



Virginia
Commission on Youth

Study of Alternative Education Options

October 3, 2006
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Presentation Outline

- Study Mandate
- Study Activities
- Virginia Student Disciplinary Policies
- Disciplinary Outcomes in Virginia Schools
- Impact of Federal Requirements on Student Discipline
- Regional Alternative Education Programs
- Identified Issues
- Findings and Recommendations



Study Mandate

- The Commission on Youth approved the following recommendation at its May 2006 meeting:
 - Direct the Commission on Youth to explore data available at the Department of Education to determine whether a problem exists in Virginia regarding the number of school suspensions and expulsions within Virginia public schools, and, if so, make recommendations to address the study findings.
 - Conduct a review of Alternative Education programs for suspended and expelled youth utilized in the Commonwealth.



Study Activities

- *Review of Expulsion and Suspension Data*
 - Identify number of students in the Commonwealth, by locality, who have been either suspended or expelled.
 - Review various challenges facing school districts in the Commonwealth regarding suspensions or expulsions.



Study Activities

- *Review state/federal requirements for school divisions' suspension and expulsion policies*
 - Review impact of No Child Left Behind (NCLB).
 - Review impact of Gun-Free Schools Act of 1994.
 - Review other federal programs impacting school disciplinary approaches (Safe and Drug-Free School and Communities Act).
 - Review state disciplinary guidelines that outline requirements for suspensions and expulsions.



Study Activities

- *Review of Alternative Education Approaches*
 - Review existing alternative education schools/programs for suspended and expelled youth.
 - Conduct site visits to alternative education programs.
 - Examine restorative justice and its potential as a solution for students facing disciplinary action by school divisions.



Study Activities

■ *Site Visits*

- **Roland E. Cook School** – Roanoke & Bedford Counties
- **Project RETURN** – Fluvanna, Alleghany Highlands, Bath, Botetourt, Buchanan, Charles City, Clarke, Craig, Culpeper, Floyd, Franklin, Giles, Grayson, Greene, Halifax, Highland, Lancaster, Madison, Orange, Shenandoah, and Smyth Counties; Radford City
- **Bermuda Run Alternative Education Program** – Petersburg, Colonial Heights, Hopewell Cities; Dinwiddie, Prince George, and Sussex Counties
- **Metro-Richmond Alternative Education Program** – Richmond City; Hanover and Henrico Counties



Study Activities

■ *Convened Workgroup*

Invited representatives from impacted groups:

- Department of Education
- Virginia PTA
- Virginia Education Assn.
- Association of Elementary School Principals
- Department of Criminal Justice Services
- Department of Juvenile Justice
- School Safety Specialists
- Virginia Alternative Education Association
- Virginia School Board Association
- Association of School Superintendents
- Association of Secondary School Principals
- Association of Middle School Principals
- School Resource Officers
- School Principals
- School Administrators
- Alternative Education Principals/Directors
- Commission on Youth Members



Study Activities

Advisory Group defined key issues for study effort:

- Variation of local school practices and reporting procedures based on local Codes of Student Conduct.
- Impact of No Child Left Behind (NCLB) and Gun-Free Schools Act on student discipline.
- Acknowledgment of existing procedures, including appeals, for expulsion and exclusion.
- Acknowledgment of previous study on student discipline.



Virginia Student Disciplinary Policies

- Virginia law requires school boards to develop student conduct policies that are consistent with state and federal laws.
- Each school division is authorized to develop their own student conduct policies.
- A school division's *Code of Conduct* is tailored to address the diverse needs of the school division.
- Accordingly, there are significant differences in policies among school divisions.
- Such differences affect the manner that a disciplinary offense is counted and reported along with a resulting disciplinary action.

Source: Virginia Department of Education Annual Report on Discipline, Crime, and Violence for 2004-2005.



Virginia Student Disciplinary Policies

- Va. Code § 22.1-276.2. gives teachers authority to remove a student from a class for disruptive behavior and requires all school boards to establish the criteria for teachers to remove disruptive students, requirements for reporting incidents of disruptive behavior, procedures for written notification to a student and the student's parents, guidelines for alternative education assignment, and procedures for the return of students to class and teacher participation in the decision.

Source: Virginia Board of Education Student Conduct Policy Guidelines, 2005.



