

**ALTERNATIVE EDUCATION FOR
SUSPENDED AND EXPELLED STUDENTS**

May 1999

**Instructional and Accountability Services
Division of Accountability Services
Evaluation Section**

**Providing Alternative Education
For Suspended and Expelled Students
May 1999**

Executive Summary

Background

The 1998 Session of the General Assembly required a study to report on ways to provide an alternative education program for every suspended or expelled student (SL 1998-202, Section 32). This report is brought to the April 1999 SBE meeting for approval to be forwarded to the General Assembly by the May 1, 1999, reporting requirement.

Sections of Report

As required, this study includes the following seven sections:

1. A review of current safe school plans and alternative education programs,
2. an analysis of current data on suspensions and expulsions,
3. an assessment of federal, state, local, and private resources currently available to provide an educational program for students suspended or expelled from school,
4. research of other educational programs offered by other State agencies,
5. a review of current law related to suspensions and expulsions from school and the right to a public education,
6. recommendations for a plan and timetable for implementing alternative educational programs for every student suspended or expelled from school, and
7. a review of policies and procedures for transporting aggressive or assaultive students with other students, including disabled students, and development of a plan to insure the protection of all students, particularly disabled students, from physical harm by aggressive or assaultive students.

**Highlights
(continued)**

Most alternative schools and programs were developed to serve students who were at risk of school failure or dropping out of school. Most were not designed to serve disruptive, aggressive, or violent students; therefore, few staff are trained in the necessary skill areas. Further, few alternative educators have experience teaching students with behavior management problems, especially on a relatively large scale, when they make up a significant portion of the student population, all in a single setting.

Although students in North Carolina have no legal right to a continued education during the time they are suspended and expelled, a significant number of these students are being offered or are being placed in alternative education settings. In 1997-98, 73 percent of nearly 6100 suspended students were considered and about 52 percent were actually provided alternative education placement, saving a total of nearly 432,000 instructional days. Sixty-nine percent of expelled students were considered and 48 percent were actually placed. In the cases of both suspensions and expulsions, black males were over-represented based on population percentages.

The most common reasons suspended and expelled students were not placed include (1) no alternative program exists or it was discontinued, (2) no alternative program exists for the specified age range of students, (3) there was not enough space in the alternative program to accommodate more students, or (4) the decision not to place was based on the severity of the students' problems.

1997-98 LEA safe school plans were reviewed and many were found to lack sufficient detail. Few adequately address alternative schools and programs or suspended and expelled students. Districts need to establish priorities, alternatives, and strategies for educating suspended and expelled students, when appropriate, as well as preventive and early intervention strategies. They should also make explicit in their safe school plans a clear and detailed statement use of funds to support these priorities, as required by previous legislation.

As directed by the legislative charge, transporting aggressive and assaultive students with other students and a plan to protect all students from harm is addressed. The school bus is considered to be an extension of the school grounds, so that the principal's actions in response to student misconduct on a school bus are considered as if the misconduct or violation had

occurred on the grounds of the school. Safe school plans would be an appropriate area in which to address any special transportation requirements related to aggressive or assaultive students. If separate buses are required, the cost is approximately \$46,000 per bus, plus \$5000 if a wheelchair lift is required.

**Overall
Recommendation**

Because the issue of providing alternative programs for suspended and expelled youth involves many issues, more in-depth study by representatives of local schools and various state agencies of policy issues, program options, community programs, and gaps in existing services is required. This report and its preliminary recommendations should be viewed as the first step in this process.

Findings and Recommendations

The issues of providing appropriate alternative educational services for suspended and expelled students are complex and are not distinct from a full continuum of services for all at-risk students. The services and possible gaps in those services across schools and other agency programs need to be further explored for state and local levels. This report should be viewed as a first step in this process.

1. Review of the Law Related to Suspended and Expelled Students

With the exception of children with disabilities as defined by the Individuals with Disabilities Education Act (IDEA), public school students in North Carolina have no right to continued educational services during any period of suspension or expulsion.

- 2. Most Alternative Programs Not Designed for Large Groups of Suspended and Expelled Students.** Since students have no legal right to a continued education during a period of the suspension or expulsion, most alternative schools and programs were not designed to serve significant numbers of these students. They have largely been placed or offered the option of attending an alternative education setting on a case-by-case basis depending on (1) the severity of their offense, (2) available space in the program, and (3) the particular “mix” of students already enrolled to insure safety for all students. Many staff in alternative programs do not have training in behavior management or experience with significant numbers of often disruptive, aggressive, or violent students, especially when they are all accommodated in a single setting. Further, many of the students currently enrolled in alternative programs are there because they are at risk of school failure or dropping out of school. These students often have different needs from those of suspended and expelled students. However, some alternative programs are being designed specifically to serve suspended and expelled students, such as the Hartsell Center in Cabarrus County and the Brunswick Learning Center in Brunswick County.

3. Long-term Suspensions

February and March 1999, all 117 LEAs responded to a survey about students suspended and expelled in their districts during 1997-98. Some of the highlights from the findings are included here.

- Statewide, 6098, or 36 out of every 10,000 students enrolled, were suspended for more than ten days during 1997-98, for a total of 451,660 instructional days.
- Of the 6098 long-term suspended students, 73 percent were considered for alternative education placement; 52 percent were actually provided placement.
- Although suspended students have no legal right to an education, those students for whom instruction was continued in the alternative education programs were saved a total of 431,565 instructional days.
- Ranked from highest to lowest percentage of long-term suspensions, 45% of suspensions were black males, 29% were white males, 13% were black females, and 7% were white females. Black males were the most over-

represented group in suspension categories. About one percent of Asian, Hispanic, and American Indian male and female students were long-term suspended.

4. Expulsions

- Statewide, 193, or 6 for every 10,000 students enrolled, were expelled from school in 1997-98.
- Of the 193 expelled, 69 percent were considered for placement in an alternative education setting and about 48 percent were actually placed. Information was not collected on the number of instructional days saved for expelled students placed in alternative education settings.
- Black males were over-represented in the population of students expelled (52%) compared to their representation in the general student population (16%). Asian, Hispanic, and American Indian males were also slightly over-represented in the percent of expulsions (3% each), compared to their representation in the general student population (1% each). Black females were slightly under-represented in the percent of expelled students (13%) compared to their representation in the general student population (15%). White males were also under-represented in the percent of expulsions (33%) as were white females (5%), compared to their representation in the general student population (33% and 31% respectively).

5. Common Reasons Students Not Placed In Alternative Education Settings

- Twelve LEAs reported that students were not placed because no alternative education program exists in the LEA or that it was discontinued. Eight LEAs reported that no alternative program exists for the specified age range of students. Eleven LEAs reported that there is not enough space in the alternative program to accommodate more students. Seven LEAs reported that the decision not to place certain students was based on the severity of the behavior involved.

6. Review of 1997-98 LEA Safe School Plans

- The NC Center for the Prevention of School Violence reviewed all 1997-98 LEA Safe School Plans particularly for two requirements: (1) the description of providing alternative placements for students who were seriously disruptive [GS 115C-105.47 (b, 3)], and (2) a clear and detailed statement of the planned use of federal, State, and local funds allocated for at-risk students, alternative students or both [(GS 115-C105.47 (b, 14)].
- All LEA plans were submitted by the extended deadline that was given, but most plans lacked detail.
- Few plans adequately addressed the use of alternative education programs. Most plans provide little reference to suspended and expelled students and how they are managed.

- While 72 of the LEA plans provided detailed budget sections, still nearly all LEAs provided little information about how they planned to use federal, State, and local funds for at-risk students, alternative schools or both, which was a requirement.

Recommendations for Safe School Plans:

- The quality of district safe schools plans needs improvement and school plans should be aligned with district plans.
- Districts need to establish priorities, alternatives, and strategies for a continuum of services for educating at-risk students, including those who are suspended and expelled as appropriate, and should make explicit in their safe school plans a clear and detailed statement of planned use of funds to support these priorities.
- Technical assistance and training are needed to support school and district efforts both in planning and implementing safe schools strategies. The NC Center for Prevention of School Violence and the Department of Public Instruction are key resources.
- Specific state and federal funds that may be used in programming for suspended and expelled students are included in this report.
- Also, residential and day treatment or reporting programs are identified in this report that primarily serve adjudicated youth, some of whom may also have been suspended and expelled from school. These programs are offered through the Office of Juvenile Justice and the Department of Health and Human Services.

