

School Climate and Improvement: A Snapshot of Legislative Action

To provide the most conducive learning environment for students, it is important that schools create a positive school climate, addressing not only students' academic needs, but social, emotional, and behavioral development issues as well. A positive school climate is defined as an environment in which students and staff feel valued, supported, and respected. The school should be perceived as safe, welcoming, and a setting for engaged learning. This is achieved through a variety of mechanisms that include providing educators with the tools, training, and supports to promote clear expectations for and the achievement of positive adult and student behavior. Successful efforts create classroom and school-wide settings that are conducive to instruction that is interesting, relevant, and responsive to students' needs.¹ Research indicates that positive school climate reduces students' disruptive behaviors and promotes alternatives to suspensions and expulsions for minor misconduct.²

50-State Legislative Scan of School Climate-Related Legislation: Climate, Alternative Education, and School Improvement Plans

Some states have worked to address school climate on a statewide level through broad legislation that reserves significant discretion to localities. As of October 2013, 13 states have statutes that encourage and direct schools to create policies and procedures to improve school climate. In 2013 alone, at least 11 states introduced 24 school climate bills, of which the following 4 passed:

1. Arkansas SB 1051 establishes the Whole Child – Whole Community Recognition Program, which encourages the establishment of a school climate that is safe and conducive to learning.
2. Louisiana SR 203 authorizes the chairman of the Senate Committee on Education to appoint a study subcommittee to examine issues affecting school environment.
3. Minnesota HB 630 allows each district to make a tax levy on all taxable property to go towards improving school climate and appropriates money to the School Climate Center.³
4. Washington SB 5329 includes establishing a safe and supportive school environment as one of the state's school turnaround principles.

However, a far greater number of states have statutory language that addresses only certain facets of school climate. Some of the most common school environment and culture issues that

This research and compilation of state statutes was completed by the National Conference of State Legislatures, including background discussions with state legislative staff. This summary provides a snapshot of legislation passed in 2013 as well as previous statutes that relate to school climate. It only includes an examination of education statutes and any cross-referenced statutes. It does not otherwise include reviews of statutes found in the criminal code. Special thanks to Lauren Heintz who conducted this review.

states currently legislate include school discipline and safety, bullying and harassment in schools, school anti-gang policies, substance abuse, dropout prevention and reengagement, emotional and behavioral health, gender identity and equality issues, and community and family involvement. Because districts and schools have distinct student populations and needs, it is also common for school climate issues and policies to be addressed at a district and school level.

Alternative Education

School discipline policies regarding alternative education are important facets of school climate. When students with disciplinary problems are suspended or expelled, schools and districts have the opportunity to provide educational alternatives. Ideally, these are adapted to serve students who have been removed from school through more individualized instruction and supervision.⁴ Forty-two states currently have statutory provisions that authorize or do not prevent the provision of alternative education specifically for expelled or suspended students, which include a wide range of programs that offer an alternative setting for students that may address their academic and behavioral needs. Of these 42 states, approximately 11 require some form of alternative education, although the population identified to be served varies and may only include students of a particular age, with a specific disability, or who have committed specified offenses. In 2013 alone, 16 states introduced 38 pieces of legislation related to alternative education for suspended or expelled students, with the following four passing:

1. California AB 383 gives the superintendent discretion to provide educational alternatives to suspension and expulsion for students.
2. Indiana SB 338 provides for a study of the effectiveness of alternative programs for students expelled or suspended from school.
3. Virginia HB 1500 provides an appropriation for regional alternative education centers for expelled and suspended students.
4. Washington SB 5946a provides that educational authorities shall not be prevented from providing alternative educational services to expelled or suspended students on a case-by-case basis.

School Improvement Plans

States may also choose to require all districts and schools to adopt specific school improvement plans (SIPs). Most often these plans focus on academic achievement and are put in place to assure that all students are meeting prescribed academic standards. However, sometimes these SIPs include school climate measures, such as family and community involvement and/or social and emotional learning. As of October 2013, 23 states require all their schools or districts to adopt SIPs, whereas 16 states require those schools or districts that have been identified as not meeting performance standards to adopt SIPs. In 2013 alone, at least seven bills were introduced from six states related to SIPs, with the following six passing (two are from Minnesota):

1. Arizona SB 1447 requires the Department of Education to publish criteria for schools to no longer have an “F” letter grade. Included in these criteria should be the proper implementation of a SIP.
2. Colorado SB 193 requires more extensive public meetings and parental engagement in the creation and revision of SIPs.
3. Minnesota HB 630 and HB 677 provide that if a school district does not meet the achievement goals for their achievement and integration revenue, the commission will develop and implement a district improvement plan for the whole district.
4. North Carolina SB 402 requires the school improvement team at each school to develop a SIP that also considers safety standards.
5. Ohio SB 21 creates requirements for reading achievement plans in schools not meeting set standards.

States that lack statutory language regarding general school climate, alternative education for suspended and expelled students, and SIPs may have state regulations that provide such information or may leave further regulation to the discretion of district and local entities.

Summaries of each state’s current statutes related to general school climate (GEN), alternative education for suspended and expelled students (ALT), and School Improvement Plans (SIP) can be found below.

Alabama

(GEN) Alabama law requires each school to develop and implement evidence-based practices to promote a positive school environment.

- ALA. CODE § 16-28B-6 (2013): Each school shall do . . . the following: (1) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.

(ALT) Students who have been expelled for possessing a firearm on school grounds, buses, or at events, may be allowed to attend alternative schools. There is also a state statute that provides funding for alternative education, including in-school suspension as an alternative to student expulsion.

- ALA. CODE § 16-1-24.3(a) (2013): All city and county boards of education shall develop and implement local policies and procedures requiring the expulsion of students, for a period of one year, who are determined to have brought to school or have in their possession a firearm in a school building, on school grounds, on school buses, or at other school-sponsored functions. . . . Students who are expelled for violation of this section shall not be allowed to attend regular school classes in any public school in the state during the expulsion period. Students who are expelled from schools for firearm possession may be permitted to attend alternative schools designed to provide education services.
- ALA. CODE § 41-15B-2.2 (2013): Provides funding to the State Board of Education for the operation of alternative schools that may offer in-school suspension as an alternative to expulsion.

(SIP) SIPs are required if a school with an assistance plan does not see an improvement in student achievement.

- ALA. CODE § 16-6B-3(c) (2013): The State Board of Education shall require a local board of education in need of assistance . . . [to work with] the local superintendent with input from other administrators, teachers, staff, parents of students in the school, and the local community . . . to develop steps which may be taken to improve student achievement. . . . If, after two years, student achievement has not improved, the state superintendent shall develop a system-wide school improvement plan with consultation with teachers, parents of students in the school, and the local community. This [SIP] shall become a part of the local board of education's program and financial operations for the succeeding year.

Alaska

(SIP) SIPs are required for schools or districts that have received a low performance designation.

- ALASKA STAT. § 14.03.123(d) (2013): A public school or district that receives a low performance designation . . . shall prepare and submit to the department a school or district improvement plan, . . . [with input from] the community including, as appropriate, interested individuals, teachers, parents, parent organizations, students, tribal organizations, local government representatives, and other community groups.

Arizona

(ALT) State law provides that schools may reassign students to an alternative education program instead of suspending or expelling the student.

- ARIZ. REV. STAT. § 15-841 (LexisNexis 2013): As an alternative to suspension or expulsion, [a] school district may reassign any pupil to an alternative education program if . . . good cause exists for expulsion or for a long-term suspension [and other requirements are met].
- ARIZ. REV. STAT. § 15-796 (LexisNexis 2013): “[A]lternative education” means the modification of the school course of study and adoption of teaching methods, materials and techniques to provide educationally for those pupils in grades [6] through [12] who are unable to profit from the regular school course of study and environment.

(SIP) SIPs are required for schools that receive a “D” on their annual achievement profile.

- ARIZ. REV. STAT. § 15-241 (LexisNexis 2013): If a school is assigned a letter grade of D, within [90] days after receiving notice of the designation, the governing board shall develop an improvement plan for the school . . . [which] shall include necessary components as identified by the state board of education. Within [30] days after submitting the improvement plan, . . . the governing board shall hold a special public meeting in each school that has been assigned a letter grade of D and shall present the respective [SIPs] The school district governing board . . . shall provide written notification of the classification to each residence within the attendance area of the school. The notice shall explain the improvement plan process and provide information regarding the public meeting

Arkansas

(GEN) Arkansas state statute requires each public school to have a school climate that promotes student achievement. Administrators are required to have content knowledge on

school climate and are required to have professional development opportunities related to school climate. Additionally, school districts that desire to submit a school innovation plan must address how a school will positively transform school culture and climate.