Virginia Student Disciplinary Policies

- **Expulsion** is any disciplinary action imposed by a school board or a committee, as provided in school board policy, where a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.
- **Long-term suspension** is any disciplinary action where a student is not permitted to attend school for more than ten school days but less than 365 calendar days.
- **Short-term suspension** is any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.
- **Exclusion** is a Virginia school board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

Source: Va. Code § 22.1-276.01.



Virginia Student Disciplinary Policies

- **Va. Code § 22.1-277** authorizes the suspension or expulsion of pupils “for sufficient cause,” including acts off school property when the acts lead to an adjudication of delinquency, a conviction of certain offenses, or a charge that would be a felony if committed by an adult.
 - **Va. Code § 22.1-277.07.** requires school boards to expel students who bring a firearm or other destructive device onto school property or to a school-sponsored event in violation of the Gun-Free Schools Act of 1994.
 - **Va. Code § 22.1-277.08.** requires school boards to expel students who bring a controlled substance, imitation controlled substance, or marijuana onto school property or to a school-sponsored event.
- Recommendations for expulsion for other than weapons and drug offenses are required to be based on consideration of factors specified in the *Code*, including the nature and seriousness of the violation and the student’s disciplinary history.
- School boards are authorized to consider factors listed in **§ 22.1- 277.06.** in determining “special circumstances” in particular cases that would justify another disciplinary action.



Virginia Student Disciplinary Policies

- **Va. Code § 22.1-277.05.** authorizes long-term suspensions and procedures for suspension and for readmission.
- **Va. Code § 22.1-277.04.** authorizes short-term suspensions, as well as procedures, for suspension and for readmission.



Virginia Student Disciplinary Policies

- School board policies may be more rigid than those previously noted, as long as they do not violate other state and federal laws.
- A local policy may permit/require students who are long-term suspended or expelled to attend an alternative education program.

Source: *Virginia Annual Report on Discipline, Crime, and Violence, 2004-2005.*



Disciplinary Outcomes in Virginia Schools in 2004-2005

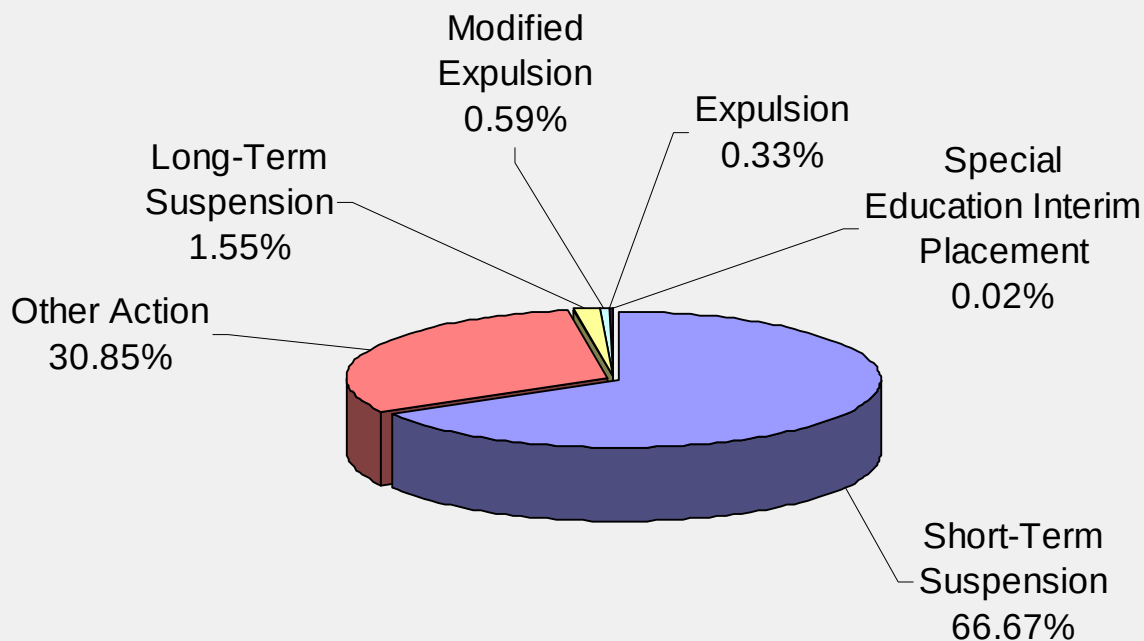
- Over 66% (200,945) of the disciplinary actions involved short-term suspensions.
- Over 30% (92,996) involved “other action” that did not involve suspension or expulsion.
- Long-term suspension constituted 1.55 percent (4,661) of disciplinary actions.
- Expulsion constituted only 0.33 percent (985) of disciplinary actions.
- Expulsions were reported modified 1,771 times, representing .59 percent of disciplinary actions.
- Special education interim placements were used 63 times, resulting in 0.02 percent of disciplinary actions.

