

THE ROAD TO RE-ENGAGEMENT

*Providing an Education to
Long-Term Suspended and Expelled Youth*

About TeamChild

TeamChild is a non-profit civil legal services program serving youth in King, Pierce, Snohomish, Spokane and Yakima/ Benton-Franklin counties of Washington State. TeamChild's legal advocacy and community education help youth involved in the juvenile justice system secure the education, health, housing and other support they need to achieve positive outcomes in their lives.

About the TeamChild Youth Law and Policy Internship

During the summer of 2009, TeamChild recruited a team of three law school students and hired two King County youth to work on an advocacy plan that focused on the relationship between school discipline practices, dropouts, and juvenile justice involvement. This phenomenon is known nationally as the "School to Prison Pipeline" and describes the plight of many of TeamChild's clients.

The intern team convened roundtable discussions with legislators, school district representatives, and judges and was trained on creating powerful messages to communicate the material they learned over the summer. The youth learned about digital storytelling and produced a short movie about the experiences of youth who have been suspended or expelled. The law students drafted legislation and created this supporting document to encourage lawmakers to pass a law addressing the provision of education services to long-term suspended and expelled youth.

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The views expressed herein are those of the authors and should not be interpreted as endorsed by the agencies who provided financial support or the individuals who provided comments or feedback.

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KEY TERMS

Adjudicated youth: A youth who has been determined guilty of a crime by the juvenile court.

Disciplinary removal: Removal of a student from school that results from suspension or expulsion.

Disciplined youth: A student who has been long-term suspended or expelled from school.

Dropout: The event of a youth discontinuing school attendance before earning a high school diploma. Youth who earn a G.E.D., but do not complete high school and earn a diploma, may be considered to have dropped out.

Expulsion: A denial of school attendance for an indefinite period of time. *See* WAC 392-400-205.

Long-term suspension: A denial of school attendance for a stated period of time exceeding ten consecutive school days. *See* WAC 392-400-205.

Office of Superintendent of Public Instruction (OSPI): A state agency that oversees education for youth in kindergarten through twelfth grade in Washington State.

Positive Behavioral Interventions and Supports (PBIS): An evidence-based approach to preventing and responding to classroom and school discipline problems. The emphasis of PBIS is on school-wide systems of support that include proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. *See* <http://www.pbis.org>.

Retention: Keeping a student in the same grade for another year. That is, not promoting the student to the next grade with his or her classmates.

Suspension: A denial of school attendance for a stated period of time. *See* WAC 392-400-205.

EXECUTIVE SUMMARY

Washington should join the ranks of other states in requiring school districts to provide education programs for long-term suspended and expelled youth. The state Constitution provides that “[it] is the paramount duty of the state to make ample provision for the education of all children residing within its borders.” However, there are at least 43,000 cases of suspensions and expulsions in this state’s schools each year. Many youth who face these sanctions are not afforded an education during the period in which they are removed from school. In numerous districts, this is because an education program does not exist to serve youth during periods of suspension and expulsion.

When school districts do not provide adequate education programs to long-term suspended and expelled youth during periods of disciplinary removal, they pave the road to school failure and dropout. Long-term suspensions and expulsions without the provision of education programs create the very conditions that lead students to drop out. These conditions are poor attendance, poor academic performance, having to repeat a grade, and lack of confidence and optimism. By definition, long-term suspensions and expulsions prohibit youth from attending school. These forms of discipline take away the tools, structure, and support necessary for successful academic performance and often make repeating a grade inevitable. Under these circumstances, long-term suspended and expelled youth lose confidence and optimism about their future. They continue the process of disengagement. School districts must focus their efforts on reversing this path if they are to stop this group of youth from dropping out.

When long-term suspended and expelled youth drop out, the state pays. Each student that is unable to earn a diploma costs Washington an average of \$127,000 more than the average high school graduate. Dropouts suffer from higher unemployment rates and earn less when they are employed. In addition, individuals without a diploma are far more likely to come into contact with

the criminal justice system and utilize social programs such as public health care, Temporary Assistance for Needy Families (TANF), food stamps, and public housing assistance.

In order to have a meaningful impact on Washington's dropout rate, and by extension, the state economy, it is essential that all school districts provide evidence-based and adequately funded educational programs to long-term suspended and expelled youth. While the provision of these education programs will certainly require an increased financial investment in school districts, the resulting increase in income revenue, decrease in crime, and decrease in the need for social programs will produce a safer and more economically secure Washington.

INTRODUCTION

The Importance of Educating Youth

The critical importance of educating youth has been expressed many ways over many years by courts and legislatures.

Both case law and legislation recognize the importance of education. In *Brown v. Board of Education*,¹ the United States Supreme Court stated:

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society . . . It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping to adjust normally to his environment.

Washington's Constitution provides, "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders without distinction or preference on account of race, color, caste or sex."²

While these expressions of education's value to the individual and the community were not made to spare students from the consequences of misbehavior in the classroom, they nonetheless highlight the need to educate all youth, including those excluded from traditional public school for disciplinary reasons.

Requiring Education Programs for Disciplined Youth

Washington should require school districts to provide education programs for long-term suspended and expelled youth.

Although the Washington Constitution guarantees an education to all youth, many youth are not provided an education during periods of long-term suspension or expulsion from school.

In 1982, the Washington State Court of Appeals stated that an education should be provided to every juvenile in the state.³ It based this holding on the determination that the Revised Code of Washington Title 28A, which governs common schools, intended to provide for the education of

¹ 347 U.S. 483, 493 (1954).

² Art. IX, § 1.

³ *Tommy P. v Board of County Comm'rs of Spokane County*, 97 Wn.2d 385, 645 P.2d 697 (1982).

every youth in this state, including juveniles in detention facilities.⁴ Accordingly, education is a right of every juvenile, and should be accessible to all. Moreover, all juveniles, including those who are long-term suspended or expelled, must be provided an opportunity to progress in school, including an opportunity to earn credits toward a high school diploma.

Few Education Opportunities for Disciplined Youth

Education opportunities for long-term suspended and expelled youth are limited or non-existent in many districts.

