

**Maine Juvenile Justice Advisory Group  
School Suspension/Expulsion Project Final Report  
January 2003**

**Introduction**

This purpose of this report is to answer six research questions using Maine data sources and school discipline policies. The research questions are as follows:

1. Who is suspended/expelled?
2. Why are they suspended/expelled?
3. What happens after the initial disposition?
4. What are the needs of suspended/expelled youth?
5. What is the universe of Maine Local Education Agency (LEA) suspension/expulsion policies?
6. What models exist to provide schools with intensive supervision resources to support high-risk youth?

The report is organized so that each section addresses an individual research question.

**Suspension and Expulsion Defined**

Suspension and expulsion occupy the most severe end of the school disciplinary continuum. Examples of less severe disciplinary interventions include student-teacher conferences, detention, and peer mediation. Suspension and expulsion are defined in 05-071 Department of Education 2, Chapter 101: **Suspension (2.30)**: Disciplinary action taken by an authorized School Administrator or School Board which results in the temporary discontinuation of education services and the removal of the student from educational opportunities.

Suspensions may be further divided into the following categories:

**In-school suspension:** Time out of an extended period, usually a half day or full day, in a private study area with assigned school work completed under academic supervision.

**Short-term suspension:** Temporary removal from school of less than 10 school days. Short-term suspension can include multiple instances of brief out of school suspensions or a single suspension that is less than 10 days long.

**Long-term suspension:** Temporary removal from school that lasts 10 or more days. Two types of suspensions are counted in this category: 1) a single suspension of 10 or more days, and 2) multiple short-term suspensions of the same student totaling 10 or more days.

**Expulsion (2.9):** Termination of all education services by a School Board for a student who has been deliberately disobedient, deliberately disorderly, or for infractions of violence or possession, furnishing of or trafficking of any scheduled drug as defined in 17-A MRSA Chapter 45. Nothing in this subsection 1995, c. 322, §5 (new), prevents a School Board from providing educational services in an alternative setting to a student who has been expelled.

Out-of-school suspension and expulsion represent acts of exclusion. While schools may choose to continue educational services, e.g. through tutoring, these dispositions result in youth being excluded from school. Alternative education, on the other hand, represents an act of inclusion. When offered as a disciplinary disposition, alternative education represents an effort on the part of the school to resolve disciplinary issues without discontinuing educational services.<sup>1</sup>

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<sup>1</sup> Throughout this report the term “exclusion” refers to disciplinary outcomes that result in youth being unable to attend school. The term “removal” is also used to refer to suspension and expulsion. The term “inclusion” refers to disciplinary dispositions, e.g. alternative education allows the student to remain in school.

## **Alternative Education Defined**

Alternative education represents another avenue for working with youth with disciplinary problems while enabling the youth to remain in school. Alternative education programs cover a very broad range, including both in-school and out-of-school programs, and may be as simple as a shorter school day or combining high school and vocational school components. Alternative education programs also include separate school facilities that may or may not be part of an individual LEA.

It is important to remember that suspension, expulsion, and referral to an alternative education setting do not represent mutually exclusive dispositions; it is possible for individual students to experience any or all of these dispositions because of their behavior.

## **Data Sources**

Three sources of information were used to report on Maine youth whose school disciplinary dispositions include, at a minimum, a long-term suspension. Data sources were also used to report referrals to alternative educational settings and expulsion.

First, the Maine Department of Education (DOE) annually collects and reports data on youth who are expelled from school. DOE data are based on a 100 percent reporting rate for Maine schools that receive funding from DOE. These schools include public schools and a number of private schools whose enrollment includes 60 percent or more publicly funded students. DOE reports expulsion data from 98 Maine high schools that include only grades 9-12.

The second source of information was data collected by the Maine Safe and Drug Free Schools and Communities Act data collection system (MSDFSCA), Maine Department of Behavioral and Developmental Services, Office of Substance Abuse (2002). MSDFSCA data are collected as part of a mandatory reporting process for all Maine schools that receive MSDFSCA funds for alcohol, tobacco, and other drug (ATOD) and violence prevention programs, Maine Department of Mental Health, Mental Retardation and Substance Abuse Services, Research Triangle Institute (2001). The MSDFSCA dataset used for this study included information from 126 high schools that reported disciplinary actions in the 2000-2001 school year that met the definition of long-term suspension, expulsion, or referral to an alternative education placement.

MSDFSCA data include breakdowns by gender and regular and Special Education status. MSDFSCA data also report on the reason for the long-term suspension, referral to alternative education and expulsion, using the federal Safe and Drug Free Schools and Communities Act (SDFSCA) categories of prohibited acts. SDFSCA prohibited acts include five major categories with each category containing a number of specific offenses. The major categories with the number of specific offenses in parentheses are:

- 1) Alcohol, Tobacco and Other Drug (13)
- 2) Personal Offense (10)
- 3) Weapon related (5)
- 4) Other: Criminal Acts (7)
- 5) Other: Policy violations (8)

A full list of the SDFSCA prohibited offenses is contained in Appendix A.