7. Alternative Educational Programs for Every Suspended and Expelled Student

A suggested plan and timetable are included in the report aimed at providing an alternative educational program for suspended and expelled students whenever appropriate. Further study and review by a broad range of educators and others are required before final plans are generated. Any plan must provide the LEA with flexibility based on local needs and resources. Following are the major components of an initial plan:

- Publish an annual report of data on suspended and expelled students to track progress and help identify effective interventions.
- Require districts to establish purposes, policies, procedures, and expectations for alternative education programs within their districts, for students referred because of suspensions and expulsions. These components should be made explicit in each LEA safe school plan.
- Complete school district needs assessments to review local data and resources, including community resources, to determine current needs with regard to providing alternative education settings for every suspended and expelled student.

- Revise district safe school plans to address (a) their description of providing alternative placements for students who are seriously disruptive, suspended, and/or expelled, and (b) a clear and detailed statement of the planned use of federal, State, and local funds allocated for at-risk students, alternative schools, or both, as required in GS 115C-105.47 (b3 and 14).
- Develop and/or revise standards and guidelines for referral and placement procedures for suspended and expelled students.
- For alternative education programs serving suspended and expelled students, at least at the local level, it is recommended that, as part of the accountability system, consideration be given to reporting such indicators as information about schools referring suspended and expelled students and follow-up on students' academic and disciplinary status. Effective preventive and intervention efforts must also be the responsibility of the regular schools prior to alternative education placement.
- Alternative education programs need leadership, technical assistance, and training. Specific areas are included in the report.

8. Policies, Procedures, and Plan for Transporting Aggressive and Assaultive Students

Policies and procedures for transporting aggressive or assaultive students with other students, including disabled students were reviewed. A proposed plan is presented identifying alternatives to insure the protection of all students from physical students from harm by aggressive or assaultive students. School principals are ultimately responsible for school buses. Since the school bus is considered to be an extension of the school grounds, the principal's actions in response to student misconduct on a school bus are considered as if the misconduct or violation had occurred on the grounds of the school. The plan includes the following recommendations:

- **Training.** In addition to receiving all the training provided for bus drivers of non-disabled students, those bus drivers and attendants responsible for disabled students may require additional training based on a particular disabled population served. Bus drivers and attendants would also benefit from behavior management training.
- **Preventive approaches to misconduct.** Day-to-day behavior management that reinforces good behavior, patience, and good communication are key, as well as understanding the disability of any student being transported. Consistent reinforcement of school bus rules, seating arrangements, and procedures for entry and exit, are necessary to establish and encourage proper bus conduct.
- **Managing misconduct.** Specific consequences should be established and enforced for bus safety. These consequences should be communicated to parents and students.
 - a. First offense, verbal correction
 - b. Second offense, stop bus, correct student, submit incident report to supervisor

- c. Extreme cases, suspend student from riding bus, in accordance with district policies (Student may still attend school.)
 - d. Disabled students need special transportation requirements addressed in individual education program.
- **Careful planning of bus assignments.** Not all students in alternative settings are in separate alternative schools. Some alternative settings are separate classrooms within a school building on a regular school campus. That means students attending alternative programs, unless otherwise managed, would ride the same school buses as other students. In these cases, the principal should carefully consider bus assignments of students who are assaultive or aggressive, and those who are disabled or particularly vulnerable, to avoid bus assignments that may be unsafe. For the protection of all students, in extreme cases, special transportation should be considered for violent or potentially violent students. Several other interventions and options are outlined in the report, whether the disabled student is the aggressor, the victim, or the potential victim of an aggressive or assaultive student.
- **Other interventions.**
 - a. Change bus assignment of either victim or aggressor
 - b. Assign bus monitor or safety assistant to monitor and manage disruptive students
 - c. Place video cameras on bus to monitor student behavior

Alternative Education for Suspended and Expelled Students
Report for
Session Law 1998-202, Section 32

May 1999

Legislative charge: *The State Board of Education, through the Department of Public Instruction, shall study and report to the General Assembly on ways for the State to provide an alternative education program for any student suspended or expelled from school.*

This study shall include (i) a review of current safe school plans and alternative educational programs, (ii) an analysis of current data on suspensions and expulsions, (iii) an assessment of federal, state, local, and private resources currently available to provide an educational program for students suspended or expelled from school, (iv) research of other educational programs offered by other State agencies, (v) a review of current law related to suspension and expulsion from school and the right to a public education, (vi) recommendations for a plan and timetable for implementing alternative educational programs for every student suspended or expelled from school, and (vii) a review of policies and procedures for transporting aggressive or assaultive students with other students, including disabled students, and development of a plan to insure the protection of all students, particularly disabled students from physical harm by aggressive or assaultive students.

Introduction

In North Carolina, as in the rest of the nation, there is growing concern about juvenile crime. Juvenile crime continues to escalate in our state. According to the March 10, 1998, report of the Governor's Commission on Juvenile Crime and Justice, not only are youth committing more serious crimes, they are also increasingly the victims of juvenile crimes. At the same time, in our educational system there is a strong state accountability system with a focus on improving schools, raising academic standards, and creating interventions to keep our schools safe places for students to learn. A philosophy of zero tolerance has impacted laws and the ways in which administrators apply school discipline. Administrators may more quickly turn to suspension or expulsion. Suspended and even expelled students may be placed in alternative education settings, if available. When decisions about such placements are made, they are typically made on a case-by-case basis. Those students who are not enrolled in alternative education settings are out of school, often unsupervised, and are therefore more at risk of getting involved in crime.

A policy for statewide student promotion and graduation standards is currently under development. Students, in addition to completing coursework and other local and state requirements, will have to demonstrate grade-level proficiency on state tests at certain grade levels. Obviously, the more time students are out of school because of

suspensions and expulsions, the less likely they will be to make necessary progress in school in order to graduate on time. Some may give up and drop out of school altogether. Without essential literacy skills and a high school diploma, options for a quality life and employment are reduced. Jobs that do exist usually are low paying. These factors often perpetuate a cycle of poverty, illiteracy and even crime. Thus, while schools must be safe schools for all students to learn, opportunities for success for high-risk students will also benefit society.

This report reviews the required elements of this legislated study including current available information and data related to suspended and expelled students, as well as opportunities that are available, or need to be available, for these students to continue their education and progress toward graduation. The issue of whether all suspended and expelled students can and should be provided alternative education programs is complex and includes consideration of safety and education of other students as well. In addition, short-term suspension of students is not addressed here. Therefore, this report should be viewed as the first step in a broader process of review and planning at the state and local levels for a continuum of services to at-risk students, including suspended and expelled students, and use of state, federal, and local resources.

I. A review of current safe school plans and alternative education programs

In 1997-98, all schools were required to develop safe school *plans, policies, and procedures for dealing with disorderly and disruptive behavior* (GS 115C-105.45). Building-level safe school plans, after approval of the local board of education, were to be kept on file at the school and to be accessible to the school community, parents, and representatives of the local community. The building-level safe school plans are intended to be an integral part of their school improvement plans.

Each local board of education also was required to *develop a local school administrative unit safe school plan designed to provide that every school in the unit is safe, secure, and orderly...* [GS 115C-105.47(a)]. Legislation specified 15 components required in every LEA plan (Appendix A).

Once developed the local boards submitted the LEA plans to the State Board of Education and made plans available to all in the community. The local boards may amend plans as often as it considers necessary or appropriate [GS 115C-105.47 (b, c)].

