



STATE OF CONNECTICUT
STATE BOARD OF EDUCATION



TO: Superintendents of Schools

FROM: Dr. Dianna R. Wentzell, Commissioner of Education *DRW*

DATE: February 21, 2018

SUBJECT: Standards for Educational Opportunities for Students Who Have Been Expelled

Section 10-233d of the Connecticut General Statutes (C.G.S.), requires local education agencies (LEAs) to offer an alternative educational opportunity to (a) any student under 16 years old who has been expelled; and (b) any student between 16 and 18 years old who has been expelled for the first time, wishes to continue with his/her education and complies with conditions set by the LEA.

Pursuant to Public Act 17-220, *An Act Concerning Education Mandate Relief*, the State Board of Education (SBE) was directed to adopt standards for the provision of an adequate alternative educational opportunity, pursuant to subsection (d) of section 10-233d of the C.G.S. Public Act 17-220 notes that the standards must address, but need not be limited to, the kind of instruction and number of hours to be provided to a student enrolled in an alternative educational opportunity.

At the January 3, 2018, SBE meeting, the Board approved the following resolution:

RESOLVED, That the State Board of Education, pursuant to section 3 of Public Act 17-220, An Act Concerning Education Mandate Relief, adopts the “Standards for Alternative Educational Opportunities for Students Who Have Been Expelled,” and directs the Commissioner to take the necessary action.

In 2016, the Connecticut State Department of Education (CSDE) issued its Guidelines for Alternative Education Settings, as required by a 2015 law that required that the SBE establish guidelines concerning alternative education programs/settings in general. During the 2016 legislative session, the General Assembly passed a law expanding and more clearly defining the obligation of LEAs to provide alternative educational opportunities for students who have been expelled in particular. Therefore, the CSDE reconvened the Alternative Schools Committee (ASC), originally established by the CSDE to assist in developing the 2016 Guidelines for Alternative Education Settings, to collaborate in developing guidelines specifically addressing alternative educational opportunities for students who have been expelled.

In 2017, after the reconvened ASC completed its work, the General Assembly further refined the law governing educational opportunities for students who have been expelled, which included directing the SBE to adopt standards for the provision of such alternative educational opportunities. In preparing the standards, the CSDE considered the extensive and thoughtful input provided by the ASC and incorporated the statutory changes resulting from the 2017 legislation.

In preparing these standards, the CSDE recognized that many districts offer alternative education programs that may be appropriate for students who have been expelled. The CSDE also understands the recent legislation in this area to have confirmed the importance of making individualized assessments concerning the appropriate educational programming and setting for each student – as is expected with any placement of a student into an alternative education program.

Thus, the standards require a determination concerning appropriate programming and the development of an individualized learning plan (ILP) for all students who have been expelled.

The ILP, delineated in the Standards document, must be developed as soon as the student is admitted to an alternate educational placement due to an expulsion. It informs and directs student learning goals and activities for the duration of the expulsion.

In the case of a student with an Individualized Education Program (IEP), the planning and placement team (PPT) shall determine the appropriate services for the student during the period of expulsion. In addition, for special education students, the PPT will determine the interim alternative educational setting and services.

In developing an ILP for any student, the LEA will consider all relevant student records that may exist for the student, such as, any IEP, Student Success Plan (SSP), Section 504 Plan or Individualized Health Plan (IHP) and/or other academic and behavioral information. While these plans inform decision making for the ILP, they do not replace the development of an ILP. Likewise, the ILP does not replace or supersede the above-mentioned plans and the fact that a student with an IEP, Section 504 Plan or IHP also has an ILP because he or she was expelled does not in any way limit the obligations of the school district to comply with all requirements applicable to students with IEPs, Section 504 plans or IHPs.

I am confident that effective implementation of the attached *Standards for Educational Opportunities for Students Who Have Been Expelled* will assure that students who have been expelled will access high-quality programming that will position them for success.

If you have questions or need additional information, please contact Glen Peterson, Education Division Director, at glen.peterson@ct.gov or (860) 713-6915.