The third source of information was data derived from a survey conducted by the Muskie School of Public Service's Institute for Public Sector Innovation (MSPS) for this study. The MSPS survey sought detailed information on youth whose disciplinary histories included long-term suspension and/or expulsion. The MSPS survey also collected information on the use of several disciplinary alternatives including in-school suspension, out-of-school suspension, referral to alternative

educational settings/placements, and expulsions. In addition, the MSPS survey sought to collect more detailed demographic information on these youth including gender, race and ethnicity, school attendance, academic performance, regular/Special Education status, referral to law enforcement and/or other services, reasons for expulsion (based on SDFSCA criteria), and data on post-expulsion services. Forty-six of the 140 (33%) high schools surveyed responded, submitting data on 293 students. Additionally, MSPS requested that responding schools enclose a copy of the school's disciplinary policy; policies were received from 22 schools, or 48 percent of the schools that responded to the survey.

### **Data Limitations**

Each of the three data sources is limited by several factors. First, DOE data are comprehensive in terms of reported expulsions, but do not report on other disciplinary dispositions that result in exclusion from school or a change in a student's educational setting.

The MSDFSCA dataset allows the ability to report comprehensive data on three disciplinary outcomes; however, the reports are incident based, rather than based on individual student disciplinary histories. Incident based reporting means that it is not possible to develop an accurate count of the number of students involved in the 940 incidents reported in the dataset. For example, an individual student may have experienced all three of the disciplinary actions reported in the dataset, a continuum of disciplinary actions that included a long-term suspension, referral to an alternative education placement, and an expulsion. Correspondence with MSDFSCA personnel<sup>2</sup> confirmed that this sequence of events may be unlikely, but is certainly possible. The MSDFSCA dataset analysis in this report is based on a count of 940 incidents. While individual youth may have experienced more than one incident, each incident represents a unique experience.

The MSPS dataset includes individual disciplinary histories; however, the MSPS dataset is limited by a low response rate of 46 schools compared to the 126 schools in the MSDFSCA dataset, as well as a lack of complete reporting for every youth.

The three data sources all contain information about the exclusion of Maine youth from school. DOE data include only exclusions, while the MSDFSCA and MSPS datasets include both exclusions (long-term suspension and expulsion) and referrals to alternative educational settings. MSDFSCA data reports disciplinary dispositions for youth whose histories include, at a minimum, long-term suspension or referral to an alternative education setting. The MSPS dataset contains profiles of students whose disciplinary histories include, at a minimum, long-term suspension or expulsion.

### **Who is suspended/expelled?**

#### **Demographics**

During the 2000-2001 school year, DOE data revealed that 140 youth in grades 9-12 were expelled from school, including 110 (78.6%) males and 30 (21.4%) females. DOE data indicate that 19 (13.6%) of these youth were receiving Special Education services at the time of their expulsion.

Rates per 1,000 vary considerably by grade, gender and education status. Overall, high school students were expelled at a rate of 2.3 per 1,000 youth. The data in Table 1 shows that males are expelled more often than females by a factor of 3.5. Expulsion rates decline from 2.9 per 1,000 for grade 9 to 1.3 per 1,000 for grade 12. The expulsion rate for Special Education students merits special mention. Special Education students in Maine secondary schools were expelled at a rate 13.1 times higher than regular

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<sup>2</sup> Personal communication with Linda Phillips, MSDFSCA Data Project 12.13.2002.

education students, 26.1 per 1,000 compared to 2.0 per 1,000. Table 1 contains DOE data for students expelled from high schools.

**Table 1: High School Expulsions as reported on the EF-M-35 Year End Report for School Systems/Selected Private Schools as of June 30, 2001 (DOE)**

Grade	Enrollment			Expulsions			Rates per 1,000		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
9	8,931	8,203	17,134	33	17	50	3.7	2.1	2.9
10	8,265	7,577	15,842	28	7	35	3.4	0.9	2.2
11	7,371	7,094	14,465	18	1	19	2.4	0.1	1.3
12	6,724	6,617	13,341	15	2	17	2.2	0.3	1.3
Secondary Special Ed	478	250	728	16	3	19	33.5	12.0	26.1
<b>TOTAL SECONDARY NO SP ED</b>	31,291	29,491	60,782	94	27	121	3.0	0.9	2.0
<b>TOTAL SECONDARY</b>	<b>31,769</b>	<b>29,741</b>	<b>61,510</b>	<b>110</b>	<b>30</b>	<b>140</b>	<b>3.5</b>	<b>1.0</b>	<b>2.3</b>

Table 2 presents an overview of the gender of students who were suspended and/or expelled or referred to an alternative educational setting during the 2000-2001 school year. MSDFSCA reports on 940 students, including 704 (74.9%) males, 233 (24.8%) females, and 3 (0.3%) students whose gender is unknown. The MSPS collected data on 293 students, 207 (70.6%) of which were male, and 58 (19.8%) of which were female. The gender of 28 (9.6%) students in the dataset is unknown. DOE data contain 110 (78.6%) males and 30 (21.4%) females. Across all three datasets, the ratio of males to females is approximately 3:1.

**Table 2: All Dispositions by Gender (MSDFSCA, MSPS, DOE)**

	Male	Female	Unknown	Male%	Female %	Unknown%	Totals
<b>MSDFSCA</b>	704	233	3	74.9%	24.8%	0.3%	940
<b>MSPS</b>	207	58	28	70.6%	19.8%	9.6%	293
<b>DOE (expelled only)</b>	110	30	0	78.6%	21.4%	0.0%	140

DOE data show that approximately 17 percent of all enrolled Maine students received Special Education services in 2000-2001. Nearly 24 percent of students in the MSPS dataset received Special Education services, a proportion 1.4 times higher than the overall school population. Thirty-one percent of MSDFSCA students received Special Education services, a proportion 1.8 times higher than the regular school population.

