



**Appendix LLL-12-5**  
**June 14, 2010**

## **Disciplinary Alternatives: Abeyance Option Phoenix Program**

**Report to the Board of Education**  
**June 14, 2010**

### **I. Introduction**

- A. The June 8, 2009 Expulsion Process report includes the recommendation for the development of an "abeyance option" as part of the expulsion process.
- B. Presenters:  
Steve Hartley, Chief of Staff  
Nancy Yoder, Director, Student Services & Alternative Education  
Sally Schultz, Director of Innovative and Alternative Programs.
- C. The District has developed overtime, an extensive and very clear expulsion process, that is compliant with state and federal law, that focuses on procedure and is based on zero tolerance for some behaviors. In the 2007/08 school year, 198 students were recommended for expulsion with 64 actually being expelled. In the 2008/09, 182 students were recommended for expulsion with 44 actually being expelled.
- Students are expelled from two to three semesters depending on the violation with an option to apply for early readmission after one semester if conditions are met. Approximately 72% of the students meet early readmission conditions and return after one semester. Currently, no services are provided to regular education students who are expelled. Expelled special education students are entitled to receive Disciplinary Free Appropriate Public Education services.
- Concerns have been raised by members of the Board of Education, MMSD staff and community about the zero tolerance model, lack of services to expelled students and the significant disruption caused in the lives of these students, families and neighborhoods when students are expelled.
- D. Approval is being sought for the implementation of an abeyance option, the Phoenix Program, including the budget, to be implemented at the beginning of the 2010/11 school year.

### **II. Summary of Current Information**

- A. A number of school districts are replacing zero tolerance policies and moving toward alternative programs and incorporating Positive Behavior Support activities in their

schools. The emphasis is on teaching students appropriate behaviors. (see Discipline by Ron Schachter and Discipline is Always Teaching: Effective Alternatives to Zero Tolerance in Schools by Russell J. Skiba, M. Karega Rausch and Shana Ritter).

The Phoenix Program will fit within the current expulsion process. It will provide students and families with an option to expulsion that will allow students to increase academic skills, earn credit if appropriate and receive services around key behaviors. This model will still provide appropriate consequences, but focuses more on services to students and is a better fit with the Positive Behavior Support model being adopted by the District (see Disciplinary Alternatives: The Phoenix Program 6/1/10).

- B. It is recommended the Phoenix Program be adopted.

### III. Implications

- A. **Budget** – Additional costs will be \$183,732. (\$14,365 one time computer costs and \$169,372 in ongoing staff and operating expenses) This will require a motion to amend the budget.
- B. **Strategic Plan-** Organization/Systems Action Plan, Action Step #4 states “All schools in the District will develop and implement behavior and discipline practices that are consistent, systematic, positive, restorative and data driven”. Development of an abeyance option helps meet this action step.
- C. **Equity Plan** – A review of students recommended for expulsion and students actually expelled shows a disproportionate effect based on ethnicity. Specifically, African American students are recommended and expelled at a much higher rate than students of other races. This program model will help provide an intervention option for students and help prevent expulsions when appropriate.
- D. **Implications for other aspects of the organization:** The Phoenix program will be inserted in the existing expulsion process and meet the legal requirement of that process. The program is consistent with the Revised Code of Conduct that uses the Positive Behavior Support model and it is responsive to community-based requests for greater services to expelled students.

### IV. Supporting documentation

Attachment 1) Discipline by Schachter

Attachment 2) Discipline is Always Teaching: Effective Alternatives to Zero Tolerance in Schools by Russell J. Skiba, M. Karega Rausch, Shana Ritter

Attachment 3) Disciplinary Alternatives: The Phoenix Program 6/1/10

Attachment 4) Disciplinary Options; Expulsion Data Summary 6/1/10  
Exhibit A Comparison between Expelled/Not Expelled 1999-2000 to 2008-2009  
Exhibit B Ethnicity Expulsion Data For 08/09, 07/08, 06/07, and 05/06  
Exhibit C MMSD Expelled Student Enrollment Status  
Exhibit D Survey Hearing Examiners:  
Exhibit E 2008-2009 Expulsion Report

## SAFETY AND SECURITY

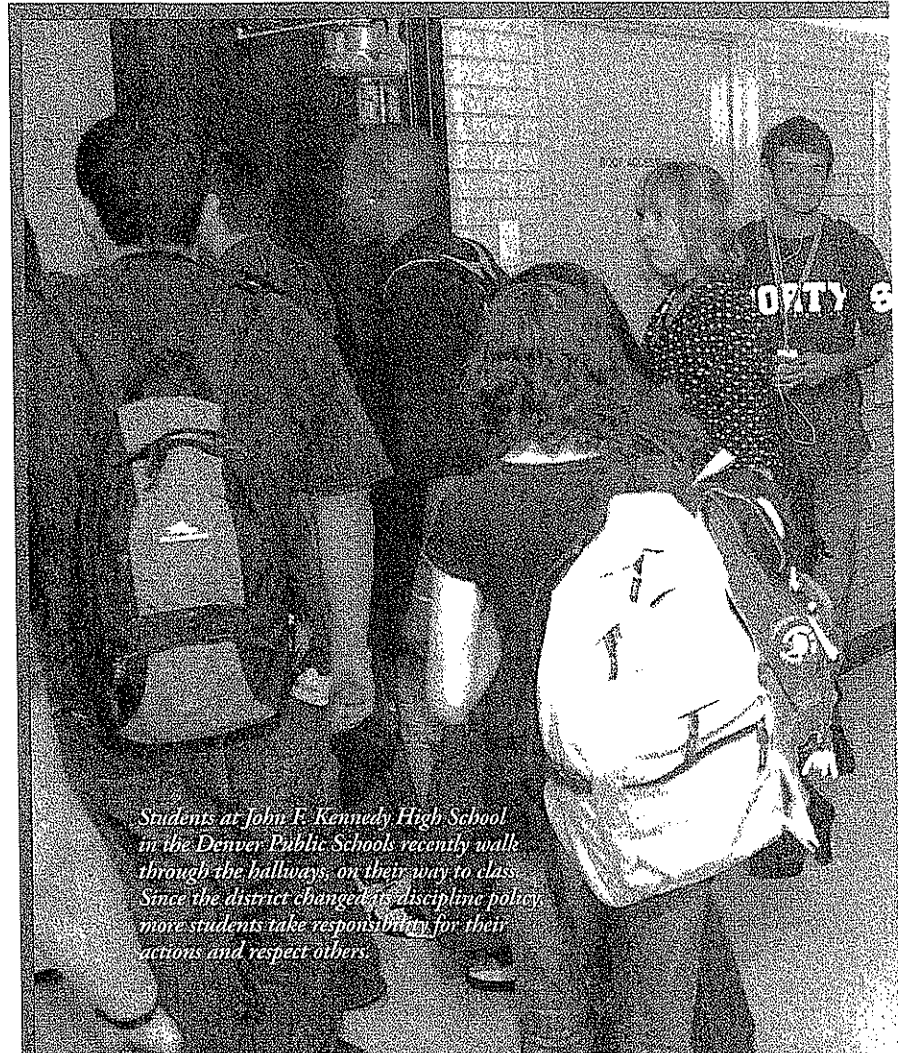
**F**OR THE PAST 15 YEARS, ZERO-tolerance policies for violence in schools have been the driving force behind many—80 to 95 percent by some estimates—of school discipline policies around the country.

Starting in 1994 with the requirements of the federal Gun-Free Schools Act and propelled by the shootings at Columbine High School five years later, districts began implementing zero-tolerance policies not just on possessing weapons but on a variety of student behaviors—from bringing in drugs and alcohol to cursing, disrupting class or even violating the dress code. Along the way, student suspensions and expulsions multiplied, not to mention the number of referrals to principals' offices across the nation.

But the disciplinary landscape is starting to change in a growing number of schools, especially those in urban districts, where administrators have taken their cues from high-profile reports questioning the effectiveness and fairness of zero-tolerance practices. "Up until three years ago, the trend in most large urban districts was going in a more punitive direction," says Jim Freeman, the project director of the Ending the Schoolhouse to Jailhouse Track Project in Washington, D.C.

Freeman, who has worked with districts in Denver, Chicago, Baltimore County and Florida to change discipline codes, points to a landmark study in 2006 by the American Psychological Association that helped turn the tide. "While the standard claim was that zero-tolerance policies would improve school safety, the schools were no safer than before zero tolerance," he explains. "What the report showed was that zero-tolerance policies turned schools into inhospitable environments that didn't promote school safety. Now the movement towards alternatives is really picking up in a significant way. There are more bills being introduced and passed, and more districts are rewriting their policies."

Texas enacted the latest legislation last



*Students at John F. Kennedy High School in the Denver Public Schools recently walk through the hallways, on their way to class. Since the district changed its discipline policy, more students take responsibility for their actions and respect others.*

# DISCIPLINE

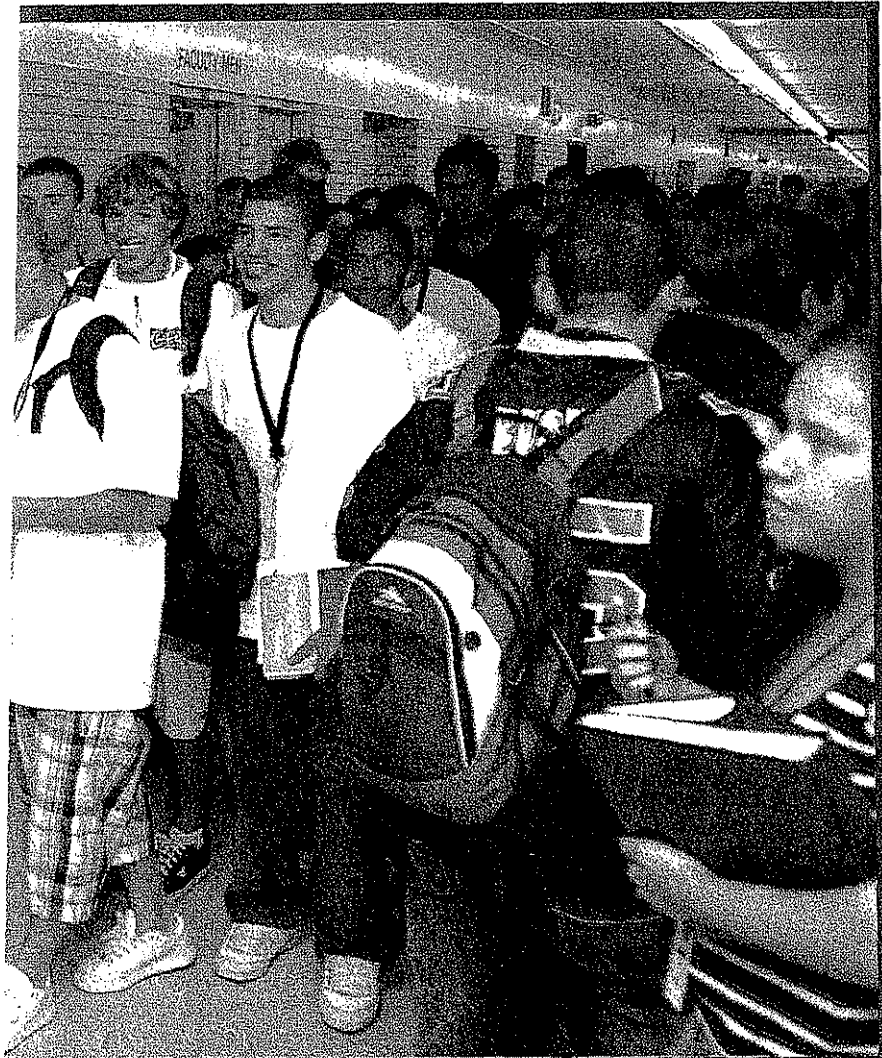
BY RON SCHACHTER

**While zero-tolerance policies come into question, urban districts are trying alternatives—and seeing considerable success.**

spring, requiring school authorities to consider mitigating circumstances in applying zero-tolerance policies. And nationwide, more parents and elected officials want schools to revisit policies, in part due to a recent high-profile case involving a 6-year-old Delaware boy who was suspended after he brought to school a camping tool that

included a knife.

In large cities such as Denver, Los Angeles and New York, meanwhile, school districts have been replacing those policies with the Positive Behavior Support (PBS) program, an approach to student behavior that emerged in the 1980s and pays careful attention to the social and emotional



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circumstances that can lead to bad student behavior, as well as interventions to prevent it, and with Restorative Justice (RJ), a more recent approach to discipline that offers a more flexible and creative way of dealing with behavioral incidents. Both methods emphasize that the offenders understand the impact of their actions and make appropriate amends.

Author and educator Ross Greene, who believes zero-tolerance policies are ineffective, also created the Collaborative Problem Solving (CPS) approach, which has helped schools to respond to behaviorally challenging students more effectively,

and which has dramatically reduced rates of detention, suspension and expulsion. In his guidelines *Bill of Rights for Kids with Social, Emotional and Behavioral Challenges*, Greene, an associate clinical professor in the Department of Psychiatry at Harvard Medical School, strives to ensure students with challenges are understood and treated compassionately.

### The End of Zero Tolerance

Denver Public Schools officially changed its discipline policy in August 2008, after years of discussions with school and community stakeholders, including the police

department and district attorney's office. "We had extremely high numbers of school suspensions compared to the other districts in the state," recalls Cheryl Karstaedt, executive director of the district's Division of Student Services. "And those suspensions were being disproportionately meted out to minorities. That really was the impetus for us to look at doing something different."

The new discipline policy embraced PBS and RJ practices, which had already been used for several years at seven pilot schools. Each school has its own RJ coordinator, who mediates conflicts between students or between a student and teacher; works with students, parents, teachers and administrators to devise alternative punishments to suspension; and monitors the aftermath of behavioral incidents.

"Restorative Justice creates an environment in which students take more responsibility," observes Nicole Veltz, principal of Skinner Middle School, one of seven with an RJ coordinator. "Today when I reinstated one student, I said, 'Did you think when you cussed out your teacher the effect it would have on the teacher?' We walk them through the [feelings of] other people it affects."

The teacher met with the student and the RJ coordinator to mediate how to restore the classroom environment, and the student wrote a speech to the class about how his poor choice affected that environment, she says.

Personnel from 70 other schools around Denver have since received PBS and RJ training. "The policy really emphasizes trying to prevent certain behaviors before they occur, analyzing behavior antecedents and focusing on age-appropriate discipline techniques to keep students in school," says Karstaedt. The number of out-of-school suspensions, which spiked in 2002-2003 at 14,000, decreased to about 8,000 last year.

### The Teacher's Role

Such disciplinary transformation has ►

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depended in large part on augmenting the role of classroom teachers as first responders to disciplinary situations. The teachers' role is illustrated in the new policy through a six-level "discipline pyramid" that involves teachers with students, parents, school nurses and guidance counselors in dealing with student behavior. "There's an emphasis on doing things at the bottom of the pyramid that wasn't there before," says Karstaedt.

"We look at it from the perspective that classroom management is the responsibility of the teachers," says Jeannie Poppel, the principal of JFK High School in Denver. "It's taken a few years for them to realize that they could control their classrooms, and we've given those who were making a lot of referrals ways to better handle discipline."

JFK's assistant principal, Doug Jackfert, who helped develop the new district policy, says he asked teachers why they were sending students out of the classroom to the principal's office for infractions ranging from disrespectful behavior toward the teacher and verbal altercations with other students to excessive tardiness and minor damage to school property. He worked with them to deal with the kids in class. "We also did a lot of professional development on setting expectations about appropriate behaviors with students from the beginning of the year," he says.

Those teachers now stress respect for students, each other and school property, and they deal with conflicts in ways that don't escalate the problem, Jackfert explains. "If a kid comes into class and starts something with another student, right away the teacher will get them to stop arguing and send us a heads-up in the office," he says. "We'll ask what was going on and if that behavior has been going on for a long time. We work together to head off a physical fight."

The number of referrals to the principal has dropped from 1,659 in 2007-2008 to 1,252 in 2008-2009, Jackfert notes, and out-of-school suspensions dropped from 326 to 174 in the same period.

The new approach has resonated with



Students at North Lawndale College Prep in Chicago join a march last spring appealing for peace between black and Hispanic residents of their surrounding neighborhood.

### North Lawndale Prep's Commitment to Peace

EVERY SCHOOL DAY, 430 HIGH SCHOOL STUDENTS TRAVEL FROM ALL OVER CHICAGO TO the city's rough West Side and to North Lawndale College Prep charter high school, where they enter without passing through metal detectors.

"That's something that the founders were adamant about," says Nicole Howard, the principal of this 12-year-old charter school, which requires student uniforms. "They thought it was the wrong way to start the school day, with adults going through students' pockets and backpacks."

Instead, the students encounter a profusion of peace symbols on the wall, as well as an oversized "Days of Peace" chart—similar to those in factories that state the number of days without an injury. "Every day the school is free of major altercations, a peace symbol gets added," Howard explains.

Rewards for achieving 150 consecutive days of peace range from dress-down days to a block party for the entire school.

"Here peace is taught, monitored and evaluated," Howard continues. During daily homeroom, students receive mini-lessons on peace and mediation skills. "What happens if you get into a tiff? How do you avoid a fight? What resources can you draw on?" says Howard, recounting some of the questions these mini-lessons address. She adds that students take it upon themselves to make a difference. "If they see an argument starting, they'll swoop in and say, 'We don't want to lose our Days of Peace. What are you guys arguing about? What can we do to help?'"

Because North Lawndale is a charter school, administrators can decide how to deploy its funds, and they have chosen an increased force of counselors over intensive security details. Freshmen are assigned a counselor on day one and stay connected until six months after graduation.

Last summer, 10 rising seniors attended an intensive, weeklong seminar on the nonviolent approach of Martin Luther King and emerged as Lawndale's first group of Peace Warriors.

Newly minted Peace Warrior Latrell Hassell says he learned tools to help solve conflicts among students. "I ask them about the history of the conflict," Hassell says.

"I think it works because it's a student coming to another student," adds fellow Peace Warrior Darlissa Scott. "There's a form of understanding. It's more like companionship."

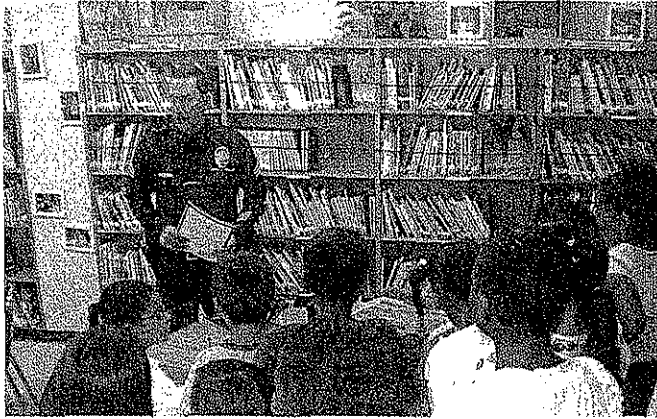
Howard concludes that the college prep school is defying the odds. "It is possible to be on the West Side of Chicago and be in a school that has a 99 percent poverty rate among its students," he says, "and still be at peace for most of the school year."

Principal Veltzé. Now in her fourth year at the middle school, she recalls school life before the coordinator arrived two and a half years ago. "Restorative Justice has great payoff for detrimental behaviors like horseplay and fighting," Veltzé says, explaining that having students make amends for their

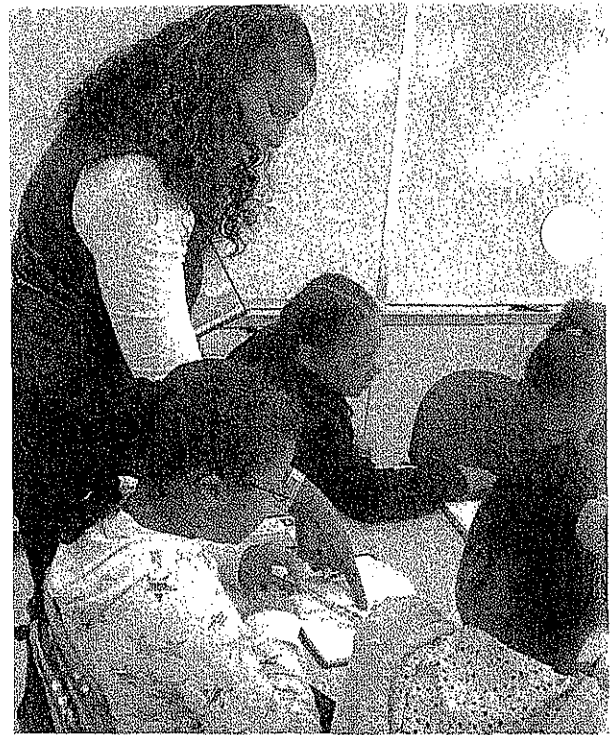
behavior gives teachers and administrators more options. "In the old days, every fight meant a suspension."

While RJ may be labor intensive, Karstaedt and other advocates of alternative discipline point out that school personnel from teachers to deans to prin- ▶

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A police officer (above) visits Cienega Elementary School in Los Angeles to support students participating in a "Race to Read" program, which requires students to read five books within the first quarter and write a book report. Also at Cienega (right), pupils in the African American History club learn about their history. Both events give students positive adult attention.



cipals already spend considerable time in the discipline process and that their time could be better spent on PBS and RJ.

Karstaedt also emphasizes that the district has not gone soft. "This doesn't mean that we won't use suspensions or referrals (to the justice system)," she explains. "But that's reserved for serious offenses that endanger students and school personnel or disrupt the school environment."

Such offenses punishable by suspension or referred to the courts include—according to the new policy—arson, destruction of school property (including graffiti) totaling more than \$5,000, hazing, possession of explosive devices other than firecrackers, as well as violating state laws against assault, drug sales and weapons possession.

