

# Implementing and Documenting Alternatives to Suspension and Expulsion

State Superintendent's Conference on Special Education and Pupil  
Services Leadership Issues

September 20, 2023

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**Public Instruction**  
Jill K. Underly, PhD, State Superintendent

# Agenda

- 1. Scope and context of the problem**
- 2. Prevention Strategies**
- 3. Reactive Strategies**
  - a. Policy and procedural changes
  - b. Abeyance Programs
  - c. Alternative Learning Environments



**Including special considerations for students with IEPs.**

# Turn and Talk

- **What is the Purpose of Suspension and Expulsion?**
- **Who benefits?**
- **What is the impact:**
  - **On a student's academic performance, sense of belonging, social and emotional well-being?**
  - **On the classroom and school community?**
  - **On families?**
  - **On the community?**



# Why are we Suspending Students?

## Long-term Impacts of School Suspension on Adult Crime

- “Schools that suspend more students see a host of negative outcomes later in life...These negative outcomes included lower educational achievement, lower graduation rates, lower college enrollment rates, and higher involvement in the juvenile and adult criminal justice systems.”
- “Across just about every outcome, the harmful effects of suspensions were greatest for Black males.”
- *No positive benefits of strict school discipline that many have claimed for decades were born out in the data of this study.*

<https://sdp.cepr.harvard.edu/blog/long-term-impacts-school-suspension-adult-crime>

# Lost Opportunities

## 11 MILLION DAYS LOST

- Nationally, school children lost over 11 million days of instruction (11,360,004) as a result of out-of-school suspension. That's roughly 66 million hours of missed instruction or more than 63,000 school years of lost learning.
- “The time lost was not distributed evenly.”

Losen, Daniel and Whitaker, Amir. “11 Million Days Lost: Race, Discipline and Safety at U.S. Public Schools.”  
<https://www.aclu.org/report/11-million-days-lost-race-discipline-and-safety-us-public-schools-part-1>

# Lost Teaching and Leading Opportunities

- Principals spend 30.1% of their time on internal administrative tasks ([National Teacher and Principal Survey, NCES](#))
- [Principals Can't Build Strong Schools When They Have to Spend so much Time on Discipline](#)

# Why are we Suspending Students?

## Do principals hold the key to fixing school discipline?

- “For the average type of middle school disciplinary offense, some principals almost never assign an out-of-school suspension; others do so the majority of the time...These decisions made under the discretion of principals, or their administrative teams, have consequences.”
  - Increased expulsions and involvement in juvenile justice system
  - Small deterrent effect on minor offenses, no effect on serious offenses.
  - **NO POSITIVE IMPACT ON LEARNING OF OTHER STUDENTS**

<https://www.brookings.edu/blog/brown-center-chalkboard/2021/06/14/do-principals-hold-the-key-to-fixing-school-discipline>

# Disproportionality

*“As the data continue to show minority students with disabilities are at a greater risk for being suspended, school suspension increases the risk of school dropout, and school dropout increases the likelihood of incarceration, the pathway to incarceration seems to be evident for minority special needs students.”*

Bell, C. (2016). [Special needs under siege: from classrooms to incarceration](#). *Sociology Compass* 10/8, 698–705, 10.1111/soc4.12392