Table 3 displays educational status by gender. While males made up approximately 70 percent of the regular education populations in both the MSPS (68.2%) and MSDFSCA (72.4%) datasets, males represent an even higher proportion of Special Education students (MSPS, 78.7% and MSDFSCA, 85.6%). This same trend is evident in the DOE data.

**Table 3: Educational Status by Gender (MSDFSCA, MSPS, DOE)**

MSDFSCA	Male	Female	Unknown	Male%	Female %	Unknown%
Regular Ed	550	209	1	72.4%	27.5%	0.1%
Special Ed	154	24	2	85.6%	13.3%	1.1%
MSPS	Male	Female	Unknown	Male%	Female %	Unknown%
Regular Ed	148	48	21	68.2%	22.1%	9.7%
Special Ed	59	10	6	78.7%	13.3%	8.0%
DOE (expelled only)	Male	Female	Unknown	Male%	Female %	Unknown%
Regular Ed	94	27	0	77.7%	22.3%	0.0%
Special Ed	16	3	0	84.2%	15.8%	0.0%

The variation among the datasets in the proportion of youth receiving Special Education services is likely to be an artifact of how the data are collected. For example, DOE data report 140 expulsions in 2000-2001; in contrast, MSDFSCA report 168 expulsions in 2000-2001. MSDFSCA personnel attribute the difference to local reporting practices.<sup>3</sup>

DOE expulsion data reports Special Education status for expelled students only if the student receives 60 percent or more of their education in a self-contained classroom; otherwise, students are reported in their regular grade. In contrast, MSDFSCA and MSPS consider students with an IEP in place as receiving Special Education services.

### Disciplinary Continuum

Table 4 furnishes a breakdown of the gender of students who were the subject of long-term suspensions during the 2000-2001 school year.

**Table 4: Long-Term Suspension by Gender (MSDFSCA, MSPS)**

	Male	Female	Unknown	Male%	Female%	Unknown%
<b>MSDFSCA</b>	245	84	1	74.2%	25.5%	0.3%
<b>MSPS</b>	199	53	20	73.2%	19.5%	7.4%

There are two ways for students to accrue enough out-of-school suspension days to meet the definition of a long-term suspension:

- 1) A series of short suspensions that total 10 or more days
- 2) A single suspension of 10 or more days

The MSDFSCA dataset categorizes students by these two categories. One hundred twenty-eight (38.8%) students had a single suspension incident that totaled 10 or more days. Two hundred two (61.4%) youth had cumulative suspensions that totaled 10 or more days.

One possible explanation for the preponderance of short suspensions is the difference in due process requirements for each type of suspension.<sup>4</sup> This issue is further complicated for Special Education students.<sup>5</sup> Due process requirements impose a greater administrative burden for suspending a student for 10 or more days than the requirements for a suspension of less than 10 days. The Maine School Management Association (MSMA) sample policies also address this issue. MSMS sample policy on the suspension of students states that Principals have the authority to suspend students for up to 10 days. Longer suspensions are reserved to the School Board, MSMS (1998).

The severity of the precipitating incident dictates the length of a suspension. For example, one sample school policy (Maine High School, 2002) lists six offenses as warranting a 10-day suspension as a first offense consequence, though this may differ by school. The offenses include sale or furnishing of drugs and/or alcohol, possession of deadly weapons, possession or use and distribution of fireworks,

<sup>3</sup> Personal communication with Linda Phillips, Roger Richards, MSDFSCA Data Project 12.20.2002.

<sup>4</sup> The U.S. Supreme Court finding in *Goss v. Lopez*, 419 U.S. 565 (1975) details the levels of due process schools must furnish when suspending students.

Students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires, in connection with a suspension of 10 days or less, that the student be given oral or written notice of the charges against him and, if he denies the charges, an explanation of the evidence the authorities have and an opportunity to present his side of the story. Longer suspensions or expulsions ... may require more formal procedures.

<sup>5</sup> In *Honig v. Doe* 484 U. S. 305 (1988), the U.S. Supreme Court established the precedent that:

...a suspension of a Special Education student in excess of 10 school days constitutes a change in placement, while a suspension of less than 10 days does not constitute a change in placement.

possession or use of incendiary devices (bombs), bomb threats and false statements and/or information related to school safety.

Table 5 displays the two types of long-term suspension data using both gender and education status. Nearly two thirds (202, 61.2%) of the long-term suspensions reported to MSDFSCA were suspensions that summed to 10 or more days.

**Table 5: Type of Long-Term Suspension by Gender (MSDFSCA)**

Sum of Suspensions =10 days	Male	Female	Male%	Female%	Totals
Regular Ed	96	35	73.3%	26.7%	131
Special Ed	61	10	85.9%	14.1%	71
<b>Total</b>	<b>157</b>	<b>45</b>	<b>77.7%</b>	<b>22.3%</b>	<b>202</b>
1 Suspension =10 days					
Regular Ed (+ 1 unknown gender)	70	37	65.4%	34.6%	108
Special Ed	18	2	90.0%	10.0%	20
<b>Total</b>	<b>88</b>	<b>39</b>	<b>69.3%</b>	<b>30.7%</b>	<b>128</b>

Table 6 shows youth served in alternative educational placements/settings by gender. The MSPS survey asked respondents to indicate, “[If the student has a disciplinary history,] did the school attempt to provide the student with alternative (*not Special Education*) educational placements?” MSPS respondents indicated that 78 (26.6%) youth were provided with alternative educational placements. MSDFSCA data indicate that 442 (47.0%) youth were referred to alternative educational settings.