### Alternatives to Suspension

The Los Angeles Unified School District—staggering under almost 84,000 days of student suspensions in 2006-2007—had already begun serious work almost three years earlier on revising the student discipline policy, which officially changed at the end of 2007. "We have kids who have lost weeks of instructional time because of suspensions. We really want them to be in school and learning," says Nancy Franklin, LAUSD's director of professional development.

Thanks to a three-year, annual \$1 million budget, Franklin and her staff

adopted the PBS system three years ago and implemented CHAMPS, a classroom management program for teachers that gets them to change their teaching approach by stressing—according to the letters in the acronym—community, help, activity, material and participation.

Teachers tackled the CHAMPS curriculum over a year of professional development workshops. "They already had the skill set," Franklin points out. "So we got them to ask, 'What's my piece? What's my responsibility?' And they realized, 'I really

can change everything in the classroom by changing the structure."

As part of that change, Franklin explains, teachers learned to collect data on the level of student engagement for certain teaching approaches, even soliciting student feedback, and then adjusted their teaching styles and classroom activities to reflect what they had discovered.

"The new discipline policy has added years to my life," proclaims Kandice McLurkin, principal of Cienega Elementary School in central L.A. Under that policy, which also includes RJ and a published list of 10 alternatives to suspension (see sidebar), McLurkin has seen office referrals in the 800-student school drop from 335 to 271 in the last two years. "We were the hub for three different youth gangs, but when we put in the Positive Behavior Support plan, we grew an average of 55 points on the California Standardized Test that first year," McLurkin says. While gangs still exist in the surrounding neighborhood, their influence within school walls has diminished.

"I've seen kids making better academic progress because they have better in-seat behavior," Franklin adds.

McLurkin also points to the district's 10 alternatives to suspension, which range from restitution and community service to behavior monitoring and mini-courses such as ballroom dancing. Cienega has made extensive use of the mini-cou

## 10 Alternatives to Suspension

THE LOS ANGELES UNIFIED SCHOOL District has published a list of alternatives to suspension as part of its Restorative Justice approach for its school administrators to follow.

- Alternative programming
- Behavior monitoring
- Appropriate in-school alternatives
- Community service
- Counseling
- Parent supervision in school
- Mini-courses
- Restitution
- Problem solving and contracting

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options, which are taught after school by volunteers. One example is a seminar staffed by the Los Angeles Police Department and aimed at helping students develop respect for authority.

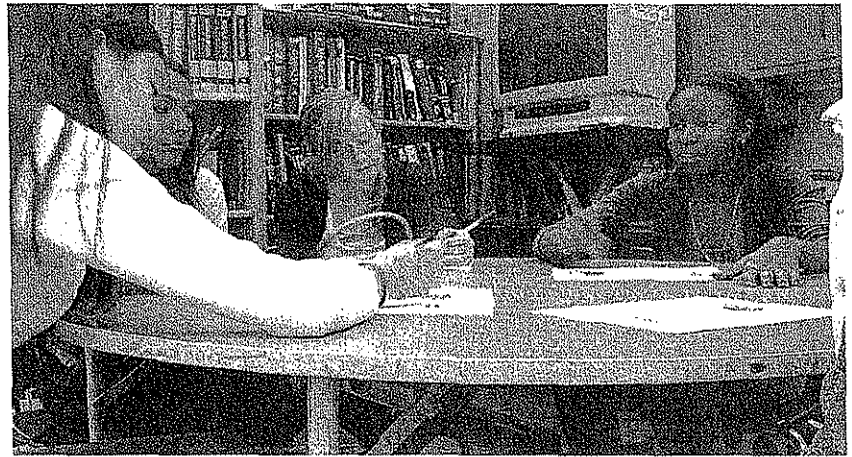
McLurkin recalls one girl two years ago who had been involved with gangs, been in trouble at school, and ended up in the police mini-course. "On Back to School Night last year, she saluted a police captain," McLurkin notes, adding that the student now says the Pledge of Allegiance to open school assemblies and works in the school library during free periods.

### Changes and Controversy

The discipline policy for New York City's public schools has changed more gradually over the past three years, as the district has merged long-standing approaches to discipline with alternative interventions and punishments. "Suspension is a Band-Aid approach," says Elayna Konstan, CEO of the Office of School and Youth Development. "We look at discipline and student support services going hand in hand."

As with other districts that have modified their disciplinary approaches, New York has asked teachers to upgrade their involvement with students. "The goal here is that a child has to be held accountable for a harmful behavior but make that a teachable moment and provide supports so it doesn't become a repeat offense," says Connie Cuttle, the office's director of professional development.

The district so far has made good on that claim, reporting that the number of second-time offenders dropped by almost 15 percent between 2006-2007 and 2007-2008. James Madison High School in Brooklyn has come farther ahead of the curve over the past eight years since the arrival of Principal Joseph Gogliormella. He developed an extensive conflict resolution program for students, including using 100 student peer counselors and 40 specially trained teachers and staff members. "Recidivism has dropped dramatically here," Gogliormella points out, noting that the number of repeat offenders has declined from 37 three years ago to just seven over each of the past two years.



*Students hoping to be peer mediators at James Madison High School in Brooklyn, N.Y., gather at a training session as part of an extensive conflict resolution program.*

Still, a report this summer by the Annenberg Institute for School Reform and the New York Civil Liberties Union charged that the district had been guilty of overpolicing by increasing the number of police officers in schools from 3,200 to 5,200 over the past decade. The study, entitled *Safety with Dignity*, focused on

rity experts favor separating out repeat offenders permanently. Ronald Stephens, executive director of the National School Safety Center in Westlake Village, Calif., endorses the growing number of alternative schools set up specifically for students with recurrent disciplinary problems, even at the elementary level.

**"It goes back to Maslow's Hierarchy: Until you get safety, you can't move on to higher goals."**

*—Ronald Stephens, executive director, National School Safety Center*

six schools across the city that in recent years have taken the unorthodox step of eliminating metal detectors at their entrances and cutting back on the number of city police on their premises.

The researchers found that this group of schools graduated 62 percent of their students in four years (compared to the 55 percent rate of "metal detector" schools) and had a 12 percent dropout rate, five points lower than the rate in schools with metal detectors. The report also opposed what it termed "de facto zero tolerance" and suspension policies at the latter schools, arguing that "children who are removed from the learning environment for even a few days are more likely to drop out, use drugs ... and become involved with the juvenile justice system."

Despite the positive outcomes of eliminating zero-tolerance policies in favor of restorative justice, some school secu-

Stephens also questions if such behaviors should be the teachers' job. "Teachers trying to increase the educational achievement of their students can't do it effectively if they're spending 25 to 30 percent of their time on discipline," he says. "It goes back to Maslow's Hierarchy: Until you get safety, you can't move on to higher goals."

Freeman of the Ending the Schoolhouse to Jailhouse Track Project admits that many people still believe that the "get tough" approach is best, and districts must drive out bad kids. "But we need to have tolerance rather than zero tolerance and see what schools can do to create contributing adults," he adds. "What it takes is helping schools recognize that what keeps schools safe is effective prevention and intervention." DA

*Ron Schachter is a contributing writer for DISTRICT ADMINISTRATION.*

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## **DISCIPLINE IS ALWAYS TEACHING: EFFECTIVE ALTERNATIVES TO ZERO TOLERANCE IN SCHOOLS [5226]**

Russell J. Skiba  
M. Karega Rausch  
Shana Ritter

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### **Abstract**

While some schools continue to rely on exclusionary discipline for maintaining school safety, others have begun to explore preventive alternatives. This session will describe the results of interviews with principals from one Midwestern state who describe their attempts to maintain school safety and academic integrity without emphasizing suspension and expulsion.

### **Introduction**

In the face of multiple victim homicides in the late 1990's, schools have been increasingly motivated to address issues of disruption and violence. Pressure from teachers concerned about the safety of their classrooms (Public Agenda, 2004) and from parents who wish to ensure school safety (Pew Research Center, 2000) motivate schools and communities to search for methods that can promote safe school climates maximally conducive to learning.

The climate of fear that has prevailed in recent years has also generated support for more punitive methods of school discipline, often under the broad rhetoric of *zero tolerance* (Noguera, 1995). Such policies assume that by removing disruptive students from the school environment, school will be safer and more effective for those remaining.

Available evidence suggests, however, that zero tolerance has not met its goal of maintaining safety, and has been associated with a number of unintended consequences for students. Current evidence suggests that zero tolerance school discipline is associated with a number of negative schooling outcomes, including lower achievement (Rausch, Skiba, and Simmons, 2005), higher rates of dropout (Bowditch, 1993), a more punitive schooling environment (Bickel and Qualls, 1980), and high rates of recidivism (Tobin, Sugai, and Colvin, 1996). Further, emerging evidence suggests that zero tolerance strengthens a school-to-prison pipeline by criminalizing student misbehavior that would normally have been addressed by school officials (Advancement Project, 2005; Wald and Losen, 2003). Finally, students of color are disproportionately affected by zero tolerance, without any evidence of higher rates of misbehavior within these populations (Skiba, Michael, Nardo, and Peterson, 2002).

A common misconception held by some educators and policymakers is that there are virtually no alternatives to school removal for maintaining safe schools. Evidence-based research and federal panels have identified programs that are clearly effective in reducing the threat of violence and disruption without removing large numbers of students from the learning environment (Dwyer, Osher, and Warger, 1998; Elliott, Hatot, Sirovatka, and Potter, 2001; Gagnon and Leone, 2001; Mihalic, Irwin, Elliott, Fagan, and Hansen, 2001; Thornton, Craft, Dahlberg, Lynch, and Baer, 2000).

The identification of an effective or promising approach in research does not, however, guarantee that it will be effectively implemented used at the local level. There is some evidence suggesting that the implementation of prevention activities is typically at a level that would be considered unacceptable for

guaranteeing efficacy (Gottfredson et al., 2000). A program may have been tested under conditions very different from those faced by local students and educators, or found to be effective only with resources unavailable to local schools (Gottfredson, 2001; Schoenwald and Hoagwood, 2001). Thus, it is extremely important to explore the options that currently exist and are being used in local schools. The purpose of this paper is to describe strategies, programs, and interventions currently in use in school settings as alternatives to suspension and expulsion. We will describe the results of qualitative interviews with principals in one Midwestern state who report using a variety of comprehensive and preventive approaches for promoting safe and productive school climates without reducing student opportunity to learn.

## **Method**

Principals participating in the study were solicited through the state association of school principals, and volunteered to share information about programs in their schools that they feel are effective in maintaining a safe and productive learning climate. Protocols were developed and used querying the following areas: (1) philosophy/program description (e.g. what is the school's disciplinary philosophy, who does the program serve, where is it located etc.), (2) structure (e.g. what methods are used to prevent violence and disruption from occurring or intervene when they do occur), and (3) outcomes (e.g. how have students and staff responded to this philosophy/program).

Telephone interviews were conducted with nine principals and one high school assistant principal responsible for discipline. Interviews lasted approximately 1 ½ hours in duration. All interviews were audio recorded and transcribed for accuracy. Transcribed interview data were analyzed for trends and themes (Silverman, 2000; Yin, 2003) specific to programs, practices and perspectives that participants reported using to maintain safe and productive schools. Three researchers analyzed the data independently and then came to a consensus on the most relevant, recurring, and informative themes and trends.

The administrators who were interviewed served many different types of schools. Four were elementary school principals (K-5) and the remaining six were secondary school principals (4 middle schools and 2 high school). Four schools had federally subsidized lunch rates at or above 30 percent. While most schools served a predominately white student population, two schools had minority student populations above 25 percent. Four schools served suburban communities, three urban, and three rural.

## **Results**

Across the conversations with principals about the work they do to maintain a school climate conducive to learning, a number of common themes emerged:

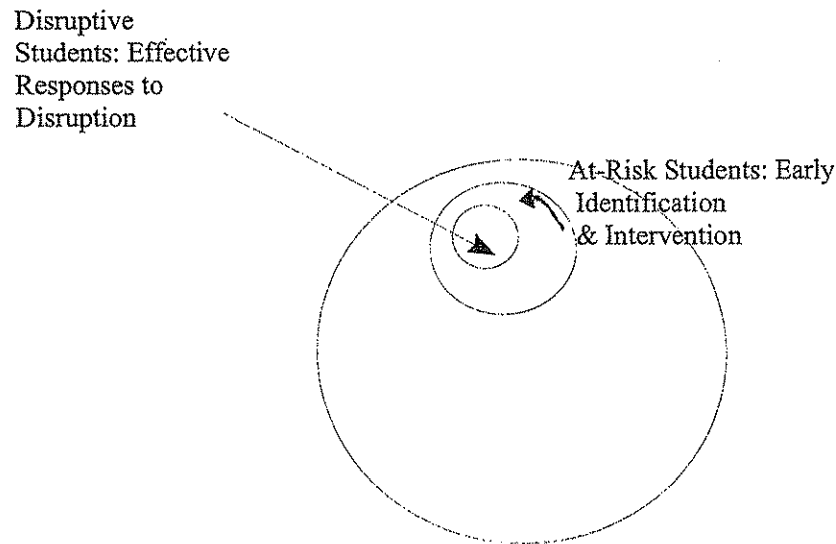
**Proactive Intervention:** These principals made it clear that they do not simply sit back and wait to react to disruptions. Instead, these instructional leaders are strongly proactive, supporting practices and programs that reduce the likelihood of aggression or violence, and making discipline a shared responsibility of students, parents, teachers and administrators.

**Building Connections with Students.** These principals emphasize connectedness—building and strengthening connections with at-risk students and their parents.

**Creative Options for More Serious Infractions.** The principals we spoke with made it clear that their schools were by no means immune from serious infractions. Yet they also worked to develop a variety of creative options for dealing with even the most extreme behavior.

These responses appear to mirror a three-tiered model of violence prevention that has gained widespread support as a valuable guide for organizing school discipline and school climate efforts (American Psychological Association, 1993; Dwyer, Osher, and Warger, 1998; Walker et al., 1996). Figure 1 presents one descriptive violence prevention model, drawn from the Safe and Responsive Schools Project (Skiba, Peterson, Miller, Ritter, and Simmons, in press), around which the comments from the principals will be organized.

Figure 1. A three-tiered model of school discipline and violence prevention (Skiba et al., in press).



At the first level, all students benefit from primary prevention efforts to create a positive climate and teach appropriate conflict resolution and problem solving skills. Within the larger student body is a subset of students at risk for disruption who will likely benefit from early identification and efforts to re-engage them in school. Finally, although the third group of the most challenging students is smallest, it is important to have effective plans to minimize the impact of school disruption.

### Creating a Safe and Responsive School Climate

The principals who were interviewed described philosophies and strategies that helped them better teach students what is expected of them in school. As one principal of an elementary school in an urban area put it, "Discipline is always teaching." These programs fell into two categories: *school-wide preventive programming* and school discipline as instruction

#### School-Wide Preventive Programs

All of the principals highlighted the importance of a welcoming climate and teaching students appropriate social skills. Said one, "If you can create a culture where kids feel respected and safe and secure then we can get to the nuts and bolts of teaching these kids." Two principals mentioned participation in the state's CLASS program (Connecting Learning Assures Successful Schools), a curriculum philosophy and model designed to enhance teaching and learning through effective classroom management, comprehensive literacy development, and character education among other elements. One principal described the Lifeskills approach

used in that program:

There are seventeen or so character values. Respect, cooperation, honesty, perseverance, caring, courage ... our staff members have embraced them and you see them everywhere. The teachers take time to talk about those life skills... and begin to embed them into their curriculum ... What you end up having are kids who are very respectful to one another, and who are willing to work cooperatively.

At the elementary level, one principal described participation in another state program, Project PEACE, teaching students conflict resolution and peer mediation skills:

Students learn to mediate difficulties within the school... We've taken it to the point that there are peace spots in every room and there's a poster in my office. They click right into it. They won't appeal to me every time. They know to look at one another. It's amazing what the training does.

Many schools have begun to implement comprehensive bullying prevention programs. One rural elementary school principal describes this model in her school:

Our elementary school began the No Bullying Program in 2000. Often, people are surprised at what bullying is, they don't recognize a lot of behavior as bullying. The program has given us a common language where everyone knows what bullying is. Our office referral forms were developed to match the No Bullying chart that every teacher and every student sees all over the school, and we send it home to parents, too. I will take this program with me wherever I go because it works.

At the high school level, one administrator described a student organization called the Stand Up Committee, trying to address the drug and alcohol issues that plague many high schools:

STAND UP is Students Taking A Non-Destructive Upward Pathway ... to try and impress upon their peers that there are a lot of things that you can do on the weekends other than the destructive behaviors that happen. It culminated during the half time of a basketball game and we asked all the students that would like to make a commitment ... And I know a lot of them came forward that probably aren't going to hold to that commitment, but it's at least planting the seed.

### School Discipline as Instruction and Organization

Principals stressed the importance of promoting a common understanding among staff, students, parents, and administrators of how discipline works at their schools. These principals work closely with their teachers to define what are the most appropriate referrals to the office, and which are better handled at the classroom level.

We went through some scenarios. For example, a child taking a pencil away from another child—that should never come to the office. A child who intentionally is trying to hurt another child—that directly comes to the office ... My philosophy has always been you settle it at the lowest level.

Principals suggested that this approach actually gives teachers more authority in their classrooms:

Once you send a child to the office, as a classroom teacher you give up a part of your control over that child... So I think as a school we've come to realize that it's a lot better to handle the discipline within the team [of teachers] if we can because that sends a message to the student that the team has control.

Such an approach also frees up administrator time, noted the principals, from having to deal with an endless

stream of referrals to more time for counseling students or meeting for planning with teacher teams.

These schools also reported involving parents throughout the disciplinary process. At a number of schools, teachers contact parents before any referral to the office is made. In one school, parents are actively encouraged to support the school's disciplinary code early in the year:

At the beginning of the year I had the child sign [the code of conduct card] and I had the parents sign it... at our back-to-school meeting, I shared with the parents that I was asking for their support.

As a result of such communication, parents tend to be more supportive of school disciplinary actions, as this urban elementary school principal notes:

I have very few parents who get upset with me because a lot of times we've done a lot of interventions ... There are no surprises. And I have to think the parents appreciate that because they've been part of it through the entire process

### **Early Identification and Early Intervention**

School alienation has been found to be a risk factor for both juvenile delinquency (Elliot, Hamburg, and Williams, 1998) and deadly school violence (Vossekuil, Fein, Reddy, Borum, and Modzeleski, 2002). Principals who were interviewed identified a number of ways they tried to re-connect at-risk students and their parents.

### **The Importance of Communication and Caring**

For those students whose behavior indicates a higher risk for disruption, these principals suggested that they worked hard to establish communication with both students and parents. One high school administrator noted:

We're very hands-on administrators. I think that the students feel like they can come to us at any time and work with us. We go to a lot of student activities, a lot more than I know most administrators do, just trying to be present and let the students know that we really do care and we try to work with them. That's not a program, that's just kind of a philosophy that we have.

At one elementary school, the principal emphasized that the level of communication extends to parents as well:

Communication is really stressed: We're increasing email, ... newsletters, chatting, we have input forms [from parents]. I think it's part of the culture of the building.

As a result, these administrators believe that students are more willing to communicate potential problems to staff and administrators in the building. An assistant principal in a suburban high school described the school's attempts to keep channels of communication open:

Every time he [the principal] has the student body together he reminds them that if there is anything out there that's lingering and dangerous to make sure that you bring it forward. He is just continually impressing upon the kids how important communication is.

Trust of administrators proved critical in this building: when a student approached the administration to report a student with a cache of weapons, administrators and local police were able to take preventive action that

headed off a potentially deadly situation (The Herald Times, 2001).

Some schools have created schools within a school or blocks in an attempt to better connect with students. At one middle school, common planning times for teachers allow the school to re-organize itself into teams that function as a school within a school—students primarily see teachers within their team, allowing students and teachers to establish a closer bond. Each team has its own goals, vision, and mission statement, and the effects on discipline are apparent to the principal:

So yes they meet every day. The kids know they do. I mean it's no longer, [that] they can snow one teacher and another one wouldn't be aware of it.

### **Programs for Connection: Early Identification, Mentoring, and Academic Issues**

Some schools have also implemented programs to help identify those children most at risk for violence and disruption, and to provide assistance to those students to re-connect them with school. One principal at an elementary school with an economically disadvantaged population described how her school uses an early screening process based on the Systematic Screening for Behavioral Disorders system (Walker and Severson, 1990) and bi-weekly staffing meetings to identify and provide assistance for those children who are most at risk for disruption and school failure.

We look to intervene early if we see some things that are developing. We worked really hard helping teachers identify internalizers as well as externalizers... We do staffings around those kids. This isn't a way of identifying a student. It's more like trying to predict the problem and prevent it.

Mentoring programs, such as the Big Brothers/Big Sisters program have been identified as among the most effective programs for reducing the risk of violence (Mihalic et al., 2001). At one urban elementary school, every adult from administrators to teachers to custodial staff was asked to mentor one child who had been identified as someone "who we considered to be disconnected from school."

And all we asked was that the adults would meet with these kids once a week ... I would have lunch with this child and we would play chess and we would talk ... We saw that we were making progress with these kids because really a lot of these kids didn't have anyone who really took an interest in them.

Many of the principals remarked on the relationship for many students between risk for academic failure and risk for acting-out behavior. One administrator in a suburban high school described the relationship between academic problems and behavioral problems this way:

Some behavioral problems are due to [a student's] feeling inadequate in the classroom or feeling as if they can't perform academically—"I'd rather be bad than dumb." That [understanding] has really helped us a lot...we have alleviated that problem by trying to keep kids from feeling that way in whatever setting they are in.