Source: *Virginia Annual Report on Discipline, Crime, and Violence, 2004-2005.*



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Disciplinary Outcomes in Virginia Schools in 2004-2005



Source: *Virginia Annual Report on Discipline, Crime, and Violence, 2004-2005.*



Disciplinary Outcomes in Virginia Schools in 2004-2005

Most Frequently Occurring Offenses Resulting in Short-Term Suspensions, 2004-2005		
Other Offenses	135,931	67.19%
Disorderly Conduct	31,123	15.38%
Fighting - No/Minor Injury	19,722	9.75%
Assault/Battery against Student/No Weapon	4,928	2.44%
Tobacco	3,694	1.83%
Threat against Students	3,602	1.78%
Theft	3,298	1.63%

Source: *Virginia Annual Report on Discipline, Crime, and Violence, 2004-2005.*



Disciplinary Outcomes in Virginia Schools in 2004-2005

Most Frequently Occurring Offenses Resulting in Long-Term Suspensions, 2004-2005		
Other Offenses	1,790	46.98%
Assault/Battery against Student No Weapon	459	12.05%
Use or Possession of a Knife	406	10.66%
Disorderly Conduct	358	9.40%
Fighting - No/Minor Injury	347	9.11%
Threat against Students	268	7.03%
Theft against Staff	182	4.78%

Source: *Virginia Annual Report on Discipline, Crime, and Violence, 2004-2005.*



Disciplinary Outcomes in Virginia Schools in 2004-2005

Most Frequently Occurring Offenses Resulting in Expulsions, 2004-2005		
Use or Possession of Schedule I or II Drugs	350	44.64%
Other Offenses	149	19.01%
Use or Possession of a Knife	86	10.97%
Assault/Battery against Student/No Weapon	62	7.91%
Unlawful Possession with Intent to Distribute or Sell Schedule I or II Drugs	58	7.40%
Assault/Battery against Staff/No Weapon	42	5.36%
Disorderly Conduct	37	4.72%

Source: *Virginia Annual Report on Discipline, Crime, and Violence, 2004-2005.*



Impact of Federal Requirements on Student Discipline NCLB Performance Goals

- Local school divisions must ensure that schools have a *Code of Conduct* that:
 - ❖ Allows a teacher to communicate effectively with all students.
 - ❖ Allows all students in the class to learn.
 - ❖ Has consequences that are fair and developmentally appropriate.
 - ❖ Considers the student and the circumstances of the situation.
 - ❖ Is enforced accordingly.



Impact of Federal Requirements on Student Discipline NCLB Performance Goals

- All students will be educated in learning environments that are safe, drug free, and conducive to learning.
- Local school divisions must ensure that schools have:
 - Appropriate and effective school discipline policies that prohibit disorderly conduct, illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs.
 - Security at school and while students are on the way to or from school.
 - Prevention activities designed to create and maintain safe, disciplined, and drug-free environments.
 - A crisis management plan for responding to violent or traumatic incidents on school grounds.



Impact of Federal Requirements on Student Discipline NCLB Performance Goals

- Unsafe Schools Choice Option
 - Local school divisions must allow students who attend a persistently dangerous public school or who become victims of a violent criminal offense on school grounds to transfer to a “safe” public school.
 - The Virginia Board of Education’s “Unsafe School Choice Option” policy was adopted in May 2002.
 - A school exceeding its established threshold over a three-year timeframe may be designated cautioned, on probation, or persistently dangerous. Schools so designated must develop corrective action plans and are subject to graduated interventions.



Impact of Federal Requirements on Student Discipline Gun-Free Schools Act of 1994

- The Gun-Free Schools Act requires each state receiving federal funds to have in effect a state law requiring local educational agencies (LEAs) to expel from school for a period of not less than one year a student who was determined to have brought a firearm to school.
 - In 2004-2005, approximately 36 such offenses resulted in expulsion.
- The LEA may modify the expulsion requirement on a case-by-case basis.
 - Approximately 77 offenses resulted in modified expulsions.