The State Board of Education, is to provide, *...in cooperation with the Board of Governors of the University of North Carolina, ongoing technical assistance to the local school administrative units in the development, implementation, and evaluation of their local plans* [GS 115C-105.46 (2)]. The NC Center for the Prevention of School Violence worked with the NC Department of Public Instruction (DPI) to provide assistance to LEAs in developing their Safe School Plans. The Center is an inter-institutional service center of the UNC system. The DPI Safe and Drug Free Schools Section of the School Improvement Division and the Center worked together to provide workshops for 11,000 administrators between November 1997 and January 1998 to provide technical assistance regarding the plans. In addition, the Center and DPI reviewed the LEA Safe School Plans in relation to the legislated criteria that were to be addressed in the plans. Feedback was given to the LEAs that inquired about their plans, or whose plans were especially lacking.

Findings from Review of 1997-98 LEA Safe Schools Plans

For purposes of this study, the Center for Prevention of School Violence recently again reviewed all the 1997-98 LEA Safe Schools plans more thoroughly regarding whether or not they adequately addressed the legislated criteria. They reviewed plans particularly for two requirements:

- (1) Their description of *providing alternative placements for students who are seriously disruptive* [(GS 115C-105.47 (b, 3))] and

(2) *a clear and detailed statement of the planned use of federal, State, and local funds allocated for at-risk students, alternative schools, or both [(GS 115C-105.47 (b, 14)].*

All LEA Plans Submitted on Time but Most Lack Detail. The initial deadline for submission of LEA Safe School plans to DPI was March 31, 1998. To enable LEAs to obtain local board approval of the plans, the deadline was extended to April 30, 1998. Reviews of the LEA Safe School Plans indicated that all LEAs met the final deadline for submitting their plans to the State Board of Education. However, a review of the contents of the plans in relation to the legislative criteria to be addressed in the plans revealed that the plans often lack details concerning implementation strategies, that is, *how* the plans were going to be implemented.

Examples provided by the Center for Prevention of School Violence were the following:

In one section LEAs were to describe their plan for *working effectively with local law enforcement and court officials to ensure that schools are safe and that laws are enforced*. Many LEAs describe a commitment to working with the identified parties but do not describe how the working relationships are conducted. Moreover, the section which was to provide a *list of instructions that will be provided to school improvement teams to insure that they carry out the [plan's] responsibilities relevant to them* also lacks specificity.

The planning protocol for the safe schools plans included 1) a description of goals and objectives, 2) strategies, 3) resources required, 4) timelines, 5) persons responsible, and 6) evaluation measures. Evaluation measures were particularly weak in nearly all the plans. Further, there was little evidence of staff development plans being connected to safe school strategies.

Few Plans Adequately Address Use of Alternative Education. The contents of the plans overall do not offer a great deal of information about how alternative education is being used as a strategy and resource in the district with respect to placement of students who are seriously disruptive. What is mentioned ranges from in-school suspension programs, to alternative classrooms, to descriptions that do not differentiate between alternative schools and alternative programs. Some plans identify schools by name but do not indicate whether or not they are alternative schools. Further, it is not possible to determine specific educational options, procedures, and policies for suspended or expelled students.

When LEAs do include information about alternative schools or programs, the typical types of references are the following:

- Restating the requirement that principals have responsibility for providing for alternative placement for students who are seriously disruptive.
- When alternative options (programs or schools) exist, they may be mentioned but not described in the plan. Typically board policies are referenced and attached to the plan without further description. Even so, there is no mention of whether and how alternative schools and programs might serve suspended and expelled students.
- Restating the legislation that a potential consequence of alternative placement exists for students under 13 who physically assault and seriously injure teachers or other individuals. However, this statement is typically made without details about whether or not such placements currently exist, the nature of such programs, and how they will serve this particular group of suspended students.

Most Plans Provide Little Reference to Suspended and Expelled Students. In general, after reviewing all the LEA plans, there is little understanding about how suspended and expelled students are treated in any of them. The best indicators of the existence of alternative education are in the budget sections of the plans. However, even these are difficult to interpret because they lack detail. Those few that do provide school names or program names do not indicate that these are designed to serve suspended and expelled students.

Funding. LEAs provided little information about *how* they planned to use federal, State, and local funds allocated for at-risk students, alternative schools, or both as required by GS 115C-105.47 (b, 14). For those plans that made reference to funding *sources*, it was most often in reference to state funds, although a number of LEAs referenced some local funds as well. In the review of LEA safe school plans by the NC Center for the Prevention of School Violence, plans were rated with respect to the degree of detail they provided about their budgets. The ratings are as follows:

Budgets very detailed	72 LEA Safe School Plans
Little detail about budgets	24 LEA Safe School Plans
No detail about budgets	16 LEA Safe School Plans
Budgets not included	05 LEA Safe School Plans
LEAs with an in-school suspension specifically listed in budget	60
LEAs that did not list programs within budget	57

Benefits of North Carolina Safe School Planning Process. In the process of reviewing the LEA safe school plans, the Center for Prevention of School Violence also provided the following benefits of North Carolina’s Safe Schools planning process:

- Although the safe school plans written by the LEAs are weak in a number of areas, they do provide a starting point for understanding what is being done to make schools safer at the district level. Requiring the planning puts North Carolina in a minority of states at this time. A study conducted by the Center

found only twenty-one other states pursuing some aspect of safe school planning through legislative action.

- North Carolina’s approach of coordinating LEA district-level safe school plans with school improvement plans at the building level allows for eventual comprehensiveness in the efforts to provide safe schools and increase academic achievement.
- The criteria spelled out in North Carolina’s safe school legislation were used by DPI in the development of the protocol for safe schools planning. The criteria were especially helpful in providing structure and a standard organization to the LEA plans.
- Requiring safe school plans at the district level has moved the LEAs away from an attitude of “it can’t happen here” to one that is more proactive and prevention oriented.

Potential Next Steps in Safe School Planning

1. Alignment and Quality of Plans

School-level plans throughout the state are now being brought into alignment with district plans. The next step needs to be improving the quality of the plans so that the combined efforts at both the district and building levels effectively address safety and order in the schools.

2. Establish District Priorities and Strategies for Students At Risk

Each district should establish priorities, alternatives, and strategies for educating students who are seriously disruptive and those that are at risk of academic failure. They should also address preventive and early intervention strategies. A clear and detailed statement of the planned use of federal, State, and local funds should support these priorities for these students and alternative education programs. All these elements should be clearly specified in safe school plans.

3. Technical Assistance

Technical assistance is needed to support school and district efforts to improve both safe schools planning and implementation that are now taking place across the state. Both DPI and the Center for Prevention of School Violence should play key roles in this process.

II. An analysis of current data on suspensions and expulsions and access to alternative education programs

Since no data on suspensions and expulsions had been collected at the state level for the 1997-98 school year, it was necessary to survey school districts to obtain that data from LEAs. GS115C-276 (r) states that *the superintendent shall maintain student discipline in accordance with Article 27 of this Chapter and shall keep data on each student suspended or expelled. This data shall include the race, gender, and age of each student, the duration of suspension for each student, whether an alternative education was considered or provided for each student, and whether a student had multiple suspensions.*

Session Law 1998-220 further clarifies that *the superintendent makes decisions concerning suspension or expulsion of students and...superintendents must keep data on students who are suspended more than ten days.*

GS 115C-47 (which refers to appropriate services to students who drop out of school) also was amended by adding a subdivision that reads (32a)...*Local boards of education are encouraged to establish alternative learning programs...when feasible and appropriate, for students who are subject to long-term suspension or expulsion... Upon adoption of guidelines under this subdivision, local boards are encouraged to incorporate them in their safe school plans developed under GS115C-105.47.*

The following data were collected in the survey:

- Number of students suspended more than ten days (long term suspensions)
- Number of students long-term suspended multiple times
- Number of students expelled
- Number of students long-term suspended, by gender/ethnicity
- Number of students expelled, by gender/ethnicity
- Duration of suspensions (number of school days)
- Number of suspended students *considered* for alternative education
- Number of suspended students *provided* alternative education placement
- Number of expelled students *considered* for alternative education
- Number of expelled students *provided* alternative education placement

Data were ultimately obtained from all 117 LEAs, although a significant number of LEAs exceeded the timeline and required repeated requests get the data. Consequently, a significant number of staff hours were spent on the phone in these efforts.

