



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

February 2021



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EXECUTIVE SUMMARY

Alternative education settings have been part of the fabric of California's public education system for decades. Several different types of alternative education settings are authorized, operated and monitored in distinctive ways. These settings include but are not limited to: Division of Juvenile Justice schools, juvenile court schools, county community schools, opportunity schools, community day schools and continuation high schools. Hundreds of thousands of students enroll in such settings each year – these students are largely low-income and identify as people of color. Therefore, it is critical that advocates and community members understand how alternative education is implemented in California, including data that demonstrates alternative education enrollment and outcomes.

The experiences of alternative education students are currently invisible to the general public in California. This report advocates a shift toward more visibility, and ultimately more support, for these too-often marginalized students. This report is a review of many key aspects of alternative education in California, including:

- › A description of the types of alternative schools;
- › A profile of students enrolled in alternative education during the 2018-19 school year, and their academic outcomes;
- › An explanation of how students enroll in alternative education;
- › A discussion of how schools that send students to alternative education may be accountable for those students' outcomes; and
- › A discussion of how alternative education settings are accountable for student outcomes.
- › Policy recommendations to improve data transparency, accountability, and support for alternative education settings and the students enrolled in them.

Because alternative education settings serve California's highest need students, both alternative schools and the comprehensive school districts that transfer students to them should be held to a high standard of transparency and local, state and federal accountability.



What Are Alternative Schools?

In plain terms, 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 every school year as Dashboard Alternative School Status (DASS) schools. According to the CDE, DASS schools differ from comprehensive K-12 public schools in that they serve “high-risk” students. DASS schools are designated as such either because they meet the definition of DASS in the California Education Code,¹ or because a school has applied to the CDE 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 because of our focus on alternative education settings that purportedly serve all high-risk students but that frequently enroll students by no choice on the part of the students.³

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 by traditional school districts to serve students age 16 or older who voluntarily transfer or are involuntarily transferred due to disciplinary infractions or habitual truancy/irregular attendance. **444 schools**

Which Students Attend California’s Alternative Schools?

In the 2018-19 school year, the total fall enrollment for all 1,117 DASS schools was 157,397 students. The 813 alternative schools we studied – continuation high schools, community day schools, county community schools, opportunity schools, juvenile court schools, and Division of Juvenile Justice schools – enrolled nearly 75,000 students on “Census Day,” the annual fall date on which the state counts student enrollment and other data on student demographics and academic outcomes.

Because alternative education students are highly mobile and may not be enrolled in an alternative school for the entire school year, these Census Day enrollment numbers significantly understate the number of students enrolled in California alternative schools during the course of a year. In fact, the total list of 1,117 DASS schools reported cumulative enrollment – enrollment over the entire school year – of nearly 325,000 students in the 2018-19 school year.

The 813 alternative schools we studied reported cumulative enrollment of over 146,000 students during the 2018-19 school year. By dividing cumulative enrollment by Census Day enrollment, we found that these 813 schools enrolled about 2 students per each enrollment slot in their schools. We can thus assume that, on average, students spent about half a year in those schools. A 2016 study found that alternative education students spent an average of only four months in their alternative education setting,⁵ which reinforces our finding that alternative education enrollment is typically short-term and impacts many more students than are visible through Census Day enrollment data.

Census Day data from the California School Dashboard⁶ clearly demonstrates that these 813 alternative education settings enroll a disproportionate number of Black, Native American and Latino students, as well as a disproportionate number of socioeconomically disadvantaged students, students with disabilities, students in foster care, and students who are experiencing homelessness.