In one rural middle school, the alternative school mixes a focus on academics for students who are struggling with a focus on teaching students appropriate social skills. Says the principal of this program:

Right now we're piloting a program with [a local university] and their social sciences program where student counselors come in with that [alternative school] group and work with them in terms of conflict resolution, problem solving, getting along with others...that's been a very good experience this year and the counselors want to continue it next year.

## **Effective Responses to School Disruption or Crisis**

Unless the school carefully plans its response in advance, the extreme behavior of even a handful of students can seriously interfere with the learning climate. In their efforts to protect their schools from disorder while maximizing student opportunity to remain in school, these principals described a variety of creative alternatives to traditional out-of-school suspension and expulsion.

### **A New Perspective: From Zero Tolerance to Graduated Discipline**

By no means were the principals we talked with inclined to in any way relax their expectations for appropriate behavior. Suspension and expulsion were by no means ruled out as an option for seriously disruptive behavior.

We will not put up with misbehavior. ... You are here to learn and we're going to do everything we can to provide the proper education. Your teachers are here to work with you. We're doing everything we can to support you but then again we will not deal with any misbehaviors. That's the bottom line. If you hit somebody, you're going to be suspended.

Yet the principals we interviewed also typically rejected a one-size-fits all disciplinary approach. As one elementary school principal noted:

We don't have a zero tolerance policy ... In the office we really seek to understand what's going on and have consequences that make sense. [We] try not to use out-of-school suspensions unless we're at our wits' end. We want them here at school.

Trying to achieve this balance seems to lead these principals to an approach wherein the severity of punishment is more likely tailored to fit the seriousness of the infraction. Said one principal:

Just to have a standard, people say 'Well, okay, you lose a recess no matter what the infraction is.' But let's say they have written on a wall in the bathroom. I think they should put on gloves and clean it off. That makes sense.

### **Creative Modifications to Suspension and Expulsion**

Perhaps most striking at this level were the creative ways in which these schools modified the traditional notions of out-of-school suspension and expulsion so as to send a strong disciplinary message to students without reducing (and perhaps even increasing) their time in school. In one high school, in place of an out-of-school suspension, students' parents are asked to come in to school and follow their son or daughter around for a day:

We will offer them [parents] the opportunity to sit in class with them. They can go through the day with the student and basically keep them [in line] with their behavior and also do some observation. Sometimes it's been a real eye-opener for the parents... Kids don't like it you know.

A middle school principal in a rural area described her school's extended day program organized in conjunction with the local court system. When students are "suspended" into this program, they are not removed from school; rather, they are brought to school by their parents at 6 a.m. and go to school until 6 p.m. that evening, and are monitored closely by two trained supervisors.

One comes in from 6 to 2 and the other from 10 to 6 and then in that cross between it gives them some

time also to meet with the student if necessary, or go to a class with the student [that he or she is] having particular trouble in ... These students also have two counseling components a week from local counseling providers that we have here in our community and this is done on their own. ... The program has been very successful. Our suspension rate the first year we implemented it dropped 50 percent.

Some schools have even found ways to modify expulsion so that it does not end a student's contact with school. One high school uses what they term "probationary expulsion" for non-dangerous offenses:

We absolutely do not believe in zero tolerance policies... If we're going to expel a student, probably 90 percent of the time we will expel him or her technically but we allow the student to return to school on what's called a continuing education agreement... What we're trying to do is make a commitment to try to help kids, to allow them, even though they've made a pretty major mistake, for example possession of drugs or alcohol,... to return to school on a probationary basis. It is very proactive because for the student's benefit we require drug testing and counseling as a part of that.

The principals we spoke with reported that this combination of high expectations and support for students can be effective even for the toughest kids. As one high school disciplinarian noted:

We've had several really tough kids enter this school and after going through and being surrounded by kids who have embraced the class and the culture of the school they've turned it around. We're not seeing that aggressive behavior. Because they know this is a nurturing place. That the teachers care about them as individuals. Other classmates care about them...that has helped eliminate many of the problems.

## **Conclusion**

Every day, principals are faced with the complex job of bringing hundreds of students from widely varying backgrounds together and ensuring that they can focus on their schoolwork, not disruptions. The principals described in this paper have sought and found methods that allow them to preserve the safety and integrity of the learning climate in their schools while maximizing student opportunity to learn.

We found no hint of compromise in the approach described by these principals. There was no question that they maintained high expectations for both student behavior and academic achievement, and they were not afraid to remove a student if school safety demanded. But the principals we spoke with reported that they use a wide variety of strategies to ensure that suspension and expulsion are not the only tools for maintaining a safe and effective learning environment. These principals reported efforts to clarify classroom management expectations with staff to ensure that office referrals are not overused. These schools actively seek to teach students alternatives to disruption and misbehavior through school philosophy and preventive programs. School staff at these schools communicate and collaborate with students and parents, and that effort seems to be rewarded by a higher level of cooperation with school disciplinary actions. These administrators look for ways to re-connect those students who are in danger of becoming alienated from schooling. And they refuse to give up on even the most challenging of students, developing creative alternatives to traditional suspension and expulsion that make a strong statement to disruptive students without depriving those students of an opportunity to an education.

It should not be assumed that, because these schools rely upon their own creativity to develop effective options, the development of effective disciplinary systems is resource-free. Many of the principals spoke of the need for additional resources to support programs that could be implemented only minimally or to begin new programs:



We've done a lot of good on very, very few resources. However, it's taxing and we're spread too thin ... Really, we need money to bring in more quality educated people who can work with these kids to minimize ratios and maximize the impact of a good adult role model.

Others emphasized the need for state support for both in-school prevention and for alternative programs for students who are removed from school.

One federally funded initiative, the *Safe and Responsive Schools Project*, provided a demonstration that increased options can maintain school safety even while reducing exclusionary discipline (Skiba et al., in press). Six schools in three urban, suburban, and rural districts developed school teams that identified their greatest safety needs. As part of a strategic planning process, those teams tailored school safety plans to meet those needs. The project director, in testimony before the U.S. House Education Reform Committee, presented evidence of dramatic reductions in suspension, expulsion, and even school dropout among participating schools (U.S. House of Representatives, 2002). Like the principals described herein, those schools demonstrated that with increased options for addressing school disruption and school climate, there can be another way in school discipline.

In sum then, the principals described in this paper have sought and found methods that allow them to preserve the safety and integrity of the learning climate in their schools without removing large numbers of students from the learning environment. Their perspectives, programs and practices serve as models for school and community leaders interested in ensuring safe and effective schools for all students. As our knowledge of available options for promoting a safe and effective school climate increases, it becomes apparent that there is no contradiction between the need to keep schools safe and the mandate to maximize educational opportunity for all children. The perspectives, programs and practices of these principals serve as models for school and community leaders interested in ensuring safe and effective schools for all students.

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Attachment 3  
Appendix LLL-12-5  
June 14, 2010

## Disciplinary Alternatives: Phoenix Program

June 14, 2010

It is recommended that the Madison Metropolitan School District offer an abeyance program for some students who have been recommended for expulsion. The Phoenix Program will provide educational and social emotional opportunities to students who choose to participate in the program instead of going to an expulsion hearing and being expelled. Similar to the current early re-admission conditions, expectations will be established for each student.

### Procedures

A regular education student may be offered the abeyance option after an Assistant Superintendent approves the recommendation for expulsion. A student with special education needs may be offered the abeyance option after an Assistant Superintendent approves the recommendation for expulsion and a Manifestation Determination has been conducted and it is determined that the behavior in question is not a manifestation of the student's disability. The Expulsion Hearing Abeyance Contract must be signed before the student can participate in the abeyance program.

The Director of Innovative Programs and Alternatives will meet with families and students, as part of informed consent, to review the student's options including the Phoenix Program. At this meeting expectations around attendance, achievement and behavior will be clearly defined. Any other specific requirements related to the misbehavior such as alcohol and other drug assessment or counseling and conditions for revocation will be established.

The Phoenix Program may not be available to students who have been recommended for expulsion based on certain behaviors: aggravated sexual assault, possession or use of a firearm, possession of any weapon plus any threat to use, attempt to use or actual use to cause harm. In addition, in other circumstances, the District may choose not to offer an abeyance option (e.g. extremely violent behavior, certain drug transitions).

An initial records review will be completed by staff, at the school where the student is enrolled, on all regular education students who are recommended for expulsion to answer the question, "Did the District have knowledge that the child was a child with a disability?" A more comprehensive records review will be completed as part of the abeyance program to determine if the District presently suspects the student may have a disability and should receive an evaluation. If a disability is suspected, the evaluation may be completed at the Phoenix Program site.

In looking at procedures for the Phoenix Program around answering the questions, "Did the District have knowledge that the child was a child with a disability" and "Is there a suspected disability", we are reviewing these same procedures in the current expulsion process. We will come back to the board if with any recommendations for procedural changes

## **Model**

The Phoenix Program will be located at one site supported by a Student Services staff member, a teacher and part-time special education teacher or SEA. Staff will be responsible for online academic curriculum, transitions between schools and the program, assessment (including records review), social emotional curriculum and services related to the behavior that lead to the recommendation for expulsion. Community options for social emotional behavior will still be incorporated as part of the services to students.

Students will attend the abeyance program for three hours each day. There will be a morning section and an afternoon section. The academic program will rely heavily on computer-based curriculum allowing students to gain academic skills and, if appropriate, earn credit for courses completed. The program will have 17 computers. Success Highways will be used as the social emotional curriculum. Students may also make use of community-based services as appropriate and available.

Students who are successful both academically and behaviorally will return to school after one semester. Students who are not successful, depending on the situation, will either go through the regular expulsion process or remain in the abeyance program for an additional semester. The Director of Innovative Programs and Alternatives will be the administrator of the abeyance option program model. Duties will include supervising the program sites, monitoring students in the process, coordinating decisions about students being referred to the program and decisions about students moving back into schools. The assistant to the current Expulsion Coordinator will continue to provide clerical support for all students in the expulsion process including students in the abeyance program.

## **Location:**

The Phoenix Program will be housed at the Doyle Building in the current Work and Learn space. The Work and Learn Doyle program will be moved to an elementary school where there is space. This model would be similar to the Marquette Work and Learn site.

## **Off Campus Program:**

Off Campus services will still be provided to all students in the expulsion process as they have been in previous years. For students whose misconduct occurs in the second (2<sup>nd</sup>) or fourth (4<sup>th</sup>) quarter of a school year and who choose the abeyance option, Off Campus services may be extended to the end of that quarter. The intent is to enable students to continue receiving instruction in their core curriculum courses, to complete assignments and to take final examinations, if appropriate. The students would then go to the Phoenix Program at the beginning of the next semester.

At the discretion of the District, Off Campus Program may be used as an abeyance program option in some cases.

## **Alternative Programs:**

Other online sites - Transition Learning Center (TLC), Memorial Alternative Achievement Program (MAAP) or Credit Recovery and Increasing Skills (CRIS) - may also be used as abeyance option sites, at the discretion of the District.

## Budget

### Staff

|   |                          |
|---|--------------------------|
| 1.0 Teacher                                   | \$79,643 (average rate)  |
| 1.0 Student Services Staff                    | \$87,733 (average rate)  |
| .20 Social Worker (monitor expelled students) | Shift existing resources |
| .50 Special education teacher or 1.0 SEA      | Shift existing resources |

### Computers and Software:

|          |   |
|----------|---|
| \$8,806  | 17 student work stations<br>netbooks \$518 each             |
| 2,100    | 1 teacher presentation station                              |
| 500      | 1 printer   |
| 1,500    | 1 netbook storage/charging cart                             |
| 1,450    | 2 wireless access points                                    |
| 2,000    | General supplies – phone, paper, other                      |
| <u>0</u> | Computer based curriculum will come from existing resources |
| \$16,356 | Total computers and software estimate                       |

**Total Additional Program Cost:**

**\$183,732**

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# Weekly Goal Review

*Week of*

*Name of Student*

*Stated Student Goals*

Student Reflection of Goal Attainment:

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Student Plan for Subsequent Week

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Staff Reflection of Student Goal Attainment:

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Families Reflection of Student Goal Attainment:

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# Weekly Goal Review

*Week of*

*Name of Student*

*Stated Student Goals*

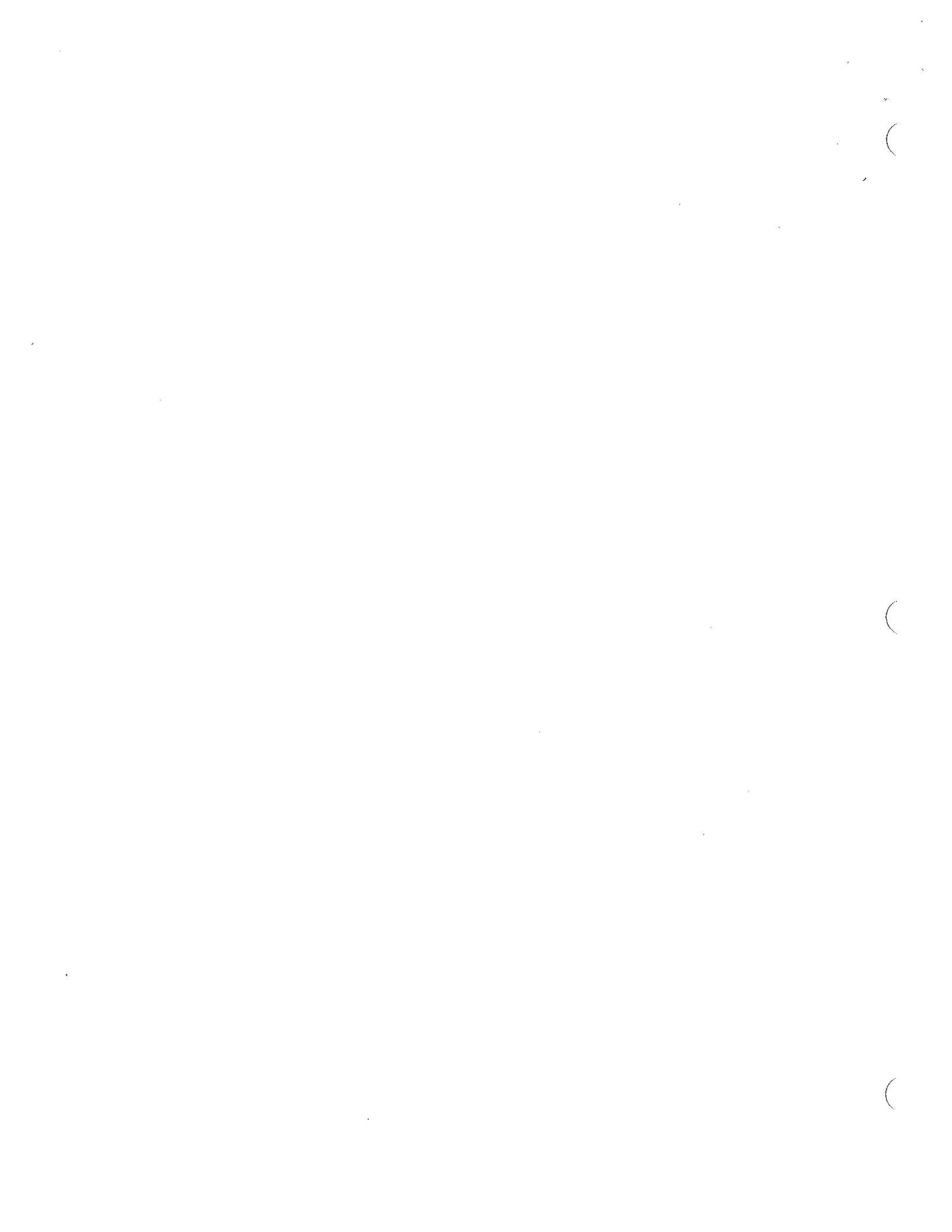
How was my week?

What was best about it?

What was hardest about it? What I didn't like about it. . .

Did anything get in the way of my success? If so, what was it?

What or who could help me get back on track?



# Student Transition Support Profile

|                 |                |            |               |       |
|-----------------|----------------|------------|---------------|-------|
| Student Name    | Preferred Name | Student ID | Home School   | Grade |
| Contact Address |                |            | Contact Phone |       |

|                       |              |                        |                 |                      |             |
|-----------------------|--------------|------------------------|-----------------|----------------------|-------------|
| ELL Level             | EEN Category | Program Implementation | Assessment Date | Home Staff Name      | Staff Phone |
| Reason for Enrollment |              |                        |                 | Anticipated Duration | Intake Date |

|             |                  |              |
|-------------|------------------|--------------|
| Parent Name | Guardian Contact | Relationship |
|             |                  |              |

|                        |                   |
|------------------------|-------------------|
| Community Associations | Agency Worker (s) |
|------------------------|-------------------|

## Intake Academics

|                |           |         |        |   |        |         |                |
|----------------|-----------|---------|--------|---|--------|---------|----------------|
| Credit Summary | Electives | English | Health | Math<br><input type="checkbox"/> Alg <input type="checkbox"/> Geo | Phy Ed | Science | Social Studies |
|----------------|-----------|---------|--------|---|--------|---------|----------------|

|                    |           |                 |           |                |                            |
|--------------------|-----------|-----------------|-----------|----------------|----------------------------|
| TABE Score Reading | Test Date | TABE Score Math | Test Date | Learning Style | Credits Needed to Graduate |
|--------------------|-----------|-----------------|-----------|----------------|----------------------------|

|                    |                                       |
|--------------------|---------------------------------------|
| Student Strengths: | Home School Staff input on Strengths: |
|                    |                                       |

|                               |  |
|-------------------------------|--|
| Student Proactive Assistance: | Home School Staff input on Proactive Assistance: |
|                               |  |

|                  |                 |
|------------------|-----------------|
| Student's Goals: | Parent's Goals: |
|                  |                 |

## Intake Emotional Behavior

|                    |                                       |
|--------------------|---------------------------------------|
| Student Strengths: | Home School Staff input on Strengths: |
|                    |                                       |

|                               |  |
|-------------------------------|--|
| Student Proactive Assistance: | Home School Staff input on Proactive Assistance: |
|                               |  |

|                  |                 |
|------------------|-----------------|
| Student's Goals: | Parent's Goals: |
|                  |                 |

|              |                |                      |
|--------------|----------------|----------------------|
| Student Name | Preferred Name | Exit Assessment Date |
|--------------|----------------|----------------------|

### Exit Academics

|                   |                    |
|-------------------|--------------------|
| Courses Completed | Credit Acquisition |
|                   |                    |
|                   |                    |

|                |           |         |        |      |   |        |         |                |
|----------------|-----------|---------|--------|------|---|--------|---------|----------------|
| Credit Summary | Electives | English | Health | Math | <input type="checkbox"/> Alg <input type="checkbox"/> Geo | Phy Ed | Science | Social Studies |
|----------------|-----------|---------|--------|------|---|--------|---------|----------------|

|                    |           |                 |           |                            |
|--------------------|-----------|-----------------|-----------|----------------------------|
| TABE Score Reading | Test Date | TABE Score Math | Test Date | Credits Needed to Graduate |
|--------------------|-----------|-----------------|-----------|----------------------------|

|                    |                                   |
|--------------------|-----------------------------------|
| Student Strengths: | Program staff input on Strengths: |
|                    |                                   |
|                    |                                   |

|                               |  |
|-------------------------------|--|
| Student Proactive Assistance: | Program staff input on Proactive Assistance: |
|                               |  |
|                               |  |

|                  |                 |
|------------------|-----------------|
| Student's Goals: | Parent's Goals: |
|                  |                 |
|                  |                 |

### Exit Emotional Behavior

|                    |                                   |
|--------------------|-----------------------------------|
| Student Strengths: | Program staff input on Strengths: |
|                    |                                   |
|                    |                                   |

|                               |  |
|-------------------------------|--|
| Student Proactive Assistance: | Program staff input on Proactive Assistance: |
|                               |  |
|                               |  |

|                  |                 |
|------------------|-----------------|
| Student's Goals: | Parent's Goals: |
|                  |                 |
|                  |                 |

|                            |                                    |
|----------------------------|------------------------------------|
| Program Staff Support Name | Program Staff Support Phone Number |
|                            |                                    |

# PHOENIX (Disciplinary Options) Student Rubrics

*Be Safe Be Respectful Be Responsible*

Quarter \_\_\_\_\_

Student \_\_\_\_\_

## Attendance (wkly)

## Student Performance

|            |           |  |
|------------|-----------|--|
| Exceeding  | 100%      |  |
| Achieving  | 94%       |  |
| Developing | 85%       |  |
| Revocation | below 85% |  |

## Achievement (quarterly)

## Student Performance

|            |                                  |  |
|------------|----------------------------------|--|
| Exceeding  | 1.00 and Above Credit Completion |  |
| Achieving  | .75 Credit Completion            |  |
| Developing | .50 Credit Completion            |  |
| Revocation | less than .50 Credit Completion  |  |

## Behavior (daily)

## Student Performance

|            |                        |  |
|------------|------------------------|--|
| Exceeding  | Altruistic             |  |
| Achieving  | Respectful             |  |
| Developing | Able to be Re-directed |  |
| Revocation | Disruptive             |  |

\* At Grading Period, if the student possesses any 'Revocation' evaluations, the student's placement in the abeyance option will be revoked and the student will go through the normal expulsion process.

\* At Grading Period, if the student possesses any 'Developing' evaluations, the student's placement in the abeyance option will be extended for an additional semester.

^If the student's placement has been extended for an additional semester, the student shall not have any 'Developing' evaluations at the next grading period, or the abeyance option will be revoked and the student will go through the normal expulsion process.