**Table 6: Alternative Educational Placement by Gender (MSDFSCA, MSPS)**

	Male	Female	Unknown	Male%	Female%	Unknown%	Totals
<b>MSDFSCA</b>	327	115	2	73.6%	25.9%	0.5%	444
<b>MSPS</b>	56	13	9	71.8%	16.7%	11.5%	78

The MSPS survey asked respondents to indicate the number of alternative placements, as well as descriptions of the placements. The majority of youth, 63 (86.3%) of 73 youth, were referred to one alternative placement. Respondents described the placements for 68 (87.1%) of the 73 youth. Table 7 lists the four most frequently cited descriptions. Other descriptions furnished included drug counseling (1) and home schooling and transfer to another school (1). Multiple placements are indicative of a school’s repeated efforts to continue to attempt to keep youth in school during the disciplinary process.

**Table 7: Number of Alternative Placements (MSPS)**

Number of Placements	Frequency	Percent
<b>1</b>	63	86.3%
<b>2</b>	8	11.0%
<b>3</b>	2	2.7%
<b>Total</b>	73	100%
<b>Description of placements</b>		
<b>Alternative Education</b>	39	57.4%
<b>Tutoring</b>	20	29.4%
<b>Vocational school</b>	6	8.8%
<b>Modified school day</b>	3	4.4%
<b>Total</b>	<b>68</b>	<b>100%</b>

Table 8 presents expulsion data for the three data sources. The proportion of male to female students expelled is equivalent across the three datasets; in all instances the proportion is approximately 3:1.

**Table 8: Expulsion by Gender (DOE, MSDFSCA, MSPS)**

	Male	Female	Unknown	Male%	Female%	Unknown%	Totals
<b>MSDFSCA</b>	132	34	2	78.6%	20.2%	1.2%	168
<b>DOE</b>	110	30	0	78.6%	21.4%	0.0%	140
<b>MSPS</b>	26	7	1	76.5%	20.6%	2.9%	34

**Academic Attendance and Performance**

Table 9 illustrates school attendance data for youth portrayed in the MSPS dataset. The Muskie School team created a scale to rate student attendance based on attendance data supplied with the student profiles, as follows:

Excellent	0-5 non-suspension related absences
Good	6-10 non-suspension related absences
Fair	11-15 non-suspension related absences
Poor	>16 non-suspension related absences

Data describing student attendance are based on 273 (93.2%) of the 293 students for whom attendance data was supplied.

Overall, 59.7 percent of the MSPS dataset students' attendance was Fair (44.3%) or Poor (15.4%), compared to 39.3 percent whose attendance was Excellent (18.3%) or Good (22.0%). Attendance data were not reported for 20 of the students in the MSPS dataset.

**Table 9: School Attendance by Gender (MSPS)**

Attendance	Male	Female	Unknown	Total	Percent
<b>Excellent (0-5 Absences)</b>	42	5	3	50	18.3%
<b>Good (6-10 Absences)</b>	44	8	8	60	22.0%
<b>Fair (11-15 Absences)</b>	30	10	2	42	15.4%
<b>Poor (16 or more Absences)</b>	83	28	10	121	44.3%
<b>Total</b>	<b>199</b>	<b>51</b>	<b>23</b>	<b>273</b>	<b>100.0%</b>

The MSPS survey collected data on student academic performance (0-100 GPA), the number of days youth were suspended (the sum of in-school and out-of-school suspensions), and the total number of days of school missed (the sum of in-school and out-of-school suspensions, and excused and unexcused absences). Academic performance data was analyzed two different ways, by both including and excluding students with a 0 average. Scores of 0 were supplied for 21 students in the MSPS dataset; the next lowest level of academic achievement was a GPA of 21. Performance data were calculated with 0 values to reflect the data that were supplied on the MSPS survey. Performance data were calculated excluding 0 values for two reasons. First, is difficult to accept that a student can attend school and fail to attain any performance level other than 0. Second, excluding 0 values (thereby analyzing only GPAs with value greater than 0) leads to a more conservative estimate of the MSPS sample students performance. Mean academic performance rises from a mean of 61.4 to a mean of 70.6 when 0 values are excluded. Median performance is less affected by the different calculation methods, rising from 71.0 to 72.5 when 0 values are excluded.

Mean days suspended and mean total days missed (days missed due to suspension and excused and unexcused absences) were calculated excluding 0 values, on the assumption that if a student was reported to have been suspended, reporting 0 as the total number of days suspended or missed is not logical. Overall, youth missed an average of 17.8 school days (3.6 weeks) through in-school and out-of-school suspensions. The median was 16.0 days missed through suspension.

Youth missed an average of 36.6 days of school (7.3 weeks) due to suspensions and excused and unexcused absences. The median total days missed was 31.<sup>6</sup>

These data were also analyzed to compare youth who were recommended for expulsion to youth who were not recommended for expulsion. No substantive differences were found. These data are summarized in Table 10 (the format of the cells is: Mean (Median)).