Survey Results

Long term suspensions

Statewide 6098, or 36 for every 10,000 students enrolled, were suspended for more than ten days during 1997-98 for a total of 451,660 school days. The total number of students long-term suspended represents .5 percent of the statewide average daily membership. The total number of students suspended represents an average of about 55 students per LEA. Suspension rates varied across LEAs. The number of long term suspensions ranged from a minimum of no suspensions to a maximum of about 1200 students. Within that range, at the low end, 13 districts suspended no students for more than ten days, while the district with the highest rate of long-term suspensions, for every 1000 students enrolled, suspended 23 students. Two hundred seventy six (276) students received multiple long-term suspensions.

Of the 6098 long-term suspended students, 4428 (73%) were considered for alternative education placement and 3164 (52%) were actually provided an alternative education setting. This leaves 1264 students considered for an alternative education placement but not provided one, plus 1670 students never considered for placement. Therefore, the total number of long-term suspensions not provided an alternative education placement is 2934 students. Many of the 3164 students provided an alternative education placement were suspended at the beginning of the school year and would otherwise have been out of school for the remainder of the year. For those students, instruction was continued in the alternative education program, so that 431,565 instructional days were saved. However, for the 2934 students not provided an alternative education setting, many of whom were suspended near the end of the school year. For these students, 20,095 instructional days were lost because they were out of school. Note that the 20,095 instructional days lost to long-term suspensions does not include those lost as a result of short-term suspensions and expulsions.

Table 1. Long-term suspensions: gender by ethnicity

Gender/Ethnicity	Number	Percent of Suspended	Percent of Statewide Enrollment
Asian Males	48	0.8	1
Asian Females	8	0.1	1
Black Males	2762	45.0	16
Black Females	808	13.0	15
Hispanic Males	107	2.0	1
Hispanic Females	18	0.3	1
American Indian Males	99	2.0	1
American Indian Females	22	0.4	1
Multi-Racial Males	15	0.3	NA
Multi-Racial Females	5	0.1	NA
White Males	1754	29.0	33
White Females	444	7.0	31
Not Coded	8	0.1	--
Total Number	(6098)		(1,222,169)
Total %		100	100

NA= not applicable

From highest to lowest percentage of long-term suspensions, black males (45%) are at the top, followed by white males (29%), black females (13%), and white females (7%). Hispanic and American Indian males each had a two-percent long-term suspension rate. Black males were the most over-represented group in the percent of suspensions. White and Asian females were under-represented in percent of suspensions. Although they represent only one percent of the total student population, Hispanic and American Indian males were suspended at twice that rate. Taken together 58 percent of long-term suspensions were black students, when they only make up about one third of the student population. About 36 percent of long-term suspensions were white students. About 84 percent of suspensions were male when males represent about 51 percent of the total school population. Black and male students are over-represented in long-term suspensions.

Expulsions

Table 2. Expulsions: Gender by Ethnicity

Gender/Ethnicity	Number	Percent of Expelled	Percent of Statewide Enrollment
Asian Males	6	3	1
Asian Females	0	0	1
Black Males	100	52	16
Black Females	25	13	15
Hispanic Males	5	3	1
Hispanic Females	0	0	1
American Indian Males	6	3	1
American Indian Females	0	0	1
Multi-Racial Males	0	0	NA
Multi-Racial Females	0	0	NA
White Males	42	22	33
White Females	9	5	31
Total Number	(193)	---	(1,222,169)
Total %	---	100	100

NA= not applicable

Statewide, 193, or six for every 10,000 students enrolled, were expelled from school in 1997-98. That number represents about .02 percent of the average daily membership statewide. Of the 193 students expelled, 123 (69 %) were considered for placement in an alternative education setting. About 93 (48%) students were actually provided an alternative program. Seventy-eight districts had no expulsions. The highest number of expulsions in a single district was 77, or about 3 for every 10,000 students enrolled. Black males were over-represented in the population of students who were expelled. Except for white males, males in all ethnic groups were over-represented. While they represent only one percent of the state enrollment, still three times that rate of Asian, Hispanic and American Indian males were expelled. Females in all ethnic groups are under-represented in the percent of expulsions.

Alternative education placements

Districts were asked to list the top three reasons why suspended students were not provided an alternative education program. Twenty-six LEAs reported suspending students long term but not providing them with an alternative education option for the following reasons:

- Twelve (12) LEAs reported that no alternative education program exists in the LEA or that it was discontinued. Eight (8) LEAs reported that no alternative program existed for the specified age range of the students. Eleven (11) LEAs reported that there was not enough space in the alternative program to accommodate more students.
- Seven (7) LEAs explained that the decision not to place students was based on the severity of the behavior involved (e.g., selling or distributing drugs, possession of a weapon, extremely disruptive behavior, considered a risk for students in the alternative education setting, assault on a school employee).
- Five (5) LEAs explained that the decision not to place was due to the lack of interest or consent on the part of the students and/or parents.
- In two LEAs, students were suspended from the alternative education setting.
- In two LEAs, suspension occurred during the last few weeks of school and the school decided that an alternative education placement was unnecessary.

Twenty-eight districts expelled students but did not provide alternative education placements for them. The highest number of expulsions was 10 students and that was by a large school district. None of those students were provided alternative education placements. Districts were also asked to list the top three reasons for not providing expelled students and alternative education placement. For LEAs that did not place expelled students, the following reasons were most commonly given:

- Twenty (20) LEAs reported that the severity of the behavior was so great as to jeopardize the safety of the other students in the alternative education setting (e.g., assault on staff, possession of weapon, assault with a weapon, sale of cocaine and LSD and other drugs, off campus threats to person so severe that a woman died of a heart attack).
- Fourteen (14) LEAs said that there was either no alternative education program, no *appropriate* program, no program for the particular age of the student, or no space available in the existing alternative education setting.

For several districts the total number of instructional days lost because of suspensions and/or expulsions exceeded 10,000. Charlotte-Mecklenburg and New Hanover placed all their students, so days lost to regular instruction were recovered. Wake, Cumberland, and Guilford Counties were more problematic. They had high incidences of suspensions and many of the students were not placed in an alternative education setting. Rockingham and Forsyth Counties had similar problems but are dealing with fewer students.

III. Federal, state, local, and private resources currently available to provide an educational program for students suspended or expelled from school

State Funds

Education appropriations from state funds total about \$5.2 billion. In general, of that amount, *any state education funds* may be used to provide educational programs for suspended or expelled students. In particular, the state *At-Risk Students / Alternative Schools and Programs* fund, which includes over \$131 million in the 1998-99 budget, may be used for such purposes. Since 1996-97, for this funding, LEAs have been required to separately report their expenditures for alternative schools and programs. However, the DPI Division of School Business does is unable to determine the percentage of funds spent on suspended and expelled students.

State *Willie M.* funds may be used for students identified in that category who get suspended or expelled from school. In addition, there are about \$260 million for *vocational education* and nearly \$400 million for *children with disabilities* available in state funds. These funds can be used if the suspended or expelled students are eligible for services from these programs.

Other funded programs might serve some suspended and/or expelled students. The Communities-in-Schools Program was appropriated \$700,000 in nonrecurring funds in 1998 to work with at-risk students. Session Law 1998-202 requires local boards of county commissioners to establish Juvenile Crime Prevention Councils, to include local school superintendents or their designees. Establishing such councils is a prerequisite for counties receiving funding for juvenile court services and delinquency prevention programs. These requirements are an effort to prevent at-risk students from becoming delinquents. The intent is also to develop community-based alternatives to training schools and to provide community-based delinquency and substance abuse prevention strategies and programs.

Federal Funds

Education appropriations from federal funds total about \$394 million. Of that appropriation, the federal funds allocated for *vocational education* may be used for suspended and expelled students when the services provided are in accordance with any rules that the State Board of Education considers appropriate to ensure compliance with federal regulations. Federal monies may be used for those students who are officially identified as *students with disabilities*. The appropriation for Federal VI-B funds for school-aged students with disabilities for 1998-99 was \$99,746,343. Schools may decide to use *Title I* funds if suspended/expelled students are receiving Title I services, either in a school-wide or targeted assistance school. Schools may do what they think needs to be done for students, but they must show that students are making progress toward grade level achievement. Further, Title I is supplemental funding and should never replace

anything from the State to which students are entitled. All schools have been eligible for *GOALS 2000* grants, including alternative schools. However, grants are awarded at the district level, and the district decides how it will direct its funds.