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**MADISON METROPOLITAN SCHOOL DISTRICT  
DEPARTMENT OF EDUCATIONAL SERVICES - SPECIAL EDUCATION  
Expulsion Review Document: Regular Education Student**

| Student | Student # | Date of Birth | Gender | Grade | School of Attendance |
|---------|-----------|---------------|--------|-------|----------------------|
|         |           |               |        |       |                      |

Date of Meeting:

**REASON FOR REVIEW**

**PROTECTIONS FOR CHILDREN NOT DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AND REALTED SERVICES: Basis of Knowledge**

**Before the behavior that precipitated the recommended disciplinary action occurred:**

1. Did the parent/guardian of the child express concern in writing to supervisory or administrative personnel of the appropriate education agency, or to a teacher of the child, that the child is in need of special education?

Yes       No  
If yes, explain.

2. Did the parent/guardian of the child request an evaluation for a suspected disability?

Yes       No  
If yes, explain.

3. Did a teacher of the child or other personnel of the LEA, express specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of the agency?

Yes       No  
If yes, explain.

4. Had the parent/guardian of the child refused to allow an evaluation of the child for a suspected disability?

Yes       No  
If yes, explain including date of referral for evaluation and date of parental refusal for evaluation.

5. Had the parent of the child refused to allow special education/related services for an identified disability?

Yes       No  
If yes, explain including date of determination that the child had a disability, date of parent notification of placement, and date of parent refusal of services.

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**Attachment 4**  
**Appendix LLL-12-5**  
**June 14, 2010**

**Disciplinary Options**  
**Expulsion Data Summary**  
**June 14, 2010**

**I. Expulsion Data**

Between 2003/04 and 2006/07, the District consistently processed a range of between 92 and 120 recommendations for expulsion each year. The range of actual expulsions during that time was 49 to 52. With the introduction of the Aggravating Factor Analysis in 2007/08, recommendations for expulsion increased to 198 with the actual expulsions at 64. In 2008/09, these numbers dropped to 182 recommendations for expulsion with 44 actual expulsions. The data so far for 2009/10 shows a drop in both recommendations for expulsion and actual expulsions (Exhibit A). There are many factors that effect these expulsion numbers.

A review of students recommended for expulsion and students actually expelled based on ethnicity shows disproportionality by race. Specifically, African American students are recommended and expelled at a much higher rate than students of other races (Exhibit B).

An analysis of students actually expelled from the District from 2005 to 2009 shows that when they return:

- grade point averages decrease;
- attendance rate increases;
- behavior events decrease.

The drop out rate for expelled students ranges from a low of 21% to a high of 40%. The graduation rate ranges from 29% to 41% (Exhibit C).

**II. Intentional Used of Force 403**

For the 2008/09 school year 72 incidents of intentional use of force, where a recommendation for expulsion was made, were reviewed. Of these, 9 students were actually expelled from the district. The incidents fall into the following categories:

- 30 Breaking up a fight
- 4 Verbal altercation leading to a 403
- 18 Staff member in the pathway of a student
- 5 Grabbing a phone or cell phone
- 16 Verbal re-direction leading to a 403
- 16 Physical re-direction or restrain
- 8 Other

Staff involved in 403 incidents

|    |                                 |
|----|---------------------------------|
| 17 | Security Assistants             |
| 35 | Teachers                        |
| 13 | SEA's                           |
| 12 | Principals/Assistant Principals |
| 10 | Other                           |

### III. Survey of Hearing Examiners

Five of six current Hearing Examiners responded to two questions related to section 403. Their responses are varied. Some interesting individual comments or recommendations include:

"An isolated act of misconduct by a pupil with an apparent proclivity for misconduct, and who indicates remorse, comes to mind. Some discipline short of expulsion may be in order as a warning."

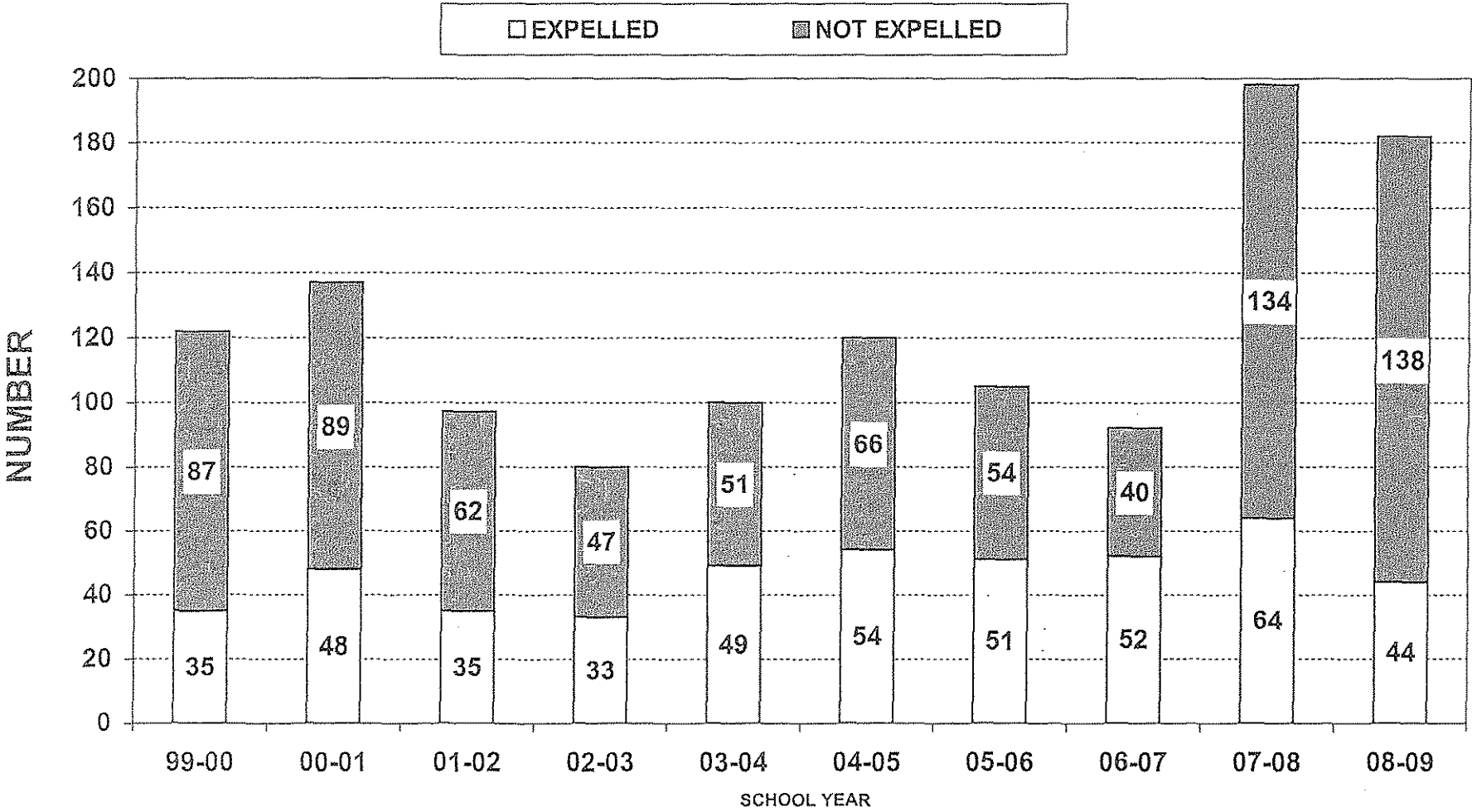
"I feel 403 violations are extremely serious because they go to the heart of the maintaining of order at school."

"I may have some doubt about an expulsion recommendation in the following circumstances: (paraphrased)  
the staff member aggravates the situation, uses excessive force to restrain the student or the staff member is very inexperienced and gives contradictory instructions."

"Not every physical contact with a staff member should be a 403 violation."

(Exhibit D)

**FIGURE 9**  
**COMPARISON BETWEEN EXPELLED/NOT EXPELLED**  
**1999-2000 TO 2008-2009**



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## Ethnicity Expulsion Data For 08/09, 07/08, 06/07, and 05/06:

## 2008-2009

| <u>Ethnic Group</u> | <u>Recommendations</u> | <u>Expulsions</u> | <u>% Of Expulsions</u> | <u>% Of Total Student Population</u> |
|---------------------|------------------------|-------------------|------------------------|--------------------------------------|
| Native Amer.        | 01/182 (.5%)           | 00/44             | (0%)                   | 192/24,189 = .7%                     |
| African Amer.       | 73/182 (70.9%)         | 25/44             | (56.8%)                | 5693/24,189 = 24%                    |
| Hispanic Amer.      | 13/182 (7.1%)          | 05/44             | (11.4%)                | 3462/24,189 = 14.3%                  |
| Asian Amer.         | 04/182 (2.2%)          | 04/44             | (9.1%)                 | 2594/24,189 = 10.7%                  |
| White Amer.         | 35/182 (19.2%)         | 10/44             | (22.7%)                | 12,243/24,189 = 50.6%                |

## 2007-2008

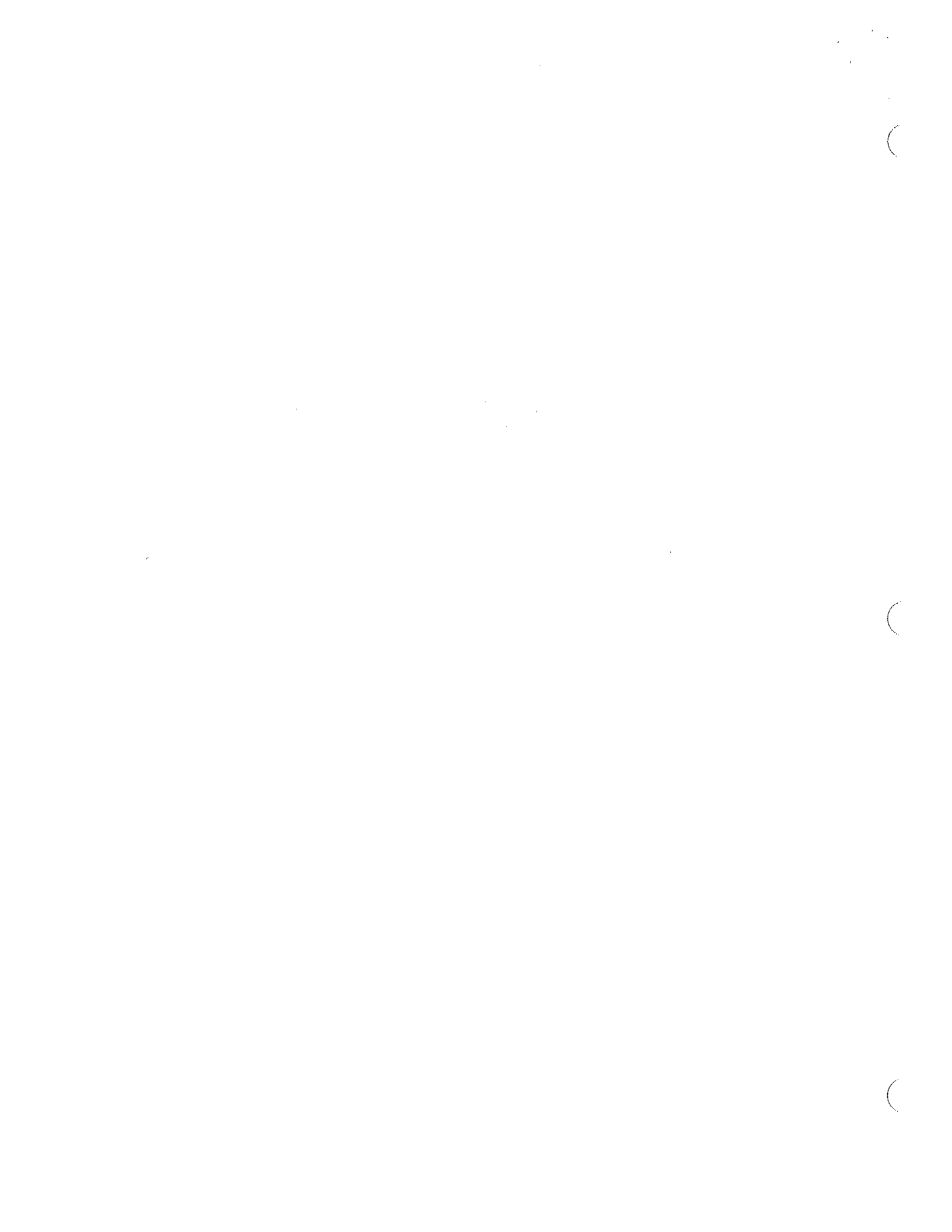
|     |                 |       |         |                     |
|-----|-----------------|-------|---------|---------------------|
| NA  | 3/198 (1.5%)    | 0/64  | (0%)    | 171/24,268 = 1%     |
| AfA | 133/198 (67.1%) | 40/64 | (62.5%) | 5596/24,268 = 23%   |
| HA  | 19/198 (9.6%)   | 13/64 | (20.3%) | 2303/24,268 = 14%   |
| AsA | 4/198 (2.0%)    | 1/64  | (1.6%)  | 2547/24,268 = 10%   |
| WA  | 39/198 (19.7%)  | 10/64 | (15.6%) | 12,651/24,268 = 52% |

## 2006-2007

|     |             |       |         |                     |
|-----|-------------|-------|---------|---------------------|
| NA  | 0/92 (0%)   | 0/52  | (0%)    | 162/24,342 = 1%     |
| AfA | 59/92 (64%) | 31/52 | (59.6%) | 5360/24,342 = 22%   |
| HA  | 10/92 (11%) | 8/52  | (15.4%) | 3090/24,342 = 13%   |
| AsA | 3/92 (3.2%) | 2/52  | (3.8%)  | 2533/24,342 = 10%   |
| WA  | 20/92 (22%) | 11/52 | (21.2%) | 13,197/24,342 = 54% |

## 2005-2006

|     |                |       |         |                     |
|-----|----------------|-------|---------|---------------------|
| NA  | 1/105 (1%)     | 0/51  | (0%)    | 148/24,218 = 1%     |
| AfA | 60/105 (57.1%) | 27/51 | (52.9%) | 5147/24,218 = 21%   |
| HA  | 12/105 (11.4%) | 10/51 | (19.6%) | 2804/24,218 = 12%   |
| AsA | 5/105 (4.8%)   | 3/51  | (5.9%)  | 2564/24,218 = 11%   |
| WA  | 27/105 (25.7%) | 11/51 | (21.6%) | 13,555/24,218 = 56% |



MMSD Expelled Student Enrollment Status

| School Year Exp | Drop Out |     | Gone Non-Dropout |     | Grad |     | Still Enrolled |     | Grand Total |      |
|-----------------|----------|-----|------------------|-----|------|-----|----------------|-----|-------------|------|
|                 | n        | %   | n                | %   | n    | %   | n              | %   | n           | %    |
| 2000            | 13       | 38% | 7                | 21% | 14   | 41% |                | 0%  | 34          | 100% |
| 2001            | 18       | 40% | 14               | 31% | 13   | 29% |                | 0%  | 45          | 100% |
| 2002            | 11       | 33% | 8                | 24% | 14   | 42% |                | 0%  | 33          | 100% |
| 2003            | 6        | 21% | 11               | 38% | 12   | 41% |                | 0%  | 29          | 100% |
| 2004            | 16       | 35% | 11               | 24% | 18   | 39% | 1              | 2%  | 46          | 100% |
| 2005            | 8        | 16% | 18               | 36% | 17   | 34% | 7              | 14% | 50          | 100% |
| 2006            | 15       | 31% | 13               | 27% | 15   | 31% | 5              | 10% | 48          | 100% |
| 2007            | 11       | 23% | 10               | 21% | 13   | 27% | 14             | 29% | 48          | 100% |
| 2008            | 5        | 8%  | 12               | 20% | 12   | 20% | 31             | 52% | 60          | 100% |
| 2009            | 2        | 5%  | 11               | 25% |      | 0%  | 31             | 70% | 44          | 100% |
| Grand Total     | 105      | 24% | 115              | 26% | 128  | 29% | 89             | 20% | 437         | 100% |







## MEMORANDUM

Date: March 10, 2010

To: Board Of Education  
Dan Nerad, Superintendent of Schools  
Pam Nash, Assistant Superintendent for Secondary Schools  
Sue Abplanalp, Assistant Superintendent for Elementary Schools

From: June L. Wilson, Assistant Legal Counsel

Subject: Informational Update:  
Hearing Officer Responses Regarding Rule 403 of the Student  
Conduct and Discipline Plan

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Due to some level of difficulty in the consistent interpretation and application of Rule 403, one or more Board members asked me to obtain information from Independent Hearing Officers related to expulsion cases involving a student's use of force against a staff member (Rule 403). All the Hearing Officers were asked to respond to the following questions:

- 1) In a case in which you have made a finding that a student did violate rule 403, please describe what evidence would lead you to find: a) that the student's misconduct did not endanger the health, safety or property of others; and/or b) that the interest of the school does not demand the student's expulsion?
- 2) Do you have questions or concerns in the manner in which section 403 is written, including the definitions relating to that section? If so, what are they?

Five of the six hearing officers responded. Their responses are quite varied, thus on the attached document, I have set forth the rule and its definitions, and the responses I received. The responses also may be of use to the Expulsions Long-Range Planning Committee as they work on code revisions.



HEARING OFFICER COMMENTS  
RELATIVE TO RULE 403

Rule 403 of the Student Conduct and Discipline Plan reads as follows:

LEVEL 4. MIDDLE AND HIGH SCHOOLS: Except as noted, a school-level administrator or designee shall suspend a student who engages in any of the behaviors listed below, or who the school has brought forward as a party to the prohibited behavior(s), for an initial period of five days, and with the exception of 401.a.i., shall recommend the student for possible expulsion. If notice of expulsion proceedings has been issued, the pupil may be suspended for longer than five days

\* \* \* \*

403: Intentional use of force directly against or affecting a staff member of MMSD or any non-staff member adult who is legitimately exercising authority at school or during any school activity.

The definitions relating to Rule 403 read as follows:

Definitions

1. Under all Rules specified within "Level Four" that involve the "**intentional use of force**" against a staff member or other non-staff adult (i.e., Rules 403, 431, and 432):
  - a. These Rules cover the "**intentional use of force**" in situations, for example, where a student (1) deliberately initiates a use of force (using one's body or any object) directly against a staff member or non-staff member adult for any reason; (2) in a situation involving physical contact, intentionally provides active physical resistance to the direction of the adult to the point where the adult is injured or a reasonable person would conclude there was a direct and substantial risk of bodily injury to the adult; or (3) uses force against a staff member or other non-staff adult by an act done with the intent to use force against another person, in circumstances where it could have been reasonably anticipated that the intentional use of force may affect a staff member or other non-staff member adult. For example, striking a staff member while intentionally attempting to strike another student who is being restrained by that staff member constitutes a violation of these Rules.
  - b. These Rules shall not be applied by an Asst. Principal, Principal, Asst. Superintendent, or Superintendent who determines after an investigation that a student's use of force was inappropriately provoked by actions of the staff member or non-staff member adult that were unreasonable under the circumstances and that would be reasonably likely to incite a response that includes the type of intentional use of force that is at issue

Independent Hearing Officers for the Madison Metropolitan School District were asked the following questions and provided the answers listed below.

1. *In a case in which you have made a finding that a student did violate rule 403, please describe what evidence would lead you to find a) that the student's misconduct did not endanger the health, safety or property of others; and/or b) that the interest of the school does not demand the student's expulsion?*

H.B.:

Concluding that health, safety or property has been endangered seems to me to require consideration of the specific facts of the case. Surely one can imagine instances of such a trivial

or peculiar, isolated nature that such a conclusion is unreasonable by ordinary standards. The issue is whether the evidence sufficiently supports the conclusion. I would add that a conclusionary statement by a witness for the District, which is likely to go without objection, may explain the reasoning of that witness, but does not preempt the Examiner's authority, in my view. Nonconclusionary testimony in support of this conclusion by an administrator, on the other hand, should be given great weight.

Similarly, it seems to me that upon examination of the facts of the incident and the record of the pupil, and perhaps the demeanor of the pupil at the hearing, it may be reasonable to conclude that while the section was violated, expulsion is not warranted. An isolated act of misconduct by a pupil with no apparent proclivity for misconduct, and who indicates remorse, comes to mind. Some discipline short of expulsion may be in order as a warning.

R H:

I can not think of a circumstance where I would not make both findings in the affirmative and expel, after finding that the student did violate rule 403. There is a risk when using the words 'never' and 'always' in this type of work. However, I feel that rule 403 violations are extremely serious because they go to the very heart of the maintaining of order at school. Student respect for authority is a critical factor in the maintenance of order within the school. Making a finding in the negative to either (a) or (b) after making a finding that the student did, in fact, violate rule 403, would in my opinion undermine staff authority. If I could not make an affirmative finding with respect to (a) and (b), I doubt that I would find a rule 403 violation in the first place. As a general rule, I always favor the disposition that least interferes with the student's academic progress. However, because the maintenance of respect for authority within the school is of such paramount importance, I do not see myself not imposing an expulsion having made the finding that the student did violate rule 403.

I recently heard a case in the MMSD where the student felt he had the right to physically push past a school security staff member, and tried to do so three times making pushing contact each time. The student told me the staff member was in his way. I expelled the student for three semesters, providing for an early reinstatement opportunity after two semesters. This disposition was consistent with the recommendation of the superintendent. I strongly considered a more lengthy expulsion but followed the recommendation because the student did ultimately follow the staff member's directive to return to the office where he had been told to remain while staff investigated the incident which precipitated his being sequestered.

H E:

I may have some doubt about an expulsion recommendation in the following circumstances:

- 1) The staff member aggravates the situation himself or herself, encouraging the student to act in aggressive manner. (The "make my day" type personality.)
- 2) The staff member uses excessive force to restrain the student. For example, a student hits a police officer claiming he was almost out of breath when the officer held him by the neck.
- 3) The staff member is very inexperienced, gives contradictory instructions to the student, and the student accidentally hits the staff member. This leads to a finding that there was a lack of intent to strike and inflict harm

D F:

I have had 2 cases involving intentional use of force against a school employee. In one I found the student committed the acts alleged and in the other I didn't find that the act was intentional.