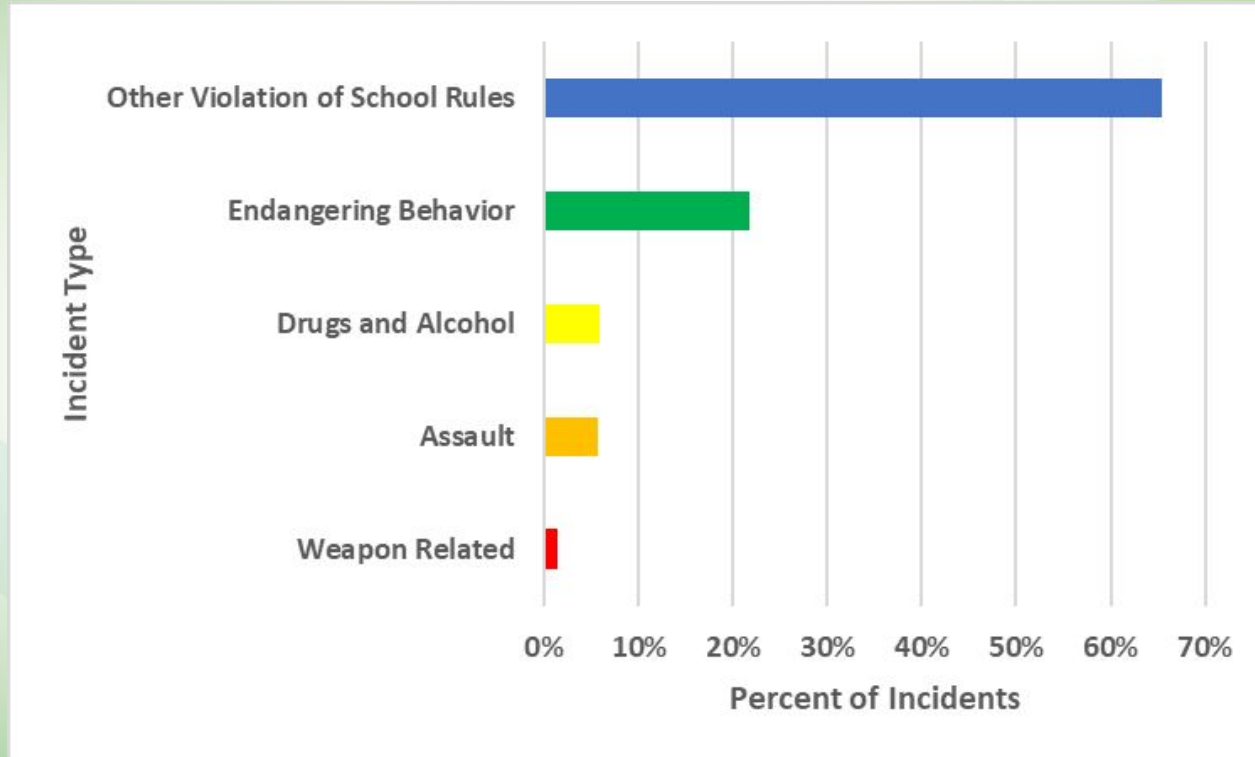


# Cost/Benefit Analysis: Suspension and Expulsion

- Teaching, learning and leading time
- + Disproportionate impact on marginalized groups
- + Unknown variables
- x Zero positive outcomes from suspension



# Incident Count by Behavior (2021-2022)



<https://wisedash.dpi.wi.gov/Dashboard/dashboard/20218>

# “Expelled Until Age 21”

- Federally, MUST expel for 1 year for firearms ([45 CFR § 1302.17](#))
- *Maximum* Length of Expulsion (including but not limited to firearms):
  - IL: 2 years ([105 ILCS 5/10-22.6](#))
  - IA: “Law is silent on issue...generally believed to be limited to one calendar year for firearms and 2 semesters for non-firearm violations” ([School Administrators of Iowa](#))
  - MI: Permanently, subject to possible reinstatement and referral to county social service or mental health agency required ([Michigan Legislature 380.1311](#))
  - MN: 12 months ([Minnesota Statutes Chapter 121A](#))
  - WI: None ( ss. [120.13 \(1\) \(c\)](#) and [119.25](#), Wis. Stats.)

# “Expelled Until Age 21”

- During 2022-2023 SY, 33 students in grades 8-12 were expelled for a time period that extended past their senior year in high school.
- Over the past 3 school years, 12.4% of student expulsions included “early reinstatement” conditions.
- Over the past 3 school years, 51.9% of expulsions of students without IEPs were offered educational services during the expulsion period

\*999 days = 5.55 “school years”

\*999 days was the greatest number LEAs could enter for “total days removed” (has changed in the WISEdata system for 2023-2024 SY)

\*This data is limited by

# Expulsion Data

<u>Sch Year</u>	<u>Expulsions</u>
18-19	715
19-20	526
20-21	120
21-22	840
22-23	720



2021-2022 Expulsions	% of Student Population	% of Expulsions
White	67%	32.25%
Non-white	33%	67.75%

# Expulsion in Wisconsin: Must vs. May

## MUST Expel:

For possession of a firearm (for a minimum of 1 year)

## MAY Expel

Repeated refusal or neglect to obey school rules

Threatening to destroy school property by explosives

Engaging in conduct...which endangered the property, health or safety of others (at school or while under school supervision)

Conduct...which endangered the property, health or safety of others at school or under the supervision of a school authority or endangered the property, health or safety of any employee or school board member in the pupil's district

Conduct that endangers a person or property, including making a threat to the health or safety of a person or making a threat to damage property

# Expulsion in Wisconsin: Must vs. May

## School Board **MUST**

Follow due process steps

Comply with special education laws and procedures when disciplining children with disabilities, including continuing to provide services if child is expelled.