**Table 10: Academic Performance and Days Out of School by Gender (MSPS)**

	Male	Female	Unknown	Total
<b>Academic Performance n=182</b>	64.8 (72.0)	57.3 (65.0)	56.9 (71.0)	61.4 (71.0)
<b>Acad Performance, 0s excluded n=161</b>	71.1 (73.5)	69.3 (70.0)	69.9 (71.0)	70.6 (72.5)
<b>Days Suspended, 0s excluded n=287</b>	18.1 (16.0)	16.3 (15.5)	18.3 (16.5)	17.8 (16.0)
<b>Total Days Missed, 0s excluded n=262</b>	35.9 (31.0)	38.6 (36.0)	37.3 (30.5)	36.6 (31.0)

The research team created a four tier scale to group students' academic performance, dividing students into four equal size groups. Academic performance data were submitted for 182 (62.1%) of the 293 students. The quartile spans, the number of students, and the average academic performance per quartile are displayed in Table 11.

**Table 11: Academic Performance Quartiles (MSPS)**

Quartile	Quartile Range	Quartile Mean	Number of Students
First Quartile	78-98	89.0	45
Second Quartile	71-77	74.3	46
Third Quartile	60-71	65.2	45
Fourth Quartile	0-60	25.5	46

### Referrals to Law Enforcement

The MSPS survey asked respondents, "Did the school refer this student to law enforcement at any point during the continuum of disciplinary actions for this student?" Ninety-four (32.1%) of the 293 students were referred to law enforcement because of incidents that occurred at school. Eighty-one (86.2%) of the 94 had a disciplinary history at school, 13 (13.8%) of the 94 had no disciplinary history. Table 12 displays the disciplinary histories of students referred to law enforcement.

**Table 12: Law Enforcement Referral by Disciplinary History (MSPS)**

	Disciplinary History	No Disciplinary History
<b>Law Enforcement Referral</b>	81 (86.2%)	13 (13.8%)
<b>Total</b>	<b>94</b>	<b>100%</b>

### Why are youth suspended/expelled?

Table 13 contains the reasons for suspension, referral to alternative education, and expulsion for all incidents included in the MSDFSCA dataset. The largest category of violations is Personal Offense (320), 34.0 percent of all incidents. Other: Policy Violations (300, 31.9%) is the next most frequent violation category.

<sup>6</sup> The inclusion of absences in the calculation of total days of school missed is important. Attendance data demonstrate that the majority of the youth in the MSPS dataset have poor school attendance, a reasonable proxy for poor school attachment. Analyzing total days missed illustrates the impact of a disciplinary policy that causes a student with poor school attachment to miss more school.

**Table 13: Reason for Suspension and Removal (MSDFSCA)**

Offense Category	LTS Freq (%)	Ref Alt Ed (%)	Exp (%)	Total (%)
Personal Offense	123 (38.4%)	144 (45.0%)	53 (16.6%)	320 (34.0%)
Other: Policy Violations	65 (21.7%)	212 (70.7%)	23 (7.7%)	300 (31.9%)
ATOD	115 (47.1%)	71 (29.1%)	58 (23.8%)	244 (25.5%)
Weapon Related	20 (40.8%)	9 (18.4%)	20 (40.8%)	49 (5.2%)
Other: Criminal Acts	7 (25.9%)	6 (22.2%)	14 (51.9%)	27 (2.9%)
<b>Total</b>	<b>330 (35.1%)</b>	<b>442 (47.2%)</b>	<b>168 (17.9%)</b>	<b>940 (100%)</b>

Forty-three (14.7%) of the 293 youth in the MSPS dataset were recommended for expulsion; 34 (79%) of these students were approved for expulsion. Table 14 illustrates the reasons for expulsion recommendations.

**Table 14: Reason for Expulsion Recommendation (MSPS)**

	Frequency	Percent
<b>ATOD</b>	15	34.9%
<b>Personal Offense</b>	10	23.9%
<b>Other Policy Violations</b>	11	25.6%
<b>Weapon Related</b>	6	14.0%
<b>Other Criminal Acts</b>	1	2.3%
<b>Total</b>	43	100.7%

Ten (23.2%) of the 43 youth had no disciplinary history prior to their expulsion recommendation. The lack of a disciplinary history suggests that these 10 students were recommended for expulsion for zero-tolerance offenses. In *Taking Responsibility* (2001), the Maine Department of Education expresses a strong opinion about zero-tolerance policies:

Safety is paramount. However, the implementation of “zero-tolerance” policies has often been aimed at individuals and not at behavior. Punishments based on zero tolerance policies that focus on removal of the offender, and not on correcting harm or educating the offender, are incomplete at best and counterproductive at worst. Such policies fail to resolve either the underlying behavior problem or its impact on the victim and the community. Schools should instead take a positive/preventive approach to student discipline, one that begins with intervening immediately to stop the offending behavior, but moves beyond that to educational and restorative steps. (p. 22)

Table 15 presents data on the reason for expulsion recommendation contrasted with whether the particular youth had a previous disciplinary history or not. The largest proportion of youth recommended for expulsion in the MSPS dataset (15, 34.1%) had violations related to alcohol, tobacco, or other drugs (ATOD).

**Table 15: Reason for Expulsion Recommendation by Disciplinary History (MSPS)**

Expulsion Reason	Disc History Yes	Disc History No	Total
<b>ATOD</b>	9 (27.2%)	6 (60.0%)	15
<b>Personal Offense</b>	8 (24.2%)	2 (20.0%)	10
<b>Weapon Related</b>	5 (15.2%)	1 (10.0%)	6
<b>Other: Criminal Acts</b>	0	1 (10.0%)	1
<b>Other: Policy Violations</b>	11 (33.3%)	0	11
<b>Total</b>	33 (100%)	10 (100%)	43

## What happens after the initial disposition?

### Referrals

Both MSDFSCA and MSPS datasets provide some information on what happens to students during disciplinary proceedings. Data available through the MSDFSCA dataset are limited because they are incident-based reports, thus it is not possible to detail the disciplinary histories of individual students. Table 16 details MSDFSCA data by gender for youth who were referred to alternative educational settings in the 2000-2001 school year.