Education opportunities are limited for long-term suspended and expelled youth in many districts; in other districts they are non-existent. This is unfortunate, because dropout rates in Washington are high, and strong evidence supports a link between long-term suspensions, expulsions, and dropout.⁵ In Washington State, the estimated cumulative dropout rate for the Class of 2008 cohort was 21.4%;⁶ an even higher percent of Washington students reach majority without a high school diploma.⁷ According to a report from the Office of the Superintendent of Public Instruction (OSPI), the Washington on-time graduation rate in 2006-2007 was only 72.4%.⁸ Furthermore, the number of suspensions and expulsions from school exceeds 40,000 in Washington each year.⁹

It should be noted that reliable data reports about the number of suspended and expelled students and whether they receive educational services during suspensions and expulsions are not available in Washington; and existing reports do not uniformly categorize suspensions and expulsions. Neither do they consistently classify the incidents that result in school discipline. Consequently, the count of 40,000 cases resulting in suspension and expulsion is significantly under-inclusive. It does not, for example, include the 3,004 cases resulting in discipline last year for

⁴ *Id.*

⁵ Cathy Hammond, National Dropout Prevention Center/Network, Dropout Risk Factors and Exemplary Programs: A Technical Report (2007).

⁶ Randy I. Dorn, Wash. Office of Superintendent of Pub. Instruction, Graduation and Dropout Statistics for Washington in 2007-2008 (2009).

⁷ Randy Dorn, Wash. Office of Superintendent of Pub. Instruction, Washington State Report Card (2009).

⁸ Dorn, *supra* note 6.

⁹ Wash. Office of Superintendent of Pub. Instruction, 2007-08 Behavior Report (2008).

weapons-related incidents,¹⁰ or the unknown number of removals for disruptive or disrespectful behavior.

Barriers to School Reentry

Many youth do not re-enter school following long-term suspension or expulsion, because they are not educated during the period of discipline.

Many youth do not re-enter school following periods of disciplinary removal. These youth fall into three different groups. Youth in all three groups are likely to remain out of school indefinitely.

Some youth do not re-enter school because they are so far behind their peers they cannot catch up with academic coursework or credits.¹¹ Instead of joining a class below their peers, they drop out.¹²

Other youth are unenrolled by the disciplining district during the period of punishment. This population effectively disappears from the district attendance roll, and remains invisible indefinitely because the youth are not automatically readmitted to the district when the disciplinary period ends. This is problematic not only because many youth do not go through the steps required to re-enroll, but also because unenrollment from school is consistent with the Washington Administrative Code (WAC). Washington Administrative Code 392-121-108(4) states that a student who has been suspended from school pursuant to WAC 392-400-260 shall not be counted as an enrolled student until attendance is resumed. Furthermore, the student will be unenrolled if the conditions of suspension will cause him or her to lose academic grades or credit.¹³ So long as the conditions of many long-term suspensions cause students to lose academic grades or credit, youth who fall into this group will be lost by the education system. Likewise, WAC 392-121-108(5) instructs that expelled students shall not be counted as enrolled.

¹⁰ Wash. Office of Superintendent of Pub. Instruction, 2007-08 Weapons Report (2008).

¹¹ Hammond, *supra* note 3, at 27.

¹² Hammond, *supra* note 3, at 27.

¹³ Wash. Admin. Code § 392-121-108 (2009).

Requiring that districts provide an education program to youth who are long-term suspended or expelled will prevent a large number of children from losing academic grades or credit that result in unenrollment. Ultimately, it will reduce the disappearance of youth from the education system.

Just as youth who drop out are unlikely to re-engage with the school district, youth who are unenrolled during a period of disciplinary exclusion are unlikely to re-engage. Providing an education program for long-term suspended and expelled youth during periods of disciplinary removal would not only benefit the youth, it would also benefit the community. In a school program, disciplined juveniles would be supervised and educated by certified teachers. Also, education programs would increase youth re-entry into traditional public school.

Still another group of juveniles do not re-enter school following expulsion. This group of middle school and high school-age youth cannot re-enter school because they are actively prohibited by the disciplining district. Youth who are unenrolled during long-term suspension may re-enroll when the suspension ends on a pre-determined date. However, expelled youth must complete a formal process for readmission, and may never be approved for re-entry into traditional public schools.¹⁴ It is problematic for petitioning youth that districts do not share uniform expectations about what information should be provided in these petitions. Furthermore, those who petition are often denied readmission; sometimes without explanation. Recourse following rejection requires an appeal to state Superior Court, and is sufficiently costly to prohibit some families from exercising the option. While it is generally assumed that juveniles who seek an education will be provided an education, that is not always the case in this state.

¹⁴ Wash. Admin. Code § 392-400-245(7) (2007).

Many States Recognize That Long-Term Disciplined Youth Must Be Educated

Many states identify the need to serve disciplined youth during periods of long-term suspension or expulsion from school. New York, New Jersey, Texas, and West Virginia are among those states that mandate education programs for juveniles who are prohibited from school attendance because of a disciplinary sanction.

New York Education Law § 3214(3)(e) provides the procedure for placing a youth in an alternative program after suspension:

Where a pupil has been suspended pursuant to this subdivision and said pupil is of compulsory attendance age, immediate steps shall be taken for his or her attendance upon instruction elsewhere or for supervision or detention of said pupil...Where a pupil has been suspended for cause, the suspension may be revoked by the board of education whenever it appears to be for the best interest of the school and the pupil to do so.

Against this backdrop, the New York City Department of Education provides that students may not be penalized academically during the period of disciplinary exclusion:¹⁵

“during the period of removal or suspension, students must be provided with alternative instruction...The instruction must provide the student with an opportunity to earn academic credit and must be appropriate to the individual needs of the student.”¹⁶

Likewise, the New Jersey legislature requires that “any pupil removed from the regular education program [for an offense involving a firearm] shall be placed in an alternative education program.”¹⁷ Notably, weapon offenses are among the most serious offenses that can be committed at school. By requiring the provision of an education program for pupils convicted or adjudicated for weapon-related incidents, New Jersey acknowledges that even youth disciplined for serious violations should not be prohibited from accessing an education.

¹⁵ New York City Department of Education, Regulation of the Chancellor A-443 III.B.1(a).

¹⁶ New York City Department of Education, *supra* note 13, § A-443 III.B.1(b).

¹⁷ N.J. Stat. § 18A:37-8 (2009).

The Texas legislature requires even more. The Texas Education Code states, “[e]ach school district shall provide a disciplinary alternative education program.”¹⁸ Moreover, the Code details how such programs ought to be funded and implemented.

West Virginia case law requires an education to be provided, as well. In *Leon M. v Greenbrier County Bd. of Ed.*, the West Virginia’s constitutional right to a system of education was held to require “the creation of an alternative program for pupils suspended or expelled from their regular educational program for a continuous period of one year” for possessing a firearm.¹⁹ And in *Cathe A. v. Doddridge Co. Board of Ed.*, the court held that “a policy... that the state has no responsibility to provide any state-funded educational opportunities to *any* children who are expelled under the Productive and Safe Schools Act...is constitutionally infirm.”²⁰

Washington Citizens Value Education For All Youth

Most Americans share the value that underlies the Washington Constitution’s guarantee of an education for all children.