Source: U.S. Department of Education Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, 1146.



Impact of Federal Requirements on Student Discipline Individuals with Disabilities Education Act (IDEA)

- IDEA requires that students continue to receive educational services, when disciplinary action is taken against these students, even if they are expelled.
 - The school must perform a pre-expulsion assessment.
 - The school must demonstrate it has made reasonable efforts to minimize the risk of harm in a student's educational placement.
 - The student's Individual Education Plan (IEP) may be modified to address and prevent recurrence of inappropriate behavior.

Source: American Academy of Pediatrics, 2003.



Impact of Federal Requirements on Student Discipline Individuals with Disabilities Education Act (IDEA)

- If a student with a disability is suspended for more than ten days within a school year, the IEP team must meet to consider appropriate next steps.
- If the violation is a manifestation of the disability, suspensions of more than ten days will be considered a change in placement.

Source: American Academy of Pediatrics, 2003.



Alternative Education Programs

- As defined by regulation, alternative education programs are designed to help students acquire the knowledge and develop the skills and attitudes reflected in the goals of education for Virginia's public schools.
- Alternative education programs may include those for gifted and talented students, and for students enrolled in vocational education classes; however, alternative education is not limited to these programs.

Source: 8VAC20-330-10



Alternative Education Programs

- Virginia statute permits school boards to permit/require students expelled for weapons or drug-related offenses to attend an alternative education program provided by the school board for the term of the expulsion.
- In addition to students who have been expelled, school board policy may permit or require students suspended for more than 10 days to attend an alternative education program provided by the school board for the term of the suspension in accordance with procedures set forth in [§ 22.1-277.2:1. of the Code](#).
- Alternative education programs are authorized but not required to be established.
- Additionally, in accordance with [§ 22.1-277.2:1. of the Code](#), school boards may require any student who has been found in possession of, or under the influence of, drugs or alcohol in violation of school board policy to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.



Alternative Education Programs

- **Va. Code §22.1-276.01.** defines alternative education program as “including, but not limited to, night school, adult education, or any other educational program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.
- Alternative education programs are distinguishable from the student's regular school placement. Alternative settings are typically established for students who have been removed from the regular school program.*

*Source: U.S. Department of Education Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, 1146.



Alternative Education Programs Regional Programs

Program Purpose

- Regional Alternative Education programs are designed to meet the specific individual needs of students assigned to the programs.
- These needs are different from those objectives specified in the traditional school system.
- The program purposes reported by all programs to be consistent with their program are:
 - reducing the dropout rate;
 - building self-esteem and responsibility;
 - returning students to the sending high school to graduate; and
 - correcting dysfunctional or dangerous behavior.

Source: *Virginia Board of Education Report on Regional Alternative Education Programs, 2005.*



Alternative Education Programs Regional Programs

- The General Assembly provided funding to establish and maintain regional programs.
- During the 2004-2005 school year, state funding was \$5,486,348.
- A Department of Education formula based on staffing patterns and the composite index of local ability to pay determines funding.
- No local matching funds are required. School divisions provide in-kind support for such items as instructional materials, additional staff, pupil transportation, and facilities.



Alternative Education Programs Regional Programs

- Program Design
 - annual assessment of placement
 - Intensive instructional program with high standards for academic achievement and student behavior
 - low pupil-teacher ratio (average ratio is one teacher for every 10 students)
 - collaborative efforts with parents and the community
 - program evaluation
 - staff development and training.
- Services may include classroom instruction to distance learning, from day and after school programs to evening programs.

Source: *Virginia Board of Education Report on Regional Alternative Education Programs, 2005.*



Alternative Education Programs Regional Programs

■ Services to Students

- Educational - core subject instruction, vocational, remediation, tutoring
- Counseling - individual, group, family
- Social skills training
- Career counseling - work adjustment, job shadowing, mentoring, work/study agreements
- Technology education - direct instruction, networking, Internet, research
- Field trips
- Conflict resolution and mediation
- Drug prevention education

Source: Virginia Board of Education Report on Regional Alternative Education Programs, 2005.