**Table 16: Referrals to Alternative Educational Settings by Education Status and Gender (MSDFSCA)**

Student Type	Male	Female	Total
Regular Education	278 (72.6%)	105 (27.4%)	383 (100%)
Special Education	49 (83.1%)	10 (16.9%)	59 (100%)
<b>Total</b>	<b>327 (73.9%)</b>	<b>115 (26.0%)</b>	<b>442 (100%)</b>

The MSPS dataset approaches referrals to alternative education as a part of the disciplinary continuum, rather than as an outcome as reported in the MSDFSCA dataset. The MSPS dataset also includes data on youth referred to other resources and referred to law enforcement as part of their disciplinary proceedings. A total of 78 (26.6%) of 293 youth in the MSPS dataset were provided with alternative educational placements as a part of their disciplinary dispositions. Table 17 summarizes these 78 referrals by gender and education status.

**Table 17: Referrals to Alternative Education Settings by Education Status and Gender (MSPS)**

Student Type	Male	Female	Unknown	Total
Regular Education	36 (73.5%)	9 (18.4%)	4 (8.2%)	49 (100%)
Special Education	20 (69.0%)	4 (13.8%)	5 (17.2%)	29 (100%)
<b>Total</b>	<b>56 (71.8%)</b>	<b>13 (16.7%)</b>	<b>9 (11.5%)</b>	<b>78 (100%)</b>

Fifty-three (18.1%) students in the MSPS dataset were referred to other resources (resources other than alternative educational placements or referrals to law enforcement) during their disciplinary experiences. Specific referral information was provided for 50 of these students. These resources are listed in Table 18 and include counseling, substance abuse referrals, and referrals for psychological evaluations.

**Table 18: Referrals to Other Resources (MSPS)**

	Frequency
Counseling	22 (44.0%)
Substance abuse referral	10 (20.0%)
Psychological evaluation	7 (14.0%)
Department of Human Services	4 (8.0%)
Department of Corrections, Probation	2 (4.0%)
Job Corps	1 (2.0%)
Academic course for remedial English	1 (2.0%)
Marine Corps	1 (2.0%)
Mental Health	1 (2.0%)
<b>Total</b>	<b>50 (100%)</b>

Ninety-four (32.1%) students were referred to law enforcement as one aspect of their disciplinary dispositions. Table 19 displays gender and educational status information for these youth.

**Table 19: Referrals to Law Enforcement by Education Status and Gender (MSPS)**

Student Type	Male	Female	Unknown	Total
Regular Education	46 (69.7%)	16 (24.2%)	4 (6.1%)	66 (100%)
Special Education	24 (85.7%)	3 (10.7%)	1 (3.6%)	28 (100%)
<b>Total</b>	<b>70 (74.5%)</b>	<b>19 (20.2%)</b>	<b>5 (5.3%)</b>	<b>94 (100%)</b>

**Post-Expulsion Services**

The MSPS survey sought to learn about services provided to youth after they have been expelled or have voluntarily withdrawn from school. The survey asked the following six questions about post-expulsion/withdrawal services:

- 1) After expulsion/withdrawal, was the student provided with tutoring, counseling or work study services?
- 2) After expulsion or withdrawal, was the student provided with criteria for re-admission?
- 3) If yes, did the student apply for re-admission?
- 4) If yes, was the student re-admitted?
- 5) If yes, has the student:
  - Remained in school
  - Graduated
  - Dropped out of school
- 6) If not re-admitted, why was the student denied re-admission?

Post-expulsion/withdrawal data were reported inconsistently for students in the MSPS dataset. The data in the next two tables provide a sense of post-expulsion services and experiences of the youth data were provided for.

Forty-six (15.7%) of the 293 students were expelled (33) or withdrew from school (13). Table 20 summarizes the post-expulsion services and re-admission experiences of these students. The requested information was not provided for all 46 students.

**Table 20: Post-expulsion/withdrawal Services (MSPS); N=46**

	Yes	No	Total
<b>Tutoring provided</b>	21 (53.8%)	18 (46.2%)	39
<b>Readmission criteria</b>	40 (93.0%)	3 (7.0%)	43
<b>Applied for readmission</b>	24 (55.8%)	19 (44.2%)	43
<b>Readmitted</b>	20 (64.5%)	11 (35.5%)	31

Table 21 illustrates the 2001-2002 school year status of the 20 youth who were re-admitted to school following expulsion or withdrawal during the 2000-2001 school year. Data were provided for 19 (95.0%) of the 20 youth; 13 (68.4%) of the 19 youth either remained in school or graduated.

**Table 21: 2001-2002 School Year, Status of Re-admitted Youth (MSPS)**

Status 2001-2002	Frequency
<b>Remained in school</b>	11 (57.9%)
<b>Graduated</b>	2 (10.5%)
<b>Dropped out of school</b>	6 (31.6%)
<b>Total</b>	19 (100%)

Six students were denied re-admission. Reasons for denial were provided for five students and included three cases of transferring to another school and one instance each of failing to meet re-admission criteria and dropping out.