The American people have always regarded education and the acquisition of knowledge as matters of supreme importance. We have recognized the public schools as a most vital civic institution for the preservation of a democratic system of government, and as the primary vehicle for transmitting the values on which our society rests. As pointed out early in our history, some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence. And these historic perceptions of the public schools as inculcating fundamental values necessary to the maintenance of a democratic political system have been confirmed by the observations of social scientists. In addition, education provides the basic tools by which individuals might lead economically productive lives to the benefit of us all. In sum, education has a fundamental role in maintaining the fabric of our society. We cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests.²¹

¹⁸ Tex. Educ. Code § 37.008 (2009).

¹⁹ 199 W. Va. 400, 405, 484 S.E.2d 909, 914 (W. Va. 1996).

²⁰ 200 W.Va. 521, 531, 490 S.E.2d 340, 350 (W. Va. 1997).

²¹ In *Phylar v. Doe*, the United States Supreme Court drew upon a rich body of American case law that pronounces the importance of educating all youth. Citations are omitted from this citation, but are available for reference at 457 U.S. 202, 221 (1982).

It is not only the “paramount duty of the state to make ample provision for the education of all children residing within its borders” because the Constitution says so; it is the paramount duty of the state because Washington’s citizens recognize that youth contribute to society, and require less government assistance, when they are empowered through education. Conversely, undereducated youth are more likely to require state-provided resources, including within the context of the criminal justice system.

Paving the Road to Dropout: Long-Term Suspensions and Expulsions

Being suspended or expelled significantly increases the likelihood that a student will drop out.²² In fact, suspensions and expulsions are better predictors of high school dropout than many other well known factors, including: low socio-economic status, not living with both biological parents, a high number of school changes, and a low percentage of peers planning to go to college.²³ According to one study, high school sophomores who have been suspended from school drop out at three times the rate of their classmates who have not been suspended.²⁴ While the Washington Office of Superintendent of Public Instruction (OSPI) does not provide specific data on the number of students who have been suspended and/or expelled who subsequently drop out, OSPI has confirmed that suspensions contribute significantly to the dropout rate.²⁵ The OSPI report, *Helping Students Finish School*, noted that schools contribute to students' involuntary withdrawal from school by "systematically excluding and discharging troublemakers and other problematic students."²⁶

What is worse, far too many youth are left without access to an education when they are long-term suspended and expelled. These youth not only deal with the stigmatization associated with removal from school, but are also left behind while their peers progress academically and towards high school completion. Not surprisingly, many of these youth suffer all the negative consequences associated with poor attendance. They are often held-back a grade if they do return to school at all, have poor academic performance, and lose optimism and confidence. By providing effective

²² Hammond, *supra* note 3, at 16.

²³ Suhyun Suh, Jingyo Suh, and Irene Houston, *Predictors of Categorical At-Risk High School Dropouts*, 85 J. of Counseling and Dev. 196, 196-203 (2007).

²⁴ Am. Psychological Ass'n. Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective In Schools? An Evidentiary Review and Recommendations* 49 (2006), *available at* <http://apa.org/releases/ZTTFReportBODRevisions5-15.pdf>.

²⁵ Terry Bergeson, Wash. Office of Superintendent of Pub. Instruction, *Helping Students Finish School* 4 (2003).

²⁶ Bergeson, *supra* note 22, at 33; R.W. Rumberger,, *Why Students Drop Out of School and What Can Be Done* 17, Paper presented at the Conference on Dropouts in America: How severe is the problem? What do we know about intervention and prevention? Civil Rights Project, Graduate School of Education, Harvard University, *available at* <http://www.civilrightsproject.harvard.edu/research/dropouts/rumberger.pdf>.

education programs to long-term suspended and expelled youth during periods of disciplinary removal, school districts can stop these negative effects and increase the likelihood that youth who have been long-term suspended or expelled will graduate high school.

The Process of Disengagement

Dropping out is not a single event; it follows “a long process of progressive disengagement from school that includes markers or warning signs along the path before [it] occurs.”²⁷ In one survey, students who dropped out reported that they felt increasingly alienated from school for one to three years before they left altogether.²⁸ According to OSPI, suspensions exacerbate withdrawal behavior and help convince students that they do not belong in school.²⁹ Expulsions, which are far more severe and generally remove youth from school for much longer periods of time, undoubtedly have the same effect.

Numerous studies have established the factors that contribute to the process of disengagement and lead a student toward dropping out. Among the most closely related factors linked to dropout are: poor attendance, poor academic performance, having to repeat a grade, and a lack of optimism and confidence. Unfortunately, these are also the common result of suspensions and expulsions. What follows is a description of how these factors are linked to dropout, how they result from suspension and expulsion, and, most importantly, how they can be mitigated by providing education programs to students who are disciplinarily removed from school.

Poor Attendance

Poor attendance, also termed high absenteeism, is a primary indicator of a student’s level of detachment and disengagement from school,³⁰ and a leading factor in students’ dropping out.³¹ One

²⁷ Hammond, *supra* note 3, at 22.

²⁸ Hammond, *supra* note 3, at 22.

²⁹ Bergeson, *supra* note 22, at 33.

³⁰ Hammond, *supra* note 3, at 13.

³¹ Bergeson, *supra* note 22, at 3.

survey concluded that “missing too many days and having trouble catching up” was the second most reported reason for dropping out of school.³² Various other studies have concluded that it impacts the dropout rate at all grade levels.³³ For students with chronically poor attendance, each absence makes them “less willing to go back.”³⁴

Suspensions and expulsions, by definition, prohibit a student’s attendance from school. Consequently, the same negative impact that results from high absenteeism will also follow from long-term suspensions and expulsions. This is especially true when school districts do not provide any education programs to long-term suspended and expelled youth during periods of disciplinary removal. Without education programs, these youth cannot complete coursework and will not earn credits. Moreover, they often do not have a constructive place to go to instead of school. There is very little incentive for these youth to return to school, if and when they are permitted to do so.

Providing education programs to long-term suspended and expelled youth when they are out of school will reduce the negative impact of their absences from school. Of course, the best way to minimize disruption would be to keep these youth in school. If this is not possible, then programs that provide academic instruction and support, structure, and social interaction are the next best method of keeping long-term suspended and expelled youth engaged.

Poor Academic Performance

With poor attendance comes poor academic performance, and with poor academic performance, the process of disengagement continues. Poor academic performance is one of the most consistent predictors of dropout, whether it is measured by grades, test scores, or course failure. Studies have concluded that poor academic performance in any grade, from the first through

³² J.M. Bridgeland, J.J. Dilulio, and K.B. Morison, Civic Enterprises, LLC, *The Silent Epidemic: Perspectives of High School Dropouts* (2006).