- ARK. CODE ANN. § 6-15-1004 (2013) and ARK. CODE ANN. § 6-15-1005 (2013): [All public schools must have a school climate that promotes student achievement. This shall include proper discipline policy and code of conduct, alternative education options, positive community involvement, and parental involvement. Further, all administrators must demonstrate content knowledge in leadership, finance, organization, school climate, curriculum, and evaluation. In order for administrators to be able to renew a license, they must have participated in a continuing education and professional development program based on their school improvement plans, performance evaluation results, and student achievement scores.]
- ARK. CODE ANN. § 6-15-2803 (2013): [School districts may submit a school of innovation plan which must address how a school will transform the school's culture and climate in a manner that will lead to transformative teaching and learning.]

(ALT) School districts may substitute in-school suspension and alternative classrooms for student expulsion and suspension.

- ARK. CODE ANN. § 6-18-209 (2013): Each school district, as a part of its six-year educational plan, shall develop strategies for promoting maximum student attendance, including, but not limited to, the use of alternative classrooms and in-school suspensions in lieu of suspension from school.

(SIP) SIPs are required for each public school or school district, and schools classified as "in school improvement" are required to create a revised comprehensive SIP.

- ARK. CODE ANN. § 6-15-426 (2013): Each public school or school district shall develop and file with the [state] department [of education] a comprehensive school improvement plan. . . . Any public school or school district classified as in school improvement . . . shall develop and file with the department a revised comprehensive school improvement plan [which contains any additional requirements determined necessary by the department]. . . . At the end of each school year, the school district shall assess the effectiveness of [actions including in the comprehensive school improvement plan in improving student performance and include the assessment in the comprehensive school improvement plan for the following school year.]

California

(GEN) California statute provides that the State Board of Education shall adopt policies directed towards creating a positive school environment. Statute also requires that school climate indicators be included in school local control and accountability plans.

- CAL. EDUC. CODE § 233(a) (Deering 2014): At the request of the Superintendent of Public Instruction, the State Board of Education shall . . . [a]dopt policies directed toward creating a school environment in kindergarten and grades 1 to 12, inclusive, that is free from discriminatory attitudes and practices and acts of hate violence[, as long as it does not add costs.]
- CAL. EDUC. CODE § 52060 (Deering 2014): [Requires school climate indicators be included in local control and accountability plans.]

(ALT) State statute encourages schools with high percentages of suspensions to consider educational alternatives to off-campus suspension, such as in-school suspension for students.

Also, the governing board of a school district is required to provide an alternative program of study. Students that are denied readmission from expulsion must also receive alternative education.

- CAL. EDUC. CODE § 48911.1(a) (Deering 2014): A pupil suspended from a school . . . may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.
- CAL. EDUC. CODE § 48916(d) (Deering 2014): If the governing board denies the readmission of an expelled pupil pursuant to subdivision (c), the governing board shall make a determination either to continue the placement of the pupil in the alternative educational program initially selected for the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.
- CAL. EDUC. CODE § 48915(f) (Deering 2014): The governing board of a school district shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study that meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- CAL. EDUC. CODE § 48911.2 (Deering 2014): (a) If the number of pupils suspended from school during the prior school year exceeded 30 percent of the school's enrollment, the school should consider doing at least one of the following: (1) Implement the supervised suspension program described in Section 48911.1. (2) Implement an alternative to the school's off-campus suspension program, which involves a progressive discipline approach that occurs during the school day on campus, using any of the following activities: (A) Conferences between the school staff, parents, and pupils. (B) Referral to the school counselor, psychologist, child welfare attendance personnel, or other school support service staff. (C) Detention. (D) Study teams, guidance teams, resource panel teams, or other assessment-related teams. (b) At the end of the academic year, the school may report to the district superintendent in charge of school support services, or other comparable administrator if that position does not exist, on the rate of reduction in the school's off-campus suspensions and the plan or activities used to comply with subdivision (a). (c) It is the intent of the Legislature to encourage schools that choose to implement this section to examine alternatives to off-campus suspensions that lead to resolution of pupil misconduct without sending pupils off campus. Schools that use this section should not be precluded from suspending pupils to an off-campus site.
- CAL. EDUC. CODE § 48916.1 (Deering 2014): [Provides requirements for an expelled student's alternative education.]
- CAL. EDUC. CODE § 48926 (Deering 2014): The plan shall enumerate existing educational alternatives for expelled pupils, identify gaps in educational services to expelled pupils, and strategies for filling those service gaps. The plan shall also identify alternative placements for pupils who are expelled and placed in district community day

school programs, but who fail to meet the terms and conditions of their rehabilitation plan or who pose a danger to other district pupils, as determined by the governing board.

- CAL. MIL. & VET. CODE § 532(a) (Deering 2014): The Adjutant General may enter into a cooperative agreement with the governing board of a school district or a county office of education for the purpose of establishing, pursuant to existing statutory authority in the Education Code, a military academy to be operated as a charter school, pursuant to Part 26.8 (commencing with Section 47600) of Division 4 of Title 2 of the Education Code, or as one of the existing alternative education options, available under the Education Code.

(SIP) School district governing boards are required to adopt a local control and accountability plan using a template developed by the state board of education. School districts must also create plans for student achievement to receive categorical program funds.

- CAL. EDUC. CODE § 52060 (Deering 2014): [The governing board of each school district is required to adopt a local control and accountability plan using a template adopted by the state board.]
- CAL. EDUC. CODE § 64001(d) (Deering 2014): [S]chool districts shall ensure that each school in a district that operates any categorical programs consolidates any plans that are required by those programs into a single plan [known as the Single Plan for Student Achievement].

Colorado

(ALT) State statute allows schools to apply for an “alternative education” designation if they serve high-risk students, including those students who have a history of suspension and expulsion. School districts that expel a student must provide information on alternative education to the student’s parent or guardian and provide such education and resources as needed. The board of education of each district may also adopt an alternative to suspension in which the student’s parent or guardian attends class with the student.

- COLO. REV. STAT. § 22-7-604.5 (2013): A public school may apply to the state board for designation as an alternative education campus [if they, among other requirements, serve a special needs or at-risk population].
- COLO. REV. STAT. § 22-33-105 (2013): The board of education of each district shall establish, as an alternative to suspension, a policy that allows the student to remain in school by encouraging the parent, guardian, or legal custodian, with [school consent,] to attend class with the pupil for a [specific time period].
- COLO. REV. STAT. § 22-33-203 (2013): Upon expelling a student, the school district shall provide information to the student’s parent or guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent or guardian chooses to provide a home-based educational program for the student, the school district shall assist the parent in obtaining appropriate curricula for the student if requested by the parent or guardian.
- COLO. REV. STAT. § 22-33-205 (2013): [Provides grants to provide services and alternatives to expelled and at risk students.]

(SIP) The state board of education will create rules as to which schools shall be required to adopt SIPs.

- COLO. REV. STAT. § 22-11-404 (2013): If the state board . . . directs a district public school to adopt an improvement plan, the school principal and the school district

superintendent . . . shall adopt a school improvement plan . . . for the district public school.

- COLO. REV. STAT. § 22-11-210 (2013): The state board shall promulgate rules establishing objective, measurable criteria that the department shall apply in recommending to the state board that a public school shall implement a performance, improvement, priority improvement, or turnaround plan

Connecticut

(GEN) Connecticut state statute requires boards of education to develop and implement a safe school climate plan as well as require the superintendents to appoint school climate coordinators, specialists, and committees.

- CONN. GEN. STAT. § 10-222d(b) (2013): Each local and regional board of education shall develop and implement a safe school climate plan
- CONN. GEN. STAT. § 10-222k (2013): [From the 2012-2013 school year onward,] the superintendent of each local or regional board of education shall appoint, from among existing school district staff, a district safe school climate coordinator, [specialist, and committee.]

(ALT) Connecticut state statute requires local and regional boards of education to offer alternative education opportunities to expelled students.

- CONN. GEN. STAT. § 10-233d (2013): [L]ocal and regional boards of education shall only be required to offer an alternative educational opportunity in accordance with this section. Any student under [16] years of age who is expelled shall be offered an alternative educational opportunity during the period of expulsion Any pupil expelled for the first time who is between the ages of [16] and [18] and who wishes to continue his or her education shall be offered an alternative educational opportunity if [certain conditions are met.]