In the first situation, it was clear that the student knew he could not enter the building after being told so by the security person. He persisted to attempt to enter and push past the security person. It was easy in this case to find intent to use force.

In the other situation the student and the teaching assistant both agreed that the assistant's arm was struck by the student. The assistant said it was on purpose. The student said he was trying to raise his arm to get the teacher's attention. I could not discredit either person. Because the district has the burden of persuasion, I was unable to find there was "intentional use of force."

The only people to directly testify about the event were the employee and student. There was no other evidence upon which to make a judgment.

In both hearings, I considered the credibility of the employee and student, any witness statements, the believability of the events, what was said by each participant, what did each person, but especially the student, understand about the situation, are there extenuating circumstances, etc.

Once intent is found, there are other questions to consider. Is the amount of force irrelevant -- zero tolerance? If the severity of the act can be considered, then questions such as 'was it a push past the person or was it a punch' are relevant. In my opinion the "interest of the school" test does not clarify the issue of what theory/standard should be used. I'm inclined to evaluate the totality of the circumstance to determine whether the interests of the school demand the student's expulsion. It is impossible to determine ahead of time to list factors that will influence my judgment.

#### H M D

In my experience, 403 violations make up the majority of cases that come before expulsion hearing examiners. However, violations vary widely in two areas: 1) the intentionality of doing harm to the staff member and 2) the amount of harm done.

In one case this school year, I found the use of force did not threaten the health and safety of the school. A student initiated an attempt to push a staff member out of a door. This incident lasted less than 10 seconds. The gesture seemed too weak to threaten anyone's health and safety. While the student did intentionally push, the amount of force and the duration seemed too minimal to justify such a harsh punishment as expulsion. I also had a case where I modified the recommendations of the superintendent because I believed the student was most likely unaware that the person trying to hold her out of a fight was a staff member.

#### **2. Do you have questions or concerns in the manner in which section 403 is written, including the definitions relating to that section? If so, what are they?**

H B: Section 403 seems adequately drafted to me; it is replete with opportunities for judgments by the Examiner. That seems appropriate, given the subject matter, as long as there is confidence in the Examiners. For example, the section and its associated definitions require findings as to intention, provocation, incitement and reasonable anticipation. None of this seems unfortunate to me, but these factors imply a measure of subjectivity. That is my response to your second question.

D H: I believe the definition set forth in Paragraph 1 of the definition section is clear and concise and covers the contention by a student that he didn't intend to hit the staff member when he took a swing at another student.

D. F. I'm comfortable in being able to interpret the current language of 403. Without the intent factor, routine contact could be used for grounds for expulsion. This would clog the system as well as having the potential for misuses of the provision.

H. M. D. I see the major problem to be the wording of the rule; does the word "intentionally" apply to the use of force, or does it apply to the "against a staff member or affecting a staff member"? Clearly, if a student deliberately uses force directed solely against a staff member, and the staff member is the only target of the force, then the case is clear and easy. Most problematic cases are those where a staff member inserts himself/herself into an ongoing action where the students are already involved in a fight, or a student is chasing another student. The staff member who deliberately inserts himself/herself into the path of the student, using his/her body to stop the student's forward momentum, is likely to be run into or pushed aside. If the student is moving fast enough he or she may not be able to stop. If a staff member is holding a student from behind to keep the student out of a fight, it is possible that the student does not realize that it is a staff member, and will continue to struggle to get back into the fight.

Not every physical contact a student has with a staff member should be a 403 violation. Nor should every injury received by a staff member in maintaining order result in a 403 charge. I had a case where there was significant harm to the staff member, but there was not any clear testimony as to who was responsible for the force that caused the harm. There was no physical contact in that case between the students involved and the staff member. Rather, it may or may not have been an object thrown by one of the students which harmed the staff member; but there was no clear nexus between the injury and the action of the student charged with the 403 violation. There is also a question in some cases between the amount of force used and the extent of the injury.

Perhaps 403 needs to be divided into two rules, one in which an aggravating factor elevates a fight into something more when there is significant harm to a staff member, and the other a clear rule for force directed solely towards a staff member. I also think there needs to be some screening, as part of the expulsion review, by the Assistant Superintendent to make sure that this rule is applied with some degree of proportionality as to the harm done, the difference in sizes between the student and staff member and to the underlying relationship between the student and the staff member. Since the words "without provocation" have been removed, less attention has been paid to the actions of the staff members in creating the situations where students react by using force or having physical contact. Staff should be attempting to diffuse violent situations not creating them. Fear of injury should not prevent a staff member from stepping into a situation.

This hearing officer also cautions that when a Manifestation Determination is conducted regarding a 403 violation, the IEP team should NOT include the staff member against whom the force was used, as it is her recollection that this has occurred in the past.

2008-2009



MADISON METROPOLITAN  
SCHOOL DISTRICT

Expulsion  
Report





# ANNUAL EXPULSION DATA REPORT FOR THE 2008-2009 SCHOOL YEAR

ANNUAL EXPULSION DATA REPORT TABLE OF CONTENTS Pages 1 & 2

EXECUTIVE SUMMARY Pages 3 & 4

DEFINITION OF TERMS Page 5

**TABLE 1a – 1c** shows the **Total Recommendations for Expulsion and Expulsions, by Grade Level and School for the 2008-2009 School Year** for the two defined groups: Expelled (students who were expelled) and Not Expelled (students who were recommended for expulsion, but were not expelled). The percentage figures that are not printed in bold refer to the percentage of students in a particular grade, as compared to the total number of students for the elementary, middle or high school level that the particular grade is part of. The percentage figure printed in **bold** refers to the percentage for that school level (i.e. elementary, middle or high) as compared to the Total Expulsion Recommendations. Pages 6, 7 & 8

**TABLE 2** shows the **Total Recommendations for Expulsion and Expulsions, by Ethnicity, Gender, Free/Reduced Lunch Status, Special Ed. Status and ESL/ELL Status for the 2008-2009 School Year** for the two defined groups: Expelled (students who were expelled) and Not Expelled (students who were recommended for expulsion, but were not expelled). The percentage figures that are not printed in bold refer to the percentage of students in each ethnic group to the total Not Expelled or Expelled. The percentage figures printed in **bold** refer to the percentage of the total Not Expelled or Expelled compared to the Total Expulsion Recommendations, by each subgroup. Page 9

**FIGURE 1** displays the **Total Number of Expulsion Recommendations by Groups (Ethnicity, Gender, Free/Reduced Lunch Status, Special Ed. Status and ESL/ELL Status) for the 2008-2009 School Year.** Page 10

**FIGURE 2** shows the **Percentage of Expulsion Recommendations by Groups (Ethnicity, Gender, Free/Reduced Lunch Status, Special Ed. Status and ESL/ELL Status) for the 2008-2009 School Year.** Page 11

**FIGURE 3** shows the **Percentage of Actual Expulsions by Groups (Ethnicity, Gender, Free/Reduced Lunch Status, Special Ed. Status and ESL/ELL Status) for the 2008-2009 School Year.** Page 12

**FIGURE 4** shows the **Percentage of Actual Expulsions for the 2008-2009 School Year by Ethnicity.** Page 13

**TABLE 3** lists the **Primary Offense that Resulted in Recommendation for Expulsion for the 2008-2009 School Year** for the two defined groups: Expelled (students who were expelled) and Not Expelled (students who were recommended for expulsion, but were not expelled). The percentage figures that are not printed in bold refer to the percentage of each identified Student Conduct & Discipline Plan violation, within the Not Expelled or Expelled categories, compared to the total number of Recommendations For Expulsion, in each category. The percentage figure printed in **bold** refers to the total number in each category, Not Expelled or Expelled, compared to the Total Expulsion Recommendations. Page 14

**FIGURE 5** displays the **Primary Offense Related to Involvement in Expulsion Recommendation for the 2008-2009 School Year, sorted by most frequent to least frequent.** Page 15

**TABLE 4** shows the **Total Recommendations for Expulsion for the 2008-2009 School Year Sorted by Ethnicity and School.** Pages 16 & 17

**FIGURE 6** displays the **Total Number of Actual Expulsions by Year for the Most Recent Ten Year Period (1999-2000 to 2008-2009).** Page 18

**FIGURE 7** displays the **Total Number of Recommendations for Expulsion by Grade Level and Year for The Most Recent Ten Year Period (1999-2000 to 2008-2009).** Page 19

**FIGURE 8** displays the Total Number of Recommendations for Expulsion by Year for The Most Recent Ten Year Period (1999-2000 to 2008-2009). Page 20

**FIGURE 9** shows a Comparison Between Expelled/Not Expelled by Year for The Most Recent Ten Year Period (1999-2000 to 2008-2009). Page 21

**FIGURE 10** shows a Percentage Comparison between Expelled/Not Expelled by Year for The Most Recent Ten Year Period (1999-2000 to 2008-2009). Page 22

**TABLE 5** shows the PI 23 Safe School Compliance Table, relative to expulsions in all schools. The data for the years 2006-2007, 2007-2008 and 2008-2009 for each school, is compiled and maintained to enable DPI to determine whether any school fails to comply with PI 23, which defines whether a school is “persistently dangerous”, based upon the number of expulsions that occur at a school for three consecutive years. Failure to meet the compliance standard for three consecutive years means that the Board of Education has either: (1) expelled at least 1% of the pupils enrolled in a school for assault, endangering behavior, or weapons related offenses, or (2) expelled five or more pupils in the school for assault, endangering behavior, or weapons related offenses, whichever number is greater. Pages 23, 24, & 25



November 24, 2009

## ANNUAL EXPULSION REPORT FOR THE 2008-2009 SCHOOL YEAR

### EXECUTIVE SUMMARY

Both recommendations for expulsion and actual expulsions decreased in the Madison Metropolitan School District during the 2008-2009 school year, as compared to the previous school year. During the 2008-2009 school year, there were One Hundred Eighty-two (182) recommendations for expulsion, as compared to One Hundred Ninety-eight (198) during the previous school year, thus resulting in Sixteen (16) fewer "recommendations". With regard to expulsions, there were Forty-four (44) expulsions during 2008-2009, as compared to Sixty-four (64) in the previous school year, thus resulting in Twenty (20) fewer students being expelled when compared to the previous year. The official count for the number of students enrolled in the Madison Metropolitan School District for the 2008-2009 school year was Twenty Four Thousand One Hundred Eighty-nine (24,189) students. The Forty-four (44) students expelled during the 2008-2009 school year represented slightly less than Two Tenths of one percent (0.002%) of the total student population for that year.

When viewed from an instructional level perspective, the expulsions primarily involved high school students, with Thirty-two (32) of the total Forty-four (44) being high school students, thus high school expulsions accounted for Seventy-two and seven-tenths percent (72.7%) of all expelled students. The Twelve (12) remaining expulsions involved middle school students, which accounted for the other Twenty-seven and three tenths percent (27.3%) of all expelled students. Of the Forty-four (44) students expelled, all were given the opportunity to seek early readmission back into school, prior to the expiration of their expulsion term. In each instance early readmission was conditioned upon the expelled student's participation in an assessment or evaluation that focused upon identifying and addressing the reason(s) for his/her expulsion.

Of the Forty-four (44) students, Thirty-nine (39) were eligible to apply for early readmission on or before September 1, 2009, and the remaining Five (5) are not eligible to apply for early readmission until January 25, 2010. As of November 10, 2009, Twenty-nine (29) of the Thirty-nine (39) students eligible to apply for early readmission, on or before September 1, 2009, have been early readmitted, which means that Seventy-four and four tenths percent (74.4%) of those expelled students, eligible for early readmission as of September 1, 2009, have taken advantage of their early readmission opportunity. The Social Worker for Expulsions, and other District staff, continues to work with the students who have not taken advantage of the early readmission opportunity in an endeavor to get them re-enrolled back into school as quickly as possible.

The four primary offenses that resulted in the expulsion of a student during the 2008-2009 school year were: (1) the intentional use of force against a school district staff member, without provocation, which involved Nine (9) cases; (2) physical attack against a student, which involved Seven (7) cases; (3) participating in a drug transaction, which involved Five (5) cases; and (4) sharing or transferring possession of alcohol or an illegal drug or a controlled substance; or possession with evidence of an intent to transfer the same, which involved Four (4) cases, and major property damage which involved Four (4) cases. Of the Forty-four (44) expelled students, these five categories of offenses accounted for Sixty-six percent (66%) of all expulsions.

Table 5 of this report, which was mandated by the reauthorization of the Elementary and Secondary Education Act (ESEA), as implemented by the Wisconsin Department of Public Instruction, indicates whether a school is in compliance with the Department of Public Instruction Administrative Code, Chapter PI 23. If a school is not in compliance, for three consecutive years, the school is classified as being “persistently dangerous”, based upon its expulsion history for those three years, and a number of federally mandated activities must occur because of the non-compliance. An example of one of the federally mandated activities that would occur if a school is classified as “persistently dangerous”, is that all of the parents and guardians of students in attendance at the “persistently dangerous” school would have to receive written notice from the school district of their right to have their child transferred to another appropriate grade level public school operated by the school district. The Madison Metropolitan School District, by law, would be required to grant the request of those parents/guardians who opted to have their child transfer from the “persistently dangerous” school. As of the conclusion of the 2007-2008 school year, none of the Madison Metropolitan School District schools were classified as “persistently dangerous”.

As in past years, the district utilizes the data compiled in the Annual Expulsion Report as an assessment and planning tool. The district assesses the data and utilizes the information generated to reconsider its philosophy, policies, procedures and practices concerning student misbehavior and when appropriate modifies the same.

District administrators have a consequence continuum to select from when addressing student misbehavior. At one end of the spectrum are the proactive activities, which are focused upon teaching students how to behave appropriately so as to avoid student misbehavior. Next on the continuum are the district’s intervention activities, which come into play after a student has misbehaved and are focused upon assessing what the root cause(s) was/were for the misbehavior, and providing behavioral modification strategies. The next phase on the continuum is best described as what the disciplinary consequence should consist of, if any, for student misbehavior. The disciplinary consequences may range from a mere verbal admonishment from the teacher to expulsion. Expulsion is the most severe disciplinary option and is only imposed when the Board of Education determines that a student’s misconduct is particularly egregious, and the circumstances compel the expulsion of that student. School safety and security, just as staff competence, are indispensable components to facilitating student learning. All students and staff are educated as to what the behavioral expectations are for all students, and what the continuum of consequences for student misbehavior consist of.

## DEFINITION OF TERMS

- Expelled:** “Expelled” refers to those students who were recommended for expulsion for a violation of the Student Conduct & Discipline Plan, and after an Expulsion Hearing was held, they were expelled by the Board of Education.
- Not Expelled:** “Not Expelled” refers to those students who were recommended for expulsion for a violation of the Student Conduct & Discipline Plan, but for special education reasons, or the insufficiency of evidence, or other reasons, they were not expelled, even though recommended for expulsion. Students who were recommended for expulsion, but were not expelled, had their cases either diverted, dismissed, or classified as “other” for disposition.
- Diverted:** Students who were recommended for expulsion for a violation of the Student Conduct & Discipline Plan, but who were identified as having qualified for Special Education services, and the behavior that resulted in the recommendation for expulsion was considered to be a manifestation of the student’s educational disability. The Expulsion Office closed its file upon being notified that the pupil’s violation of the Student Conduct & Discipline Plan was considered to be a “manifestation” of his/her disability.
- Dismissed:** Students who were recommended for expulsion for a violation of the Student Conduct & Discipline Plan, but who had their cases dismissed by an Assistant Superintendent, the Expulsion Coordinator, or other district administrator, prior to or at the Expulsion Hearing, or the case went to a Hearing, and the Hearing Officer determined that the District failed to meet its burden of proof and dismissed the case, or the Board of Education reverses the Hearing Officer’s decision to expell and dismisses the case.
- Other:** Students who were recommended for expulsion for a violation of the Student Conduct & Discipline Plan, but whose cases were neither diverted nor dismissed. “Other” pertains to cases that are still pending, but are not currently being prosecuted. (i.e. A student recommended for expulsion, who was classified as a special education student, withdraws from the MMSD before a determination could be made whether the student’s educational disability was manifested in the behavior that resulted in the recommendation for expulsion.)
- Table:** A numerical tabular presentation of expulsion data.
- Figure:** A graphic presentation of expulsion data.

**TABLE 1a**  
**TOTAL RECOMMENDATIONS FOR EXPULSION AND EXPULSIONS**  
**BY ELEMENTARY SCHOOL**

2008-2009 SCHOOL YEAR

| SCHOOL             | NOT EXPELLED |           |       | Total Not Expelled |             | EXPELLED |             | TOTAL EXPULSION RECOMMENDATIONS |             |
|--------------------|--------------|-----------|-------|--------------------|-------------|----------|-------------|---------------------------------|-------------|
|                    | Diverted     | Dismissed | Other | N                  | %           | N        | %           | N                               | %           |
|                    | N            | N         | N     |                    |             |          |             |                                 |             |
| Allis              | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Chavez             | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Crestwood          | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Elvehjem           | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Emerson            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Falk               | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Franklin           | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Glendale           | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Gompers            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Hawthorne          | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Huegel             | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Kennedy            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Lake View          | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Lapham             | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Leopold            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Lincoln            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Lindbergh          | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Lowell             | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Marquette          | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Mendota            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Midvale            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Muir               | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Nuestro Mundo      | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Orchard Ridge      | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Olson              | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Randall            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Sandburg           | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Schenk             | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Shorewood          | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Stephens           | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Thoreau            | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| Van Hise           | -            | -         | -     | -                  | 0.0%        | -        | 0.0%        | -                               | 0.0%        |
| <b>GRAND TOTAL</b> | -            | -         | -     | -                  | <b>0.0%</b> | -        | <b>0.0%</b> | -                               | <b>0.0%</b> |

**TABLE 1b**  
**TOTAL RECOMMENDATIONS FOR EXPULSION AND EXPULSIONS**  
**BY MIDDLE AND HIGH SCHOOL**

2008-2009 SCHOOL YEAR

| SCHOOL             | NOT EXPELLED |           |          | Total Not Expelled |              | EXPELLED  |              | TOTAL EXPULSION RECOMMENDATIONS |               |
|--------------------|--------------|-----------|----------|--------------------|--------------|-----------|--------------|---------------------------------|---------------|
|                    | Diverted     | Dismissed | Other    | N                  | %            | N         | %            | N                               | %             |
|                    | N            | N         | N        |                    |              |           |              |                                 |               |
| AERO - High        | 2            | -         | -        | 2                  | 1.4%         | -         | 0.0%         | 2                               | 1.1%          |
| AERO - Middle      | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| Black Hawk         | 2            | 3         | -        | 5                  | 3.6%         | 1         | 2.3%         | 6                               | 3.3%          |
| Cherokee           | 1            | -         | -        | 1                  | 0.7%         | 1         | 2.3%         | 2                               | 1.1%          |
| East High          | 12           | 15        | 2        | 29                 | 21.0%        | 11        | 25.0%        | 40                              | 22.0%         |
| Hamilton           | 2            | -         | -        | 2                  | 1.4%         | 1         | 2.3%         | 3                               | 1.6%          |
| Jefferson          | -            | 1         | -        | 1                  | 0.7%         | 1         | 2.3%         | 2                               | 1.1%          |
| La Follette High   | 21           | 8         | -        | 29                 | 21.0%        | 13        | 29.5%        | 42                              | 23.1%         |
| Memorial High      | 4            | 1         | -        | 5                  | 3.6%         | 7         | 15.9%        | 12                              | 6.6%          |
| O' Keeffe          | 5            | 2         | -        | 7                  | 5.1%         | -         | 0.0%         | 7                               | 3.8%          |
| SAPAR              | 1            | -         | -        | 1                  | 0.7%         | -         | 0.0%         | 1                               | 0.5%          |
| Sennett            | 15           | 1         | -        | 16                 | 11.6%        | 3         | 6.8%         | 19                              | 10.4%         |
| Shabazz            | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| Sherman            | 5            | -         | -        | 5                  | 3.6%         | 2         | 4.5%         | 7                               | 3.8%          |
| Spring Harbor      | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| Toki               | 20           | 3         | -        | 23                 | 16.7%        | 2         | 4.5%         | 25                              | 13.7%         |
| West High          | 1            | 5         | -        | 6                  | 4.3%         | 1         | 2.3%         | 7                               | 3.8%          |
| Whitehorse         | 4            | 2         | -        | 6                  | 4.3%         | 1         | 2.3%         | 7                               | 3.8%          |
| Work & Learn       | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| Wright             | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| <b>GRAND TOTAL</b> | <b>95</b>    | <b>41</b> | <b>2</b> | <b>138</b>         | <b>75.8%</b> | <b>44</b> | <b>24.2%</b> | <b>182</b>                      | <b>100.0%</b> |