³³ Hammond, *supra* note 3, at 3.

³⁴ Hammond, *supra* note 3, at 22.

the twelfth, increases the likelihood that students will dropout.³⁵ Likewise, studies have identified dropouts as those who are likely to be students with poor academic achievement.³⁶

Clearly, when students are long-term suspended or expelled and their school districts do not provide education programs during periods of disciplinary removal, these students will not progress academically. Youth cannot be expected to learn on their own; they need instruction, structure, guidance, and expectations. In school, youth learn how to learn. Without this skill, long-term suspended and expelled youth will find it exceedingly difficult to perform well academically if and when they return to school.

Education programs that provide the fundamental elements of education would ensure that long-term suspended and expelled youth are provided the opportunity to increase their academic achievements. Removal from the traditional school environment is a disruption that is likely to adversely affect a students' performance. However, complete removal from any educational setting presents even graver consequences. School districts need to provide long-term suspended and expelled youth with as much continuity as possible so that these youth can continue to acquire the skills necessary for academic success.

Having to Repeat a Grade

Poor academic performance and poor attendance often result in students having to repeat a grade. Also referred to as “retention”, having to repeat a grade is among the most critical reasons why students disengage and leave school before graduating. Retention at all grade levels is linked to dropout.³⁷ Even first graders who are held back are more likely than their peers to dropout once they reach secondary schools.³⁸ Moreover, retention's impact is independent of academic performance, other school experiences, and personal characteristics. “Something about the

³⁵ Hammond, *supra* note 3, at 12.

³⁶ Bergeson, *supra* note 22, at 3.

³⁷ Hammond, *supra* note 3, at 27.

³⁸ Bergeson, *supra* note 22, at 12.

experience of being retained and being older than grade-level peers increases the likelihood of dropping out.”³⁹

Having to repeat a grade is an almost inevitable consequence of multiple suspensions.⁴⁰ And multiple suspensions are far from rare; 41% of suspensions in a year are of students who have already been suspended in the past.⁴¹ Even more troubling, it only takes one long-term suspension or expulsion to cause many youth to be held back. Eighth graders who are long-term suspended from school half-way through the year and are not able to come back until the next, may not move on to high school with their friends. If their school district does not provide them with education programs while they are removed, they will have to stay in junior high school. For students who are expelled, the situation may be worse. They may have to move and/or file petitions for readmission and wait out the lengthy process that that entails. Some expelled youth have struggled to obtain an education for over one year while out of school; many others have simply decided not to come back.

Providing education programs that give suspended and expelled youth the opportunity to earn credits and take the coursework necessary to progress to the next grade level will decrease the likelihood that these students will be held back. As these programs ensure these students stay at grade level, they decrease the likelihood that these students will drop out.

Lack of Optimism and Confidence

Students who are optimistic about their future and confident in their ability to succeed are more likely to be engaged.⁴² Conversely, students with low educational expectations, who are uncertain that they will graduate and lack plans for education beyond high school are significantly

³⁹ Hammond, *supra* note 3, at 27.

⁴⁰ Jay P. Heubert and Robert M. Hauser, Nat. Research Council, *High Stakes: Testing for Tracking, Promotion, and Graduation* 129 (1999).

⁴¹ American Psychological Association Zero Tolerance Task Force, *supra* note 21, at 48.

⁴² Suhyun Suh, *supra* note 20, at 196.

more likely to drop out.⁴³ Further studies have identified youth who drop out as those who are likely to have low self-esteem or self-efficacy.⁴⁴

Long-term suspended and expelled youth who are not provided education programs for long periods of time are likely to fall behind their peers academically or even be held back. Faced with these likely outcomes and the stigma of a harsh disciplinary sanction, they often and understandably become pessimistic about their future and doubt whether they can succeed.

When school districts take the responsibility for educating suspended and expelled youth, it sends a message to these youth that educators are not giving up on them. Education programs would re-engage youth and provide them with the support necessary to get back on track.

Summary

Simply put, school districts that do not provide adequate education programs to long-term suspended and expelled youth during periods of disciplinary removal are paving the road to dropout. Long-term suspensions and expulsions without the provision of education programs create the very conditions that lead students to drop out. These conditions are poor attendance, poor academic performance, having to repeat a grade, and lack of confidence and optimism. By definition, long-term suspensions and expulsions prohibit students from attending school. These forms of discipline take away the tools, structure, and support necessary for successful academic performance and often make repeating a grade inevitable. Under these circumstances, long-term suspended and expelled students lose confidence and optimism; they continue the process of disengagement. School districts must focus their efforts on reversing this path if they are to stop this segment of youth from dropping out.

⁴³ Hammond, *supra* note 3, at 13.

⁴⁴ Bergeson, *supra* note 22, at 4.

THE END OF THE ROAD: THE LONG-TERM COSTS OF DROPOUT

When long-term suspended and expelled youth drop out, the state pays. Each student that is unable to earn a diploma costs Washington an average of \$127,000 more than the average high school graduate.⁴⁵ Youth who drop out suffer from higher unemployment rates and earn less when they are employed. In addition, individuals without a diploma are far more likely to come into contact with the criminal justice system and utilize social programs such public health care, Temporary Assistance for Needy Families (TANF), food stamps, and public housing assistance.

Criminal Involvement

Long-term suspension and expulsions lead youth to criminal involvement.

Because long-term suspended and expelled youth often do not receive adult supervision while away from school, and experience a high propensity to dropout, it is not surprising that suspensions and expulsions are strongly correlated to involvement in the criminal justice system. According to a 2008 Washington State Institute for Public Policy (WSIPP) study, as many as two-thirds of juvenile offenders at high risk of reoffending have been suspended or expelled at least once.⁴⁶ In addition, due to the strong correlation between suspensions and expulsions and high school dropout rates,⁴⁷ it is very likely that a majority of incarcerated adults were at one time suspended or expelled. Fight Crime: Invest in Kids, a national organization of law enforcement leaders and crime survivors, finds that, “[h]igh school dropouts are three and one-half times more likely than high school graduates to be arrested, and more than eight times as likely to be

⁴⁵ Henry Levin, Clive Belfield, Peter Muennig, and Cecilia Rouse, *The Costs and Benefits of an Excellent Education for All of America's Children*, Center for Benefit-Cost Studies of Education, 1 (2007), available at http://www.cbcse.org/media/download_gallery/Leeds_Report_Final_Jan2007.pdf.