Alternative Education Programs Regional Programs

■ Best Practices

- Differentiated instruction
- Flexible scheduling
- Dress code
- Small class size
- Use of behavior modification
- Computer-assisted instruction
- Use of conflict mediation strategies
- Hands-on assignments
- Students in specially designed settings
- Individual attention
- Parent/school/business/community partnerships



Alternative Education Programs Regional Programs

■ Performance Results

- Data gathered by the Department of Education indicates that a large percentage of the 3,903 students served in 2004-2005 were assigned as a “last chance.”
 - ❖ Most of these students were at risk of dropping out, being expelled permanently, or failing academically.
 - ❖ Some had already been incarcerated, and the violations that led to their suspensions suggest many others were candidates for future incarceration.

Source: Virginia Board of Education Report on Regional Alternative Education Programs, 2005.



Alternative Education Programs Regional Programs

■ Performance Results

- Approximately 30% of the administrators stated that overall disciplinary incidences “substantially decreased” and another 30% report that overall incidences “decreased somewhat” for a combined 60% of responses reflecting at least some decrease in discipline, crime, and violence incidence.
- For the more serious physical violence and firearms categories, 65% of the responses reflect some or substantial decreases in incidences.
- Only 7% of the responses represent perceived increases in disciplinary incidences and two-thirds of those are related to the less severe or violent substance abuse violations and offenses against property.

Source: *Virginia Board of Education Report on Regional Alternative Education Programs, 2005.*



Alternative Education Programs Regional Programs

■ Performance Results

- Of the youth enrolled in these programs, 60% remained in school, 11% were awarded a GED, and 7% dropped out. The dropout rate for these students is 7 percent. The expulsion or dismissal rate is 6.7 percent.
- Approximately two-thirds of the eligible regional alternative students served during the 2004-2005 school year graduated or received GED certificates (through ISAEP).
- Of the remaining students who were not eligible to graduate in the 2004-2005 school year, approximately 70% remained in school at the beginning of the 2005-2006 school year.

Source: Virginia Board of Education Report on Regional Alternative Education Programs, 2005.



Alternative Education Programs Regional Programs

Had it not been for the Regional Alternative Education Projects, supported by state and local tax dollars, many of these students would have been unable to continue their formal education, return to the school of origin, earn a GED, or graduate from high school.

Dr. Daniel Duke, University of Virginia professor



Alternative Education Programs

- Alternative education programs provide many disciplined students an opportunity to continue their education.
- Alternative education programs may prevent a student from dropping out or becoming involved with the criminal justice system.

Other Identified Issues

Restorative Justice in Schools

- *Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.*

Source: Howard Zehr, *The Little Book of Restorative Justice*.

Other Identified Issues

Restorative Justice in Schools

- Central focus: victim needs and offender responsibility for repairing harm.
- Violations create obligations.
- Justice involves victims, offenders, and community members in efforts to put things right.

Source: *International Institute for Restorative Practices - SaferSanerSchools/Real Justice Programs.*



Other Identified Issues

NCLB Title IV A: Safe and Drug-Free Schools and Communities Acts

- The Safe and Drug-Free Schools and Communities Acts supports programs that:
 - prevent violence in and around schools;
 - prevent the illegal use of alcohol, tobacco, and drugs;
 - involve parents and communities; and
 - foster safe and drug-free learning environment that supports student academic achievement.



Other Identified Issues

NCLB Title IV A: Safe and Drug-Free Schools and Communities Acts

- Educational agencies may use funds made available from this Act to develop, implement, and evaluate:
 - *alternative education programs* or services for violent or drug abusing students that reduce the need for suspension or expulsion or that serve students who have been suspended or expelled from the regular educational settings, including programs or services to assist students to make progress toward meeting state academic standards and to reenter the regular education setting.
 - community service, including community service performed by expelled students, and service-learning projects.



Other Identified Issues

NCLB Title IV A: Safe and Drug-Free Schools and Communities Acts

■ Total Allocation to Virginia	\$6,414,756
➤ Governor's Office (20%)	\$1,282,951
➤ VDOE (80%)	\$5,131,805
■ School Divisions (93%)	\$4,772,579
■ VDOE (7%)	\$ 359,226



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Other Identified Issues

NCLB Title IV A: Safe and Drug-Free Schools and Communities Acts

- Programs serve students before they become disciplinary problems.
- Research indicates that school-based prevention programs can increase appropriate behavior and decrease frequency and intensity of inappropriate behavior.
- These programs are also important because they reduce violence and aggression by changing the school environment.
- Program Examples
 - Bullying Prevention Education for staff
 - Anger Management/Violence prevention
 - Life Skills Programs
 - Teacher Education programs
 - Needs Assessment



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Other Identified Issues

NCLB Title IV A: Safe and Drug-Free Schools and Communities Acts

- Previous studies have shown that 10-15% of students will not respond to primary prevention efforts.
 - This includes 1-7% of those who exhibit serious or chronic behavior issues.
 - This subgroup accounts for almost half of the major behavioral disruptions at school.
- These are the students who are removed from school to ensure the safety of other students and staff.
- These excluded students require more intensive, targeted interventions.

