



MASSACHUSETTS ADVOCATES *for* CHILDREN

H. 177 & H. 178 TESTIMONY OF THOMAS MELA ALTERNATIVE EDUCATION SERVICES

I am the director of the Children's Law Support Project at the Massachusetts Advocates for Children. In that capacity, I chair the Education Law Task Force (ELTF), comprised of public interest attorneys and advocates concerned about the education rights of low-income students. The ELTF has assisted Rep. Wolf in drafting and promoting H. 177 and H. 178. The ELTF strongly endorses both H. 177 and H. 178.

Section 3 of H. 178, at lines 101-109, would require school districts in Massachusetts to offer alternative education services to excluded students. Chairwoman Rep. Peisch has requested the ELTF to research whether alternative education services are required in any New England states. Therefore, this testimony will focus on alternative education services in Massachusetts, and in the neighboring states of Rhode Island and Connecticut.

Background

On average, 10,000 students drop out of Massachusetts public schools every year. Studies have shown school disciplinary exclusion to be one of the strongest predictors of student dropout. This exclusion creates a barrier to educational advancement. Similarly, the lack of educational services provided to excluded students inhibits the students' learning. By law in Massachusetts, a **general education student of any age** loses the right to a public education while expelled from school. If the student moves to a different town, no other school district is required to educate that student.

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Some urban school districts in Massachusetts voluntarily provide alternative education services to excluded students. However, this is the exception and not the rule in Massachusetts. Many of the more affluent districts simply exclude students without providing them with alternative education services. This disparity of services between districts has set many students at a disadvantage, by virtue of their residence. Other states, like Rhode Island, have ensured that all excluded students have an opportunity to receive alternative education services.

DESE Commissioner Mitchell Chester enthusiastically supports the need for a requirement by the Legislature that school districts provide alternative education services to excluded students. H. 178 states that DESE will promulgate regulations requiring that:

...principals shall develop a school-wide education service plan for all students who are excluded from school for **more than ten consecutive school days**. Principals shall ensure these students have an **opportunity to receive instruction**, make academic progress, 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. (lines 102-107)

H. 178 requires that school districts provide alternative education services to students only if they will be excluded from school for more than ten consecutive school days. However, many students will be excluded from school or from class for fewer than ten consecutive school days, often repeatedly, and it is essential that their education not be ignored. Therefore, H. 178 also requires that:

Principals shall ensure that students who are suspended from school for **ten or fewer consecutive school days**, whether in or out of school, shall have an opportunity to make academic progress during the period of their exclusion, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers, and projects missed.

(lines 97-100)

Current Massachusetts Law on Alternative Education Services

Pursuant to M.G.L. Ch. 69, Sec. 1N, enacted in 2004, today if a Massachusetts school district chooses to provide alternative education services, the district can apply for a competitive grant to implement such a program. Sec. 1N(a) directs DESE, **subject to appropriation**, to administer the distribution of the grants for the formation of alternative education programs throughout the state. According to Sec. 1N(a), these grants should support programs that (1) allow school districts to coordinate efforts to establish inter-district regional alternative education collaboratives to provide educational services to suspended or expelled students; or (2) establish a district based alternative education program for those students.

Section 1N(c) promotes the expansion of alternative education programs. The statute requires that the grants should “encourage voluntary expansion of existing alternative education programs in the commonwealth”, and “shall be used to provide alternative education programs for students who are at risk of educational failure due to truancy, or dropping out of school.” Grants may also be used to assist in developing programs that would provide a range of approaches to address behavior issues, such as behavior specialists, in-school suspension rooms and crisis centers, in addition to out-of-

school alternative settings. Section 1N(c) also requires that DESE should issue reports that annually evaluate the effectiveness of these programs and “the potential for replicating such programs throughout the commonwealth.” These reports must also contain information as to whether students in alternative education programs are taught to the same academic standards required for all students, how much time students are spending in the programs, the racial profile of expelled or suspended students, and the percentages of the students who are in special education or bilingual education. Furthermore, DESE is required to provide technical assistance to school districts seeking to replicate existing alternative education programs.

Alternative Education Services in Rhode Island

Rhode Island provides that all students should have the opportunity to receive alternative educational services while excluded from school. Under Rhode Island law, each school district must adopt a plan to ensure the continued education of students who are removed from the classroom because of a suspension of more than ten days or who are chronically truant. R.I. Gen. Laws § 16-21-27 (2010). The statute requires that all districts provide alternative education to students who have been excluded, but does not specify the program components. However, apparently, the most common program is an alternative education school. These are schools separate from regular public schools. Some school districts allow expelled students to enroll in a virtual online program that provides standard courses via computer. Various collaboratives throughout the state provide services for districts that do not have their own alternative education programs due to lack of resources.

Alternative Education Services in Connecticut

Connecticut provides alternative education services for excluded students who fall within certain parameters. Any student under 16 years of age, who is expelled, is required to be offered alternative education services. Conn. Gen. Stat. § 10-233d(d) (2011). In addition, students between the ages of 16 and 18 and whose current expulsion is their first, can choose to receive alternative education. However, the school board is not required to provide alternative education services to expelled students between the ages of 16-18 if the conduct for which the pupil is expelled involved the possession of a weapon, the sale or distribution of drugs, or conduct that endangers others.

Conclusion

The ELTF would welcome the opportunity to assist the Committee to report legislation that will address the needs of students who face exclusion from school and the denial of education services. Thank you.

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