⁴⁶ Robert Barnoski, Ph.D., WSIPP, *Suspensions and Expulsions from School and Juvenile Court Involvement* (2008).

⁴⁷ 68% of people incarcerated in state-run adult facilities have not earned a high school diploma. Caroline Wolf Harlow, *Education and Correctional Populations*, United States Bureau of Justice Statistics, 1 (2003), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/ecp.pdf>.

incarcerated. Across the country, 68 percent of state prison inmates have not received a high school diploma.”⁴⁸

Although most adjudicated youth were at one time suspended or expelled, only a few of the youth who experience a long-term suspension or expulsion will go on to commit a crime. But the small number who do have a large financial impact in our state. For each additional high school graduate produced by the State of Washington, taxpayers will save an average of \$26,600 in costs associated with policing, government anti-crime programs, victim costs payments, arrests, criminal trials, sentencing, and incarceration.⁴⁹

Unemployment

Youth who do not graduate have higher incidents of unemployment, lower wages, and pay less in taxes.

Due to negative experiences in their youth, many students who drop out find it difficult to obtain employment or earn a livable wage. Often those who drop out were previously denied access to homework, supportive teachers, and positive peer relationships during long-term suspensions or expulsions – potentially leaving them without the skills and knowledge generally attained in school. In addition, once a student drops out, even if that student has the same skills, knowledge, attitudes, and abilities of a high school graduate, a stigma will follow him or her into adulthood. A similar stigma remains even if a student goes on to complete the General Educational Development (GED) certification test.⁵⁰ As Gloria Womack of Powerful Voices⁵¹ put it, “When employers have two

⁴⁸ Bill Christeson, Brian Lee, Stephanie Schaefer, Any Dawson, and Soren Messner-Zidell, *School or the Streets: Crime and Alabama’s Drop Out Crisis*, Fight Crime: Invest in Kids, 2 (2008), available at <http://www.fightcrime.org/reports/fcik-dropout-al.pdf>.

⁴⁹ Levin, *supra* note 45, at 14.

⁵⁰ While GED certificates offer more opportunities for financial security and advancement than failure to complete high school, they are far from equivalent to high school diplomas. Even controlling for other factors, GED recipients are about half as likely to complete an associate’s degree, even less likely to complete a bachelor’s degree, and on average will earn less and experience more unemployment than their high school counterparts. U.S. Department of Education, *Educational and Labor Market Performance*, available at <http://www.ed.gov/pubs/GED/execsum.html>.

⁵¹ “Powerful Voices [is an organization that] instills leadership skills, fosters development of critical thinking and promotes the individual potential in adolescent girls through programs in Seattle public middle schools and in and out of juvenile detention.” Powerful Voices homepage, www.powerfulvoices.org (last visited August 14, 2009).

people in front of them, one with a GED and the other with a high school diploma, an employer is considering that the H.S. graduate had the stamina and persistence to stick with four years of some very trying and difficult times. They didn't quit."⁵² An employer is unlikely to know or understand that a GED recipient may have been denied access to education services.

The impacts of dropout on unemployment rates and income levels are high for individual students and for society. According to the U.S. Bureau of Labor and Statistics, the unemployment rate for those who dropped out was about 1.5 times greater than for high school graduates, and nearly four times greater than for college graduates.⁵³ U.S. Census Bureau data shows that students who graduate earn an average of \$9,634 more per year than high school dropouts.⁵⁴ These gaps may increase as our economy continues to decline and employers find it necessary to pay less to fewer people.

Lower wages and higher unemployment rates render fewer tax dollars. Each high school graduate will pay \$66,000-\$153,000 more in taxes in a lifetime than a youth who drops out.⁵⁵ A college graduate will pay \$348,000-\$674,000 more in a lifetime.⁵⁶

Social Programs

Youth who do not complete high school will rely more heavily on social programs.

Public Health Care

Higher unemployment rates increase the chance that a person without a diploma will not have employer-sponsored healthcare; likewise, due to lower wages even when employed, those without diplomas will have a tougher time paying out-of-pocket for health insurance or medical care.

Youth who are long-term suspended or expelled are more likely to exhibit risky behaviors such as

⁵² E-mail from Gloria Womack, STAGES Instructional Coordinator, to Kathrine Price, TeamChild Intern (August 5, 2009, 10:58 PST) (on file with author).

⁵³ http://professionals.collegeboard.com/profdownload/Facts_For_Education_Advocates_Sept.pdf Bureau of Labor and Statistics, 2008 – from “Facts for Education Advocates.”

⁵⁴ http://professionals.collegeboard.com/profdownload/Facts_For_Education_Advocates_Sept.pdf US Bureau of the Census, 2006.

⁵⁵ The average amount of lifetime taxes paid varies widely based on well-known gender and ethnicity disparities, hence the wide range. Levin, *supra* note 45, at 9.

⁵⁶ *Id.*

smoking and riding in a car without a seatbelt.⁵⁷ In addition, the less education a person acquires, the less likely he or she is to use preventative care or seek a doctor's assistance for less severe health-related issues,⁵⁸ probably again due to the inability to pay out-of-pocket. Increased participation in high-risk activities and lower propensities for seeking preventative medical care are both likely to increase the cost of that care when it is sought. Not surprisingly, lower wages and higher unemployment rates increase the chance that a person who drops out will enroll in Medicaid. Therefore, long-term suspended and expelled youth who eventually drop out are more likely to rely on public health care options and the costs are likely to be higher when they do.

The correlating public health care cost statistics are not surprising. High school dropouts use, on average, \$26,500-\$58,700 more in public health dollars than high school graduates.⁵⁹ Overall, the average lifetime public health care savings per additional high school graduate is \$40,500.⁶⁰

⁵⁷ "Health Risk Behaviors Among Adolescents Who Do and Do Not Attend School: United States, 1992." *In Prevention Morbidity and Mortality Weekly Report*, 43: (08) Atlanta: Centers for Disease Control and March 4, 1994.

⁵⁸ *Id.*

⁵⁹ This range is also based on gender and ethnicity difference, and is most pronounced for African American females. In that group, dropouts will account for an average of \$107,200 in public health spending per lifetime, as opposed to the \$48,500 attributable to their high school graduate counterparts. *Id.* at 12.

