combination of these schools shall maintain an account in their general fund to be known as the juvenile court and community school account, and shall deposit all funds derived from the operation of juvenile court, county group home and institutions schools, and community schools into that account. Expenditures from the juvenile court and community school account shall be limited to the following:
 1. Those expenditures defined as direct costs of instructional programs by the California State School Accounting Manual, except that facility costs, including the costs of renting, leasing, purchasing, remodeling, constructing, or improving buildings and the costs of purchasing or improving land, shall be allowed as an instructional cost in the juvenile court and community school fund. Deferred maintenance contributions made pursuant to Section 17584 may also be allowed as an instructional cost of juvenile court and county community school programs, provided the contribution does not exceed the program's proportionate share of total county school service fund expenditures as defined in Section 17584, and provided the funds are used for deferred maintenance of juvenile court and county community school facilities.
 2. Expenditures that are defined as documented direct support costs by the California State School Accounting Manual.
 3. Expenditures that are defined as allocated direct support costs by the California State School Accounting Manual.
 4. Other expenditures for support and indirect charges. However, these charges may not exceed 10 percent of the sum of the expenditures in paragraphs (1), (2), and (3).

Expenditures that represent contract payments to other agencies for the operation of juvenile court and community school programs shall be included in the juvenile court and community school account and the contract costs distributed to the cost categories defined in paragraphs (1), (2), (3), and (4). At the end of any given school year the net ending balance in the juvenile court and community school account may be distributed to a reserved account for economic contingencies or to a reserved account for capital outlay, provided that the combined total transferred does not exceed 15 percent of the current year's authorized expenditures as specified above and also provided that funds placed in the reserved accounts shall only be expended for juvenile court, county group home and institutions, or community school programs. The net ending balance, except for those funds placed in a capital outlay fund, shall not exceed the greater of 15 percent of the previous year's expenditures or twenty-five thousand dollars (\$25,000). A county may accumulate over a period of two or more given school years a net ending balance in the capital outlay reserved account of more than 15 percent of the current fiscal year's

expenditures under provisions of a resolution of the governing board. Funds in the capital outlay reserve are to be used for capital outlay only. The Superintendent shall require an annual certification by county superintendents of schools beginning in the 1989-90 fiscal year that juvenile court, county group home and institutions, and community school funds have been expended as provided in this section and shall withhold from the subsequent year's apportionment an amount equal to any excess ending balance or excess transfers, as provided in this subdivision, in the juvenile court and community school account.

- c. Notwithstanding any other provision of law, pupils who are referred by the county probation department under Section 601 or 654 of the Welfare and Institutions Code, shall be enrolled and eligible for apportionments in county community schools only after an individualized review and certification of the appropriateness of enrollment in the county group home and institution's school or county community school. The individualized review shall include representatives of the court, the county department of education, the county probation department, and either the school district of residence or, in cases in which the pupil resides in a group home or institution, the school district in which the group home or institution is located, and, in each case, the school district representative shall agree to the appropriateness of the proposed placement and pupils so placed shall have a probation officer assigned to their case.
- d. Regardless of the operative date of the amendments to this section made during the 1997 portion of the 1997 -98 Regular Session, this section, as so amended, shall be implemented as though it had been operative on July 1, 1996. For the purpose of implementing this section for the entire 1996-97 fiscal year, the Superintendent and other public officers shall take all necessary steps to effect the required adjustments and shall have authority to adjust allowance computations, apportionments, and disbursements ordered from Section A of the State School Fund and other public funds.

48645. The purpose of this article is to provide for the administration and operation of public schools in juvenile halls, juvenile homes, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, or Orange County youth correctional centers in existence and providing services prior to the effective date of the amendments to this section made by the Statutes of 1989, established pursuant to Article 23 (commencing with Section 850), Article 24 (commencing with Section 880), Article 24.5 (commencing with Section 894) of Chapter 2 of Division 2, or Article 9 (commencing with Section 1850) of Chapter 1 of Division 2.5, of the Welfare and Institutions Code or in any group home housing 25 or more children placed pursuant to Sections 362, 727, and 730, of the Welfare and Institutions Code or in any group home housing 25 or more children and operating one or more additional sites under a central administration for children placed pursuant to Section 362, 727, or 730 of the Welfare and Institutions Code, with acceptable school structures at one or more centrally located sites to serve the single or composite populations, and to provide the juvenile court school pupils therein detained with

quality education and training.

Nothing in this section shall be construed as indicating that it is the intent of the Legislature to prevent juvenile court school pupils who are housed in group homes from enrolling in regular public schools, or that it is the intent of the Legislature to transfer the responsibility for any costs associated with the operation of group homes to the counties.

The Orange County Office of Education shall only provide educational services in youth correctional centers for individuals up to 19 years of age.