Other

LEA safe school plans for 1997-98 were reviewed by the NC Center for the Prevention of School Violence to provide an analysis of the specific funds used to provide these services (Appendix B). A separate list is provided for state funds and other sources of funding, mostly from grants.

IV. Other educational programs offered by other State agencies

Representatives from the Office of Juvenile Justice, the Department of Health and Human Resources, the NC Center for the Prevention of School Violence and the NC Department of Public Instruction met to collectively identify other educational programs offered to suspended and expelled students by other State agencies. Most of the students utilizing the identified programs are adjudicated youth. The following programs were identified:

- Day Treatment Programs, which can be accessed through a local mental health center or a local school system
- Day Reporting Centers, which are community based alternatives to training schools, and are accessed through court referrals
- Residential Programs including
 - * Eckerd Camps, accessed through any local agency or school system
 - * Multi-purpose Group Homes, which have in-house education programs
 - * Residential Drug Treatment Programs (6)
- Residential Programs for Mental Health, Developmental Disability, and Substance Abuse Services (13, one of which is preschool)
- Residential Training Schools (5)
- Regional Residential Detention Centers (8)

Communities-in-Schools programs that provide educational settings for suspended and expelled students, such as the Pitt County Transition Center, are joint ventures with school districts and are considered as district alternative learning programs.

Further study at state and local levels is necessary to clarify existing services appropriate for suspended and expelled students, as well as to examine new services that might emerge in conjunction with other organizations. Collaborative planning with local Juvenile Justice Councils will also be important. Services for certain students might be provided by other agencies or by several LEAs, for example.

V. Review of current law related to suspension and expulsion from school and the right to a public education

The Legal Specialist for the State Board of Education and the Department of Public Instruction, provided the following review of the current law related to suspension and expulsion from school and the right to a public education.

With the exception of children with disabilities as defined by the Individuals with Disabilities Education Act (IDEA), public school students in North Carolina have no right to continued educational services during any period of suspension or expulsion. G.S. 115C-366(a) grants to students the right to “all privileges and advantages of the public schools to which they are assigned by local boards of education” unless they have been removed from school for cause or they have graduated. Removal for cause refers to suspension or expulsion. Quite likely a study of suspension/expulsion actions may reveal that certain groups of students are impacted more heavily than others.

VI. Recommendations for a plan and timetable for implementing alternative educational programs for every student suspended or expelled from school

In developing a plan and timetable to implement an alternative educational program for every student suspended or expelled from schools, factors at both the state and local school/community need to be considered. The local level issues will be considered first.

Background

There is limited data about effective alternative education. There is some data emerging about comprehensive reform programs being implemented in alternative schools. There is little evidence comparing alternative education programs and schools on separate campuses to practices less severe or less disruptive than removing students from their home campuses. There are no conclusive studies on the effectiveness of alternative education programs for students forced to participate. However, further study might identify models of services to suspended and expelled in other communities and states.

Needed Improvements at School District and Community Level

Connections between School and Community Services. Since there are differences from district to district and community to community, school districts, as part of their annual school improvement/safe school planning process, in collaboration with other community entities that work with youth, should review existing alternatives for suspended or expelled students. One logical linkage would be with the newly created Juvenile Crime Prevention Councils. This would better provide a *comprehensive system* that provides a *continuum of services* from prevention to early intervention, to crisis intervention, to long term intervention.

Continuum of Services Needed. A full continuum of services might include:

- classrooms within the school where students can be accommodated for short-term suspensions (less than 10 days) in order to remove them from regular classrooms because of disruptive behavior
- alternative education settings that accommodate both students with academic and students with behavior needs. These settings would enable students to be enrolled for longer periods of time (long-term suspensions), so long as it will not disrupt or make unsafe the existing student population in that alternative education setting. Depending on the needs of the students, these programs or schools might be located closer to the campus of regular schools in order to share resources (e.g., teachers with specific expertise that is needed, such as

chemistry, as well as facilities, including gymnasium, cafeteria, and media center).

- Alternative education settings for students with severe, chronic behavior problems, including aggressive or assaultive students. These students would be reviewed carefully in terms of the safety of the students and staff of the alternative education setting, as well as the competencies of the existing staff. These settings would be farther removed from other educational settings and would need safeguards for security and supervision. Some of these settings may be out-of-school settings entirely, such as day-treatment programs through mental health or community based alternatives in conjunction with the Juvenile Crime Prevention Councils. In-home education via the Internet might be considered for students who may be dangerous. Residential programs will be required for some students, such as drug and alcohol treatment centers, detention centers, and training schools.

Comprehensive Services. It is also the case that many at-risk students have needs that go beyond the typical purview of schools (e.g., extensive counseling, vocational counseling, mental health, health, social services, juvenile justice system). Some of these alternatives may exist in the schools and others may exist in the district or community. After identifying essential services that exist for suspended and expelled students, strategies to eliminate duplication and address gaps could be developed.

Determine Appropriate Services in Alternative Education Programs Serving Suspended and Expelled Students. Many alternative education programs originally were not created to comprehensively serve students who have chronic behavior problems, who are seriously disruptive, or who are aggressive, assaultive, and/or violent. Most were created to educate low achieving students or previous dropouts returning to school who were considered to perform and learn better in a smaller setting, with a more individualized approach to instruction, in a caring atmosphere in order to get the students back on track and return them to their home schools or graduate them. Most alternative education programs in the state do, however, enroll suspended and some enroll expelled students on a case-by-case basis. Typically students are removed school for one or more of the following reasons:

- commit violations specified in the student “code of conduct” developed by individual school districts
- commit a series of specified serious offenses while on school property or attending a school-sponsored activity
- engage in conduct punishable as a felony

During the decision-making process about potential enrollment of a suspended or expelled student in an existing alternative education program, factors to consider include the following:

- the severity of the behavior problem of the student being referred,

- the number of other disruptive students already enrolled in the program,
- the general safety of the students in the alternative education setting, and
- the impact on the learning environment of the program.

If the district is unable to provide placement for suspended and expelled students in its existing alternative education programs, the district needs to review the reasons students were suspended and expelled. These needs can help determine what services an alternative education program should provide. The district might consider developing a new program for those students, either on its own, in collaboration with another school district, or with other agencies within the community. For students considered to be too dangerous, or for other reasons it is inadvisable for them to be in school with other students, the district might consider in-home education via the Internet, like the alternative education program (Web Academy) in Cumberland County.

Review of District Purposes, Policies, Procedures, Expectations, and Needs. A first step would involve LEA review of the purposes, policies, procedures, and expectations related to any existing alternative education settings, their capacity for student enrollment (space, number and type of staff, number and type of student needs), as well as the skills and professional background of the staff. It is important that alternative education settings have appropriate resources to do the work we expect of them.

LEAs should use the data they already have on student discipline (e.g., SIMS, Annual Report on School Violence) to help determine the needs of that student population. The data, at a minimum, should include incidents of disruptive behavior in the school or on the school campus (e.g., classrooms, hallways, cafeteria), short-term suspensions, long-term suspensions, expulsions, and number and needs of adjudicated youth who are either back in school or who are eligible to come back. Reasons students are removed from school should also be reviewed. The data should be analyzed in terms of age, grade, gender, race, types of problems, severity of problems, interventions already tried, what works, what does not work. The district also should review the existing range of services available in the schools, the district and the community to accommodate the educational needs of disruptive, aggressive, and violent students. This review and analysis of the needs and current resources will aid the district in the determination of further directions and services needed.

Appropriate Staff in Disciplinary Programs. Successful alternative education programs offer students the appropriate educational and personal attention needed to learn in school. They need qualified, dedicated adults providing that support. These teachers and other staff need to provide adequate supervision, structure, and effective disciplinary strategies so that formerly disruptive students can learn and achieve in school. Teachers need to be competent in both the content they teach as well as effective behavior management strategies. Ongoing, focused, timely professional development is essential.