⁶⁰ *Id.*

Public Assistance and Subsidies

Annually, state governments pay approximately \$25 billion of the total \$193 billion in national public assistance costs.⁶¹ Much of that expenditure is for high school dropouts, many of whom experienced suspension or expulsion. After dropping out of public schools and without a high school diploma, many of these adults have nowhere to turn except to the government for assistance. Not surprisingly, individuals without high school diplomas account for almost half of Temporary Assistance for Needy Families (TANF) recipients, an amount strikingly disproportionate to their portion of the general population.⁶² This disproportionate share is similar for individuals receiving public housing assistance.⁶³ What's more, 64% of individuals without high school diplomas use food stamps at some point in their lives, while only 38% of high school graduates do the same.⁶⁴

Overall, the average savings on public assistance costs per additional graduate is at least \$3,000.⁶⁵ However, because studies have not included the cost of public assistance offered to the *children* of non-graduates,⁶⁶ such as food stamps and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), this figure is a very low estimate of the actual savings we should expect for each additional high school graduate.

Long-Term Effects

Expulsions and suspensions have more long-term and difficult to measure effects.

As we already know, long-term suspended and expelled youth who do not complete high school are far more likely than high school graduates to be classified as “low-income” in

⁶¹ *Id.* at 14.

⁶² *Id.* at 15.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.* at 16.

⁶⁶ *Id.*

adulthood.⁶⁷ Unfortunately, children from low-income families are nearly twice as likely to drop out as those from middle-income families and about five times as likely to dropout as those from high-income families.⁶⁸ It is very likely that parents' previous lack of optimism about school and disengagement from school is communicated to children through general attitudes, and then is reinforced by the schools' decisions to refuse education programs.

This economic disparity also could be explained by unequal access to remedies and assistance. For instance, middle and high-income parents have better access to legal counsel, mental health and counseling programs, health care resources, and quality education programs. Middle and high-income parents are also more likely to be able to take time away from work to ensure that their suspended or expelled children receive educational programs during the disciplinary exclusion period, and to ensure that their children are eventually re-admitted to the same or another school. When asked what he would do if faced with the expulsion of his own child, a Seattle area judge aptly responded that, unlike the majority of parents in a similar situation, he would be able to pay for his child to attend a private school. Parents who are not able to afford legal counsel or the appropriate programs – perhaps due to negative educational experiences in their own childhoods – tend to be unable to adequately advocate for, or personally meet the educational needs of, their suspended or expelled children, thereby perpetuating the cycle.

In addition to a generational domino effect, suspensions and expulsions that result in complete disengagement from the education system are likely to have currently unmeasured indirect consequences based on the impact on an individual's earning potential. For instance, one study shows that children of low-income families are more than twice as likely to experience contact with

⁶⁷ Jennifer Laird, Stephen Lew, Matthew DeBell, and Chris Chapman, *Dropout Rates in the United States: 2002 and 2003*, IES National Center for Educational Statistics, 4 (2006), available at <http://nces.ed.gov/pubs2006/2006062.pdf>.

⁶⁸ *Id.* at 22.

Child Protective Programs (CPS).⁶⁹ It is no secret that the statewide costs of CPS involvement are exorbitant. Taxpayers must foot the bill for the employment of CPS social workers, the provision of programs such as mental health evaluations and drug tests, court hearings, and recruitment, education, and support of foster families to care for children who are ultimately removed from their parent's care.

Increased CPS involvement may be explained in part by the additional stresses a low-income working family experiences – stresses that are only exacerbated by a child's removal from school. Affordable housing, healthcare, childcare, food, and clothing are difficult enough to obtain for a family at the cusp of poverty. Many families depend on schools to provide free or reduced-priced meals,⁷⁰ and to supervise their children during school hours while parents are at work. While this issue has not been studied, it is possible that families with suspended or expelled children are more likely to face CPS involvement due to the additional stress school removal places on a family.

The Effectiveness, Costs, and Benefits of Intervention Programs

Because suspensions and expulsions without the provisions of education services may not serve the intended purpose of improving a child's behavior, and instead lead to dropout and thereby to the variety of unintended, bad consequences explained above, it is imperative that school districts seek evidence-based, cost-efficient alternatives to out-of-school discipline.

First Things First (FTF) is among the interventions found to be most effective at reducing drop out rates.⁷¹ This intervention program focuses on “small learning communities with dedicated teachers; family advocates; and instructional improvement efforts” for high school students.⁷² FTF, the least expensive of the intervention programs studied by the Center for Benefit-Cost Studies of

⁶⁹ Jennifer F. Culhane, David Webb, Susan Grim, Stephen Metraux, and Dennis Culhane, *Prevalence of Child Welfare Programs Involvement among Homeless and Low-Income Mothers: A Five-year Birth Cohort Study*, 30 *Journal of Sociology and Social Welfare* 79, 82 (2003).

⁷⁰ 37.9% of Washington students relied on free or reduced-priced meals during the 2007-2008 school year. Dorn, *supra* note 7.

⁷¹ Levin, *supra* note 45, at 4.

⁷² *Id.*

Education, was found to increase the number of graduates by an additional 16 students for every 100 students receiving the intervention.⁷³ In comparison, merely raising teacher salaries by 10% increased the number of graduates by only 5 additional students.⁷⁴ Given that our state could expect each of these additional graduates to yield a public benefit of \$209,100 (a net “profit” of \$150,000 per additional graduate), our state’s failure to implement similar programs for students most at risk of dropping out, such as long-term suspended and expelled youth, is difficult to justify.

Positive Behavioral Interventions and Supports (PBIS) is another evidence-based program capable of having a significant impact on Washington dropout rates through provision of education programs to long-term suspended and expelled youth. In Louisiana, a state with dropout rates even higher than Washington’s,⁷⁵ one school that implemented PBIS saw a 24% reduction in out-of-school suspensions after only one year.⁷⁶ Similar results were seen when PBIS was implemented by schools in other states.⁷⁷ Louisiana schools that implemented PBIS saw reductions in dropouts, delinquencies, drug use, and office referrals.⁷⁸ Not surprisingly, the same schools also saw improved attendance, school atmospheres, and academic achievement. Although published materials do not indicate the exact cost of PBIS implementation, one report calls it “relatively simple and cost-effective.”⁷⁹

With strong evidence that PBIS is effective in reducing the need to remove at-risk youth from school settings, it is reasonable to believe that integrating the PBIS model in education programs for long-term suspended and expelled youth would show similar results. The Office of

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Southern Poverty Law Center, *Effective Discipline for Student Success: Reducing Student and Teacher Dropout Rates in Louisiana 1* (2009), available at http://www.splcenter.org/images/dynamic/main/LA_Reducing_Student_Dropout.pdf.

⁷⁶ *Id.* at 9.

⁷⁷ Advocates for Children and Youth, *School Suspensions: Effects and Alternatives*, Voices for Maryland’s Children, April 2006, at 5 available at http://www.acy.org/upimages/news_document1149532362-1.pdf.