- 48645.1. Public schools or classes in any juvenile hall, juvenile home, day center, juvenile ranch, juvenile camp, regional youth educational facility, or Orange County youth correctional center in existence and providing services prior to the effective date of the amendments to this section made by the Statutes of 1989, established in accordance with Article 23 (commencing with Section 850), Article 24 (commencing with Section 880), and Article 24.5 (commencing with Section 894) of Chapter 2 of Division 2, or Article 9 (commencing with Section 1850) of Chapter 1 of Division 2.5, of the Welfare and Institutions Code, or in any group home housing 25 or more children and operating one or more additional sites under a central administration, with acceptable school structures at one or more centrally located sites to serve the single or composite populations of juvenile court school pupils detained therein in accordance with the provisions of Section 362, 727, or 730 of the Welfare and Institutions Code, shall be known as juvenile court schools.
- 48645.2. The county board of education shall provide for the administration and operation of juvenile court schools established pursuant to Section 48645.1:
- a. By the county superintendent of schools, provided that, in any county in which the board of supervisors is establishing or maintaining juvenile court schools on January 1, 1978, the county superintendent of schools may contract with the board of supervisors for the administration and operation of such schools if agreed upon between the board of education and the board of supervisors. In any event, the county superintendent of schools may contract with other educational agencies for supporting services to the same extent that school districts may contract with other such agencies.
 - b. By contract with the respective governing boards of the elementary, high school, or unified school district in which the juvenile court school is located.
- 48645.3. Juvenile court schools shall be conducted in a manner as shall be prescribed by the county board of education to best accomplish the provisions of Section 48645. The minimum schoolday shall be 240 minutes. Minimum schooldays shall be calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The minimum schoolday for pupils in attendance in approved vocational education programs, work programs prescribed by the probation department pursuant to Section 883 of the Welfare and Institutions Code, and work experience programs shall be 180 minutes, which shall be calculated on the basis of the average number of minutes of attendance during not more than 10 consecutive days in which classes are conducted. The county board of education shall adopt and enforce a course of study and evaluate its program in accordance with Sections 51040, 51041, 51050, and 51054 and the

provisions of Article 3 (commencing with Section 51200) of Chapter 2 of Part 28, except subdivision (c) of Section 51220.

Juvenile court schools shall not be closed on any weekday of the calendar year, except those weekdays adopted by the board of education as school holidays or set aside by the board of education for inservice purposes. However, the board of education may close juvenile court schools when it deems such closing is necessary to accommodate contingencies.

48645.5. Each public school district and county office of education shall accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. The coursework shall be transferred by means of the standard state transcript. If a pupil completes the graduation requirements of his or her school district of residence while being detained, the school district of residence shall issue to the pupil a diploma from the school the pupil last attended before detention or in the alternative, the county superintendent of schools may issue the diploma.

48645.6. Plans for any juvenile court school classrooms, offices, or any other school structures in any juvenile hall, juvenile home, day center, juvenile ranch, or juvenile camp shall be approved by the county board of education. Upon approval of the board of supervisors and the county board of education, the cost of such structures shall be a required charge against the funds of the county.

The cost of constructing or otherwise providing classrooms, offices, or other onsite school structures in group homes or other agencies housing children described in Sections 362, 727, and 730 of the Welfare and Institutions Code shall be the responsibility of the private agency. This construction shall not entitle private agencies to an increase in the foster care reimbursement rates available from the State Department of Social Services or any other state agency. It is the intent of the Legislature that nothing in this section shall be construed to preclude the county boards of education or the governing boards of school districts from entering into a contractual agreement providing compensation to group homes for the use of classrooms, offices, or other onsite school structures.

**CALIFORNIA CODE OF REGULATIONS
TITLE 15, ARTICLE 6**

1370. Education Program.
- a. School Programs
The County Board of Education shall provide for the administration and operation of juvenile court schools in conjunction with the Chief Probation Officer, or designee. The school and facility administrators shall develop written policy and procedures to ensure communication and coordination between educators and probation staff. The facility administrator shall request an annual review of each required element of the program by the Superintendent of Schools, and a report or review checklist on compliance, deficiencies, and corrective action needed to achieve compliance with this section.
 - b. Required Elements
The facility school program shall comply with the State Education Code and County Board of Education policies and provide for an annual evaluation of the educational program offerings. Minors shall be provided a quality educational program that includes instructional strategies designed to respond to the different learning styles and abilities of students.
 1. The course of study shall comply with the State Education Code and include, but not be limited to, the following:
 - A. English/Language Arts;
 - B. Social Sciences;
 - C. Physical Education;
 - D. Science;
 - E. Health;
 - F. Mathematics;
 - G. Fine Arts/Foreign Language; and,
 - H. Electives (including career education).
 2. General Education Development (GED) preparation shall be provided for all eligible youth.
 3. The minimum school day shall be consistent with State Education Code Requirements for juvenile court schools.
 - c. School Discipline
 1. The educational program shall be integrated into the facility's overall behavioral management plan and security system.
 2. School staff shall be advised of administrative decisions made by probation staff that may affect the educational programming of students.
 3. Expulsion/suspension from school shall follow the appropriate due process safeguards as set forth in the State Education Code including the rights of students with special needs.
 4. The facility administrator, in conjunction with education staff will develop policies and procedures that address the rights of any student who has continuing difficulty completing a school day.

- d. Provisions for Individuals with Special Needs
 1. Educational instruction shall be provided to minors restricted to high security or other special units.
 2. State and federal laws shall be observed for individuals with special education needs.
 3. Non-English speaking minors, and those with limited English-speaking skills, shall be afforded an educational program.
- e. Educational Screening and Admission
 1. Minors shall be interviewed after admittance and a written record prepared that documents a minor's educational history, including but not limited to:
 - A. school progress;
 - B. Home Language Survey;
 - C. special needs; and,
 - D. discipline problems.
 2. Not later than three school days after admission to the facility the minor shall be enrolled in school; and the educational staff shall conduct an assessment to determine the minor's general academic functioning levels to enable placement in core curriculum courses.
 3. After admission to the facility, a preliminary education plan shall be developed for each minor within five school days.
 4. If a minor is detained, the education staff shall request the minor's transcript from his/her prior school. Copies of the student's Individual Education Program (IEP) and 504 Plan will also be requested. Upon receipt of the transcripts, the minor's educational plan shall be reviewed and modified as needed.
- f. Educational Reporting
 1. The complete facility educational record of the minor shall be forwarded to the next educational placement in accordance with the State Education Code.
 2. The County Superintendent of Schools shall provide appropriate credit (full or partial) for course work completed while in juvenile court school.