Accountability. At the local level, alternative education programs need an appropriate and a strong accountability system. Regular schools and alternative programs should be accountable for results, both for discipline and learning. Disciplinary alternative education settings should have bearing on reduction of violence and disruption in regular schools. Data should be maintained and reviewed at least annually to ensure both equity and excellence in alternative programs. The role of regular schools in accountability for success of referred students should be considered.

State Level

Accountability. In collaboration with alternative educators, a state-level accountability system is currently being developed. The goal is for the accountability system to be as similar as possible to the accountability for regular schools, while being flexible enough to include data on specific purposes of individual programs (e.g., suspended and expelled students, students who dropped out). Consideration should be given at the local level to collecting information on referring teachers and schools, data on the staffs and curricula in alternative settings, and follow-up on students' academic and disciplinary status.

Reporting. Since school districts are already required to collect data annually on suspended and expelled students and whether or not they are provided an alternative education placement, it is recommended that the data be collected and reviewed for statewide analysis. Annual reports on suspension and expulsion data could be produced as needed or required.

Guidelines for Referral and Placement of Suspended and Expelled Students. A task force including local alternative and regular educators, staff from the Department of Public Instruction, the Office of Juvenile Justice and the Center for the Prevention of School Violence should review the *Guidelines for Referral and Placement of Students into Alternative Learning Programs* adopted by the State Board of Education in February 1996. These guidelines should be modified with respect to serving students who are *suspended and expelled* from school. In those guidelines the task force should outline standards and best practice for disciplinary alternative education programs (e.g., class size, background and skills of staff, any modifications or additions to curriculum, due process procedures, service to students identified as exceptional children).

Technical Assistance Monitoring. The Department of Public Instruction and the Center for Prevention of School Violence should review and monitor district incidences of suspensions and expulsions for number of referrals and, upon request, follow with on-site reviews when minimal threshold referral levels are exceeded. Safe Schools Teams may be an appropriate vehicle for these technical assistance visits.

Leadership, Technical Assistance, and Training. The Department of Public Instruction and the Center for Prevention of School Violence should work together to determine the state leadership, essential resources, training, and technical assistance needed by disciplinary alternative education centers. Their combined effort will be

founded upon what each is currently pursuing in the arena of alternative education. The Department of Public Instruction is conducting a multi-year, statewide evaluation of alternative education programs that is legislatively mandated. The Center is finalizing results of its Youth Out of the Education Mainstream initiative.

Preliminary Plan and Timelines

The plan and timelines that follow are suggestive only. It is recommended that a broader task force review the steps and timelines to make certain they are reasonable and feasible for school districts. This review could include LEA, Department of Public Instruction, Department of Health and Human Services, Office of Juvenile Justice, and other appropriate organizations. This task force might identify other policy issues and plan components.

1. **Annual report of data on suspended and expelled students.** By September 30, 1999, and annually thereafter, all school districts should submit to the Department of Public Instruction, *data on students suspended and expelled* during the preceding school year. For each student, these data should include age, grade, race, duration of suspension, whether an alternative education was considered or provided for each student, whether the student had multiple suspensions. Whether data should include both short-term (less than 10 day) and long-term (more than 10 day) suspensions should be examined by this task force. A summary of this data would be sent to the State Board of Education.
2. **District purposes, policies, procedures, and expectations.** By October 30, 1999, *school districts should determine purposes, policies, procedures, and expectations* of alternative education programs within their districts, for students referred because of suspensions and expulsions. These purposes, policies, procedures, and expectations should be communicated to all schools in the district. This structure should serve as a tool to prevent the misuse of alternative education settings as a “holding tank” or place to put “undesirable” or “hard to teach students”. Clarifying the purposes of alternative education programs helps districts use the programs as an appropriate resource to help youth turn around a cycle of failure and get back on track to succeed in school. It may also clarify when alternative programs are not appropriate for suspended and expelled students.
3. **Local needs assessment.** By October 30, 1999, all school districts should *review data and resources to determine current needs* with regard to providing an alternative education setting for any suspended and expelled student. The review should include student demographic, achievement, and discipline data along with a description of existing alternative educational programs and their suitability to serve suspended and expelled students. Data should be reviewed with local Juvenile Crime Prevention Councils, when established, and linked to any other relevant community resources. If existing alternative education programs are not appropriate to serve suspended and expelled students, it is recommended that

districts consider developing such programs either separately, with other LEAs, or with community organizations.

4. **Revise safe schools plans.** By October 30, 1999, and annually thereafter as needed, districts and schools should *revise Safe Schools Plans* to specifically and clearly address the use of funds and the provision of alternative education programs to prevent academic failure and to reduce school violence. In particular these plans should make explicit the use of funds from the At-Risk Student Services/Alternative Schools and Programs Fund for these purposes. These plans should also be revised to include the district's purposes, policies, procedures, and expectations for alternative education programs. The Department of Public Instruction and the Center for the Prevention of School Violence should review district safe schools plans and budgets and give specific feedback to districts.
5. **Develop or revise standards and guidelines.** By March 15, 2000, the Department of Public Instruction and the Center for Prevention of School Violence should, through work with a *task force, develop standards and guidelines* for alternative education programs. The task force should first review the guidelines published in April 1997 as required by HB 230, Section 17.9 of the 1995 General Assembly amendment to GS 115C-238.41 (c)(3), to determine their current appropriateness. They should also consider results of the multi-year Alternative Learning Programs Evaluation. These guidelines should address referral and placement procedures for suspended and expelled students so as to provide safe schools for all students, including alternative education students. The task force should include staff from local schools and districts, both alternative and regular education, and staff from other agencies that work with youth. The task force should also develop standards for alternative education programs (e.g., school size, enrollment capacity and mix of student needs, staffing, class size, curriculum), both academic and behavioral.
6. **Accountability.** The Department of Public Instruction is working with alternative and regular educators to finalize the *accountability system* to be used for alternative schools in school year 1999-2000. Local districts, by October 30, 1999, should develop local systems of accountability or evaluation for alternative schools and programs, which might include data beyond the state system. For alternative education programs serving suspended and expelled students, it is recommended that consideration be given at the local level to reporting information about referring schools, data on the staffs and curricula in alternative settings, and follow-up on students' academic and disciplinary status.
7. **Leadership, technical assistance, and training.** It is recommended that the Department of Public Instruction and the Center for the Prevention of School Violence provide leadership and technical assistance to alternative education programs, including those serving suspended and expelled students.

VII. A review of policies and procedures for transporting aggressive or assaultive students with other students, including disabled students, and development of a plan to insure the protection of all students, particularly disabled students from physical harm by aggressive or assaultive students.

Part 1

Review of Relevant Policies and Procedures

A. General responsibilities of local board of education to provide transportation.

Each local board of education is authorized to acquire, own, lease, contract and operate school buses for the transportation of pupils enrolled in each school district. (GS 115C-239, Part 1) Whether a local school board shall operate a bus transportation system is a matter in its sole discretion. Once a school board decides to operate a bus transportation system, it must provide transportation for all students within that district, with two exceptions. (1) Districts are not required to provide transportation for any pupil living within one and one half miles of the school in which the pupil is enrolled. [GS 115C-242 (4)] However, unless road or other conditions make it inadvisable to do so, public school buses must be routed on state-maintained highways such that they pass within one mile of the residence of each pupil who lives one and one half miles or more from the school to which the student is assigned. [115C-245 (b)] (2) Also, a city board is not required to transport pupils living in the city and attending schools located there, even though transportation to those same schools is furnished to students living outside the city.

B. Responsibility of the Principal to assign students for transportation purposes.

The principal of a school, to which any school bus has been assigned by the superintendent of the schools in that district, assigns students to certain buses for the purpose of transporting them to and from schools. No student can ride a bus other than the one s/he is assigned without the express direction of the principal. Principals are to assign students to particular school buses in order to provide for orderly, safe and efficient transportation of pupils to school and to promote the orderly and efficient administration of the school and the health, safety and general welfare of the students to be so transported. The principal may change assignments of students if necessary for the safe and efficient transportation of students and employees. [GS 115C-244 (c)]

C. Local plans for maintaining safe and orderly schools.

All schools are required to have plans, policies, and procedures for dealing with disorderly and disruptive behavior. In addition, all schools and school districts must have effective measures for assisting students who are at risk of engaging in disruptive and disorderly behavior, just as they must have those measures for assisting students at risk of school failure. (115C-105.45) Since the school bus is considered to be an extension of the school grounds, the principal's actions in response to student misconduct on a school bus are considered as if the misconduct or violation had occurred on the grounds of the school. [GS 115C-245 (b)] Therefore, student conduct, and consequences for misconduct, on the school bus should either be addressed implicitly or explicitly in the school plans, policies, and procedures.