Source: Universities Children's Policies Partnership.



Other Identified Issues

NCLB Title IV A: Safe and Drug-Free Schools and Communities Acts

- There have been significant reductions to the Safe and Drug-free School grants.
 - In 2006, the level of funding has decreased 21%.
 - It is anticipated that there will be an additional 11% reduction in 2007.



Identified Issues

- Schools are striving to provide appropriate discipline to students while balancing public safety concerns.
- There is a growing “at-risk” population of students.
- Frequently, students are suspended or expelled due to “one time” bad decisions. These children may not have any previous history of bad behavior. This is particularly true for elementary school students.
- Lack of parental involvement may have a significant impact upon the student’s behavioral problems.



Identified Issues

- There is an increasing need for anger management/violence prevention programs.
- The cuts in the Safe and Drug-free school funds to schools has had a significant impact on the ability to offer preventive services to students.
- Virginia uses incident-based reporting consistent with federal standards. School divisions may “criminalize” an offense in attempting to match the offense with the proper incident-code.



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Identified Issues

- High school students transitioning from alternative education programs to the regular classroom environment frequently do not have a successful transition (more attention received in the alternative education programs).
- There is very little available to children that receive short-term suspensions.
- Some students cannot be in a traditional school setting.
- There is a limited amount of information about private or local alternative education programs.



Finding

- *Virginia's Regional Alternative Education programs are established to provide options for students who no longer have access to traditional school programs because they were suspended or expelled. There are 114 school divisions participating in these 29 regional programs. There is a lack of data on alternative education programs/practices being utilized in localities throughout the Commonwealth that do not participate in the Department of Education's regional programs.*

Recommendation 1 (No Commission Approval Required)

- The Commission on Youth will survey school divisions to receive a complete picture of existing alternative education programs and ascertain whether there are unmet service needs. The results of the survey shall be communicated to the Virginia Commission on Youth.



Finding

- *There is no available information on the programs/practices that effectively serve youth who have been suspended or expelled. There is a need for more awareness of best practices in alternative education programs. Moreover, local school divisions are frequently unaware of available programs that exist in the Commonwealth. Such information could guide local school divisions in building programs and meeting unmet service needs.*

Recommendation 2

- The Commission on Youth will compile a best practices guide for alternative education programs/practices. The guide will include a listing of all existing alternative education programs across the Commonwealth, including local programs. This compilation will commence once survey data is analyzed and shall be conducted in cooperation with the Department of Education. The Commission shall complete the guide prior to the 2008 General Assembly Session.



Finding

- *Regional Alternative Education programs are working and efficiently leveraging funds to serve youth across the Commonwealth. However, some localities do not participate in these programs. Furthermore, some programs indicate that they have waiting lists and that the division has unmet needs for alternative education placements.*

Recommendation 3

- Request the Department of Education, in conjunction with the Commission on Youth, to investigate ways to increase funding for a second tier of regional alternative education programs. Such an investigation will be based on an analysis of survey results. Any proposal for a second tier of funding shall not dilute the funding already distributed to existing regional programs. The findings from this investigation shall be reported to the Commission on Youth prior to the 2008 General Assembly.



Finding

- *There is a shortage of school-based prevention programs that address issues such as violence prevention, anger management, conflict resolution, and other behavioral health needs. These programs reduce suspensions and expulsions by offering valuable prevention services for youth who may be considered "at-risk". These programs have been negatively impacted by the reductions to the Safe and Drug-Free School grants. In 2006, the level of funding has decreased 21% and it is anticipated that there will be an additional 11% reduction in 2007.*

Recommendation 4

- The Commission on Youth, in conjunction with the Department of Education, will investigate ways to fund prevention programs to supplant funding lost in recent years from the decreases in the Safe and Drug-Free School grants. The findings from this investigation will be reported to the Commission on Youth prior to the 2008 General Assembly.



Recommendation 5

- The Commission on Youth will continue to study alternative education program options and report findings to the Commission on Youth prior to the 2008 General Assembly Session.