(SIP) The State Board can identify schools in need of improvement to adopt SIPs.

- CONN. GEN. STAT. § 10-223e (2013): Public schools and school districts identified by the State Board of Education . . . as schools or districts in need of improvement . . . shall continue to operate under school improvement plans [If the school is] found to be making insufficient progress by a local board of education, [they] may be subject to a new remediation and organization plan developed by the local board of education

Delaware

(GEN) Delaware statute provides that units for academic excellence resources may be used for improving school climate.

- DEL. CODE tit. 14, § 1716 (2013): [Units for academic excellence may be used for programs to promote improved school climate and discipline.]

(ALT) State statute requires the department of education to establish a program that provides alternative education and services for students who have been expelled or show severe discipline problems. All students who are younger than 16 years of age, who have been expelled or suspended pending expulsion, will be eligible for these programs.

- DEL. CODE tit. 14, § 1604 (2013): The Department of Education shall establish a program component which will provide alternative educational and related services for the more severe discipline problems in the public schools. [This program may serve students] who

have been expelled from regular schools, students who may be subject to expulsion, and others who have serious violations of the local school district discipline code. . . . A student 16 years of age or less who is expelled or suspended pending expulsion . . . shall be presumed appropriate for placement in a Consortium Discipline Alternative Program [site]

(SIP) Schools applying for a school improvement implementation grant must have a SIP to be awarded a grant.

- DEL. CODE tit. 14, § 806(a) (2013): A school, which has an approved shared decision-making transition plan . . . may apply to the [state] Department of Education for a school improvement implementation grant. [Schools must have a SIP to be awarded the grant.]

Florida

(ALT) State law provides that students who have committed an offense that warrants suspension or expulsion from school may be eligible to receive alternative education through the state's dropout prevention and academic intervention programs. Further, statute provides that students convicted of assault or battery may be placed in alternative education programs.

- FLA. STAT. § 1003.53 (LexisNexis 2013): Dropout prevention and academic intervention programs may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. . . . [Students that have] committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board's code of student conduct [may be eligible to receive services funded through the dropout prevention and academic intervention program.]
- FLA. STAT. § 1006.13 (LexisNexis 2013): [Each district school board shall adopt rules providing that any student found to have committed assault or battery shall be expelled or placed in an alternative school setting or other program.]

(SIP) Each school is required to annually implement a new, amended, or continued SIP with approval from the district school board.

- FLA. STAT. § 1001.42 (LexisNexis 2013): The district school board shall annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. If a school has a significant gap in achievement . . . or has significantly lower graduation rates for a subgroup, . . . that school's improvement plan shall include strategies for improving these results.

Georgia

(GEN) State law provides for a statewide school climate management system to assist schools in improving school climate. Additionally, schools will receive school climate ratings based on indicators from the department of education.

- GA. CODE ANN. § 20-2-155 (2013): The State Board of Education shall establish a statewide school climate management program to help local schools and systems requesting assistance in developing school climate improvement and management processes.
- GA. CODE ANN. § 20-14-33(a) (2013): [T]he Department of Education[] shall adopt and annually review . . . indicators of the quality of learning by students, financial efficiency, and school climate for individual schools and for school systems.

(ALT) Georgia state statute provides that it is preferable for students to be assigned to an alternative education program rather than be suspended or expelled, and that academic credit in such programs for these students will be equal to academic credit in traditional school. Further, a hearing officer, tribunal, panel, superintendent or local board of education can assign a student to an alternative education program if the student is denied enrollment into traditional school.

- GA. CODE ANN. § 20-2-154.1 (2013): Alternative education programs are intended to meet the education needs of a student who is suspended from their regular classroom and also of a student who is eligible to remain in his or her regular classroom but is more likely to succeed in a nontraditional setting such as an alternative education program. . . . [Course credit will be equal for alternative education programs as it is in other education programs.]
- GA. CODE ANN. § 20-2-735(f) (2013): It is the policy of the state that it is preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school.
- GA. CODE ANN. § 20-2-768(b) (2013): A hearing officer, tribunal, panel, superintendent, or local board of education shall be authorized to place a student denied enrollment in a local school system . . . in an alternative educational system as appropriate and in the best interest of the student and the education of other students within the school system.

(SIP) Schools that do not meet identified levels of student achievement, or that are not showing specified levels of progress, may be required by the State Board of Education to adopt a SIP.

- GA. CODE ANN. § 20-14-41(a) (2013): [The State Board of Education is required to] establish a coherent and sustained system of assistance and support for schools not meeting identified levels of achievement or not showing specified levels of progress [In specifying levels of assistance and intervention, the State Board of Education may choose to assist in the development of an intensive school improvement plan focused on student achievement.]

Hawaii

(ALT) Hawaii provides that students who are suspended for more than 10 days for weapon possession on school grounds must be offered substitute educational activities.

- HAW. REV. STAT. ANN. § 302A-1134.6(e) (LexisNexis 2013): If a child is excluded from attending school for more than [10] days, the superintendent or the superintendent's designee shall ensure that substitute educational activities or other appropriate assistance are provided, such as referral for appropriate intervention and treatment services, as determined by the principal in consultation with the appropriate school staff.

Idaho

(ALT) Idaho specifies that courts may place minors charged with weapon possession on school grounds in an alternative study program.

- IDAHO CODE ANN. § 18-3302D (2013): Persons who are found guilty of violating the provisions of this section may be sentenced to a jail term of not more than one year or fined . . . or both. If a violator is a student and under the age of [18] years, the court may place the violator on probation and suspend the juvenile detention or fine or both as long as the violator is enrolled in a program of study recognized by the court that, upon

successful completion, will grant the violator a general equivalency diploma (GED) or a high school diploma or other educational program authorized by the court.

Illinois

(GEN) Illinois provides that school climate data will be included on state, district, and school report cards.

- 105 ILL. COMP. STAT. ANN. § 5/10-17a (LexisNexis 2013): [Requires the state superintendent to include school environment and climate data on state, district, and school report cards.]

(ALT) Illinois provides that students who are expelled may be immediately placed in an alternative education program, including a charter alternative learning opportunities program. School districts are allowed to create a policy that requires students who are suspended or expelled to spend the duration of that action in an alternative program before being readmitted to the school district. The regional superintendent is directed to work with representatives from each regional school district to create and implement policies that guide the identification and placement of students in an alternative program, including suspended and expelled students.

- 105 ILL. COMP. STAT. ANN. § 5/10-22.6 (LexisNexis 2013): An expelled pupil may be immediately transferred to an alternative program. . . . A school district may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in [Illinois] or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program . . . or an alternative learning opportunities program . . . before being admitted into the school district if there is no threat to the safety of students or staff in the alternative program.
- 105 ILL. COMP. STAT. ANN. § 5/13A-3(c) (LexisNexis 2013): [T]he regional superintendent[,], in cooperation with a representative from each school district in the region[,], shall establish . . . policies and procedures that shall guide each district in the identification and placement of students in the alternative school program[, including suspended and expelled students].
- 105 ILL. COMP. STAT. ANN. § 5/13A-4 (LexisNexis 2013): A student who is determined to be subject to suspension or expulsion in the manner provided by Section 10-22.6 . . . may be immediately transferred to the alternative program.
- 105 ILL. COMP. STAT. ANN. § 5/13B-20.25 (LexisNexis 2013): [Enrollment in a charter alternative learning opportunities program shall be open to any pupil who has been expelled or suspended for more than 20 days.]

(SIP) Each local school must develop a school improvement plan with the local school council, school staff, parents, and the community. Further, a school district that has one or more schools on academic watch must prepare a revised school improvement plan.

- 105 ILL. COMP. STAT. ANN. § 5/34-2.4 (LexisNexis 2013): The local school principal shall develop a school improvement plan in consultation with the local school council, all categories of school staff, parents and community residents. . . . [T]he principal shall be responsible for directing implementation of the plan
- 105 ILL. COMP. STAT. ANN. § 5/2-3.25d (LexisNexis 2013): A school district that has one or more schools on academic early warning or academic watch status shall prepare a revised School Improvement Plan . . . for removing each school from academic early

warning or academic watch status and for improving student performance in the affected school or schools.