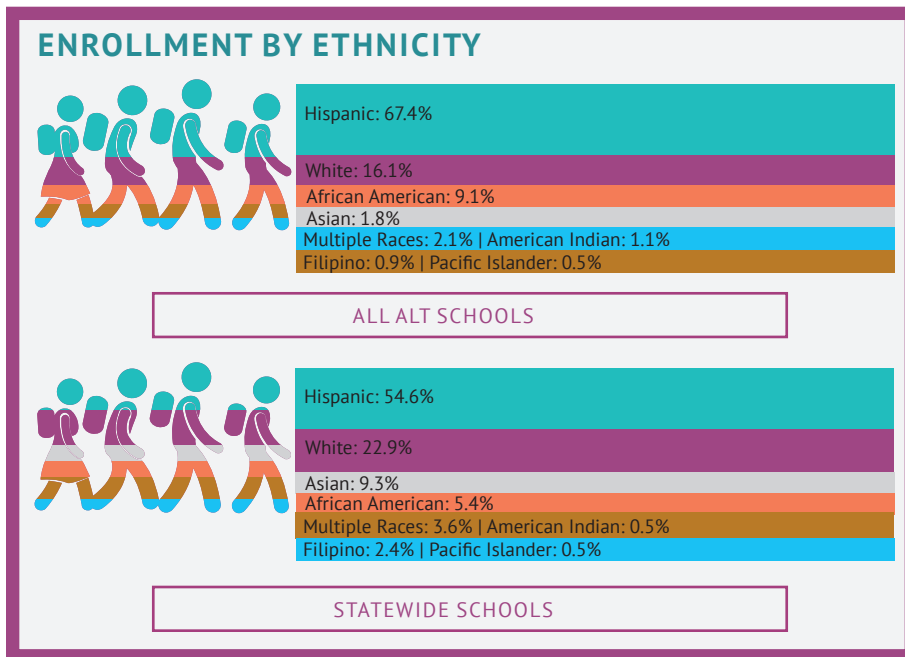
Accountability for Independent Study Programs

Independent study is not a separate school category within California’s public education system, yet despite the lack of data available, this type of alternative education setting appears to be ubiquitous across counties. Independent study is a voluntary program that offers a different type of instruction to students, while providing the same curriculum as similar classroom-based schools. Regular districts or county offices of education can offer independent study programs.

In 2014, then-Governor Jerry Brown signed an education finance bill, California Education Code § 51749.5, that in part required the California Department of Education (CDE) to release an evaluation report on independent study programs. The report needed to include a comparison of the outcomes of enrolled students to “demographically similar pupils” in equivalent classes. Though due on September 1, 2019, this independent study evaluation report was not published on the California Agency Reports website at the time of this report’s publication. The CDE should prioritize this evaluation report. Once released, the evaluation report could provide valuable data as to whether and how independent study programs are serving the students enrolled in that setting.

Data at a Glance

We reviewed publicly available data for 813 alternative education schools in California to compare differences in enrollment and academic outcomes between students in those alternative schools and all schools statewide during the 2018-19 school year. We also disaggregated County Office of Education alternative schools from district-run alternative schools to compare alternative students' outcomes under each governance structure. Our findings are illustrated below. See pg. 3 of this report for an explanation of why we focused on those 813 alternative schools.



ALTERNATIVE SCHOOLS ENROLL **SIX TIMES** AS MANY STUDENTS IN FOSTER CARE AS ALL SCHOOLS STATEWIDE.

6x

ALTERNATIVE SCHOOLS SUSPEND STUDENTS AT A RATE THAT IS **THREE TIMES** THE RATE OF ALL SCHOOLS STATEWIDE.

3x

ALTERNATIVE SCHOOLS ENROLL **TWICE** AS MANY STUDENTS EXPERIENCING HOMELESSNESS AS ALL SCHOOLS STATEWIDE.

2x

THE STATEWIDE "COLLEGE/CAREER READINESS" RATE IS **15 TIMES** HIGHER THAN THE RATE IN ALTERNATIVE SCHOOLS.

15x

Charts summarizing data on enrollment and academic outcomes will be available at youthlaw.org.