D. Responsibilities of Bus Driver to maintain order and conduct.

The driver of the school bus, under the direction of the principal, has complete authority over and responsibility for the operation of the bus and maintaining of good order and conduct on the bus. The driver has the responsibility to report promptly to the principal any misconduct on the bus or disregard or violation of the driver's instructions by any person riding upon the bus. In response, the principal may take action as if the misconduct or violation had occurred on the grounds of the school. [GS 115C-245 (b)]

E. Principal may appoint a bus monitor to preserve order on bus.

The principal has the authority to appoint a monitor for any bus assigned to his/her school. The duties of the monitor, under the direction of the driver, are to preserve order on the bus and do other things, as appropriate, for the safety of students and employees assigned to the bus. The monitor is to require students and employees to conform to the rules and regulations established by the local board of education. Monitors are to be unpaid volunteers who serve at the pleasure of the principal. [115C-245 (d)]

F. Local board of education may employ transportation safety assistants.

A local board of education may, in its discretion within funds available, employ transportation safety assistants upon the recommendation of the principal through the superintendent. Safety assistants are hired to assist the bus driver with the safety, movement, management, and care of children aboard the bus. The safety assistant must be either an adult or a certified student driver who is available as a substitute bus driver. [115C-245 (e)]

G. Suspension and expulsion for misconduct on school bus.

Generally speaking, a regular student who misbehaves on the school bus may be suspended or expelled from the school bus for the same reasons a student can be suspended or expelled from school, as specified by state and federal law and the school's code of conduct. A student may be suspended or expelled from the school bus but still be

allowed to come to school. Under such circumstances, transportation would be the responsibility of the parent. Transportation and discipline for disabled students have special legal considerations that are described in sections that follow.

H. Legal requirements for students with disabilities.

The right of disabled students to special transportation when necessary is based upon two Federal statutes: Section 504 of the Rehabilitation Act of 1973, more commonly referred to as *Section 504* and the Individuals with Disabilities Education Act (IDEA), originally enacted in 1975. The impact on education generally and school transportation in particular is relatively simple: *a school district that provides transportation to non-disabled students must also provide transportation to disabled students*. Also, travel time for students with disabilities cannot be uniformly longer than that for students without disabilities. Further, a school district must make *reasonable accommodations* to transport the disabled student if that is necessary. If a school district provides no transportation services at all, whether or not the district is violating the law would depend on whether the provision of transportation is a related service as required in the student's individualized education program.

I. Individual Education Programs (IEP) for disabled students.

Whether a disabled student requires special transportation is determined on an individual basis by the student's IEP Team. The IEP should document a student's need for special transportation as a related service, identify basic transportation requirements such as the nature, frequency, and duration of the service, and identify items or services which, if changed, would change the student's learning experience.

J. Transporting disabled students.

Federal law defines transportation for disabled students as (1) travel to and from school and between schools, (2) travel in and around school buildings, and (3) specialized equipment (such as special or adapted buses, lifts, and ramps) if required to provide special transportation for a student with disabilities. [Federal Regulation 300.22(b)(15) for IDEA] IDEA does not specify methods to accommodate the transportation of disabled students. The education agency must determine the most appropriate means of transportation. Some of the options include the following:

1. District owned transportation vehicles
2. Contracting with transportation services (public or private)
3. Renting transportation vehicles
4. Sharing ownership of vehicles
5. Reimbursing a private or parent carrier

K. Dangerous or Disruptive Disabled Students.

Disabled students cannot be permanently denied transportation for dangerous or disruptive behavior because IDEA guarantees the right to a free appropriate public education, including the related service of transportation.

1. A disabled student may be suspended from transportation, for whatever reason, for up to 10 days in a school year; suspensions for more than 10 days is considered a *change of placement* that can occur only after the student's needs are reconsidered in an IEP meeting.
2. The US Supreme Court has ruled that suspension of any student for 10 days or less minimal requires due process including: (a) notice of changes; (b) informed of evidence; (c) opportunity to respond; and (d) written notice of misbehavior, length of suspension and condition. (*Goss v. Lopez*, US Supreme Court, 1975)
3. If a student with disabilities is dangerous and the parents refuse to agree to an alternative placement, the school can seek court permission to unilaterally change the placement, including alternative transportation.
4. Though no court has ruled directly on the issue, a disabled student cannot be permanently denied transportation services. Although a disabled student can be suspended from (temporarily denied) transportation services, best practice indicates that such a student cannot be denied transportation on a permanent basis. The reason is that such a denial could effectively terminate the student's right to a free appropriate public education.
5. If a student cannot be transported using the services regularly available, the school district should investigate the use of more restrictive (e.g., one-on-one) transportation services. The costs of these services must be borne by the school district. Disputes concerning these actions are subject to the procedural safeguards.

Part 2

Plan to ensure the protection of all students, particularly disabled students from physical harm by aggressive or assaultive students.

Common transportation approaches. Some alternative schools provide no transportation, in which case there is no problem with aggressive and disabled students since they would be individually responsible for their own transportation. According to a survey of alternative learning programs (ALPs) in 1997-98, of the 169 that responded, 4 alternative schools and 27 alternative programs reported that they did not provide transportation for their students. On that same survey, 53 alternative schools and 69 alternative programs reported that they did provide transportation for students enrolled there. Fourteen ALPs did not respond. Three of those were alternative schools and eleven were alternative programs.

In most cases, students enroll in alternative schools from all over the district; that is, they have multiple feeder schools. Students sometimes ride the bus to their base schools, there boarding another bus to travel to the alternative school. That second bus travels to all schools that feed the alternative school and picks up students at each one, then taking them to the alternative school. In some cases, these students, while traveling from their home school to their alternative school, travel separately from other students. However, from the students' homes to their base schools, they are on a regular bus route with other students.

1. Training. It is essential that the bus driver be provided sufficient training to feel competent to handle his or her assigned responsibilities, including those that go beyond driving the school bus. In addition to receiving all the training provided by bus drivers of non-disabled students, those responsible for disabled students may require additional training based on the population of disabled students they are serving. The importance of sufficient and proper training of bus drivers cannot be overstated. Putting aside the most important objective of that training, which is safe and effective service of the students being transported, insightful training will avoid unnecessary injuries and expensive litigation that may follow. School bus drivers and bus attendants would likely benefit from any behavior management program or training in which the student, classroom teacher, or teacher assistant participate.

2. Preventive approaches to misconduct. Successful management of student behavior is necessary to provide safe transportation. An effective driver is one who manages the school bus environment in a consistent manner that minimizes inappropriate student behavior. The most successful day-to-day behavior management is one that reinforces good behavior. Patience and good communication are key to maintaining a positive school bus environment. With disabled students, understanding of the disability is necessary to develop effective approaches to behavior management. For all students, school bus rules should be consistently reinforced. Seating arrangements, as well as

procedures for entry and exit, are necessary to establish and encourage proper bus conduct.

- 3. Managing misconduct.** Effective bus drivers understand how to respond when unacceptable behavior occurs. The critical factor is safety. The parents and students should be aware of consequences that can result if bus safety is compromised.
 - a. When a student, whether regular or disabled, first acts inappropriately, the bus driver should provide verbal correction in a controlled voice, remind the student about the relevant rules, and acknowledge the corrected behavior as soon as it occurs.
 - b. If the student continues to misbehave and decreases bus safety, the driver should stop the bus, correct the student, and later, submit an incident report to the designated supervisor.
 - c. In extreme cases, which are limited in number, a student may be suspended from transportation service. This must be done in accordance with the school district's written policies. Disabled students, like all other students, are required to follow district policies regarding transportation.
 - d. A disabled student who exhibits a behavior problem frequently or who needs protection from aggressive students may need to have this problem addressed at an IEP meeting. By addressing school bus behavior and transportation needs at an IEP meeting, all the parties have the opportunity to work together. In cases of repeated or serious misconduct, it is helpful if an agreement is reached with parents to bring the student at least to this part of the IEP meeting. This will emphasize the seriousness of the problem to the student.