Indiana

(ALT) State statute provides that expelled students ages 16 and older may attend an alternative program. Additionally, a court considering a disciplinary case may require a suspended or expelled student to participate in an alternative education program.

- IND. CODE ANN. § 20-33-8-20(a) (LexisNexis 2013): The appropriate authorities may require that a student who is at least sixteen years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.
- IND. CODE ANN. § 20-33-8.5-3 (LexisNexis 2013): [A court that assists with the resolution of a suspension or expulsion case may require the student to participate in an alternative education program.]

(SIP) Schools must complete a SIP that complies with state board requirements to meet legal standards for accreditation.

- IND. CODE ANN. § 20-31-4-6 (LexisNexis 2013): The [state] department [of education] shall determine whether the school has complied with the legal standards for accreditation [including the completion of a SIP that complies with requirements developed by the state board.]

Iowa

(ALT) Iowa statute provides that the board of directors of a school district shall not be prevented from providing alternative education options to a student expelled for weapon possession. Statute also directs the board of directors of each public school to create a policy regarding student information sharing with juvenile justice agencies. One of the goals of such a policy is to support alternatives to suspension and expulsions, such as alternative education programs

- IOWA CODE § 280.21B (LexisNexis 2013): [The board of directors of a school district are authorized to expel a student for possession a weapon on school grounds but shall not be prevented from providing educational services to such a student in an alternative setting.]
- IOWA CODE § 280.25 (LexisNexis 2013): [Directs the board of directors of each public school to adopt a policy, following rules developed by the superintendent, which provides that the school district or school may share information from a student's permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system. One of the goals of such an agreement is to support alternatives to in-school and out-of-school suspensions and expulsions that instead support structured and well-supervised educational programs supplemented by coordinated and appropriate services.]

(SIP) The state board must create a rule requiring that all school districts and accredited nonpublic schools develop and implement a comprehensive school improvement plan that incorporates parental and community involvement.

- IOWA CODE § 256.7 (LexisNexis 2013): [T]he state board shall: . . . [d]evelop and adopt rules [requiring] that all school districts and accredited nonpublic schools develop, implement, and file with the [state] department [of education], a comprehensive school improvement plan that includes . . . demonstrated school, parental, and community

involvement in assessing educational needs, establishing local education standards and student achievement levels, and, as applicable, the consolidation of federal and state planning, goal-setting, and reporting requirements.

Kansas

(ALT) Kansas provides for alternative school placement for students with disabilities in relation to disciplinary problems.

- KAN. STAT. ANN. § 72-991a (2012): [Provides for the placement of a student with disabilities to an alternative setting as a disciplinary action.]

(SIP) Each school, with oversight from the school district, shall have a SIP that includes research-based intervention programs to improve student achievement.

- KAN. STAT. ANN. § 72-9921(b) (2012): A district shall include in each participating school's improvement plan research-based intervention programs or strategies [such as] . . . individualized instruction, alternative teaching methods, a restructured school day, extended time strategies and any other intervention the district deems necessary.

Kentucky

(GEN) State law directs the department of education, alongside community and state partners, to develop recommendations for school districts to improve the learning environment and school climate.

- KY. REV. STAT. ANN. § 158.148 (LexisNexis 2013): In cooperation with the Kentucky Education Association, the Kentucky School Boards Association, the Kentucky Association of School Administrators, the Parent-Teachers Association, the Kentucky Chamber of Commerce, the Farm Bureau, members of the Interim Joint Committee on Education, and other interested groups, and in collaboration with the Center for School Safety, the [Kentucky] Department of Education shall develop . . . [r]ecommendations designed to improve the learning environment and school climate, parental and community involvement in the schools, and student achievement

(ALT) Kentucky requires the state board of education to adopt a policy regarding student discipline for controlled substances and incidents related to violence. If the board expels a student from their regular school setting for these reasons, they must also provide or ensure the student is receiving educational services in an alternative setting, unless the student poses a threat to school safety.

- KY. REV. STAT. ANN. § 158.150 (LexisNexis 2013): The board shall . . . adopt a policy requiring disciplinary actions, up to and including expulsion from school, for a student who . . . possessed prescription drugs or controlled substances for the purpose of sale or distribution at a school under the board's jurisdiction, or to have physically assaulted or battered or abused educational personnel or other students at a school or school function under the board's jurisdiction. . . . A board that has expelled a student from the student's regular school setting shall provide or assure that educational services are provided to the student in an appropriate alternative program or setting, unless the board has made a determination, on the record, supported by clear and convincing evidence, that the expelled student posed a threat to the safety of other students or school staff and could not be placed into a state-funded agency program.

(SIP) A local school board shall require schools not meeting specified student achievement levels to develop and implement revised SIPs. If the school continues to not meet goals for two

consecutive years, the school's SIP will be reviewed by the state department of education. Further, a local board adopting policies related to school-based decision making shall address SIPs.

- KY. REV. STAT. ANN. § 158.649 (LexisNexis 2013): [!] a local board determines that a school has not met [specific student achievement goals, the board shall require the school to revision the SIP. If a school fails to meet its targets to reduce the gap in student achievement for any student group for two consecutive years, the school's improvement plan shall be subject to review and approval by the state department of education.]
- KY. REV. STAT. ANN. § 160.345 (LexisNexis 2013): [Policies adopted by a local board to implement school-based decision making shall also address SIPs, including the form and function of strategic planning and its relationship to district planning.]

Louisiana

(ALT) Louisiana provides that students with discipline problems that are considered disruptive may be eligible for alternative education. Further, the state board must create a model master plan for student discipline that will improve methods for school suspension and referrals to alternative education. Students that are expelled may be allowed to attend a suitable alternative program with approval from the school board for the duration of their expulsion. The governing authority that expels a student will continue to supervise an expelled student through an alternative program that is approved by the state board.

- LA. REV. STAT. ANN. § 17:100.5 (2013): Eligibility for enrollment in alternative schools shall be determined from a list compiled by each city and parish school board of students with discipline problems whose behavior is considered disruptive.
- LA. REV. STAT. ANN. § 17:224 (2013): [S]tudent[s] who exhibit[] disruptive behavior, an incorrigible attitude, or any other discipline problems in general, may be recommended by the principal for expulsion, assignment to an appropriate alternative education program, or transfer to adult education [in specific situations].
- LA. REV. STAT. ANN. § 17:252 (2013): The State Board of Elementary and Secondary Education, in collaboration with the Louisiana Juvenile Justice Planning and Coordination Board, shall formulate, develop, and recommend, . . . a model master plan for improving behavior and discipline within schools. . . . [This plan may include provisions to improve methods and procedures for the handling of school suspensions and the referral of students to alternative schools.]
- LA. REV. STAT. ANN. § 17:416 (2013): Any student expelled from school may be readmitted on a probationary basis to school at any time during the specified period of expulsion, . . . [dependent upon terms and conditions stipulated by the local public school board] and agreed to in writing by the student and by the student's parent or other person responsible for the student's school attendance. Such terms and conditions may include . . . placing the student in a suitable alternative education program as determined by the school board.
- LA. REV. STAT. ANN. § 17:416.2 (2013): Any student suspended or expelled from school . . . shall remain under the supervision of the governing authority of the . . . public school system taking such action using alternative education programs for suspended and expelled students. Alternative education programs of any local public school shall be approved by the State Board of Elementary and Secondary Education

Maine

(GEN) Maine requires a positive school climate to be included in requirements for school accreditation standards.

- ME. REV. STAT. ANN. tit. 20-A, § 4511 (2013): [Included in school accreditation standards shall be that the school has a climate which promotes individual self-esteem, high expectations for achievement and a positive attitude toward learning.]

(ALT) Maine provides that school boards will not be prevented from providing alternative education to an expelled student. It also provides for alternative programs to suspension and expulsion for students who have engaged in bullying.

- ME. REV. STAT. ANN. tit. 20-A, § 1001 (2013): [School boards shall not be prevented from providing educational services in an alternative setting to a student who has been expelled.]
- ME. REV. STAT. ANN. tit. 20-A, § 6554 (2013): [Provides for alternative disciplinary programs for students that have engaged in bullying instead of out of school suspension and expulsion.]

Maryland

(ALT) County boards are authorized by statute to provide for alternative programs for disciplinary problems.

- MD. CODE ANN., EDUC. § 7-306 (LexisNexis 2013): [E]ach county board shall adopt regulations designed to create and maintain within the schools under its jurisdiction the atmosphere of order and discipline necessary for effective learning. . . . The regulations adopted by a county board . . . [s]hall provide alternative programs, which may include in-school suspension, suspension, expulsion, or other disciplinary measures that are deemed appropriate.