A COMPARISON BETWEEN COUNTY OFFICE OF EDUCATION (COE) ALTERNATIVE SETTINGS AND COMPREHENSIVE SCHOOL DISTRICT-RUN (DISTRICT-RUN) ALTERNATIVE SETTINGS SHOWS DIFFERENCES IN ENROLLMENT AND ACADEMIC OUTCOMES FOR STUDENTS.

While African American students, Native American students and students in foster care are disproportionately enrolled in all types of alternative settings, the magnitude of disproportionality for these student groups is higher in COE-run alternative schools than in district-run alternative schools.



The suspension rate in district-run alternative schools is three times the rate of all schools statewide.



The suspension rate in COE-run alternative schools is two times the statewide rate.



District-run alternative settings reported a chronic absenteeism rate of 46%, nearly five times the statewide chronic absenteeism rate of all schools statewide.

Less than a quarter of district-run alternative settings reported chronic absenteeism rates to the state, versus a 75% reporting rate for COE-run schools. This low report rate may, but does not necessarily, explain the extremely high chronic absenteeism rate among the district-run schools that did report.

46%
CHRONIC ABSENTEEISM



75%
VS
25%
REPORTING RATE



Charts summarizing data on enrollment and academic outcomes will be available at youthlaw.org.

How Do Students Enter Alternative Schools?

The pathways by which students enter alternative schools vary by type of school. Refer to the “Types of Alternative Schools” information box on page 3 for more information about reasons students may enroll in each type of school. It is clear that school districts’ decisions about school discipline play a direct role in the transfer of students to community day schools, continuation high schools, and county community schools. School Attendance Review Boards (SARBs), probation officers, and juvenile courts can also make decisions or recommendations to send students to alternative settings.

How are Traditional Schools Accountable for the Outcomes of Students in Alternative Education Placements?

The school that sends a student to an alternative education setting is not accountable for that student’s education outcomes - such as graduation rate and college/career readiness rate - if that student enrolls in high school at an alternative school. This is despite the fact that the average alternative education student spends less than a full school year in the alternative setting, and therefore receives the majority of their schooling from their comprehensive school. This single, versus shared, accountability system may incentivize comprehensive schools to transfer students to alternative education settings to improve their own accountability metrics. A shared accountability system, in which both sending and alternative schools are responsible for reporting certain education outcomes of their students, may guard against this perverse incentive.⁷ Such a system does not currently exist in California.

How Are California Alternative Schools Accountable for the Outcomes of Students?

Alternative schools and the districts managing them are responsible for the outcomes of their students in multiple ways.

1. Performance on State Indicators and Systems of Support

As part of California's education accountability system, the California School Dashboard is an online tool that describes schools' performance levels in a variety of ways. The California School Dashboard is a compilation of brief reports that aggregate data reported by schools to the California Longitudinal Pupil Achievement Data System ("CALPADS").⁸ This data includes enrollment, suspension, graduation, and college/career readiness rates.

Alternative schools with the DASS designation report the same types of data as traditional schools, with some modifications (i.e., a one-year graduation rate). CDE first provided DASS schools with Dashboard reports based on their students' CALPADS data in 2018.

Advocates and community stakeholders can identify big-picture trends in academic outcomes by using the California Data Dashboard. However, advocates should note that, as explained above, enrollment and academic outcomes data for individual schools are reported based on Census Day enrollment, and thus many alternative education students may not even show up in alternative school data due to their short period of enrollment. Thus, advocates should also reach out more frequently to school leadership to obtain disaggregated student enrollment data and information on academic outcomes and provide input on needed school improvements.

THE SYSTEM OF SUPPORT FOR INDIVIDUAL SCHOOLS IS PARTICULARLY RELEVANT TO ALTERNATIVE EDUCATION.

2. State and Federal Systems of Support

As with all public school districts in California, the CDE may intervene if districts operating alternative education schools report poor outcomes for students. For example, the CDE may intervene in districts operating alternative schools that fail to improve student achievement across more than one priority area for one or more student groups. The districts may receive either "differentiated" (Level 2) or "intensive" (Level 3) interventions from the CDE, County Offices of Education, and the California Collaborative for Educational Excellence. These interventions should be individually designed based on a district's need.