...be “satisfied that the interest of the school demands the pupil’s expulsion”

## School Board **MAY**

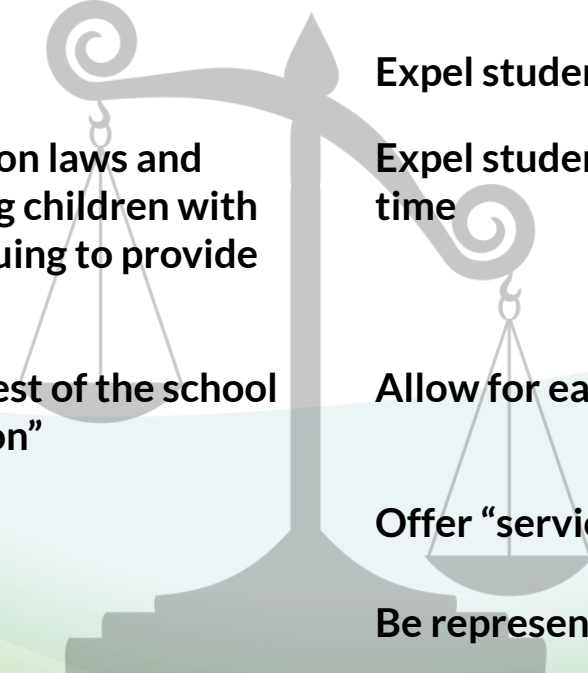
Expel students for a wide variety of reasons

Expel students of ANY age for ANY length of time

Allow for early reinstatement

Offer “services” to expelled students

Be represented by counsel

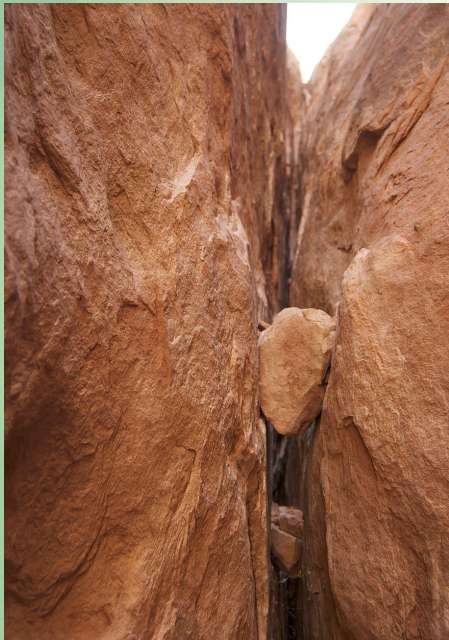


# List of Educational Options for Students Who Are Expelled in Wisconsin:





# Caught Between a Rock and a Hard Place

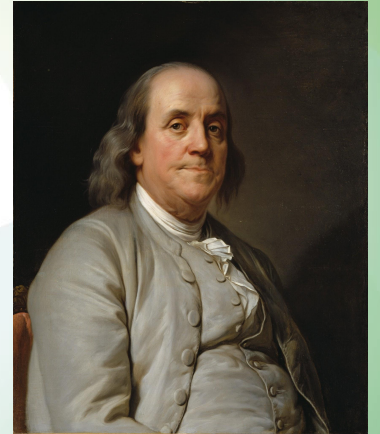


## Educational Options for Students who are Expelled in Wisconsin:

- **Expulsion with services offered**
- **Home School**
- **Virtual School?**
- **GED/HSED?**
- **Alternative Programs**

# An Ounce of Prevention...

- 1. Review and Update Policies, Programs, Procedures and Practices**
- 2. Provide Professional Development, Training, Coaching**
- 3. Review, update, improve special education evaluation and IEP processes, procedures and documentation**



# Discussion: What Would You Do?

**Scenario 1:** A kindergarten student screamed, “I’m going to kill you!” immediately after a peer had taken a toy from them...

**Scenario 2:** Three high school students were discovered by a teacher talking loudly in a bathroom during class. One of the students had a vape pen in their hand...

# Universal Prevention Initiatives

- [The Wisconsin School Mental Health Framework](#)
- [Positive Behavioral Interventions and Supports](#)
- [Climate Improvement](#)
- [Social Emotional Learning](#)
- [Trauma Sensitive Schools](#)
- [Culturally Responsive Practices](#)

# Data → Needs → Universal Practices

## What does your data tell you about the ROOT CAUSE of Exclusionary Practices?

High rates of trauma in community? → [Trauma Sensitive Schools](#)

Racial Disproportionality? → [Culturally Responsive Problem Solving](#)

Staff burnout/turnover? → [Compassion Resilience](#)

Ability Disproportionality? → [Inclusive Practices to Address Behavioral Needs](#)

Frequent Bullying Reports? → [Comprehensive Approach to Bullying Prevention](#)

# Discussion: What Would You Do?

**Scenario 1:** A kindergarten student screamed “I’m going to kill you!” immediately after a peer had taken a toy from them. The teacher reported this to you (the school principal) and you now have the student in your office.