### What are the needs of suspended/expelled youth?

None of the datasets available to the project expressly asked for or collected data on the needs of suspended and expelled youth. The research team used the available data to construct proxies for youth needs.

One MSPS survey question can be interpreted as an expression of the perceived needs of the youth referenced in this study. The question was a follow-up to, “Did the school refer this student to law enforcement at any point during the continuum of disciplinary actions for this student?” The follow-up question asked, “Was the student referred to any other out-of-school resources?” Respondents listed other resources for 50 (17.12%) of the 293 students in the dataset. The greatest needs for these youth were counseling services (22, 44.0%), substance abuse services (10, 20%), and psychological evaluations (7, 14.0%). Cumulatively, these could be categorized as perception of mental health needs; adding the single specific referral to Mental Health, 40 (80%) of the 50 referrals are mental health related. The remaining 10 students were referred to other resources, e.g. Maine Department of Human Services, Maine Department of Corrections Probation.

**Table 23: Other Resource Referrals (MSPS)**

Referral	Frequency	Percent
Mental Health/Substance Abuse	40 (80.9%)	44.0%
Other Resources	10 (20%)	20.0%
<b>Total</b>	<b>50</b>	<b>100%</b>

MSDFSCA data list the underlying reasons for disciplinary incidents according to the federal Safe and Drug Free Schools and Communities Act categories of prohibited acts. These data are presented in two ways to create proxies of student need. Table 24 presents the distribution of the 940 recorded prohibited acts by the five major categories utilized in the MSDFSCA data collection process. Personal Offense Violations (320, 34.0%) and Other: Policy Violations (300, 31.9%) are the two largest offense categories.

**Table 24: Violation Categories (MSDFSCA)**

Offense Category	Frequency
Personal Offense Violations	320 (34.0%)
Other: Policy Violations	300 (31.9%)
ATOD Violations	244 (26.0%)
Weapons Related	49 (5.2%)
Other: Criminal Acts	27 (2.9%)
Total	940 (100%)

The 10 most frequent specific offenses are displayed in Table 25, including the dispositions that occurred, the overall frequency of each offense, and the category of each offense. Skipping School and Disorderly Conduct (274, 34.9%), both Other: Policy Violations, make up over a third of the top 10 most frequent offenses. Fighting, Threat/Intimidation and Harassment: Other (248, 31.6%), all Personal Offense Violations, constitute the second largest offense category. ATOD Violations (150, 21.5%) can be interpreted as a suggestion of substance abuse problems; substance abuse referrals made up 20 percent of referrals to other resources in the MSPS dataset. Twenty-six Bomb Threats comprise 3.7 percent of the 698 total prohibited acts among the 10 most frequent offenses. Bomb Threats are Weapons Violations, the third and final offense category represented by the 10 most frequent offenses. Overall, the 10 most frequent offenses constitute 74.3% of the 940 offenses that led to long-term suspension, referral to alternative education, or expulsion.

**Table 25: 10 Most Frequent Offenses (MSDFSCA); N=320**

Prohibited Act	LTS	Exp	Ref Alt Ed	Total	Prohibited Act Category
Skipping school	16 (11.4%)	0	124(88.6%)	140 (20.1%)	Other: Policy Violation
Disorderly conduct	42 (31.3%)	22 (16.4%)	70 (52.2%)	134 (19.2%)	Other: Policy Violation
Fighting	43 (38.1%)	21 (18.6%)	49 (43.4%)	113 (16.2%)	Personal Offense Violation
Threat/intimidation	36 (33.3%)	14 (13.0%)	58 (53.7%)	108 (15.5%)	Personal Offense Violation
Tobacco possession	4 (9.8%)	3 (7.3%)	34 (82.9%)	41 (5.9%)	ATOD Violation
Alcohol use	36 (90.0%)	0	4 (10.0%)	40 (5.7%)	ATOD Violation
Marijuana use	14 (37.8%)	3 (8.1%)	20 (54.1%)	37 (5.3%)	ATOD Violation
Tobacco use	20 (62.5%)	6 (18.8%)	6 (18.8%)	32 (4.6%)	ATOD Violation
Harassment: other	18 (66.7%)	4 (14.8%)	5 (18.5%)	27 (3.9%)	Personal Offense Violation
Bomb Threat	5 (19.2%)	14 (53.8%)	7 (26.9%)	26 (37.2%)	Weapons Violation
Totals	234 (33.5%)	87 (12.5%)	377( 54.0%)	698 (100%)	

**What is the universe of Maine suspension/expulsion policies?**

**Data Derived Perspectives**

MSDFSCA data include information from 83 individual schools, who reported 574 incidents of long-term suspension, removal to alternative education, or expulsion. These incidents include 330 (57.5%) long-term suspensions, 131 (23.9%) removals to alternative educational placements, and 113 (19.7%) expulsions. These data were used to generate removal rate.<sup>7</sup>

Rate calculations were performed for long-term suspensions, removals to alternative education, and expulsion. All three outcomes were combined to create a summary removal rate for each reporting school. Examining the three specific types of removals in the MSDFSCA dataset, the rates of removal are highest for long-term suspensions, a mean of 11.3 per 1,000 students, second highest for removals to alternative education settings at 7.2 per 1,000 students, and lowest for expulsion at 5.3 per 1,000 students.

Overall rates are not a sum of the separate rates. Each rate calculation is based on a unique set of schools. The long-term suspension calculation is based on data from 48 schools, the removal to alternative education rate is based on data from 41 schools, and the expulsion rate is based on data from 48 schools. The overall rate is based on data from 83 schools. Rate information is summarized in Table 26.