California's system of support for districts intersects with the federally mandated system of support for individual schools. Starting in 2018 under the Every Student Succeeds Act (ESSA), schools, including alternative schools, that meet various criteria such as the lowest-performing 5% of Title I schools in the state, must be able to access a system of support. In California, school districts develop or approve the school-level improvement plans for any of their schools that are flagged for additional support. The CDE provides limited support to all districts to help them navigate the school improvement process, but individual school improvement is largely locally controlled. County Offices of Education also support districts within their counties by providing technical assistance.

The system of support for individual schools is particularly relevant to alternative education. The district-focused statewide system of support may obscure poor outcomes in individual alternative schools, but presumably, those individual alternative schools that need additional support will be identified through the ESSA-mandated system of support. Because the federal system of support is new, advocates and community stakeholders should monitor the type and intensity of support that alternative schools in their locality identified for individual support are receiving.⁹

3. Local Control and Accountability Plans

Under California law, all school districts, including districts and County Offices of Education that operate alternative schools, must develop Local Control and Accountability Plans (“LCAPs”) to set goals, plan actions, and allocate resources to improve student outcomes. During the LCAP development process, students, caregivers and other stakeholders provide input on district planning and ensure districts follow through on this plan for student improvement. LCAPs must include discussion of how the district’s budget is allocated to provide services and assistance to high-needs students, including youth who are in foster care, are low-income, or are English Learners.

Comprehensive school districts do sometimes include in their LCAPs explicit discussion of services provided to students in their alternative schools (e.g. continuation or community day schools). However, this is not a consistent practice. County Offices of Education, on the other hand, fairly consistently discuss services and budget related to their alternative schools (e.g. court and community schools), because the majority of schools they operate fall into those categories.

All school districts, including County Offices of Education, should provide explicit information about their alternative education settings in their LCAPs. Comprehensive school districts should take care to highlight how funding intended to increase or improve services for high-needs students is used to support students in alternative education settings. County Offices of Education and comprehensive school districts alike should describe their resources for alternative education settings with a high level of transparency and detail, particularly because of the disproportionate rate of youth in foster care and youth who are low-income who are enrolled in alternative schools. Finally, students, caregivers and other stakeholders should try to provide input on how districts can provide needed services in their alternative schools.

4. Annual Evaluation Reports

In addition to accountability on state and local indicators, California law requires each district to provide evaluation reports about alternative schools they operate. While this provision would appear to provide an accountability mechanism, the CDE reported that it only applied to 270 schools in 2019. These schools were all “alternative schools of choice” – a category of schools not focused upon in this analysis of 813 alternative schools of interest.

However, these annual evaluation reports include a rich body of information. The evaluations identify variables that may have affected student academic achievement and also include teacher, parent, and student input. While the list of required variables appears comprehensive and therefore helpful to students, families and

COMPREHENSIVE SCHOOL DISTRICTS SHOULD TAKE CARE TO HIGHLIGHT HOW FUNDING INTENDED TO INCREASE OR IMPROVE SERVICES FOR HIGH-NEEDS STUDENTS IS USED TO SUPPORT STUDENTS IN ALTERNATIVE EDUCATION SETTINGS.

other stakeholders who need to better understand alternative school priorities and outcomes, there appear to be no incentives for alternative schools of choice to submit these reports under current law. There are no consequences, whether fiscal penalties or otherwise, for schools that fail to submit the reports. Additionally, the reports are not available for public review.

The CDE should consider developing an incentive system to motivate school districts to complete Annual Evaluation Reports in a timely manner. Additionally, it should publicize these reports for review by advocates and community stakeholders.