**TABLE 1c**  
**TOTAL RECOMMENDATIONS FOR EXPULSION AND EXPULSIONS**  
**BY GRADE**

2008-2009 SCHOOL YEAR

| GRADE                   | NOT EXPELLED |           |          | Total Not Expelled |              | EXPELLED  |              | TOTAL EXPULSION RECOMMENDATIONS |               |
|-------------------------|--------------|-----------|----------|--------------------|--------------|-----------|--------------|---------------------------------|---------------|
|                         | Diverted     | Dismissed | Other    | N                  | %            | N         | %            | N                               | %             |
|                         | N            | N         | N        |                    |              |           |              |                                 |               |
| K                       | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| 1                       | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| 2                       | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| 3                       | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| 4                       | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| 5                       | -            | -         | -        | -                  | 0.0%         | -         | 0.0%         | -                               | 0.0%          |
| <b>TOTAL ELEMENTARY</b> | -            | -         | -        | -                  | <b>0.0%</b>  | -         | <b>0.0%</b>  | -                               | <b>0.0%</b>   |
| 6                       | 17           | 5         | -        | 22                 | 33.3%        | 1         | 8.3%         | 23                              | 29.5%         |
| 7                       | 23           | 4         | -        | 27                 | 40.9%        | 8         | 66.7%        | 35                              | 44.9%         |
| 8                       | 14           | 3         | -        | 17                 | 25.8%        | 3         | 25.0%        | 20                              | 25.6%         |
| <b>TOTAL MIDDLE</b>     | <b>54</b>    | <b>12</b> | -        | <b>66</b>          | <b>36.3%</b> | <b>12</b> | <b>6.6%</b>  | <b>78</b>                       | <b>42.9%</b>  |
| 9                       | 17           | 10        | -        | 27                 | 37.5%        | 14        | 43.8%        | 41                              | 39.4%         |
| 10                      | 8            | 7         | 1        | 16                 | 22.2%        | 9         | 28.1%        | 25                              | 24.0%         |
| 11                      | 12           | 6         | -        | 18                 | 25.0%        | 9         | 28.1%        | 27                              | 26.0%         |
| 12                      | 4            | 6         | 1        | 11                 | 15.3%        | -         | 0.0%         | 11                              | 10.6%         |
| <b>TOTAL HIGH</b>       | <b>41</b>    | <b>29</b> | <b>2</b> | <b>72</b>          | <b>39.6%</b> | <b>32</b> | <b>17.6%</b> | <b>104</b>                      | <b>57.1%</b>  |
| <b>GRAND TOTAL</b>      | <b>95</b>    | <b>41</b> | <b>2</b> | <b>138</b>         | <b>75.8%</b> | <b>44</b> | <b>24.2%</b> | <b>182</b>                      | <b>100.0%</b> |



**TABLE 2**  
**TOTAL RECOMMENDATIONS FOR EXPULSION AND EXPULSIONS**  
**BY ETHNICITY, GENDER, FREE/REDUCED LUNCH STATUS,**  
**EEN STATUS AND ESL/ELL STATUS**

2008-2009 SCHOOL YEAR

| ETHNICITY          | NOT EXPELLED |           |          | Total Not Expelled |              | EXPELLED  |              | TOTAL EXPULSION RECOMMENDATIONS |               |
|--------------------|--------------|-----------|----------|--------------------|--------------|-----------|--------------|---------------------------------|---------------|
|                    | Diverted     | Dismissed | Other    | N                  | %            | N         | %            | N                               | %             |
|                    | N            | N         | N        |                    |              |           |              |                                 |               |
| Native American    | -            | 1         | -        | 1                  | 0.7%         | -         | 0.0%         | 1                               | 0.5%          |
| African-American   | 73           | 29        | 2        | 104                | 75.4%        | 25        | 56.8%        | 129                             | 70.9%         |
| Hispanic           | 5            | 3         | -        | 8                  | 5.8%         | 5         | 11.4%        | 13                              | 7.1%          |
| Asian              | -            | -         | -        | -                  | 0.0%         | 4         | 9.1%         | 4                               | 2.2%          |
| White              | 17           | 8         | -        | 25                 | 18.1%        | 10        | 22.7%        | 35                              | 19.2%         |
| <b>GRAND TOTAL</b> | <b>95</b>    | <b>41</b> | <b>2</b> | <b>138</b>         | <b>75.8%</b> | <b>44</b> | <b>24.2%</b> | <b>182</b>                      | <b>100.0%</b> |

| GENDER             | NOT EXPELLED |           |          | Total Not Expelled |              | EXPELLED  |              | TOTAL EXPULSION RECOMMENDATIONS |               |
|--------------------|--------------|-----------|----------|--------------------|--------------|-----------|--------------|---------------------------------|---------------|
|                    | Diverted     | Dismissed | Other    | N                  | %            | N         | %            | N                               | %             |
|                    | N            | N         | N        |                    |              |           |              |                                 |               |
| FEMALE             | 26           | 17        | -        | 43                 | 31.2%        | 14        | 31.8%        | 57                              | 31.3%         |
| MALE               | 69           | 24        | 2        | 95                 | 68.8%        | 30        | 68.2%        | 125                             | 68.7%         |
| <b>GRAND TOTAL</b> | <b>95</b>    | <b>41</b> | <b>2</b> | <b>138</b>         | <b>75.8%</b> | <b>44</b> | <b>24.2%</b> | <b>182</b>                      | <b>100.0%</b> |

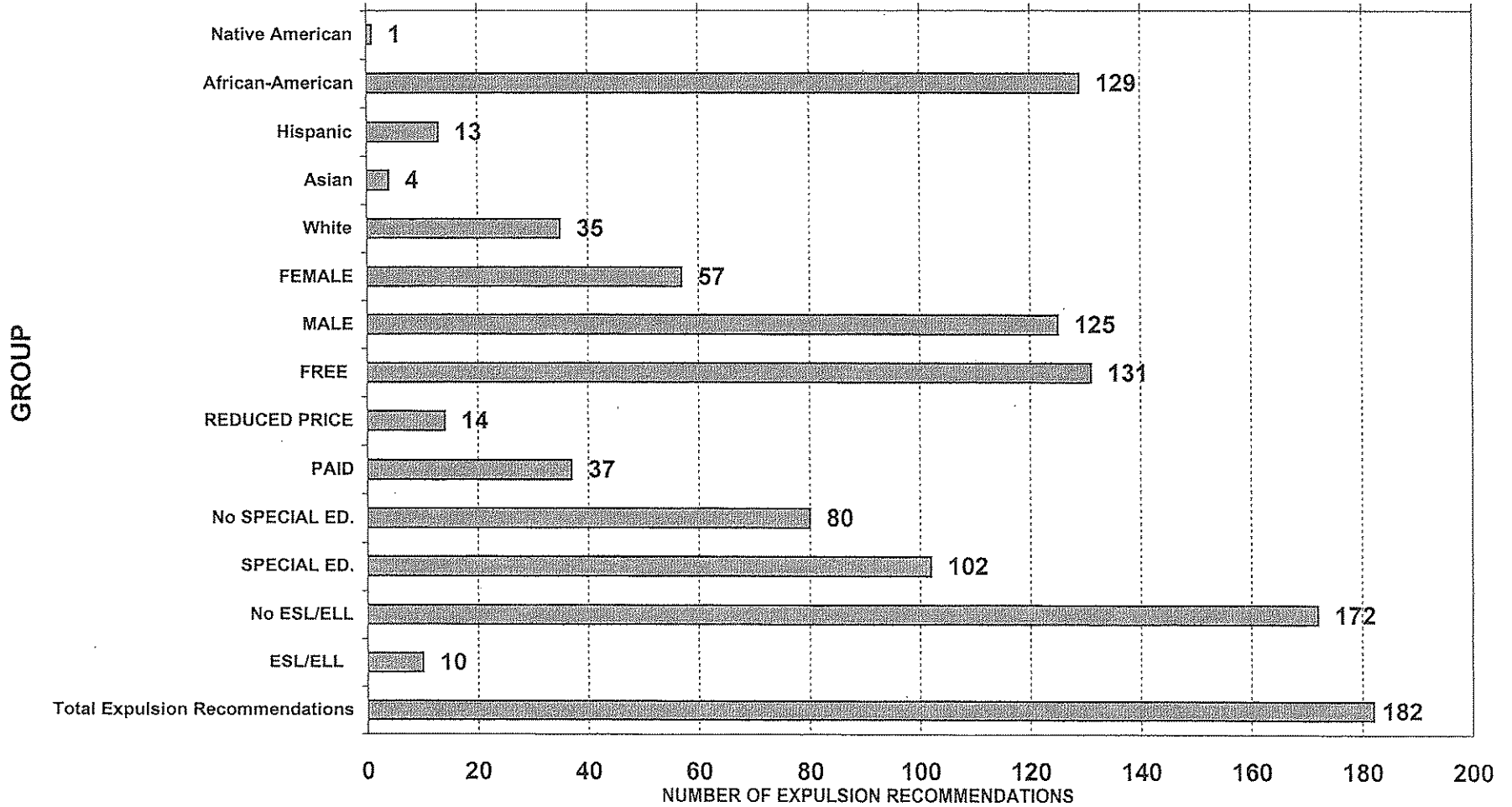
| FREE/REDUCED LUNCH | NOT EXPELLED |           |          | Total Not Expelled |              | EXPELLED  |              | TOTAL EXPULSION RECOMMENDATIONS |               |
|--------------------|--------------|-----------|----------|--------------------|--------------|-----------|--------------|---------------------------------|---------------|
|                    | Diverted     | Dismissed | Other    | N                  | %            | N         | %            | N                               | %             |
|                    | N            | N         | N        |                    |              |           |              |                                 |               |
| FREE               | 64           | 31        | 1        | 96                 | 69.6%        | 35        | 79.5%        | 131                             | 72.0%         |
| REDUCED PRICE      | 6            | 5         | -        | 11                 | 8.0%         | 3         | 6.8%         | 14                              | 7.7%          |
| PAID               | 25           | 5         | 1        | 31                 | 22.5%        | 6         | 13.6%        | 37                              | 20.3%         |
| <b>GRAND TOTAL</b> | <b>95</b>    | <b>41</b> | <b>2</b> | <b>138</b>         | <b>75.8%</b> | <b>44</b> | <b>24.2%</b> | <b>182</b>                      | <b>100.0%</b> |

| SPECIAL ED. STATUS | NOT EXPELLED |           |          | Total Not Expelled |              | EXPELLED  |              | TOTAL EXPULSION RECOMMENDATIONS |               |
|--------------------|--------------|-----------|----------|--------------------|--------------|-----------|--------------|---------------------------------|---------------|
|                    | Diverted     | Dismissed | Other    | N                  | %            | N         | %            | N                               | %             |
|                    | N            | N         | N        |                    |              |           |              |                                 |               |
| No SPECIAL ED.     | 23           | 20        | 2        | 45                 | 32.6%        | 35        | 79.5%        | 80                              | 44.0%         |
| SPECIAL ED.        | 72           | 21        | -        | 93                 | 67.4%        | 9         | 20.5%        | 102                             | 56.0%         |
| <b>GRAND TOTAL</b> | <b>95</b>    | <b>41</b> | <b>2</b> | <b>138</b>         | <b>75.8%</b> | <b>44</b> | <b>24.2%</b> | <b>182</b>                      | <b>100.0%</b> |

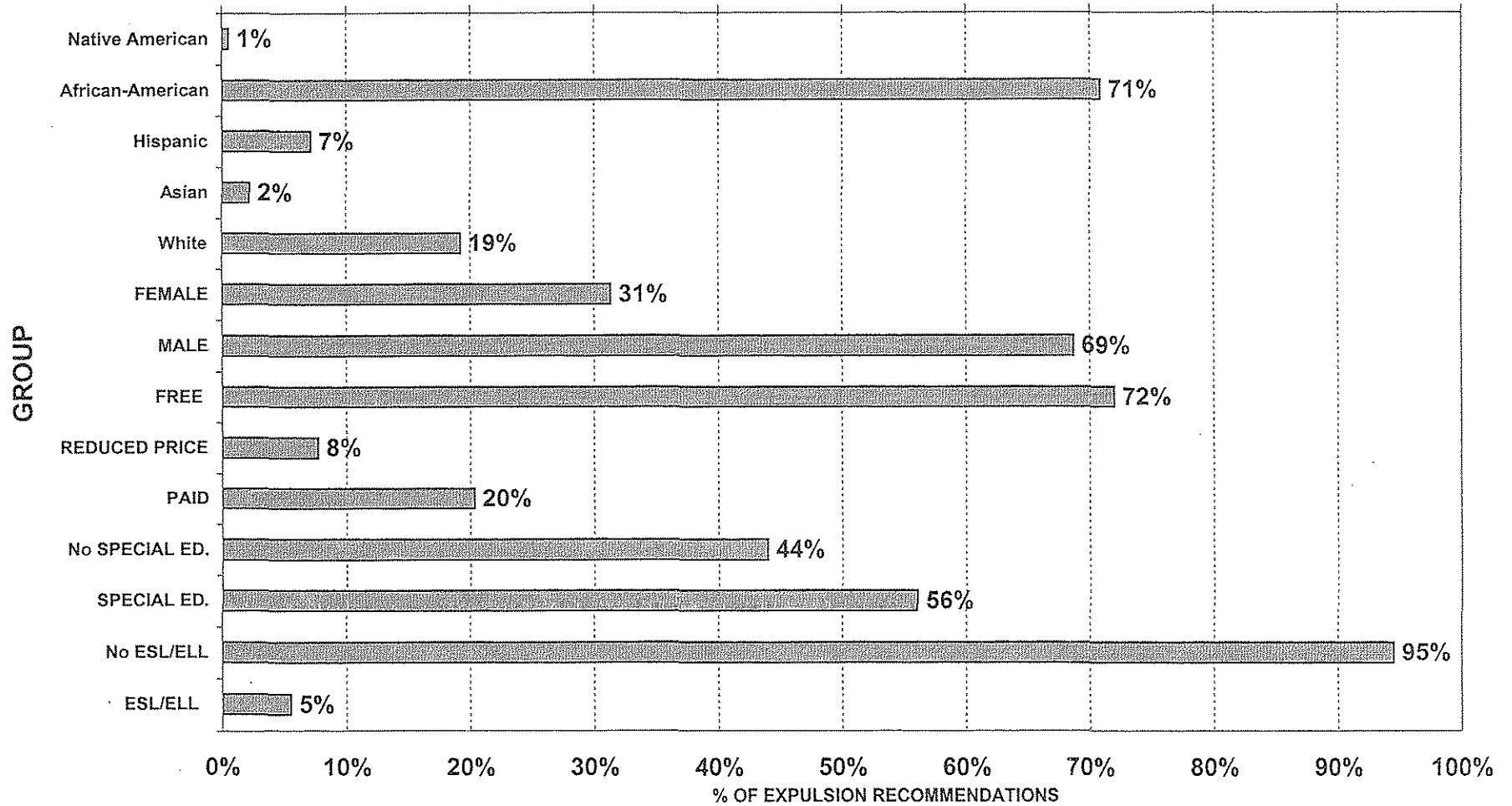
| ESL/ELL STATUS     | NOT EXPELLED |           |          | Total Not Expelled |              | EXPELLED  |              | TOTAL EXPULSION RECOMMENDATIONS |               |
|--------------------|--------------|-----------|----------|--------------------|--------------|-----------|--------------|---------------------------------|---------------|
|                    | Diverted     | Dismissed | Other    | N                  | %            | N         | %            | N                               | %             |
|                    | N            | N         | N        |                    |              |           |              |                                 |               |
| No ESL/ELL         | 92           | 38        | 2        | 132                | 95.7%        | 40        | 90.9%        | 172                             | 94.5%         |
| ESL/ELL            | 3            | 3         | -        | 6                  | 4.3%         | 4         | 9.1%         | 10                              | 5.5%          |
| <b>GRAND TOTAL</b> | <b>95</b>    | <b>41</b> | <b>2</b> | <b>138</b>         | <b>75.8%</b> | <b>44</b> | <b>24.2%</b> | <b>182</b>                      | <b>100.0%</b> |

See Figures 1, 2, 3, & 4 for Graphic Detail

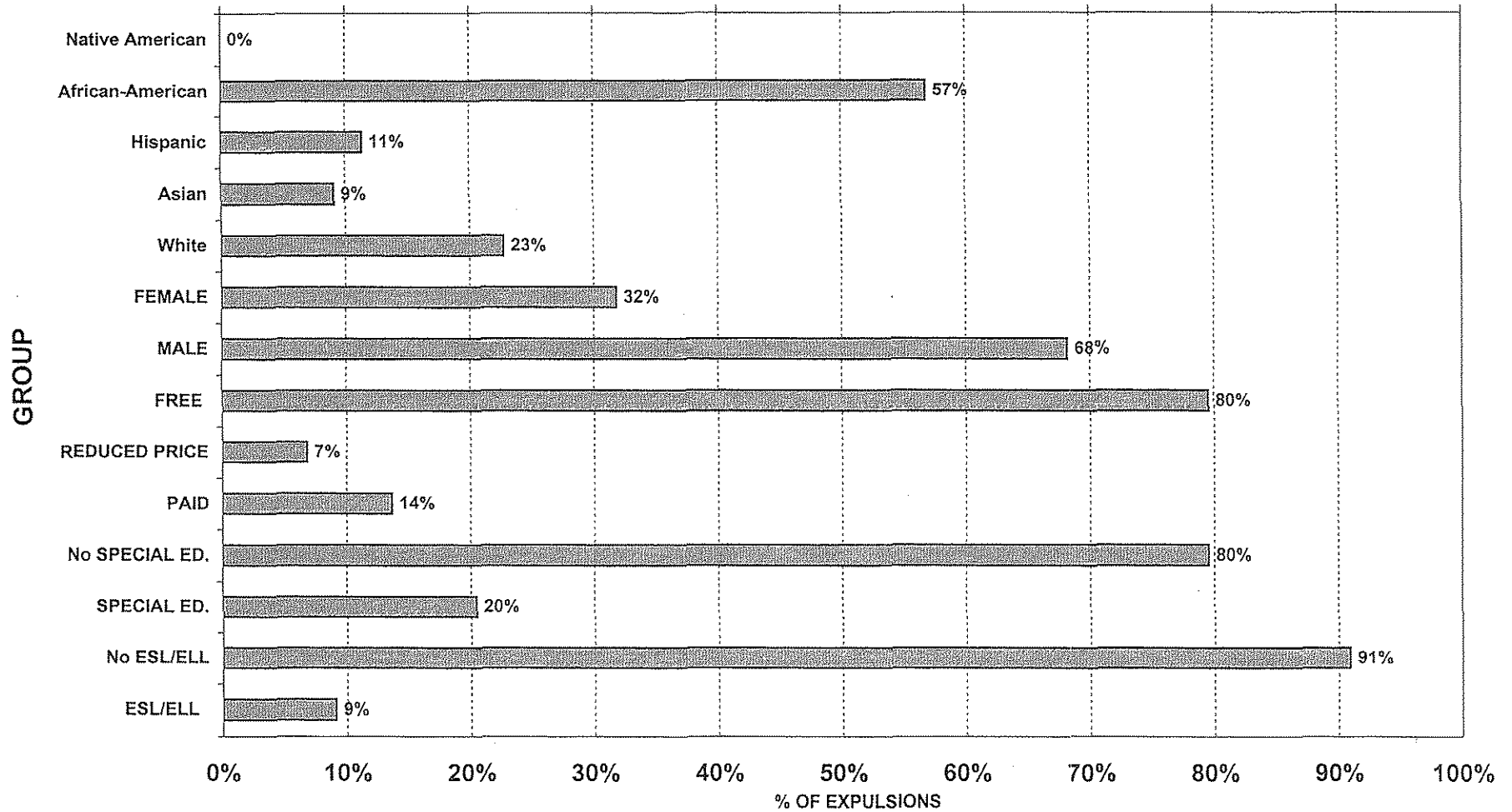
**FIGURE 1**  
**TOTAL NUMBER OF EXPULSION RECOMMENDATIONS BY GROUPS**  
**2008-2009 SCHOOL YEAR**



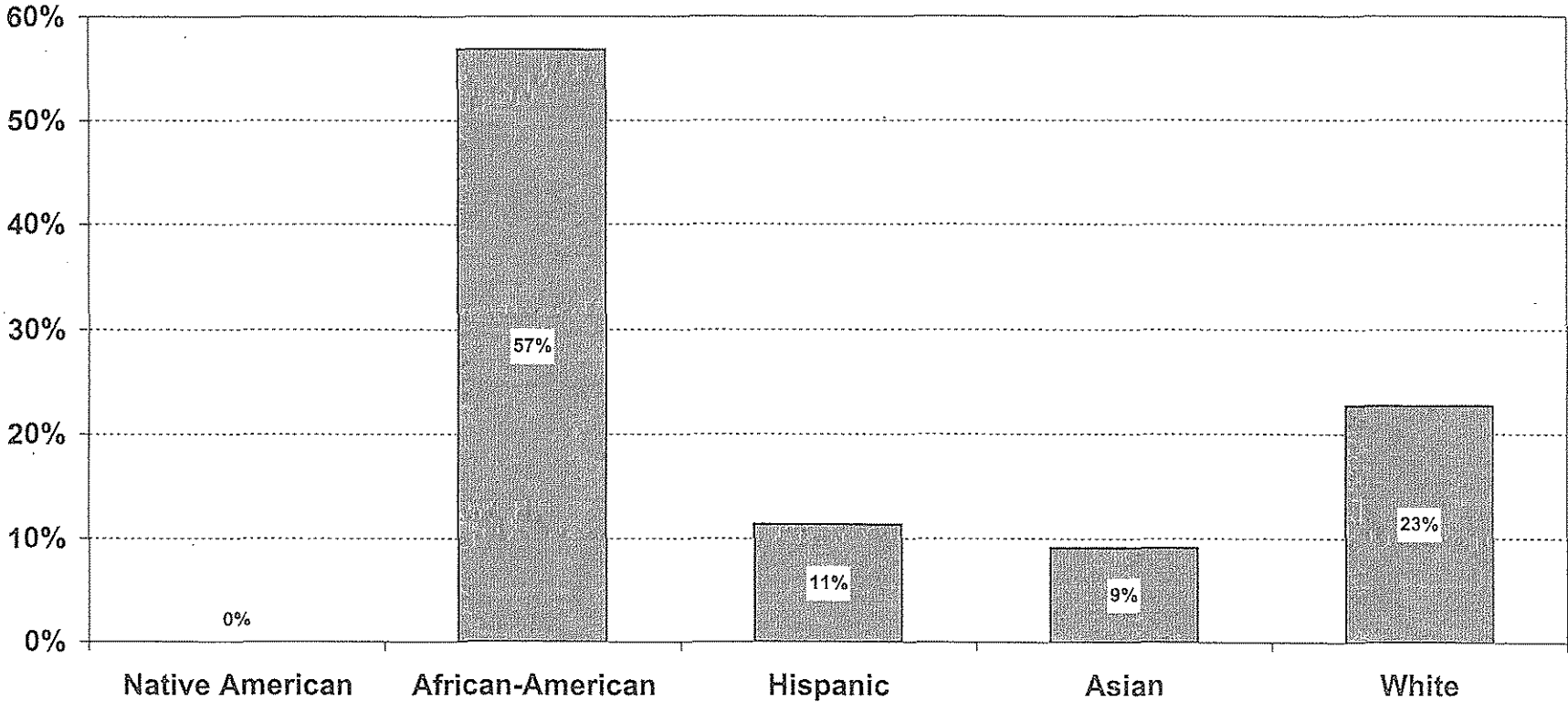
**FIGURE 2**  
**PERCENTAGE OF EXPULSION RECOMMENDATIONS BY GROUPS**  
**2008-2009 SCHOOL YEAR**