Massachusetts

(ALT) Massachusetts requires school principals and headmasters to ensure that short term suspended students have the opportunity to make up any coursework or credit they miss. Additionally, principals and headmasters must ensure long term suspended and expelled students also have the opportunity to make educational progress, including participating in alternative education. Massachusetts also has a statute that provides for grants to schools to develop, establish, and grow alternative education programs for suspended or expelled students.

- MASS. ANN. LAWS ch. 69, § 1N (LexisNexis 2013): The [state] department of education . . . shall establish a grant program, subject to appropriation, to be known as the alternative education grant program . . . to provid[e] grants to assist school districts and . . . charter schools with the development and establishment of alternative education programs and services to students suspended or expelled from school.
- MASS. ANN. LAWS ch. 76, § 21 (LexisNexis 2013): Principals and headmasters shall ensure that students who are suspended from school for 10 or fewer consecutive days, whether in or out of school, shall have an opportunity to make academic progress during the period of suspension, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed. Principals

shall develop a school-wide education service plan for all students who are expelled or suspended from school for more than 10 consecutive school days, whether in or out of school. Principals shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed. Education service plans may include, but are not limited to, tutoring, alternative placement, Saturday school, and online or distance learning.

(SIP) Each school is required to adopt a SIP that is consistent with school performance goals specified by the district and the department of education.

- MASS. ANN. LAWS ch. 69, § 11 (LexisNexis 2013): Annually, the principal of each school, in consultation with the school council established pursuant to this section, shall adopt student performance goals for the schools consistent with the school performance goals established by the department of education pursuant to state and federal law and regulations and, consistent with any educational policies established for the district shall assess the needs of the school in light of those goals and formulate a school plan to advance such goals and improve student performance. The school's plan to support improved student performance shall include, but not be limited to, the same components required for district improvement plans and shall conform to department and district specifications to ensure that such school improvement plans meet state and federal law requirements.

Michigan

(ALT) Michigan provides that school districts must offer either alternative placement, strict discipline academics, or home instructional services to expelled students. The Office of Safe Schools must also keep record of alternative education opportunities for students that have been expelled for assault. Michigan also has a statute that provides possible funding for adult education programs for expelled students that do not have an alternative option in their district.

- MICH. COMP. LAWS SERV. § 380.1310 (LexisNexis 2013): [Requires the Office for Safe Schools to compile information on and catalog existing alternative education programs or schools and nonpublic schools that may be open to enrollment of individuals expelled for physical assault.]
- MICH. COMP. LAWS SERV. § 380.1311 (LexisNexis 2013): [If an individual expelled from a school district] is not placed in an alternative education program or strict discipline academy, the school district may provide . . . appropriate instructional services to the individual at home. . . . If an individual is expelled, . . . it is the responsibility of that individual and of his or her parent or legal guardian to locate a suitable alternative educational program and to enroll the individual in such a program during the expulsion.
- MICH. COMP. LAWS SERV. § 388.1707 (LexisNexis 2013): Provides for possible funding for an adult education program for expelled students that have no alternative education options in their residence districts.

(SIP) School district boards must adopt and develop SIPs to receive accreditation for the schools in the district.

- MICH. COMP. LAWS SERV. § 380.1277 (LexisNexis 2013): [If the board of a school district wants all of the schools of the school district to be accredited, the board must adopt and implement a three to five year school improvement plan.]

Minnesota

(GEN) Minnesota encourages school districts to integrate or offer instruction on character education.

- MINN. STAT. § 120B.232 (2013): The legislature encourages districts to integrate or offer instruction on character education Instruction should be integrated into a district's existing programs, curriculum, or the general school environment.

(ALT) Minnesota requires that student suspension actions include a readmission plan, which may include alternative education. Suspended students who are waiting for a school board's decision about expulsion or suspended students with disabilities shall be provided alternative education if the suspension exceeds five days.

- MINN. STAT. § 121A.41 (2013): Each suspension action may include a readmission plan. The readmission plan shall include, where appropriate, a provision for implementing alternative educational services upon readmission
- MINN. STAT. § 121A.43 (2013): [A child with a disability shall be provided alternative educational services when a suspension exceeds five consecutive school days.]
- MINN. STAT. § 121A.46 (2013): [A student may be suspended pending the school board's decision in the expulsion or exclusion hearing if alternative educational services are implemented if the suspension exceeds five school days.]

(SIP) School sites not meeting federal achievement expectations are required to develop continuous improvement plans.

- MINN. STAT. § 120B.35 (2013): School sites identified as not meeting federal expectations must develop continuous improvement plans in order to meet federal expectations for student academic achievement. The department, at a district's request, must assist the district and the school site in developing a plan to improve student achievement[, with parental input].

Mississippi

(ALT) District school boards have the authority to assign a student to the district's alternative school for misconduct.

- MISS. CODE ANN. § 37-7-301 (2013). The school boards of all school districts shall [be authorized] to change the placement of a pupil to the school district's alternative school or homebound program for misconduct in the school or on school property, . . . on the road to and from school, or at any school-related activity or event
- MISS. CODE ANN. § 37-11-53 (2013): [A school district's discipline plan may provide that as an alternative to suspension, a student may stay in school by having the parent, guardian or custodian, with the proper school consent, attend class with the student for a period of time.]
- MISS. CODE ANN. § 43-21-621 (2013): [The superintendent of the school district may assign a student who has committed a violent act to the alternative school program.]

(SIP) Schools failing to meet accreditation standards must develop SIPs.

- MISS. CODE ANN. § 37-18-5 (2013): Based on the findings of the evaluation report and the results of the public meeting, the State Department of Education and the evaluation team leader shall assist the school principal and other local school officials in the development of a school improvement plan to improve its deficiencies.

Missouri

(ALT) Missouri law states that suspension or expulsion of a student does not relieve the state or the student's parents or guardians of their responsibility to educate the student. School districts are encouraged to find alternative disciplinary measures to suspension or expulsion. Schools are also required to help fund alternative education for such students and districts may not be prevented from providing alternative education to these students.

- MO. REV. STAT. § 167.164 (2013): [Any suspension or expulsion] shall not relieve the state or the suspended student's parents or guardians of their responsibilities to educate the student. School districts are encouraged to provide an in-school suspension system and to search for other acceptable discipline alternatives prior to using suspensions of more than [10] days or expelling a student from the school. Each school district or special school district . . . shall pay toward the per pupil costs for alternative education programs for such child.
- MO. REV. STAT. § 160.261 (2013): [School districts shall not be prevented from providing educational services in an alternative setting to a student suspended under the provisions in state law.]

(SIP) State law requires district boards of education to submit SIPs for priority schools.

- MO. REV. STAT. § 160.720:1 (2013): The board of education of any district that contains a priority school [a school that fails to meet acceptable standards of student achievement] shall submit a comprehensive school improvement plan

Montana

(ALT) State statute provides that school districts cannot be prevented from providing alternative education to expelled students.

- MONT. CODE ANN. § 20-5-202 (2013): Nothing in this [statute] prevents a school district from . . . providing educational services in an alternative setting to a student who has been expelled from the student's regular school setting.

Nebraska

(ALT) State statute requires each school district to have an alternative education option for expelled students. Districts and school boards are permitted to partner to provide such alternatives.

- NEB. REV. STAT. § 79-266 (2013): [E]ach school district shall have an alternative school, class, or educational program . . . available or in operation for all expelled students.
- NEB. REV. STAT. § 79-266 (2013): Any two or more school boards or boards of education may join together in providing alternative schools, classes, or educational programs. Any district may by agreement with another district send its suspended or expelled students to any alternative school, class, or educational program already in operation by such other district.

Nevada

(GEN) Nevada provides that a policy should be implemented to train school personnel in methods to improve the school environment.

- NEV. REV. STAT. ANN. § 388.133(b) (LexisNexis 2013): A policy for use by school districts to train . . . administrators, principals, teachers and all other personnel employed

by the board of trustees of a school district [must include] . . . [m]ethods to improve the school environment in a manner that will facilitate positive human relations among pupils

. . . .

(ALT) Students that are not allowed to attend public school due to suspension or expulsion may be allowed by a district or charter school to attend an alternative program, including independent study, distance learning, or at-risk programs.