- 4. Careful planning of bus assignments.** Many districts serve their populations of students who are at risk of school failure, some of whom may be assaultive or violent, in a separate program within the school. These alternative programs are usually located either in a regular school building or somewhere on the school campus. They are under the administration of the regular principal, an assistant principal, or a coordinator. In these cases, the students in question would be riding school buses with a mixture of students, some of whom may be students with disabilities. The regular school principals, therefore, are responsible for the school buses and management of safe school plans, including those for bus safety.

- 5. Other interventions.** Whether the disabled student is the aggressor, the victim, or the potential victim of an aggressive or assaultive student, the steps described above apply. Other interventions a principal may implement include the following, the latter two of which require additional monies:
 - a change in bus assignment of either the victim or aggressor, if the problem is small scale
 - assignment of a bus monitor or hiring of a safety assistant whose job it is to ride the school bus, monitor the disruptive students, and assist the bus driver

in applying any behavioral interventions that are agreed upon if misbehavior occurs

- place video cameras on the bus to monitor student behavior

6. **Transporting aggressive or assaultive students with separate systems or schedules.** In either case, whether transporting aggressive students or disabled students separately, there will be increased costs for buses, drivers, bus maintenance, and bus operation for those alternative schools and programs that do not have separate transportation systems. If separate buses are used, a bus costs around \$46,000 plus another \$5000 if a wheelchair lift if needed.

A minor difference in the schedule of the alternative schools and programs, later than the regular school schedule, might allow the school to use the same buses to make a second run (second tier bus routes), transporting those students later. The main requirement is that the length of the school day be the same for disabled students as for regular students, unless otherwise specified in the student's individualized educational program. This approach would still result in increased costs for bus drivers, operation, and maintenance of school buses.

Another possibility is for the district or school to contract with a private company to provide transportation either for the disabled or for the aggressive students to keep them separated, also resulting in increased costs. Unless there are changes in state funding policies, districts are expected to operate within state allocations, which are not based on approaches that would transport students attending alternative programs separately.

7. **Unique problems.** Other unique situations must be managed on a case-by-case basis. Local boards of education develop their own transportation policies and procedures. For example, last year a group of parents of students with disabilities petitioned the local county school board to transport children with disabilities separately from "teenagers who may be violent or have drug problems". Specifically they were referring to students who were attending a local alternative school who were at risk of school failure and dropping out of school for a number of reasons. The two groups of students had been riding together for five years. In that time, since 1993, there had been two assaults on children with disabilities by students from the alternative school. The parents argued that children with disabilities were less able to protect themselves against the actions of the teenagers. The parents were joined by a local chapter of the Association of Handicapped Citizens and even threatened possible legal action if the Board did not change its stance on the issue.

The school board made the change in transportation policy. The parents refused the superintendent's offer to place video cameras on the 18 minibuses that transported the children and the students from the alternative schools, which had been the transportation arrangement for the five previous years. Therefore, the district anticipated paying about \$270,000 for six new school buses for next year when they will begin to implement the new policy. The superintendent reported that the district

is already hurting financially and is hoping to receive government assistance for costs of the new buses. Meanwhile, as an interim measure for this year, the school board got permission from the state to take some older buses out of retirement.

- 8. Another state's approach.** A district in St. Lucie, Florida, is developing stricter discipline policies for next year, which may be a zero tolerance approach, for students who are disruptive on school buses. At the same time they are installing air conditioning in their buses, with the assumption that cooler buses should help calm student behavior. An air-conditioned bus is reported to cost about \$6000 more than buses without air conditioning, which cost between \$42,000 and \$44,000 each.

Individuals Involved in Reporting Data and the Overall Report

A number of individuals within, as well as outside, the NC Department of Public Instruction were involved in providing data and information for this report and in reviewing the final report.

Superintendents and central office staff in all 117 local education agencies supplied the data on numbers of students who were either expelled or long-term suspended during the 1997-98 school year. In addition, many hours were spent on the phone and through e-mail with district- and school-level staff regarding particular challenges faced, strategies to address problems, and elaboration on district suspension and expulsion data and alternative education programming for these students.

From the NC Department of Public Instruction:

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Stephen Beachum, Transportation Consultant, Division of School Support;
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Joseph Knight, Chief, Willie M/Behaviorally-Emotionally Disabled, Exceptional
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Harry Wilson, Legal Specialist for the State Board of Education and the
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From the NC Center for the Prevention of School Violence:

Pam Riley, Executive Director
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From the Office of Juvenile Justice:

Carl Hampton, Chief of Education Services

From the Department of Health and Human Services:

Michael Viar, Education Liaison
Debbie Summers, Principal, Wright School

APPENDIX A

Legislative Criteria for LEA Safe School Plans

Required by legislation passed in 1997 [GS 115-C-105.47 (a)], LEA safe school plans were to address the following criteria:

- clear statements of standards of behavior and clear statements of consequences for misbehavior;
- a clear statement of superintendent responsibility with reference to the plan;
- a clear statement of principal responsibility with reference to maintaining a safe, secure, and orderly school;
- clear statements of the roles of other administrators, teachers, and other school personnel with reference to maintaining a safe, secure, and orderly school;
- procedures for identifying and serving the needs of students who are at risk of academic failure or of engaging in disruptive or disorderly behavior;
- mechanisms for assessing the needs of disruptive and disorderly students and for dealing with these students;
- measurable objectives for improving school safety and order;
- measures of effectiveness of efforts directed to students who are at risk of academic failure or of engaging in disruptive or disorderly behavior;
- professional development which matches the goals and objectives of the plan;
- a plan to work with local law enforcement and court officials to ensure school safety;
- a plan to provide school community access to information about the plan;
- the name and role description of the person responsible for implementation of the plan;
- direction to the school improvement team to consider special conditions at their schools and to incorporate into school improvement plans the appropriate components of the local plan for maintaining safe and orderly schools;
- a clear and detailed statement of the planned use of federal, state, and local funds allocated for at-risk students, alternative schools, or both;
- any other information the local board considers necessary or appropriate.

APPENDIX B

Specific Sources of Funds Identified in LEA Safe School Plans

Budget Category

PRC 01	SRO
PRC07	Guidance
PRC 13	Vocational
PRC 26	Homeless educational
PRC 28	Staff development
PRC 29	<i>Willie M.</i>
PRC 31	Low wealth
PRC 32	Children with special needs/preschool program
PRC 48	Safe and drug free schools
PRC 49	IDEA
PRC 50	Title I funding
PRC 51	Migrant education
PRC 53	School improvement grant
PRC 55	Job Training Partnership Act (JTPA)
PRC 58	Safe and Drug Free Consortium Grant
PRC 59	Title VI
PRC 60	Handicapped funds
PRC 65	Even Start funds
PRC 69	At-Risk/Alternative funds
PRC 78	Summer Transition funds
PRC 79	Classroom inclusion funds
PRC 81	English as a Second Language (ESL) funds
PRC 82	Next Step Family Literacy grant
PRC 84	Character Education Partnership grant
PRC 91	Family Literacy funds

APPENDIX B (continued)

Specific Sources of Funds Identified in LEA Safe School Plans

Unidentified Budget Categories

SOS grant
Governor's Crime Commission (GCC) grant
Crime grant
Drug-competitive grant
Small schools fund
CBA grant
Categorical federal and grant funds
Community in Schools funds
Stewart McKinney Homeless grant
Federal Abstinence until Marriage block grant
Vocational funds
Cherokee Indian Tribal grant
National Science Foundation grant
Bright Ideas grant
Violence Prevention grant
DARE grant
Alcohol/Drug Defense grant
SRO Vehicle Replacement fund
Joint Grant-City/Schools
ASU DOP grant
Non-profit organization funding
Other mini grants, non-listed grants