DRW:crt

Attachment

Standards for Educational Opportunities For Students Who Have Been Expelled



Connecticut State Department of Education

Standards for Educational Opportunities For Students Who Have Been Expelled

January 3, 2018

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Background

In 2016, the Connecticut State Department of Education (CSDE) issued its *Guidelines for Alternative Education Settings*,¹ as required by a 2015 law calling for the Connecticut State Board of Education (CSBE) to establish guidelines concerning alternative education programs in general.² During the 2016 legislative session, the General Assembly passed a law expanding and more clearly defining the obligation of local education agencies (LEAs) to provide alternative educational opportunities for students who have been expelled, in particular. In articulating this obligation, the General Assembly relied on the definition of “alternative education” from the more general alternative education law passed in 2015. Thus, the CSDE reconvened the Alternative Schools Committee (ASC) — originally established to help the CSDE develop the *Guidelines for Alternative Education Settings* — to assist in developing guidelines specifically addressing alternative educational opportunities for students who have been expelled.

In 2017, after the reconvened ASC completed its work, the General Assembly further refined the law governing educational opportunities for students who have been expelled — including directing the CSBE to adopt standards for the provision of such alternative educational opportunities. In preparing the standards that follow, the CSDE considered the extensive and thoughtful input provided by the ASC and incorporated the statutory changes resulting from the 2017 legislation.

1. http://www.sde.ct.gov/sde/lib/sde/pdf/publications/gaes/guidelines_for_alternative_education_settings.pdf

2. Public Act 15-133, *An Act Concerning Alternative Education* (codified in Connecticut General Statutes §§ 10-74j and 10-74k).

Overview of Legal Requirements

Connecticut law requires LEAs to offer an “alternative educational opportunity” to students who have been expelled in certain circumstances and further provides that LEAs may offer such an opportunity to any expelled student.

A. When an Alternative Educational Opportunity Is Required

Under Section 10-233d of the Connecticut General Statutes (C.G.S.), LEAs are required to offer an alternative educational opportunity to (1) any student under 16 years old who has been expelled (regardless of the reason); and (2) any student between 16-18 years old who has been expelled for the first time and wishes to continue his or her education if the student complies with conditions established by the LEA.

B. The Alternative Educational Opportunity Requirement

In preparing these standards, the CSDE recognized that many districts offer alternative education programs that may be appropriate for students who have been expelled. The CSDE also understands the recent legislation in this area to have confirmed the importance of making individualized assessments concerning the appropriate educational programming and setting for each student — as is expected with any placement of a student into an alternative education program. Thus, the standards require a determination concerning appropriate programming and the development of an individualized learning plan (ILP) for all students who have been expelled.

To ensure proper implementation of the laws concerning alternative education (C.G.S. Sections 10-74j and 10-74k) and expulsions (C.G.S. Section 10-233d, as amended by Public Act 17-220), the CSDE has concluded that an LEA has the following options when determining an appropriate alternative educational opportunity for a student who has been expelled:

1. The LEA may offer the student enrollment in an alternative education program operated by the LEA if the program is appropriate for the student under the standards set forth below.

OR

2. The LEA may provide a different alternative educational opportunity in accordance with the standards set forth below (including through an alternative education program offered by another LEA or operator).

The CSDE expects that, in most cases, LEAs will determine that enrollment in an alternative education program (operated by the LEA or by another provider) is the appropriate alternative educational opportunity for a student who has been expelled. However, the CSDE recognizes that there may be unusual cases in which placement in such a setting would not be suitable or in which such a setting may not be available. LEAs should use the following standards in making an individualized determination of the appropriate alternative educational opportunity for each student who has been expelled and is entitled to an alternative educational opportunity under C.G.S. Section 10-233d.³

3. While LEAs must offer an alternative educational opportunity to eligible students who have been expelled, parents/guardians are not required to enroll their child in such an opportunity. Thus, if a parent or guardian of a child who has been expelled chooses not to enroll his or her child in an alternative educational opportunity, the parent/guardian is not subject to the provisions of C.G.S. Section 10-184 concerning compulsory school attendance.

Standards for Alternative Educational Opportunities

Guiding Principles

Consistent with the *Guidelines for Alternative Education Settings*, these standards are grounded in the conviction that alternative educational opportunities for students who have been expelled should exhibit the following characteristics:

- whole student approach that addresses the personal, social, emotional, intellectual, work skills, safety, and security needs of all students in addition to academic content (including the Connecticut Core Standards⁴);
- full time, comprehensive experience, where the learning is comparable to what the student would experience in a regular school environment;
- instruction that is based on a curriculum aligned to the Connecticut Core Standards unless modified as indicated by goals and objectives of an individualized education program (IEP);
- high expectations that are consistent with LEA goals and Connecticut state standards including the belief that all students are capable and can be successful regardless of their discipline history; and
- research/evidence-based practices with student success in mind including the engagement of parents/guardians and families as well as community partners, as appropriate.