- NEV. REV. STAT. ANN. § 392.4675 (LexisNexis 2013): A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school [due to suspension or expulsion] to enroll in . . . [a]n alternative program [for the at-risk students, a distance education program, an independent study program provided for students who have been suspended or expelled from public school, or possible other alternatives.]

(SIP) Each school must prepare a SIP.

- NEV. REV. STAT. ANN. § 385.357 (LexisNexis 2013): [Except for specific exemptions, the principal of each school shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the students enrolled in the school.]

New Hampshire

(ALT) State statute provides that students expelled for having a gun on school grounds must not attend a public school in another district, but the school district may provide alternative education for the student.

- N.H. REV. STAT. ANN. § 193:13 (LexisNexis 2013): Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. [However, this does not prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.]

(SIP) Schools or school districts that have been designated as needing improvement shall create a SIP.

- N.H. REV. STAT. ANN. § 193-H:4 (LexisNexis 2013): A school or school district shall have one year from the date that a school or school district has been designated as [in need of improvement to] create a plan that identifies actions that it intends to correct the areas of concern. This plan shall be submitted to the state board within 90 days of the date that the school or school district was designated as [in need of improvement].

New Jersey

(GEN) New Jersey requires districts to form school safety teams to address school climate issues.

- N.J. REV. STAT. § 18A:37-21 (2013): A school district shall form a school safety team in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going, systematic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying.

(SIP) School districts that are in the mid-range on quality performance as defined in the below are required to develop an improvement plan with assistance from the commissioner.

- N.J. REV. STAT. § 18A:7A-14 (2013): If a school district satisfies 50 percent to 79 percent of the quality performance indicators in any of the [5] key components of school district effectiveness, [the district will be required] to develop an improvement plan to address

the quality performance indicators with which the district has not complied [and] the improvement plan shall be submitted to and approved by the commissioner and the commissioner shall provide technical assistance to the district.

New Mexico

(SIP) School districts are required to submit a SIP with input from the public for schools that have been identified as being in need of improvement.

- N.M. STAT. ANN. § 22-2C-7 (LexisNexis 2013): Within [90] days of being notified that a public school within the school district has been identified as a public school in need of improvement, the school district shall submit an improvement plan for that public school to the department. In developing the improvement plan, the local superintendent, the president of the local school board and the school principal of the public school in need of improvement shall hold a public meeting to inform parents and the public of the public school's rank. The meeting shall be used to elicit suggestions from parents and the public on how to improve the public school.

New York

(ALT) New York provides that school authorities must establish policies to ensure suspended or expelled students continue to receive education.

- N.Y. EDUC. LAW § 3214 (McKinney 2012): The school authorities of any school district shall establish policies and procedures to ensure the provision of continued educational programming and activities for students removed from the classroom

(SIP) School districts that have been identified as requiring academic progress must submit a district improvement plan.

- N.Y. EDUC. LAW § 211-b (McKinney 2012): A school district that has been identified as requiring academic progress . . . or includes one or more schools under registration review, in need of improvement, in corrective action or restructuring status shall be required to submit a district improvement plan to the commissioner for approval.

North Carolina

(ALT) North Carolina requires each local board of education to establish an alternative learning program. Boards are also encouraged to adopt policies to reduce suspension and expulsion. Before referring a student to an alternative program, a school must document the reasoning for the disciplinary action and forward all records to the alternative program. The alternative program will review these records to determine what services and interventions are needed for the student. Students that are suspended long term or expelled will be offered alternative education.

- N.C. GEN. STAT. § 115C-47 (2013): Each local board of education shall establish at least one alternative learning program and shall adopt guidelines for assigning students to alternative learning programs. . . . Local boards of education are encouraged to adopt policies and best practices to reduce suspension and expulsion rates and to provide alternative learning programs for continued academic progress for students who have been suspended.
- N.C. GEN. STAT. § 115C-105.48 (2013): (a) Prior to referring a student to an alternative school or an alternative learning program, the referring school shall: (1) Document the procedures that were used to identify the student as being at risk of academic failure or

as being disruptive or disorderly. (2) Provide the reasons for referring the student to an alternative school or an alternative learning program. (3) Provide to the alternative school or alternative learning program all relevant student records, including anecdotal information. (b) When a student is placed in an alternative school or an alternative learning program, the appropriate staff of the alternative school or alternative learning program shall meet to review the records forwarded by the referring school and to determine what support services and intervention strategies are recommended for the student. The parents shall be encouraged to provide input regarding the students' needs.

- N.C. GEN. STAT. § 115C-390.9 (2013): [Students that are suspended for a long term shall be offered alternative education unless the superintendent provides a significant or important reason for declining to offer such services.]
- N.C. GEN. STAT. § 115C-390.10 (2013): [Students who are suspended for 365 days shall be considered for alternative educational services.]
- N.C. GEN. STAT. § 115C-390.11 (2013): [A local board of education is authorized to expel any student for certain offenses. Prior to expelling a student, the local board of education shall consider whether there are alternative education services that may be offered to the student. If the local board of education determines that the student shall be provided educational services on school property, the student shall be under the supervision of school personnel at all times.]

(SIP) Each school is required to have a SIP.

- N.C. GEN. STAT. § 115C-105.27 (2013): [The school improvement team at each school is required to develop a school improvement plan that takes into consideration performance goals established by the state board of education. These plans should be as data-driven as possible.]

North Dakota

(ALT) School districts are authorized to provide alternative education to expelled students.

- N.D. CENT. CODE § 15.1-19-10 (2013): If a school district expels a student [for possession of a weapon on school grounds,] the district may authorize the provision of educational services to the student in an alternative setting.

(SIP) All schools are required to include a SIP in their annual compliance reports.

- N.D. CENT. CODE § 15.1-06-06 (2013): In order to obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report [which includes plans for improving student achievement through a continuous cycle of improvement.]

Ohio

(ALT) District boards of education may provide alternative education options for expelled students.

- OHIO REV. CODE ANN. § 3313.66 (LexisNexis 2013): [The board of education of the school district that expels a student may provide educational services to the student in an alternative setting.]

Oklahoma

(ALT) School district boards are required to create a policy for students in out-of-school suspension that directs a school to consider alternative education options for a student before he or she is suspended.

- OKLA. STAT. tit. 70, § 24-101.3 (2013): Any student who is guilty of an act described in paragraph 1 of subsection C of this section may be suspended out-of-school in accordance with the provisions of this section. Each school district board of education shall adopt a policy with procedures which provides for out-of-school suspension of students. The policy shall address the term of the out-of-school suspension, provide an appeals process as described in subsection B of this section, and provide that before a student is suspended out-of-school, the school or district administration shall consider and apply, if appropriate, alternative in-school placement options that are not to be considered suspension, such as placement in an alternative school setting, reassignment to another classroom, or in-school detention.

(SIP) Each school district is required to adopt a six-year school improvement plan.

- OKLA. STAT. tit. 70, § 5-117.4 (2013): Each local board of education shall . . . adopt a six-year school improvement plan for the district. Each school improvement plan shall include stated goals that clearly delineate educational expectations, and shall be annually monitored and updated as necessary.

Oregon

(ALT) Oregon directs district school boards to create suspension and expulsion policies.

- OR. REV. STAT. § 339.250 (2012): [As an alternative to suspension,] a school district may require a student to attend school during nonschool hours [Also a district school board shall create and implement a suspension and expulsion policy that is designed to propose alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student prior to a student's expulsion or leaving school.]

(SIP) The state department of education requires all school districts and schools to have and update continuous improvement plans.

- OR. REV. STAT. § 329.095 (2012): The Department of Education shall require school districts and schools to conduct self-evaluations and to periodically update their local district continuous improvement plans, . . . [though it] may not require school districts or schools to conduct self-evaluations or to update their local district continuous improvement plans more often than biennially.

Pennsylvania

(ALT) Pennsylvania specifies that schools may provide alternative education for expelled students. Further, students that are returning to school after committing a certain class of crime will be provided a transition plan. Pennsylvania also provides for alternative education or placements for disruptive students as defined by state law as habitually truant students or students in possession of a weapon on school grounds.

- 24 PA. CONS. STAT. § 13-1317.2 (2013): A school district receiving a student who transfers from a public or private school during a period of expulsion for an act or offense involving a weapon may assign that student to an alternative assignment or provide alternative education services, provided that the assignment may not exceed the period of expulsion.