⁷⁸ Southern Poverty Law Center, *supra* note 75.

⁷⁹ *Id.* at 1.

the Superintendent of Public Instruction (OSPI) already recognizes PBIS – also called Response to Intervention (RTI) – as a model for best practices, and has amassed a substantial collection of tools and resources for schools and districts interested in implementing the program.⁸⁰ According to OSPI, “RTI is grounded in the belief that ALL students can learn and achieve high standards when provided with effective teaching, research-based instruction, and access to a standards-based curriculum.”⁸¹

Restorative Practices offer yet another set of evidenced-based methods proven to reduce school violence while simultaneously increasing graduation rates, even among previously disengaged youth. Six New York City alternative schools have had impressive success by implementing Restorative Practices and generally rejecting severe forms of punishment such as expulsion.⁸² Restorative Practices “rang[e] from relationship and community-building activities to effective processes for dealing with disruptive student behavior and violence” and focus on “engaging students in taking responsibility for making their own schools better.”⁸³ Large urban schools with sizeable low-income and diverse populations have been able to reduce serious incidents by as much as 52% after only one year of implementing Restorative Practices – something suspensions and expulsions have never been able to achieve.⁸⁴

⁸⁰ Office of the Superintendent of Public Instruction, Washington Response to Intervention: Implementation http://www.k12.wa.us/SpecialEd/RTI_Implementation.aspx (last visited Aug. 4, 2009).

⁸¹ Office of the Superintendent of Public Instruction, Washington Response to Intervention: Core Principles http://www.k12.wa.us/SpecialEd/RTI_Core_Principles.aspx (last visited Aug. 4, 2009).

⁸² http://www.restorativejustice.org/10fulltext/Safety_with_Dignity.pdf/view

⁸³ <http://www.iirp.org/pdf/IIRP-Improving-School-Climate.pdf>. Page 4. Principal Saliyah Cruz of a West Philadelphia High Schools says, “Restorative practices is what you need in an urban environment, because you have students who have so many social concerns, so many things that get in the way of learning. Restorative practices has given us a way to help the kids process the things in the front of their minds that make learning secondary to them... This is different from the model that says, ‘You’re going to get a detention and a suspension, whether it’s going to help you or not,’ over and over and over again... We didn’t really believe that we could get our kids to the point where they could express remorse, sympathy and respect. Now the kids have embraced restorative practices even more than the adults.” Page 5.

⁸⁴ <http://www.iirp.org/pdf/IIRP-Improving-School-Climate.pdf>

Summary

In order to have a meaningful impact on Washington's dropout rate, and by extension, the state economy, it is essential that all school districts provide evidence-based and adequately funded education programs to long-term suspended and expelled youth. While the provision of these education programs will certainly increase school districts' financial needs, the resulting increase in tax dollars, decrease in crime, and decrease in the need for social programs will produce a safer and more economically secure Washington.

CONCLUSION: A CHANGE IN DIRECTION

Denying long-term suspended and expelled youth an education is not cost effective for Washington State. Failure to provide educational services during periods of disciplinary exclusion increases the chances that these youth will drop out, and expands costs for everyone. Additionally, it violates Washington's constitutional guarantee of an education for all. As Washington works to achieve cost savings, we must consider the impact that school removal has on individual students and society as a whole. Allowing individual districts to determine whether or not to provide education programs to long-term suspended and expelled youth has created disparities across the state. All children deserve the opportunity to engage with the education system, earn diplomas, and make positive contributions to their communities. And all citizens will benefit when they do so.

There are two essential steps to address this problem. The first is to increase and improve data collection on long-term suspended and expelled youth in order to more effectively and efficiently implement a solution. Data on race and ethnicity, among other information, is very important. It is necessary to determine whether disciplinarily removed youth of color are disproportionately denied education. The second step is legislative change in order to clarify that Washington's constitutional guarantee of an education requires school districts to provide meaningful education programs to long-term suspended and expelled youth.

Increased and Improved Data Collection

To more fully understand the impact of current practices regarding suspended and expelled youth, Washington should improve and increase its data collection to determine the status of long-term suspended and expelled youth. Currently, limited information is available regarding the educational status of the long-term suspended and expelled youth who attend school in Washington's 295 school districts. There is no comprehensive picture of which school districts

provide education programs, how long youth are excluded, or how many long-term suspended and expelled youth go on to drop out.

Collection of the following categories of data is a crucial first step in implementing education programs that re-engage suspended and expelled youth. School districts should report, and OSPI should collect, information on:

- The total number of long-term suspended and expelled youth;
- Whether any education programs are provided to long-term suspended and expelled youth;
- Descriptions of programs that are provided;
- How many long-term suspended and expelled youth return to traditional school; and
- How many suspended and expelled youth go on to drop out.

Appendix I contains a list of questions to gather critical information for each suspended and expelled student. The answers would provide extremely valuable data about the provision of education programs for disciplinarily removed youth and help shape the direction that Washington needs to move in.

Disproportionate Minority Impact

It is also important that Washington collect data on the ethnic background of long-term suspended and expelled youth. This is crucial to understanding whether youth of color are disproportionately long-term suspended and expelled on a statewide level. This data would also reveal whether long-term suspended and expelled youth of color are disproportionately denied education programs during periods of disciplinary removal. Appropriate state authorities, such as OSPI's Office of Civil Rights and Equity, could use this information to take corrective measures and better ensure equal educational opportunity for all Washington's children.

Legislative Change to Clarify that Washington's Constitution Requires Education Programs for Long-Term Suspended and Expelled Youth

To ensure that Washington's constitutional guarantee of an education for every child, the Washington legislature should pass legislation to clarify that school districts must provide education

programs for long-term suspended and expelled youth. Currently, individual school districts decide whether to offer education services to disciplinarily removed youth and what these services include. Consequently, the educational opportunities for long-term suspended and expelled youth vary greatly. Some attend alternative schools, others receive tutoring, and an unfortunate many have nowhere to go.

Legislation must also set the parameters of education programs to ensure that they are meaningful. In an increasingly rigorous school environment, long-term suspended and expelled youth need the opportunity to take the same essential coursework as their peers, acquire credits, and earn a diploma. Moreover, the most effective programs will encourage and facilitate long-term suspended and expelled youth's prompt return to a traditional school environment. Ideally, no student would be out of such an environment for more than a year. Appendix II contains model legislation that would ensure school districts carry out these recommendations.

APPENDICES

Appendix I: Recommended Data Collection

By requiring school districts to answer the following set of questions, Washington could better track the status of long-term suspended and expelled youth. Questions such as those outlined below elicit basic data on long-term suspended and expelled youth and whether they are provided education programs, unique data on expelled youth, and data on youth who have dropped out.