**FIGURE 3**  
**PERCENTAGE OF ACTUAL EXPULSIONS BY GROUPS**  
**2008-2009 SCHOOL YEAR**



**FIGURE 4**  
*Percentage of Actual Expulsions by Ethnicity*  
**2008-2009 SCHOOL YEAR**

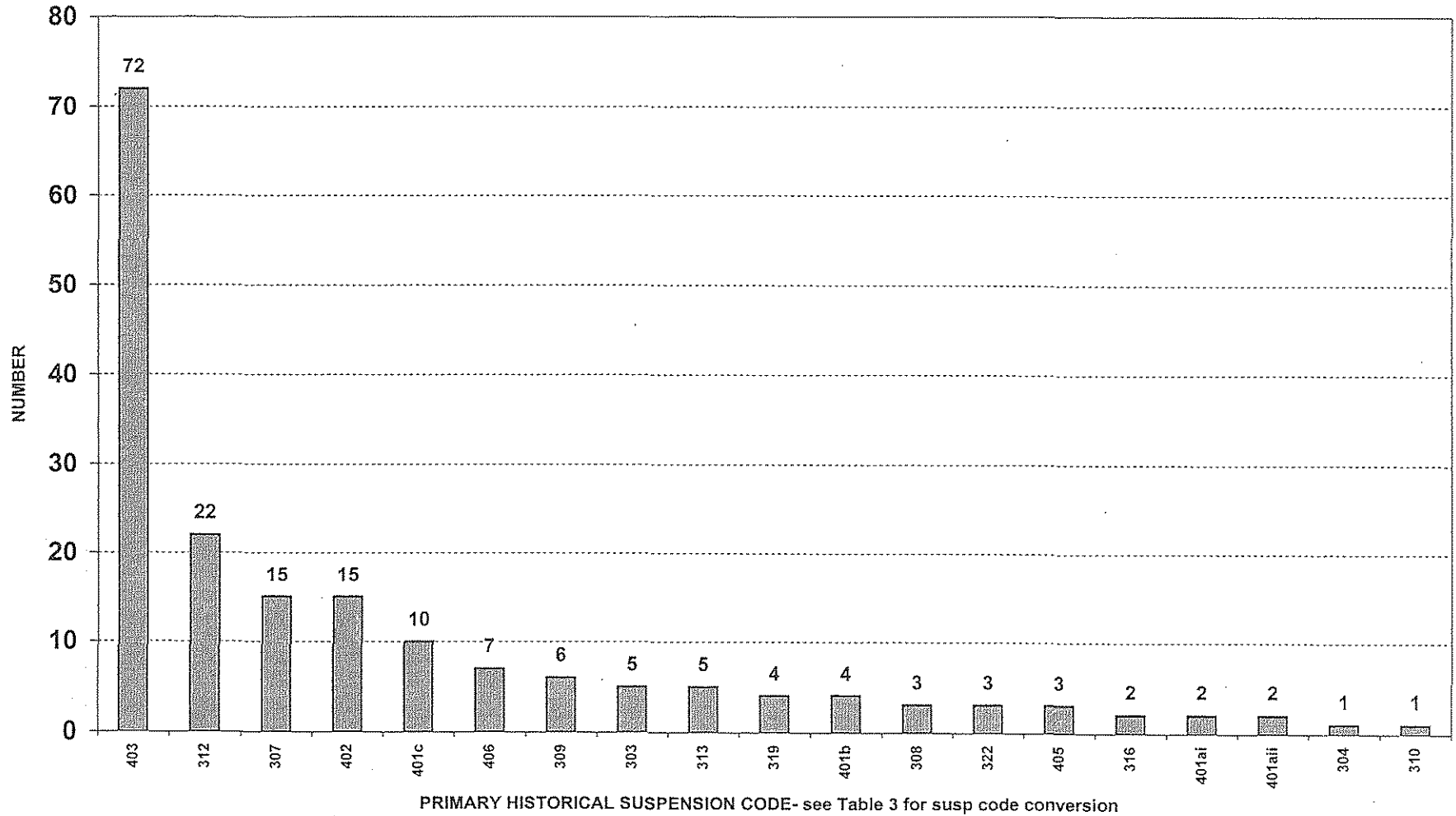


**TABLE 3  
PRIMARY OFFENSE THAT RESULTED IN RECOMMENDATION FOR EXPULSION**

2008-2009 SCHOOL YEAR

| CODE               | DESCRIPTION OF OFFENSE  | NOT EXPELLED |           |          | Total Not Expelled |              | EXPELLED  |              | TOTAL EXPULSION RECOMMENDATIONS |               |
|--------------------|---|--------------|-----------|----------|--------------------|--------------|-----------|--------------|---------------------------------|---------------|
|                    |   | Diverted     | Dismissed | Other    | N                  | %            | N         | %            | N                               | %             |
|                    |   | N            | N         | N        |                    |              |           |              |                                 |               |
| 403                | Intentional Use of Force Directly Against or Affecting a Staff Member   | 45           | 16        | 2        | 63                 | 45.7%        | 9         | 20.5%        | 72                              | 39.6%         |
| 312                | Repeated Refusal or Neglect to Obey School Rules  | 16           | 5         | -        | 21                 | 15.2%        | 1         | 2.3%         | 22                              | 12.1%         |
| 307                | Physical Attack Against a Student   | 8            | -         | -        | 8                  | 5.8%         | 7         | 15.9%        | 15                              | 8.2%          |
| 402                | Sharing or Transferring Possession of Alcohol, an Illegal Drug or Controlled Substance, or Possession with Evidence of Intent to Transfer the Same or Participate in a Drug Transaction   | 1            | 10        | -        | 11                 | 8.0%         | 4         | 9.1%         | 15                              | 8.2%          |
| 401c               | Possession of a Weapon, Coupled with Intent to Use, Threat to Use, Attempt to Use, or Actual Use to Cause Harm to Another   | 7            | -         | -        | 7                  | 5.1%         | 3         | 6.8%         | 10                              | 5.5%          |
| 406                | Participating in a Transaction Involving an Illegal Drug or Other Controlled Substance  | 1            | 1         | -        | 2                  | 1.4%         | 5         | 11.4%        | 7                               | 3.8%          |
| 309                | Fighting  | 2            | 1         | -        | 3                  | 2.2%         | 3         | 6.8%         | 6                               | 3.3%          |
| 303                | Non-Consensual Sexual Contact / Sexual Assault  | 5            | -         | -        | 5                  | 3.6%         | -         | 0.0%         | 5                               | 2.7%          |
| 313                | Major Property Damage (more than \$200)   | 1            | -         | -        | 1                  | 0.7%         | 4         | 9.1%         | 5                               | 2.7%          |
| 319                | Major Theft (more than \$200)   | 2            | 1         | -        | 3                  | 2.2%         | 1         | 2.3%         | 4                               | 2.2%          |
| 401b               | Possession of a BB Gun or Pellet Gun  | -            | 1         | -        | 1                  | 0.7%         | 3         | 6.8%         | 4                               | 2.2%          |
| 308                | Physical or Violent Act of Bullying, Intimidation, Coercion, or Extortion as Part of a Gang or a Group of Two or More   | -            | 3         | -        | 3                  | 2.2%         | -         | 0.0%         | 3                               | 1.6%          |
| 322                | Serious Misuse of the MMSD Computerized Communication System  | 1            | -         | -        | 1                  | 0.7%         | 2         | 4.5%         | 3                               | 1.6%          |
| 405                | Possession of a Bomb or Explosive Device, Making a Bomb or Explosive Device Threat, While in Actual Possession of the Same, or Attempting or Actually Detonating a Bomb or Explosive Device, or Making a Threat That Causes a Significant Safety Risk or Loss of Instructional Time Even if the Student is Not in Possession of Such Device | -            | 2         | -        | 2                  | 1.4%         | 1         | 2.3%         | 3                               | 1.6%          |
| 316                | Any Inappropriate or Illegal Act Which Directly or Indirectly Jeopardizes the Health, Safety, or Property of the District, Staff, Students, One's Self or Others Within the School's Jurisdiction   | 1            | 1         | -        | 2                  | 1.4%         | -         | 0.0%         | 2                               | 1.1%          |
| 401ai              | Possession of a Weapon, except a Firearm, Pellet Gun or BB Gun, Absent an Intent, Attempt, Threat or Actual Use to Harm Another Nor Transfer to Another Person  | 1            | -         | -        | 1                  | 0.7%         | 1         | 2.3%         | 2                               | 1.1%          |
| 401aii             | Second Offense of 401ai   | 2            | -         | -        | 2                  | 1.4%         | -         | 0.0%         | 2                               | 1.1%          |
| 304                | Arson - Setting Fire, or Attempting to Set Fire   | 1            | -         | -        | 1                  | 0.7%         | -         | 0.0%         | 1                               | 0.5%          |
| 310                | Serious Threats, Verbal or Written, to Students, Staff, or Others That Results in the Threatened Person Developing a Reasonable Apprehension of Bodily Harm   | 1            | -         | -        | 1                  | 0.7%         | -         | 0.0%         | 1                               | 0.5%          |
| <b>GRAND TOTAL</b> |   | <b>95</b>    | <b>41</b> | <b>2</b> | <b>138</b>         | <b>75.8%</b> | <b>44</b> | <b>24.2%</b> | <b>182</b>                      | <b>100.0%</b> |

**FIGURE 5**  
**PRIMARY OFFENSE RELATED TO INVOLVEMENT IN EXPULSION RECOMMENDATION**  
**2008-2009 SCHOOL YEAR**

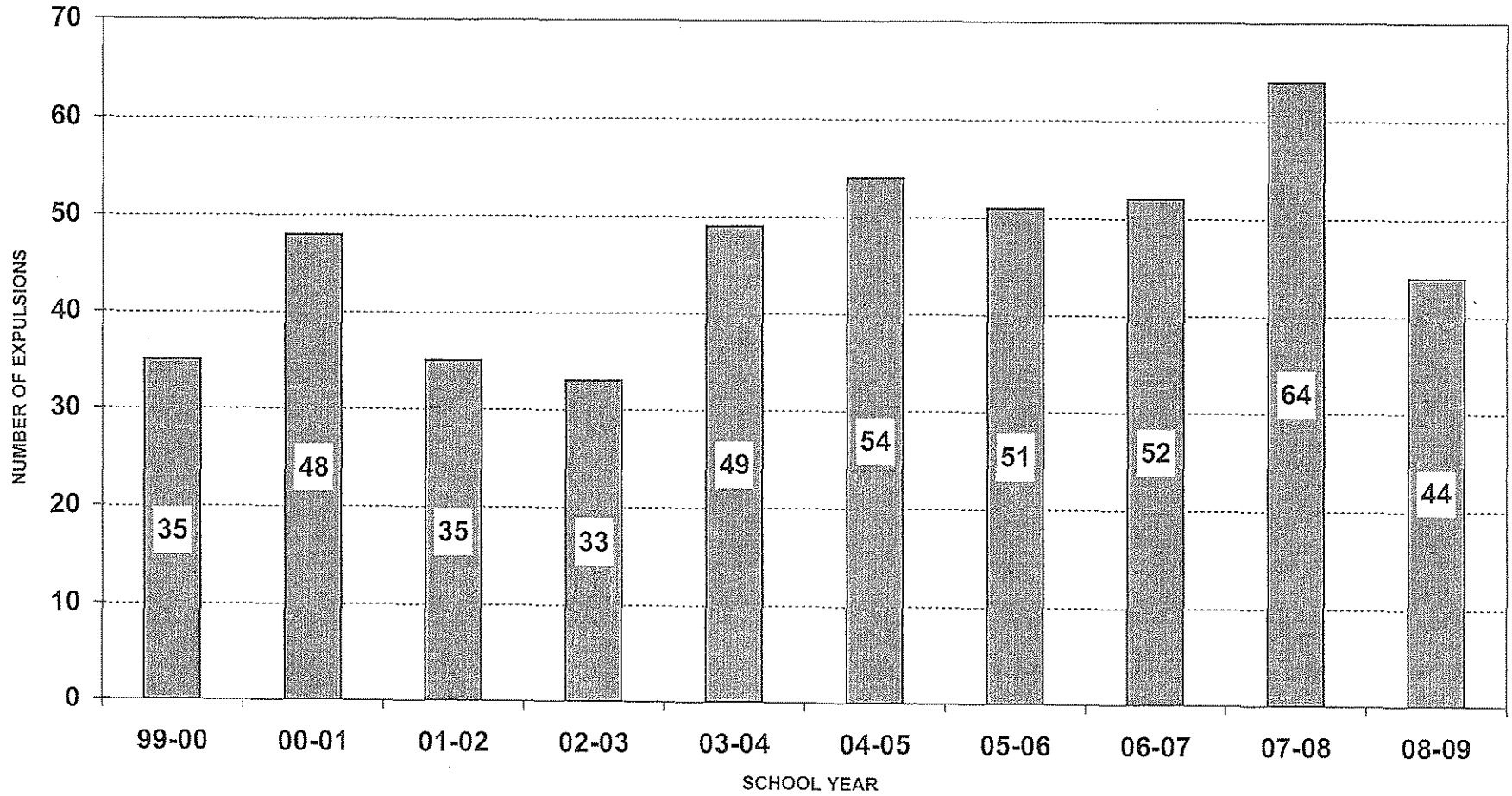




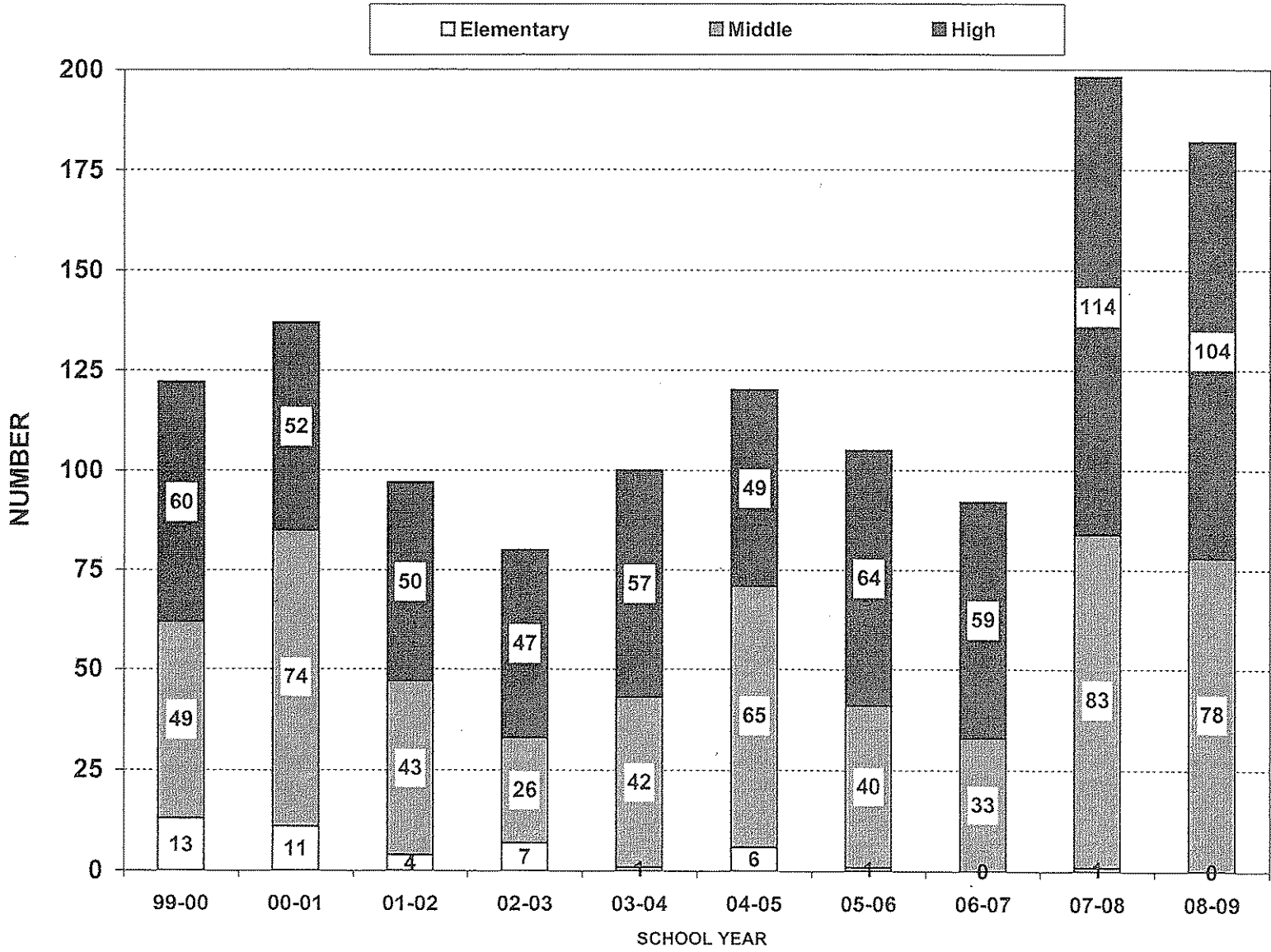




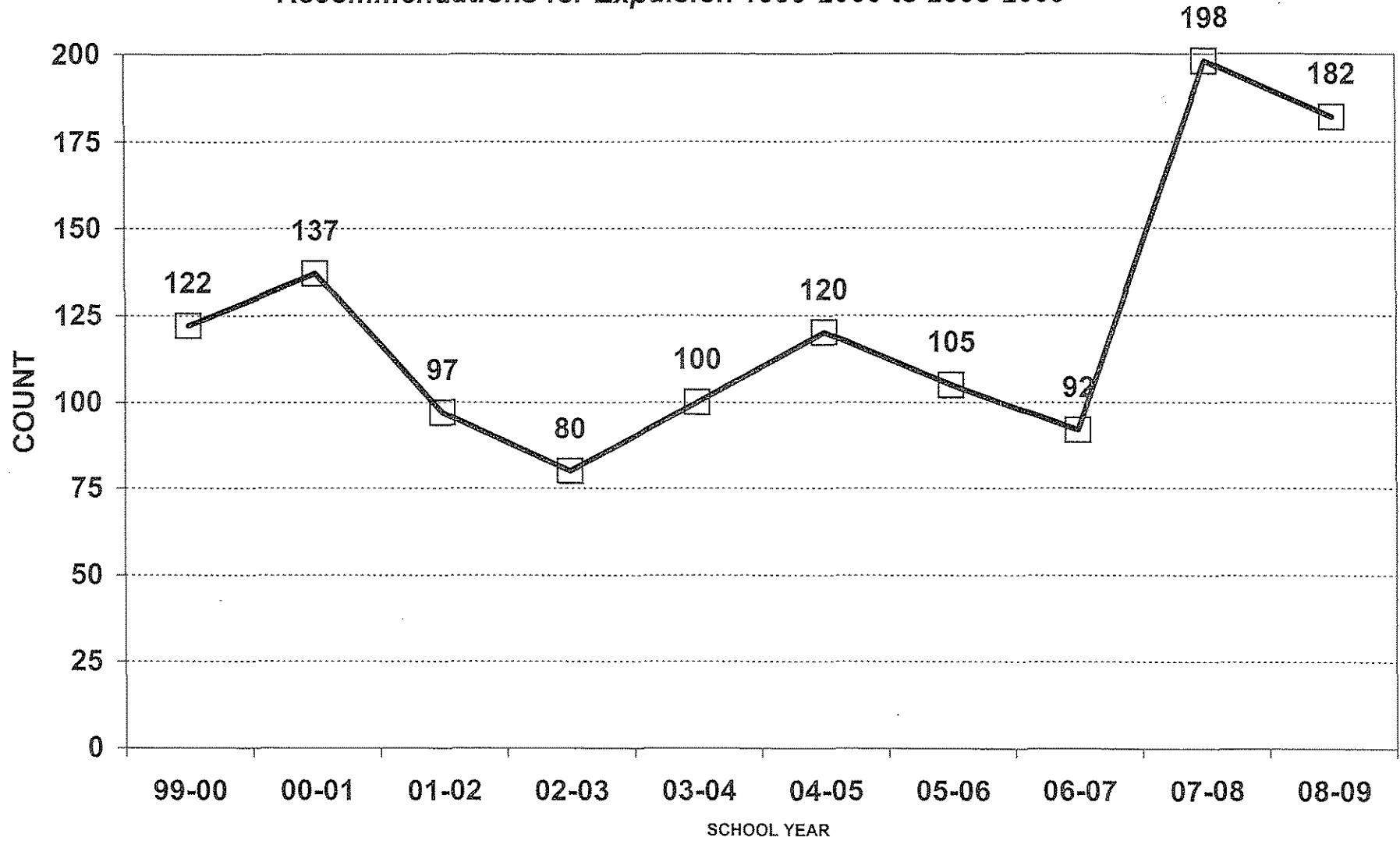
**FIGURE 6**  
**TOTAL NUMBER OF ACTUAL EXPULSIONS**  
**FROM 1999-2000 TO 2008-2009**