Finally, advocates should push for analogous annual evaluation reports for all alternative education settings, not just alternative schools of choice. These reports could be integrated into annual district LCAP, since the state accountability mechanisms described above simply do not adequately capture and address the experiences of students enrolled in alternative education settings.

5. Federal Oversight

Under federal law, all school districts, including districts and County Offices of Education that operate alternative schools, must report school-level civil rights-related data to the U.S. Department of Education for the Civil Rights Data Collection (CRDC). Districts must submit data every other year. The most recent CRDC, collected in 2017-18, included data elements such as: whether the school is an alternative school, and if so, whether students are enrolled for academic or disciplinary reasons (or both); education information on schools in juvenile justice facilities; school discipline data; school arrest data; school finance data; and more. All CRDC data are publicly available on the CRDC website.¹⁰

UCLA FOUND “SOME OF THE MOST DISTURBING RATES AND DISPARITIES” IN SCHOOL DISCIPLINE IN ALTERNATIVE SCHOOLS.

In addition to the CRDC, the federal government has published multiple reports on alternative education across the country. In June 2019, the U.S. Government Accountability Office (GAO) released a report on racial and other disparities in alternative schools.¹¹ Relying on 2013-14 and 2015-16 CRDC data, school visits, and interviews, the GAO found that Hispanic students, Black students and boys with disabilities were overrepresented in alternative schools compared to non-alternative schools. This finding is unfortunately similar to data on California’s alternative school enrollment, as described above.

Further analysis of CRDC data related to alternative education could illuminate additional challenges that California’s alternative students face. For example, the Center for Civil Rights Remedies of UCLA’s Civil Rights Project (UCLA) recently analyzed 2015-16 CRDC data on school discipline and found “some of the most disturbing rates and disparities” in alternative schools: extremely high rates of days of lost instruction due to out-of-school suspensions.¹² Black students and students with disabilities in alternative schools lost the highest number of days of instruction due to school discipline. In a previous report based on 2014-15 CRDC data, UCLA found that similar racial disparities in days of lost instruction existed for Black students in California’s County Office of Education-run alternative schools.¹³ Therefore, stakeholders and policymakers in California should advocate for greater data transparency – such as annual data on days of lost instruction due to suspension – and more nuanced accountability indicators specific to school discipline in alternative schools.

Federal policymakers have not only focused on alternative education data, but also accountability. In March 2020, the GAO released an audit report comparing state accountability systems for alternative schools. The GAO reviewed 15 states' accountability systems, including California's. While the GAO concluded all 15 states used at least one accountability indicator useful for assessing achievement in alternative settings, such as college/career readiness and extended-year graduation rates, only four states had additional accountability indicators for alternative settings, such as academic persistence or credit accrual. Although California was not one of those four states, additional modified measures for alternative education accountability are currently under consideration in the state. State policymakers should prioritize the finalization of these modified measures to provide a more nuanced and potentially accurate picture of which alternative education settings require intervention and support.

Looking To the Future of Alternative Education Accountability

While the California School Dashboard data analyzed for this report only provides a small glimpse into alternative education, the information is significant. Now that the California Department of Education is publishing data on alternative school students and their education outcomes, we see that California's most vulnerable students are disproportionately enrolled in alternative education settings. Their academic outcomes, whether influenced primarily by their experiences before alternative education or within it, are measuring far behind the outcomes of their peers in comprehensive schools.

Policymakers, advocates and community stakeholders should work together to collect more data and research on issues not discussed in this report, such as:

- › Trends in voluntary and involuntary transfers to alternative schools, and the availability of fair, transparent transfer processes;
- › The availability of certificated teacher and licensed mental health and other support staff in alternative education settings;
- › The degree to which underserved students are placed in independent study and credit recovery programs, whether those programs are categorized as "alternative education" or otherwise; and
- › The availability of appropriate special education services and accommodations in alternative education settings.