Recommended Data To Be Collected on Each Long-Term Suspended, Expelled and Emergency Expelled Student

- 1) What was the date of the offense?
- 2) What was the first day the student was out of school for a disciplinary reason?
- 3) On what date is the student expected to return to the same school from which the student was removed?
- 4) How many of the following has this student received during the current school year:
 - a) Long-term suspensions (removed for a definite period of time more than 10 days)?
 - b) Expulsions (removed for an indefinite period of time)?
- 5) What is the student's ethnicity? (Please check all that apply.)
 - a) American Indian
 - b) African American
 - c) Asian
 - d) Caucasian
 - e) Latino/a
 - f) Pacific Islander
 - g) Other: [Please explain.]
- 6) Will this discipline result in the student's inability to complete the student's current grade?
- 7) Will the student receive education services during the period of disciplinary removal?
- 8) Where will the student receive education services?
 - a) At the disciplining school.
 - b) At a different school in the same district.
 - c) At a different school in a different district.
 - d) At a college or university.
 - e) Away from any school, college, or university campus.
 - f) In person instruction.
 - g) Online instruction.
- 9) Is free transportation available to and from the location where education services will be provided?
- 10) Is public transportation available to and from the location where education services will be provided during the times the education services will be provided?

- 11) To what extent will the education services provided during the period of disciplinary removal offer the student an opportunity to meet normal credit and coursework requirements for completion of the student's grade?
 - a) All
 - b) Some
 - c) None
- 12) When will the student be supervised by school staff (employed by the disciplining school or some other school) during the period of disciplinary removal?
 - a) During all regular school days and hours.
 - b) During all regular school days, but for fewer hours per day than provided in a traditional public school.
 - c) During some regular school days, for fewer hours per week than provided in a traditional public school.
 - d) Before or after school on regular school days.
 - e) Other: [Please explain.]
- 13) How many hours of instruction will the student receive per week while removed from school?

**Recommended Additional Data to Be Collected for Each Expelled Student
At the End of Each School Year**

- 14) Was the expelled student readmitted?
- 15) Was the expelled student readmitted within 10 days of removal and without the need for a formal readmission request?
- 16) On what date(s) did the expelled student submit requests for readmission?
- 17) What date was the expelled student:
 - a) Informed of a readmission decision?
 - b) Back in school?
- 18) Was the student emergency expelled?
- 19) Was the emergency expulsion converted to a suspension or regular expulsion? If so, when?

Recommended Additional Data to Be Collected on Each Student Who Has Dropped Out

- 20) In the current school year (or previous, if not returning at the beginning of the year), how many times was the unenrolled student:
 - a) Short-term suspended?
 - b) Long-term suspended?
 - c) Expelled or Emergency Expelled?
- 21) Since entering school in the disciplining district, how many times was the unenrolled student:
 - a) Short-term suspended?
 - b) Long-term suspended?
 - c) Expelled or Emergency Expelled?

Appendix II: Model Legislation

The model legislation outlined below would clarify school districts' obligation to provide education programs for long-term suspended and expelled youth. It would ensure these youth have the opportunity to take the coursework and earn credits necessary to progress toward high school graduation. Moreover, it would require school districts to facilitate and encourage long-term suspended and expelled youths' prompt return to a traditional school environment.

Education programs for suspended and expelled youth act

The legislature intends to provide suspended and expelled youth the opportunity to progress toward high school completion, seeks to avoid the long-term social and financial costs that result from disciplinary removal of students from school, and aims to fulfill Washington's constitutional guarantee of education for all.

Definitions

(1) As used in this act:

- (a) "school-aged youth" means persons who are five years of age and less than twenty-one years of age as mandated in RCW 28A.150.220, section 3;
- (b) "traditional public school" has the same meaning as in RCW 28A.150.010, but excludes any school created under this act;
- (c) "long-term suspension" means a denial of attendance at any single subject or class or at any full schedule of subjects or classes for a stated period of time exceeding ten consecutive school days;
- (d) "expulsion" means denial of attendance at any single subject or class or at any full schedule of subjects or classes for an indefinite period of time, and includes emergency expulsion; and
- (e) "basic education certified instructional staff" has the same meaning as in RCW 28A.150.100.

Requirements – Notification – Standards – Administration

(2) School districts shall provide, either directly or through a contract or interlocal agreement, a free education program for all school-aged youth who have been suspended or expelled who reside in that district. All such school-aged youth may be claimed for funding allocation as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260, or as a part-time student for the purposes of RCW 28A.150.350.

(3) School districts shall ensure that education programs for long-term suspended and expelled youth during periods of disciplinary removal:

- (a) provide all coursework necessary to progress to the next grade level and to complete high school graduation requirements;
- (b) provide the opportunity to earn all credits or units necessary to progress to the next grade level and to complete high school graduation requirements;
- (c) provide the opportunity to complete all state course content requirements as mandated in RCW 28A.230.010, and any additional district requirements for graduation;
- (d) implement evidence-based school-wide positive behavioral intervention systems (PBIS) whenever possible and within the confines of the particular education program; and
- (e) develop a student learning plan for each student.

(4) School districts shall enable and facilitate suspended and expelled youths' prompt return to traditional public school at the completion of the disciplinary period and in all cases no less than one year from when the discipline is imposed.

(5) School districts shall award a high school diploma to any suspended or expelled student who completes all high school graduation requirements during a period of disciplinary removal.

(6) School districts shall ensure that academic instruction to suspended and expelled youth during periods of disciplinary removal is provided by basic education certified instructional staff.

(7) School districts shall immediately notify a student who has been long-term suspended or expelled and the student's parent or guardian of the education programs available during periods of disciplinary removal.

(8) The State Superintendent of Public Instruction shall adopt rules to implement and ensure compliance with requirements imposed by this section. These rules shall include minimum standards regarding:

- (a) school districts' ability to contract with educational service districts, community colleges, or other education program providers, as provided in section (2) of this act;
- (b) procedures for youths' return to traditional public schools, per section (4) of this act;
- (c) notice of available education programs for suspended and expelled youth, as required by section (7) of this act;
- (d) appropriate use of online instruction;
- (e) student/teacher ratios;
- (f) student health and safety;
- (g) reporting of abuse, neglect, and exploitation of students;
- (h) training for staff and teachers in behavioral intervention techniques;
- (i) compliance with local, state, and federal laws, rules, and regulations;
- (j) compliance with the Basic Education Act;
- (k) registration of education program providers with appropriate state and federal authorities; and
- (l) oversight and periodic review of education program providers.