These principles are unlikely to be satisfied by assignment to homebound instruction.

Student Placement

If a decision to expel occurs, it is expected that the LEA will then take the following steps:

- Meet with the student's parent(s)/guardian(s) prior to placement to provide information concerning the potentially appropriate alternative educational opportunities for the student.
- The educational programming and placement during the period of expulsion for students who receive special education and related services under the Individuals with Disabilities Education Act (IDEA) should be determined by the students' planning and placement team (PPT) in accordance with IDEA.
- Consult with relevant school personnel knowledgeable about the student to obtain information regarding the student's academic, social, and behavioral history that will help inform the decision concerning an appropriate alternative educational opportunity. The input shared by school personnel may be gathered via written reports.
- After parents/guardians have been informed and the appropriate school personnel have shared information regarding the student, all alternative educational opportunities are explored at a placement meeting. The placement decision should be made at this meeting.
- At the time of expulsion, parents/students should be informed of the right to apply for early readmission, which can be granted at the discretion of the Board of Education (BOE) or superintendent (if the BOE delegates this authority to the superintendent) under C.G.S. Section 10-233d(j). Any criteria for early readmission to the school from which the student has been expelled should be recorded in the individualized learning plan (ILP) defined below.

4. Connecticut's Core Standards <http://ctcorestandards.org/>

Individualized Learning Plan (ILP)

Once the student is admitted to an alternative education placement due to expulsion, an ILP must be developed to govern the programming for the student for the period of the expulsion. Through collaboration among school personnel, the student, and the parent/guardian, an ILP will be developed to inform and direct the student's learning goals and activities for the duration of the expulsion.

The ILP will reference student records with information relevant to the provision of an alternative educational opportunity, such as a student success plan, Individualized Education Program (IEP) under special education, Section 504 Plan, Individualized Health Plan, and/or other academic and behavioral data. For students who have a student success plan as mandated by state law, the student success plan may inform the ILP but does not replace the ILP. The ILP must address the following:

- The student's academic and behavioral needs and appropriate academic and behavioral goals and interventions. Include the student's core classes at the time of expulsion and the student's current placement or progress in the curriculum of those classes so that the student has an opportunity to continue to progress in the LEA's academic program and earn graduation credits, if applicable.
- Benchmarks to measure progress towards the goals and ultimately, progress towards graduation.
- Timing and method for reviewing the student's progress and for communicating that progress to the parent/guardian or student. For most students, monitoring and reviewing the student's progress will include monitoring the student's attendance, work completion and progress toward meeting the relevant academic standards for particular coursework, and thus progressing toward graduation, if applicable. Such progress must be communicated to the parent/guardian or student with the same frequency as similar progress for students in the regular school environment is reported and communicated to parents/guardians or students.
- Provision for the timely transfer of the student's records both from the student's school to the alternative educational opportunity provider, and also from the alternative educational opportunity provider to the student's school.
- The possibility of early readmission to the school from which the student was expelled and the early readmission criteria.

Review of Student Placement

To ensure that the student is receiving the necessary supports and that continued placement in the alternative educational opportunity is appropriate during the expulsion period, LEAs must have a clear process that is written in policy regarding monitoring the student's progress.

Progress Monitoring of Student Performance and Placement

A review of the appropriateness of placement occurs at least once per marking period. The following issues are to be considered:

- a review of the student's ILP to assess progress and to make adjustments as necessary;
- opportunities for early readmission to the school from which the student was expelled shall be reviewed as indicated by the readmission goal outlined in the ILP; and
- a review of the student's ILP and alignment to the goals of his or her IEP, where applicable.

Process for Transition Planning

It is expected that, in most cases, students are best served in regular school environments with their peers and thus should be able to be readmitted to the school from which the students were expelled, as soon as possible. The LEA must adopt procedures to address students' transition from the alternative educational opportunity back to their regular school environments. As a part of the readmission process and the student's ILP, the following should be considered:

- efforts to readmit students at semester start points at the high school level to facilitate re-entry;
- a plan to transfer the student's credits and record back to the school from which the student was expelled;
- the student's needs for academic and other supports upon return to the home school environment; and
- efforts to connect returning students with opportunities to participate in extracurricular activities to support student engagement and general health and development.

If there is a determination that placement in the current alternative educational opportunity is no longer beneficial to a student who has been expelled but it is also inappropriate to have the student return to the school from which the student was expelled, a plan for different alternative educational opportunities should be developed, following the procedure outlined in the Student Placement section.