Finally, as noted throughout the report, policy advocacy is necessary to support the success of students at risk of e-nrollment or enrolled in alternative education. Advocates could urge for:

1. A shared accountability system, in which both the sending comprehensive school and the receiving alternative school are accountable for a student's academic outcomes, such as graduation rate and college/career readiness;
2. Local monitoring of and engagement with alternative schools identified for support based on federal identification metrics;
3. Timely, publicly available annual evaluation reports for all alternative schools;
4. Greater data transparency and specific accountability indicators regarding school discipline in alternative schools; and
5. Expedited approval of modified accountability indicators for alternative schools.

Alternative education settings serve a large and disproportionate number of underserved students, but the accountability systems to monitor and support their students' outcomes are weak. It is pivotal that advocates and community stakeholders understand and engage with this part of California's public education system in order to advance educational equity for all students.

Endnotes

¹ Cal. Educ. Code § 52052(d).

² In February 2020, NCYL downloaded an Excel file from the CDE website entitled “2019 Active DASS Schools,” which listed 1117 DASS schools. The spreadsheet has since been modified and is no longer available in its original form. See Cal. Dep’t of Educ., “Active DASS Schools,” <https://www.cde.ca.gov/ta/ac/activeschools.asp>.

³ This data analysis excludes DASS schools that fall into the following school categories: alternative schools of choice, district special education consortia, home and hospital, special education schools, and “traditional” schools, which appear to be public charter schools. Alternative schools of choice and traditional schools appear to enroll students who join the school setting voluntarily. District special education consortia, home and hospital, and special education schools are special placements for students who must qualify based on their special education and/or other health needs. If you are interested in obtaining data summaries about excluded school categories, please contact the National Center for Youth Law.

⁴ The number of schools for each category is based on the number of such schools that are displayed on the 2018-19 California School Dashboard.

⁵ See Paul Warren, “Accountability for California’s Alternative Schools,” Public Policy Institute of California (May 2016), at 10.

⁶ These data are based on publicly available California School Dashboard 2018-19 data for alternative education settings in all California counties. These data take into account modified measures for the Graduation Rate Indicator that have been approved by the California State Board of Education. However, several proposed measures for the College/Career Readiness Indicator, Academic Indicator and Local Indicators on the California School Dashboard are still under consideration and therefore do not factor into these data outcomes. See California School Dashboard Frequently Asked Questions, <https://www.caschooldashboard.org/about/faq> (last visited October 14, 2020).

⁷ See id. at 16.

⁸ Cal. Educ. Code § 60900.

⁹ Schools eligible for ESSA assistance are identified in data spreadsheets on the CDE website, <https://www.cde.ca.gov/sp/sw/t1/essaassistdatafiles.asp> (last visited October 15, 2020).

¹⁰ See U.S. Dep’t of Educ., Civil Rights Data Collection, <https://ocrdata.ed.gov/>.

¹¹ U.S. Gov’t Accountability Off., GAO-19-373, K-12 Education: Certain Groups of Students Attend Alternative Schools in Greater Proportions Than They Do Other Schools (2019), <https://www.gao.gov/reports/GAO-19-373/#Highlights>.

¹² Dan Losen & Paul Martinez, Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn vii (2020), <https://www.civilrightsproject.ucla.edu/research/k-12-education/school-discipline/lost-opportunities-how-disparate-school-discipline-continues-to-drive-differences-in-the-opportunity-to-learn/Lost-Opportunities-REPORT-v12.pdf>.

¹³ Dan Losen & Amir Whitaker, Lost Instruction: The Disparate Impact of the School Discipline Gap in California i (2017), https://www.civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/summary-reports/lost-instruction-the-disparate-impact-of-the-school-discipline-gap-in-california/UCLA_Lost-Instruction_R7-102317.pdf.

¹⁴ U.S. Gov’t Accountability Off., GAO-20-310, K-12 Education: Information on How States Assess Alternative School Performance (2020), <https://www.gao.gov/assets/710/705567.pdf>.



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