- 24 PA. CONS. STAT. § 19-1901-C (2013): A student who poses a clear threat to the safety and welfare of other students or the school staff, who creates an unsafe school environment or whose behavior materially interferes with the learning of other students or disrupts the overall educational process. The disruptive student exhibits to a marked degree any or all of the following conditions: (i) Disregard for school authority, including persistent violation of school policy and rules. (ii) Display or use of controlled substances on school property or during school-affiliated activities. (iii) Violent or threatening behavior on school property or during school-affiliated activities. (iv) Possession of a weapon on school property (v) Commission of a criminal act on school property or during school-affiliated activities. (vi) Misconduct that would merit suspension or expulsion under school policy. (vii) Habitual truancy.
- 24 PA. CONS. STAT. § 21-2134(a) (2013): (a) No student returning from placement as a result of being adjudicated delinquent . . . or who has been adjudged to have committed a crime under an adult criminal proceeding shall be returned directly to the regular classroom. (b) Prior to returning such student to the regular classroom, the school district shall: . . . (2) Develop a transition plan for the student (c) The transition plan . . . may provide for the student's direct return to a regular classroom where the underlying offense did not involve any of the following: (i) Possession of a weapon. (ii) Possession, use or sale of controlled substances (iii) Possession, use or sale of alcohol or tobacco by any person on school property. (iv) An act of violence (d) In the case of a student whose transition plan does not include immediate return to the regular classroom, the student shall be placed in one of the following as provided for in the student's transition plan: (1) An alternative education program

Rhode Island

(GEN) State law requires the family engagement advisory council to participate in developing recommendations for improving school climate.

- R.I. GEN. LAWS § 16-94-5 (2013): [Requires the family engagement advisory council to participate in developing recommendations for creating a positive school climate and safe and healthy schools.]

(ALT) Rhode Island directs the department of elementary and secondary education to develop requirements for alternative placements for suspended students.

- R.I. GEN. LAWS § 16-21-20 (2013): The department of elementary and secondary education in conjunction with the attorney general's task force to prevent violence in schools shall develop requirements for the alternative placement of students suspended

(SIP) Each school district will have an appointed school improvement team that will assist schools in their creation of SIPs.

- R.I. GEN. LAWS § 16-53.1-2 (2013): [Requires the school board or school committee to establish a school improvement team for each school in the district.]
- R.I. GEN. LAWS § 16-53.1-3 (2013): [Each school improvement team shall assist in the preparation and evaluation of the school improvement plans.]

South Carolina

(ALT) Districts are required to establish clear procedures and guidelines for the placement of expelled and suspended students into alternative education programs. Alternative education

programs must, at least, serve grades 6 through 12. Additionally, students expelled for possessing a firearm on school grounds are not precluded from alternative education opportunities.

- S.C. CODE ANN. § 59-63-235 (2012): Students expelled for bringing a firearm on campus are not precluded from receiving educational services in an alternative setting.
- S.C. CODE ANN. § 59-63-1320 (2012): [Districts must establish clear guidelines and procedures for the placement of students into an alternative school program. Eligible alternative programs must serve grades 6 through 12 and be available to suspended and expelled students.]

(SIP) Each district and each school are required to have SIPs.

- S.C. CODE ANN. § 59-20-60 (2012): Each school district board of trustees shall cause the district and each school in the district to develop comprehensive five-year plans with annual updates to outline the District and School Improvement Plans.

South Dakota

(ALT) South Dakota clarifies that local school districts may not be prevented from providing alternative education to expelled students.

- S.D. CODIFIED LAWS § 13-32-4 (2013): [Local school districts are not prohibited from providing educational services to an expelled student in an alternative setting.]

Tennessee

(ALT) Local school boards are authorized by state law to establish alternative education programs for expelled or suspended students. These alternative programs may be joint establishments of multiple local boards. Further, the board of education may assign a suspended student to an alternative education program or night school.

- TENN. CODE ANN. § 49-6-3401 (2013): [The board of education may assign the student to an alternative program or night school or suspend the student for a specified period of time.]
- TENN. CODE ANN. § 49-6-3402 (2013): Local boards of education may establish alternative schools for students in grades 1 through 6 who have been suspended or expelled . . . [and a]t least one alternative school shall be established and available for students in grades 7 through 12 for suspended or expelled students. . . . [A]ny two or more boards may join together and establish [an alternative program.]

(SIP) State statute outlines what must be included in each school's SIP.

- TENN. CODE ANN. 49-1-613 (2013): [E]ach school and LEA [local education agency] shall include in their annual school improvement plans specific goals for improvement, including . . . school performance on value added assessment and other benchmarks for student proficiency, graduation rates, ACT scores where applicable and student attendance. School improvement plans shall also identify areas of strengths and weakness, as well as strategies to improve areas of weakness.

Texas

(ALT) State law requires each school district to provide alternative education programs to suspended or expelled students. School districts that place students in alternative placement program for disciplinary reasons must also offer the student the opportunity to complete, before

the beginning of the next school year, each course the student was enrolled in prior to alternative placement. Certain county juvenile boards are required to develop a juvenile justice alternative education program. State statute also provides for emergency placement of students for disciplinary reasons.

- TEX. EDUC. CODE ANN. § 37.008 (LexisNexis 2013): Each school district shall provide a disciplinary alternative education program that . . . is provided in a setting other than a student's regular classroom
- TEX. EDUC. CODE ANN. § 37.0081 (LexisNexis 2013): [T]he board of trustees of a school district, or the board's designee, after an opportunity for a hearing may expel a student and [may choose to place the student in alternative education].
- TEX. EDUC. CODE ANN. § 37.011 (LexisNexis 2013): The juvenile board of a county with a population greater than 125,000 shall develop a juvenile justice alternative education program, subject to the approval of the Texas Juvenile Probation Commission. [A school district located in a county with a population of 125,000 or less is required to provide educational services to a student who is expelled from school.]
- TEX. EDUC. CODE ANN. § 37.019 (LexisNexis 2013): [Provides for emergency placement or expulsion of students if necessary.]
- TEX. EDUC. CODE ANN. § 37.021(a) (LexisNexis 2013): If a school district removes a student from the regular classroom and places the student in in-school suspension or another setting other than a disciplinary alternative education program, the district shall offer the student the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of the removal.

(SIP) Each school district is required to have a district SIP.

- TEX. EDUC. CODE ANN. § 11.252 (LexisNexis 2013): [Each school district is required to have a district improvement plan that is developed, evaluated, and revised annually by the superintendent with the assistance of the district-level committee. This plan is intended to guide staff in the improvement of student performance for all student groups in accordance with state standards.]

Utah

(ALT) Utah requires local school boards to establish alternatives to suspension for students. If a student is suspended or expelled for more than 10 days, however, the parent or guardian of the student becomes responsible for the alternative education of the student.

- UTAH CODE ANN. § 53A-11-906 (LexisNexis 2013): [Each local school board or governing board of a charter school is required to establish alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent or guardian, with the consent of the student's teacher or teachers, to attend class with the student.]
- UTAH CODE ANN § 53A-11-907 (LexisNexis 2013): If a student is suspended or expelled from a public school . . . for more than 10 school days, the parent or guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.

(SIP) All school community councils are required to develop SIPs.

- UTAH CODE ANN § 53A-1a-108.5 (LexisNexis 2013): [Each school community council is required to develop a school improvement plan that identifies the school's academic need and describes a plan to enhance or improve academic achievement.]

Vermont

(ALT) Vermont authorizes principals, superintendents and school boards to provide alternative education to students that are suspended or expelled.

- VT. STAT. ANN. tit. 16, § 1162(c) (2013): Principals, superintendents, and school boards are authorized and encouraged to provide alternative education services or programs to students during [a student's suspension or expulsion.]

Virginia

(ALT) Virginia provides that its board of education will establish regional alternative education centers for suspended or expelled students. School boards are required to notify suspended or expelled students of their alternative options and may also appoint suspended or expelled students to alternative programs.

- V.A. CODE ANN. § 22.1-209.1:2 (2014): [When funds are available,] the Board of Education shall establish a program consisting of regional alternative education options for elementary, middle, and high school students [who have been expelled or received suspensions.]
- V.A. CODE ANN. § 22.1-254 (2014): [A school board may require a suspended or expelled student to attend an alternative education program.]
- V.A. CODE ANN. § 22.1-277.04 (2014): [School boards are required to provide oral or written notification of alternative education options to the parent of a suspended student.]
- V.A. CODE ANN. § 22.1-277.05 (2014): [Further provides that students must be given notification of alternative education options when they are expelled.]
- V.A. CODE ANN. § 22.1-277.2 (2014): [A school board may require any student who has been found to have committed a serious offense or repeated offenses in violation of school board policies, suspended, or expelled to attend an alternative education program.]