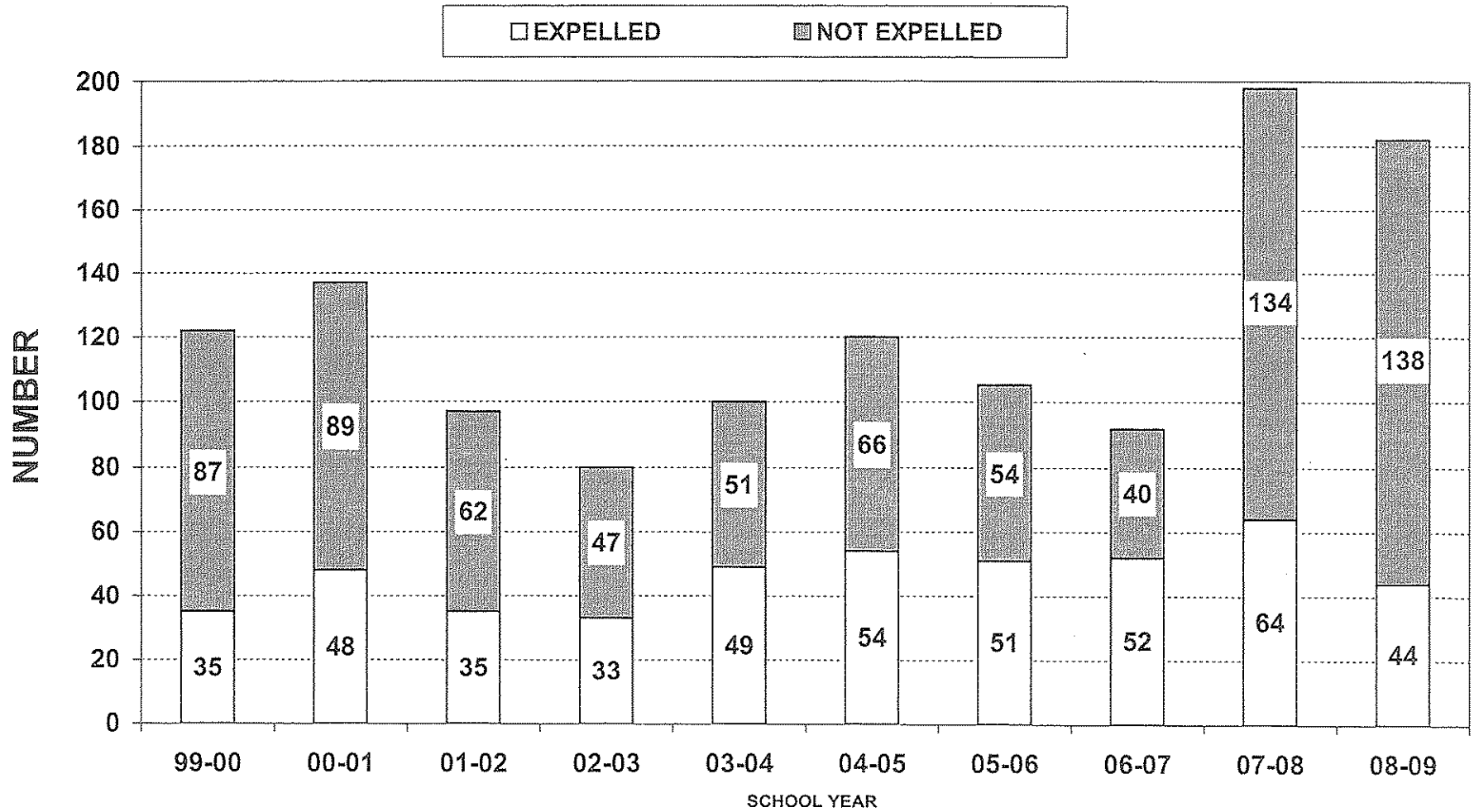
**FIGURE 7**  
**RECOMMENDATIONS FOR EXPULSION 1999-2000 TO 2008-2009**  
**BY LEVEL AND YEAR**



**FIGURE 8**  
**Recommendations for Expulsion 1999-2000 to 2008-2009**



**FIGURE 9**  
**COMPARISON BETWEEN EXPELLED/NOT EXPELLED**  
**1999-2000 TO 2008-2009**



**FIGURE 10**  
**COMPARISON BETWEEN EXPELLED/NOT EXPELLED**  
**1999-2000 TO 2008-2009**

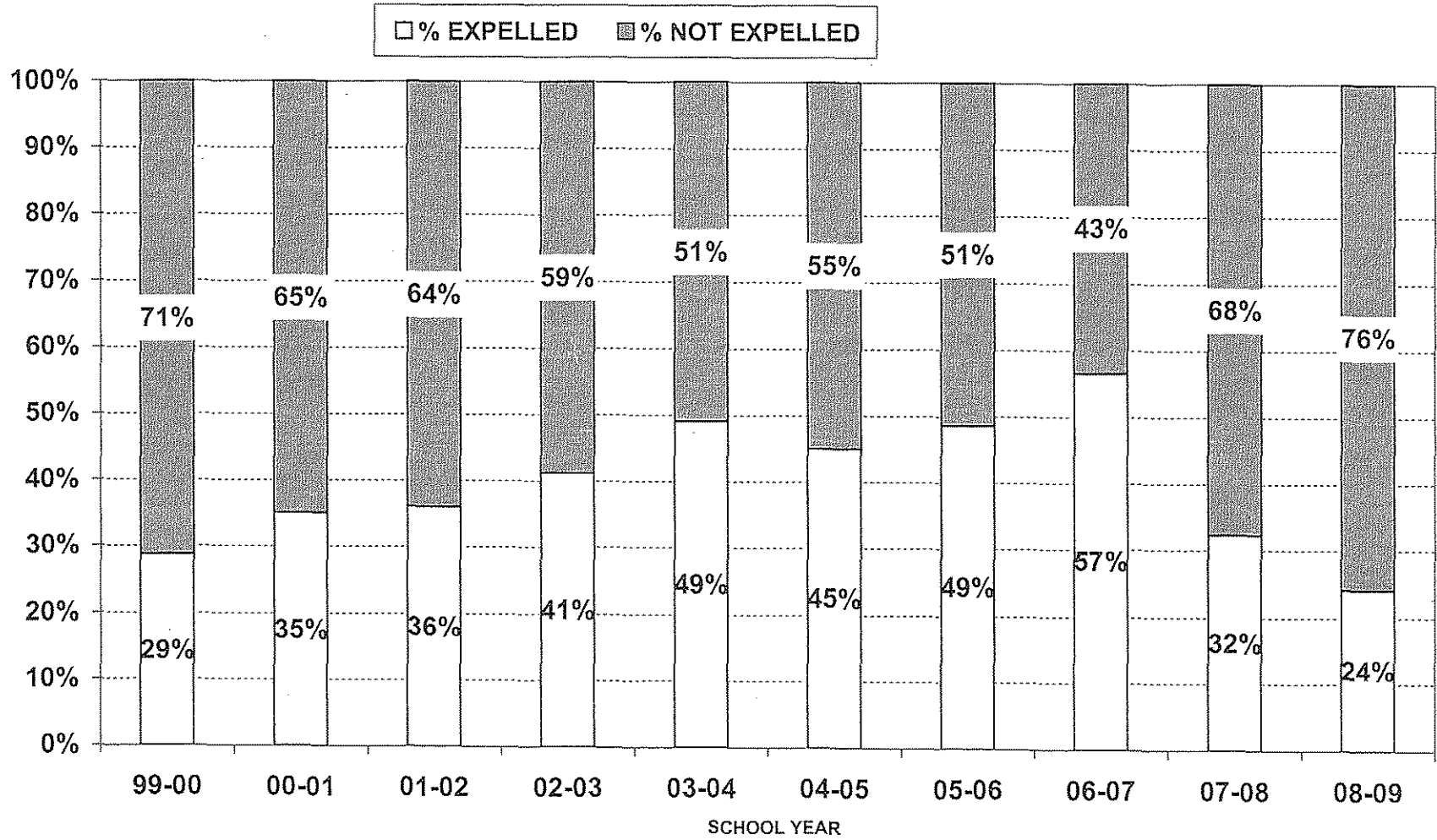


TABLE 5: PI 23 Safe School Compliance Table  
Expulsions Elementary Schools

| Elementary School Name | 2006-2007          |                  |              |                 |               | 2007-2008          |                  |              |                 |               | 2008-2009          |                  |              |                 |               |
|------------------------|--------------------|------------------|--------------|-----------------|---------------|--------------------|------------------|--------------|-----------------|---------------|--------------------|------------------|--------------|-----------------|---------------|
|                        | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance |
| Allis                  | 426                | 4.26             | 5            | 0               | Yes           | 407                | 4.07             | 5            | 0               | Yes           | 384                | 3.84             | 5            | 0               | Yes           |
| Chavez                 | 652                | 6.52             | 5            | 0               | Yes           | 672                | 6.72             | 5            | 0               | Yes           | 575                | 5.75             | 5            | 0               | Yes           |
| Crestwood              | 398                | 3.98             | 5            | 0               | Yes           | 406                | 4.06             | 5            | 0               | Yes           | 372                | 3.72             | 5            | 0               | Yes           |
| Elvehjem               | 394                | 3.94             | 5            | 0               | Yes           | 401                | 4.01             | 5            | 0               | Yes           | 408                | 4.08             | 5            | 0               | Yes           |
| Emerson                | 267                | 2.67             | 5            | 0               | Yes           | 327                | 3.27             | 5            | 0               | Yes           | 289                | 2.89             | 5            | 0               | Yes           |
| Falk                   | 332                | 3.32             | 5            | 0               | Yes           | 299                | 2.99             | 5            | 0               | Yes           | 339                | 3.39             | 5            | 0               | Yes           |
| Franklin               | 343                | 3.43             | 5            | 0               | Yes           | 370                | 3.70             | 5            | 0               | Yes           | 371                | 3.71             | 5            | 0               | Yes           |
| Glendale               | 366                | 3.66             | 5            | 0               | Yes           | 403                | 4.03             | 5            | 0               | Yes           | 415                | 4.15             | 5            | 0               | Yes           |
| Gompers                | 248                | 2.48             | 5            | 0               | Yes           | 253                | 2.53             | 5            | 0               | Yes           | 228                | 2.28             | 5            | 0               | Yes           |
| Hawthorne              | 318                | 3.18             | 5            | 0               | Yes           | 321                | 3.21             | 5            | 0               | Yes           | 336                | 3.36             | 5            | 0               | Yes           |
| Huegel                 | 485                | 4.85             | 5            | 0               | Yes           | 468                | 4.68             | 5            | 0               | Yes           | 422                | 4.22             | 5            | 0               | Yes           |
| Kennedy                | 518                | 5.18             | 5            | 0               | Yes           | 537                | 5.37             | 5            | 0               | Yes           | 541                | 5.41             | 5            | 0               | Yes           |
| Lake View              | 309                | 3.09             | 5            | 0               | Yes           | 260                | 2.60             | 5            | 0               | Yes           | 265                | 2.65             | 5            | 0               | Yes           |
| Lapham                 | 231                | 2.31             | 5            | 0               | Yes           | 219                | 2.19             | 5            | 0               | Yes           | 229                | 2.29             | 5            | 0               | Yes           |
| Leopold                | 697                | 6.97             | 5            | 0               | Yes           | 718                | 7.18             | 5            | 0               | Yes           | 684                | 6.84             | 5            | 0               | Yes           |
| Lincoln                | 367                | 3.67             | 5            | 0               | Yes           | 335                | 3.35             | 5            | 0               | Yes           | 365                | 3.65             | 5            | 0               | Yes           |
| Lindbergh              | 243                | 2.43             | 5            | 0               | Yes           | 230                | 2.30             | 5            | 0               | Yes           | 217                | 2.17             | 5            | 0               | Yes           |
| Lowell                 | 256                | 2.56             | 5            | 0               | Yes           | 260                | 2.60             | 5            | 0               | Yes           | 274                | 2.74             | 5            | 0               | Yes           |
| Marquette              | 232                | 2.32             | 5            | 0               | Yes           | 207                | 2.07             | 5            | 0               | Yes           | 221                | 2.21             | 5            | 0               | Yes           |
| Mendota                | 269                | 2.69             | 5            | 0               | Yes           | 285                | 2.85             | 5            | 0               | Yes           | 270                | 2.70             | 5            | 0               | Yes           |
| Midvale                | 365                | 3.65             | 5            | 0               | Yes           | 338                | 3.38             | 5            | 0               | Yes           | 355                | 3.55             | 5            | 0               | Yes           |
| Muir                   | 428                | 4.28             | 5            | 0               | Yes           | 438                | 4.38             | 5            | 0               | Yes           | 422                | 4.22             | 5            | 0               | Yes           |
| Nuestro Mundo          | 147                | 1.47             | 5            | 0               | Yes           | 181                | 1.81             | 5            | 0               | Yes           | 213                | 2.13             | 5            | 0               | Yes           |
| Olson                  |                    |                  |              |                 |               |                    |                  |              |                 |               | 273                | 2.73             | 5            | 0               | Yes           |
| Orchard Ridge          | 242                | 2.42             | 5            | 0               | Yes           | 271                | 2.71             | 5            | 0               | Yes           | 253                | 2.53             | 5            | 0               | Yes           |
| Randall                | 333                | 3.33             | 5            | 0               | Yes           | 338                | 3.38             | 5            | 0               | Yes           | 346                | 3.46             | 5            | 0               | Yes           |
| Sandburg               | 319                | 3.19             | 5            | 0               | Yes           | 309                | 3.09             | 5            | 0               | Yes           | 330                | 3.30             | 5            | 0               | Yes           |
| Schenk                 | 368                | 3.68             | 5            | 0               | Yes           | 375                | 3.75             | 5            | 0               | Yes           | 414                | 4.14             | 5            | 0               | Yes           |
| Shorewood              | 400                | 4.00             | 5            | 0               | Yes           | 398                | 3.98             | 5            | 0               | Yes           | 412                | 4.12             | 5            | 0               | Yes           |
| Stephens               | 511                | 5.11             | 5            | 0               | Yes           | 526                | 5.26             | 5            | 0               | Yes           | 420                | 4.20             | 5            | 0               | Yes           |
| Thoreau                | 419                | 4.19             | 5            | 0               | Yes           | 384                | 3.84             | 5            | 0               | Yes           | 379                | 3.79             | 5            | 0               | Yes           |
| Van Hise               | 295                | 2.95             | 5            | 0               | Yes           | 330                | 3.30             | 5            | 0               | Yes           | 341                | 3.41             | 5            | 0               | Yes           |

\* The actual standard for PI 23 is whichever is greater relative to 1 or 2 below. The School Board of the school (1) expelled at least 1% of the pupils enrolled in the school for assault, endangering behavior or weapons offenses or (2) expelled 5 or more students enrolled in the school for assault, endangering behavior or weapons related offenses. DPI has not defined assault, endangering behavior or weapons related offenses. As a result, to reflect the worst case scenario, the District's data include all of the expulsions and not just expulsions for assaults, endangering behavior or weapons related offenses. By using all of the expulsions, a school may actually not meet the persistently dangerous standard because all the offenses for which students were expelled would not be for assaults, endangering behavior or weapons. In other words, although a school may appear to meet the definition for being persistently dangerous, it does not mean that such is the case because the District uses a broader definition than the law requires.

TABLE 5: PI 23 Safe School Compliance Table  
Expulsions Middle Schools

| Middle School Name | 2006-2007          |                  |              |                 |               | 2007-2008          |                  |              |                 |               | 2008-2009          |                  |              |                 |               |
|--------------------|--------------------|------------------|--------------|-----------------|---------------|--------------------|------------------|--------------|-----------------|---------------|--------------------|------------------|--------------|-----------------|---------------|
|                    | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance |
| AERO Middle        | 9                  | 0.09             | 5            | 0               | Yes           | 5                  | 0.05             | 5            | 0               | Yes           | 12                 | 0.12             | 5            | 0               | Yes           |
| Black Hawk         | 381                | 3.81             | 5            | 1               | Yes           | 359                | 3.59             | 5            | 1               | Yes           | 386                | 3.86             | 5            | 1               | Yes           |
| Cherokee           | 538                | 5.38             | 5            | 2               | Yes           | 544                | 5.44             | 5            | 2               | Yes           | 576                | 5.76             | 5            | 1               | Yes           |
| Hamilton           | 745                | 7.45             | 5            | 0               | Yes           | 736                | 7.36             | 5            | 0               | Yes           | 757                | 7.57             | 5            | 1               | Yes           |
| Jefferson          | 450                | 4.50             | 5            | 1               | Yes           | 415                | 4.15             | 5            | 0               | Yes           | 478                | 4.78             | 5            | 1               | Yes           |
| O'Keeffe           | 392                | 3.92             | 5            | 1               | Yes           | 424                | 4.24             | 5            | 0               | Yes           | 429                | 4.29             | 5            | 0               | Yes           |
| Sennett            | 607                | 6.07             | 5            | 0               | Yes           | 628                | 6.28             | 5            | 2               | Yes           | 641                | 6.41             | 5            | 3               | Yes           |
| Sherman            | 477                | 4.77             | 5            | 1               | Yes           | 436                | 4.36             | 5            | 5               | No            | 377                | 3.77             | 5            | 2               | Yes           |
| Spring Harbor      | 261                | 2.61             | 5            | 0               | Yes           | 265                | 2.65             | 5            | 0               | Yes           | 268                | 2.68             | 5            | 0               | Yes           |
| Toki               | 632                | 6.32             | 5            | 3               | Yes           | 595                | 5.95             | 5            | 3               | Yes           | 538                | 5.38             | 5            | 2               | Yes           |
| Whitehorse         | 413                | 4.13             | 5            | 2               | Yes           | 438                | 4.38             | 5            | 1               | Yes           | 475                | 4.75             | 5            | 1               | Yes           |
| Wright             | 238                | 2.38             | 5            | 1               | Yes           | 256                | 2.56             | 5            | 0               | Yes           | 241                | 2.41             | 5            | 0               | Yes           |

\* The actual standard for PI 23 is whichever is greater relative to 1 or 2 below. The School Board of the school (1) expelled at least 1% of the pupils enrolled in the school for assault, endangering behavior or weapons offenses or (2) expelled 5 or more students enrolled in the school for assault, endangering behavior or weapons related offenses. DPI has not defined assault, endangering behavior or weapons related offenses. As a result, to reflect the worst case scenario, the District's data include all of the expulsions and not just expulsions for assaults, endangering behavior or weapons related offenses. By using all of the expulsions, a school may actually not meet the persistently dangerous standard because all the offenses for which students were expelled would not be for assaults, endangering behavior or weapons. In other words, although a school may appear to meet the definition for being persistently dangerous, it does not mean that such is the case because the District uses a broader definition than the law requires.



TABLE 5: PI 23 Safe School Compliance Table  
Expulsions High Schools

| High School Name | 2006-2007          |                  |              |                 |               | 2007-2008          |                  |              |                 |               | 2008-2009          |                  |              |                 |               |
|------------------|--------------------|------------------|--------------|-----------------|---------------|--------------------|------------------|--------------|-----------------|---------------|--------------------|------------------|--------------|-----------------|---------------|
|                  | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance | 3rd Fri Enrollment | 1% of Enrollment | "5" Standard | Number Expelled | In Compliance |
| AERO High        | 9                  | 0.09             | 5            | 1               | Yes           | 13                 | 0.13             | 5            | 2               | Yes           | 5                  | 0.05             | 5            | 0               | Yes           |
| East             | 1805               | 18.05            | 5            | 18              | Yes           | 1706               | 17.06            | 5            | 17              | Yes           | 1700               | 17.00            | 5            | 11              | Yes           |
| East - DCP       | 45                 | 0.45             | 5            | 0               | Yes           | 43                 | 0.43             | 5            | 0               | Yes           | 34                 | 0.34             | 5            | 0               | Yes           |
| LaFollette       | 1698               | 16.98            | 5            | 5               | Yes           | 1710               | 17.10            | 5            | 15              | Yes           | 1646               | 16.46            | 5            | 13              | Yes           |
| Memorial         | 2087               | 20.87            | 5            | 9               | Yes           | 2056               | 20.56            | 5            | 7               | Yes           | 1924               | 19.24            | 5            | 7               | Yes           |
| Sapar            | 33                 | 0.33             | 5            | 1               | Yes           | 29                 | 0.29             | 5            | 0               | Yes           | 31                 | 0.31             | 5            | 0               | Yes           |
| Shabazz          | 111                | 1.11             | 5            | 0               | Yes           | 123                | 1.23             | 5            | 0               | Yes           | 116                | 1.16             | 5            | 0               | Yes           |
| West             | 2019               | 20.19            | 5            | 4               | Yes           | 2036               | 20.36            | 5            | 7               | Yes           | 2005               | 20.05            | 5            | 1               | Yes           |
| West - DCP       | 50                 | 0.50             | 5            | 0               | Yes           | 30                 | 0.30             | 5            | 0               | Yes           | 36                 | 0.36             | 5            | 0               | Yes           |
| Wk. & Lrn. HS    | 118                | 1.18             | 5            | 2               | Yes           | 116                | 1.16             | 5            | 2               | Yes           | 120                | 1.20             | 5            | 0               | Yes           |

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