**Scenario 2:** Three high school students were discovered by a teacher talking loudly in a bathroom during class. One of the students had a vape pen in their hand. Two of the students have IEPs. The three students are now in separate rooms waiting for you (the school principal) to talk with them.

# Policy Change

**Look at the policies that make up your district's behavioral plan and and, if necessary, choose alternatives that do not necessitate suspension and expulsion. For example:**

- Zero Tolerance Policies
- Dress Codes
- Threats
- Vague or subjective social expectations (disrespect, “other violations of school rules,” insubordination).

# Groups of Negatively Affected by Zero Tolerance Policies

- **Students of Color:**  
<https://edsources.org/2014/national-report-highlights-racial-disparities-in-suspensions/59344>)
- **Students with Disabilities:**  
<https://files.eric.ed.gov/fulltext/EJ1119329.pdf>
- **Lesbian, Gay, Bisexual and Transgender Youth:**  
<https://nicic.gov/beyond-bullying-how-hostile-school-climate-perpetuates-school-prison-pipeline-lgbt-youth>



# Policy Change: Investigations

Are you “satisfied that the interest of the school DEMANDS the pupil’s expulsion?”

- Does suspension/expulsion solve the problem, or make it worse?
  - Short term?
  - Long term?
- Did the student make a threat, or do they pose a threat? If they do pose a threat, how can we mitigate to ensure safety AND help the child?

# Policy Change: Discipline/Incident Investigation

**“...threat assessment provides schools with an alternative to a zero tolerance approach to school discipline that applies strict punishment to any violation regardless of the circumstances. “**

**As a bonus, research suggests:**

**“...parity in suspension and expulsion rates for the Black, Hispanic, and White students receiving threat assessments”**

Cornell, D., Maeng, J. L., Huang, F., Shukla, K., & Konold, T. (2018). Racial/ethnic parity in discipline consequences using student threat assessment. *School Psychology Review*, 47, 183–195. doi:10.17105/SPR2017-0030.V47-2

# Threat Assessment: Key Resource

**Wisconsin Department of Justice Behavioral Threat  
Assessment and Management (BTAM)**

**[Wisconsin School Threat Assessment and Management Protocol](#)**

# Investigating behaviors of Students with IEPs

- **Interviewing/questioning: consider impact of disability on ability to communicate, understand social dynamics of situation, understand the consequences of their actions, etc., and potential accommodations needed as a result.**
- **Any impact on the vaping scenario (potential unfair, unjust or inequitable discipline on students with IEPs vs. student without IEP?)**

# Discussion: What Would You Do?

**Scenario 1:** A kindergarten student received an office discipline referral for screaming “I’m going to kill you!” immediately after a peer had taken a toy from them. The student’s special education case manager contacted the parents, who stated during the conversation that their child has been being bullied by several classmates and that was probably why they lost their temper. The next week, a steak knife was found in the backpack of the child who made the threat.

# Discussion: What Would You Do?

**Scenario 2:** Two high school juniors and one senior were discovered in a bathroom during class talking loudly. The senior student had a vape pen in their hand. Two of the students have IEPs. The administrator's investigation was unable to determine who the vape pen belonged to or who brought it to school. The principal and School Resource Officer determined that the vape pen contained THC and that all three students were under the influence.

# Alternatives to Expulsion

- **Abeyance Programs/Systems**
  - If / then...
  - “Pre-expulsion”
- **Alternative Placements\***
- **[Alternatives to Expulsion: Case Studies of Wisconsin School Districts](#)**

# Alternatives to Expulsion: Students with IEPs

**Do not put things into an abeyance agreement that are in conflict with meeting their IEP and Disability Related Needs:**

- **Don't set them up to fail**
- **Align abeyance with IEP, not vice-versa**

**Other considerations:**

- **Know and follow proper procedures for disciplinary change of placement (such as manifestation determination, FBA, Interim Alternative Placements, etc.)**
- **Align plan with IEP, NOT vice-versa**
- **Keep FAPE, and LRE at the forefront of discussions**



# 3. Special Education and IEP Processes and Procedures

## Focus on FAPE and LRE:

- Review/Revise IEP
- Expulsion with Services
- In School Suspension
- Alternative Placement
- Bullying involved? IEP must address
- Disciplinary change of placement processes

# Options: Instead of Suspension or Expulsion

- Include supports/services in the pre-expulsion agreement, abeyance plan, alternative program/placement or IEP:
  - [Screening, Brief Intervention and Referral to Treatment \(SBIRT\)](#)
  - [Prime for Life](#)
  - [Alcohol EDU](#)

# Questions?



# Contacts



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