(SIP) Local school boards are required to submit corrective SIPs for their schools that do not meet the board of education's standards for accreditation.

- V.A. CODE ANN. § 22.1-253.13:3 (2014): Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

Washington

(ALT) Washington encourages school districts to find alternatives to suspension for students and directs the superintendent of public instruction to provide grants to alternative programs for expelled students. Further, state statute specifies that a district may not be prohibited from

providing alternative educational services to students expelled for possessing a weapon on school grounds.

- WASH. REV. CODE ANN. § 28A.300.360 (LexisNexis 2013): The superintendent of public instruction shall provide [when possible] start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students.
- WASH. REV. CODE ANN. § 28A.600.410 (LexisNexis 2013): School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension [when they are enrolled in counseling or other treatment services.]
- WASH. REV. CODE ANN. § 28A.600.420 (LexisNexis 2013): Nothing in this section prevents a public school district, educational service district, the Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting [if the student is expelled for weapon possession.]

(SIP) State statute requires schools to include SIPs in their annual performance report and encourages schools to implement SIPs to aid in dropout prevention and reengagement.

- WASH. REV. CODE ANN. § 28A.175.145 (LexisNexis 2013): High schools and school districts are encouraged to implement dropout prevention and reengagement strategies in a comprehensive and systematic manner [including through school improvement plans.]
- WASH. REV. CODE ANN. § 28A.655.110 (LexisNexis 2013): The annual performance report shall [include a brief description of the learning improvement plans for the school.]

West Virginia

(ALT) West Virginia encourages county boards to create alternative learning environments for students with disciplinary problems and creates a pilot program for such environments. State law however does allow a county board that expels a student to refuse to provide alternative education if the student is found to be dangerous.

- W. VA. CODE ANN. § 18-2-6 (LexisNexis 2013): The state board shall establish up to five pilot projects at the elementary or middle school levels, or both, that employ alternative schools or other placements for disruptive students [with the purpose of eventually returning them to their regular learning environment.]
- W. VA. CODE ANN. § 18-2-13 (LexisNexis 2013): The state board shall establish a comprehensive approach to integrate character education into all aspects of school culture
- W. Va. Code, § 18A-5-1 (LexisNexis 2013): The county board shall create more alternative learning centers or expand its capacity for alternative placements . . . to correct [student behavior] so they can return to a regular classroom without engaging in further disruptive behavior.
- W. VA. CODE ANN. § 18A-5-1a (LexisNexis 2013): A county board that expels a student, and finds that the student is a dangerous student, may refuse to provide alternative education. However, after a hearing conducted pursuant to this section for determining whether a student is a dangerous student, when the student is found to be a dangerous student, is expelled and is denied alternative education, a hearing shall be conducted within three months after the refusal by the board to provide alternative education to

reexamine whether or not the student remains a dangerous student and whether the student shall be provided alternative education.

(SIP) All public schools are required to have a SIP and to revise the plan annually, as needed. The department of education is additionally required to provide a “boilerplate” model to be used by schools for their SIPs.

- W. VA. CODE ANN. § 18-2E-5(b) (LexisNexis 2013): The state board shall promulgate a rule . . . establishing an electronic county strategic improvement plan for each county board and an electronic school strategic improvement plan for each public school in this state. Each respective plan shall be a five-year plan that includes the mission and goals of the school or school system to improve student, school or school system performance and progress, as applicable. The strategic plan shall be revised annually in each area in which the school or system is below the standard on the annual performance measures. The plan shall be revised when required pursuant to this section to include each annual performance measure upon which the school or school system fails to meet the standard for performance and progress, the action to be taken to meet each measure, a separate time line and a date certain for meeting each measure, a cost estimate and, when applicable, the assistance to be provided by the department and other education agencies to improve student, school or school system performance and progress to meet the annual performance measure. The department shall make available to all public schools through its website or the West Virginia Education Information System an electronic school strategic improvement plan boilerplate designed for use by all schools to develop an electronic school strategic improvement plan which incorporates all required aspects and satisfies all improvement plan requirements of the No Child Left Behind Act.

Wisconsin

(SIP) Wisconsin provides that schools may have SIPs and may use parent feedback from surveys conducted by the state board of education to develop or modify such plans.

- WIS. STAT. § 119.16 (2013): Annually, the board shall conduct a survey of parents of pupils enrolled in the school district operating under this chapter and use the results of the survey to develop or modify parent involvement and school improvement plans, which may include school-based community resource centers, regularly scheduled public meetings, or parent education classes.

Wyoming

(ALT) Wyoming state statute specifies that a district may not be prohibited from providing alternative educational services to expelled students.

- WYO. STAT. ANN. § 21-4-305 (LexisNexis 2013): [Nothing in this subsection prohibits a district from providing educational services to the expelled student in an alternative setting.]

(SIP) Both schools that are meeting student achievement expectations and those that are not are required to submit a school improvement plan to the department of education. Statute also specifies that assessment results may be used to help develop SIPs.

- WYO. STAT. ANN § 21-2-304 (LexisNexis 2013): Assessment results shall . . . be used to guide actions by the state board and the department in providing and directing a progressive multi-tiered system of support, intervention and consequences to districts in

developing school improvement plans in response to student performance [to meet expectations.]

- WYO. STAT. ANN § 21-2-204 (LexisNexis 2013): Schools designated as meeting expectations shall file an improvement plan with the school district superintendent and the department.
- WYO. STAT. ANN. § 21-3-401 (LexisNexis 2013): [Schools not meeting the 85 percent goal specified for student achievement in state law must submit an improvement plan to the department.]

Suggested citation: Council of State Governments Justice Center, “School Climate and Improvement: A Snapshot of Legislative Action” (New York: Council of State Governments, February 2014).

On January 8, 2014, the U.S. Department of Education released a compendium of school discipline laws and regulations. The PDF and online tool can be accessed at <http://safesupportivelearning.ed.gov/school-discipline-compendium>.

To learn more about the CSG Justice Center's School Discipline Consensus Project, visit <http://csgjusticecenter.org/youth/projects/school-discipline-consensus-project>.

¹ This definition is drawn from the CSG Justice Center's school discipline consensus project report available at csgjusticecenter.org/youth. It draws on the work of the National Center on Safe Supportive Learning Environments (<http://safesupportiveschools.ed.gov/>), the National School Climate Center (<http://www.schoolclimate.org>), and the National School Climate Council (<http://www.schoolclimate.org/about/council.php>) as well as other resources, documents and discussions with experts in the field.

² Erica L.M. Shirley and Dewey G. Cornell, “The Contribution of Student Perceptions of School Climate to Understanding the Disproportionate Punishment of African American Students in a Middle School,” *School Psychology International* 33(2) (2012): 115-134; Ming-Te Wang and Thomas J. Dishon, “The Trajectories of Adolescents’ Perceptions of School Climate, Deviant Peer Affiliation, and Behavioral Problems During the Middle School Years,” *Journal of Research on Adolescence* 22(1): 40-53; Laura M. Hopson and Eunju Lee, Eunju, “Mitigating the effect of family poverty on academic and behavioral outcomes: The role of school climate in middle and high school,” *Children and Youth Services Review* 33(11) (2011): 2221-2229; Ming-Te Wang, Robert L. Selman, and Thomas J. Dishon, “A Tobit Regression Analysis of the Covariation between Middle School Students’ Perceived School Climate and Behavioral Problems,” *Journal of Research on Adolescence* 20(2) (2010): 274-286; Eric A. Stewart, “School Social Bonds, School Climate, and School Misbehavior: A Multilevel Analysis,” *Justice Quarterly* 20(3) (2003): 575-604.

³ The School Climate Center will help districts/schools with policy guidance and technical assistance to support safe learning environments and foster academic achievement by focusing on prevention, intervention, support, and recovery. The center works collaboratively with implicated state agencies and schools, communities, and interested individuals and organizations to determine how to best use available resources.

⁴ Also see the forthcoming CSG Justice Center school discipline consensus project report section on alternative education in the Targeted Behavioral Interventions chapter for a review of the concerns about alternative education and recommendations for improvement. To receive notice of the report's availability, go to <http://csgjusticecenter.org/subscribe/> and select the “youth” topic.