**Table 25: MSDFSCA Removal Rates per 1,000 Students**

MSDFSCA	LT Suspension	Refer to Alt Ed	Expulsion	Overall
Mean rate/1,000	11.3	7.2	5.3	13.3
Median rate/1,000	8.5	4.7	3.1	9.7
Range: High	86.8	39.6	34.9	89.8
Range: Low	1.0	0.8	0.8	1.3

**Range of School Administrator Attitudes**

Part of the MSPS data collection process included a number of informal interviews with administrators from some of the responding schools. The following quotes are from those interviews.

<sup>7</sup> Each rate was calculated using the population of the individual school and the number of specific acts to arrive at a rate per 1,000 students. Consider the following example (the data are slightly altered, the example is not a specific school in the dataset):

School population = 358  
 All Removals = 5  
 $5/358 = 1.4\% = 14$  per 1,000

Attitudes about exclusion range between endorsement and avoidance. There are School Administrators who choose not to use expulsion, who try to find alternatives, and who find the process itself to be counterproductive.

“We have no expulsions. We use long-term suspensions and alternatives versus expulsion, with conditions and a process of re-applying. We show these cases to the School Board with what we call an intervention sheet that shows what has or can be done for alternatives.” (Maine High School Principal)

“We don’t expel unless it is a case of dealing drugs or something very serious like that. We try to find other means, go down other avenues before doing that.” (Maine High School Principal)

“I don’t like expulsion; it’s messy and unpredictable and it creates an adversarial scenario between the School Board and the Principal. Everybody’s out there with their lawyer and it becomes about politics, not the kid.” (Maine High School Principal)

On the other hand, some administrators feel that expulsion is an effective and useful disciplinary tool.

“Last year I came in and had a new Assistant Principal, as well. I cleaned house. Things that had been let go before weren’t tolerated any longer. I expelled 15 and had 25-30 10 day suspensions. This year I only expelled one, and had 6-7 with 10 day suspension. The kids know I mean business.” (Maine High School Principal)

“When I came here three years ago I set a tone. I had six expulsions; I haven’t had to do one since. There’s not even a four-letter word said in my hallways.” (Maine High School Principal)

“We have a very low tardy and absentee rate. If a kid swears at a teacher, that’s an automatic suspension. Three suspensions equals going up for expulsion. My School Board is very supportive of me. If I bring them up for expulsion, the Board expels them.” (Maine High School Principal)

## **What models exist to provide schools with intensive supervision resources to support high-risk youth?**

### **Alternative Education: National Perspective**

Lawrence DeRidder (1991) outlines the following characteristics of successful alternative approaches to suspension and expulsion:

- 1) Potential drop-outs or pushouts<sup>8</sup> are separated from other students and placed in special programs.
- 2) Strong vocational components, including practical, job-related skills are built in.
- 3) Out-of-class learning, often connected with paid employment, is scheduled.
- 4) Individualized instruction and considerable individual counseling and group counseling are critical components.

Harrington-Lueker (1995) provides examples of several alternative education programs for students at risk of expulsion:

*Corpus Christi, TX* – The Student Learning and Guidance Center places a strong emphasis on behavior modification including strict limits, structure and monitoring of student behavior. To return to their home school, students must have worked their way through all three levels of behavioral improvement, attain 90 percent attendance and be passing all subjects. The program includes longer days and a community service component.

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<sup>8</sup> DeRidder defines pushouts as “at-risk students who continually receive signals from their schools that they are neither able nor worthy to continue to graduation and who are frequently encouraged to leave. (pp. 1-2)

*Rapides Parish, LA* – Redirection Academy is similar to the Corpus Christi model and also includes a military drill component.

*Baltimore, MD* – The Woodbourne Center is a private residential program contracted to operate the city’s alternative middle school. The program incorporates psychiatric expertise and family work, with a goal of transitioning students back into the regular classroom. Students are referred to the school following a third suspension for violent or assaultive behavior and generally remain in the alternative program for between a semester and a year.

*Woodbridge, VA* – The Richard Milburn High School (private sector contractor) provides off campus instruction for all of Fairfax County (139,000 students) expelled students. The alternative settings often occupy church basements, community centers, or office space in strip malls. Focus is small class size.

Harrington-Lueker provides the following guidelines for alternative programs :

- 1) Top quality staff well versed in behavioral management and social skills.
- 2) If the school district is too small to develop a program, cooperate with neighboring districts.
- 3) Collaborate with private industry councils, the juvenile justice system, mental health agencies, and other service providers. Maintain a family focus to build support outside of the classroom.
- 4) Build in long-term follow-up to maintain gains.
- 5) Be aware of the needs of girls too.

### **Alternative Education: Maine Perspective**

The Institute for the Study of Students at Risk<sup>9</sup> has created a database of alternative education programs in Maine. Currently the database contains information on 134 programs and is searchable by town and county.<sup>10</sup> The database is not yet accessible through the Institute’s website, but the Institute plans to make the database publicly accessible as soon as possible.

Davis, Brutsaert-Durant, & Lee (2002) suggest that the following set of characteristics and qualities are essential factors for alternative education programs and all programs designed to serve students “at risk”:

- 1) Have a clearly defined and articulated purpose.
- 2) Promote a sense of belonging, caring, respect and safety for students (academic, physical, emotional, and social).
- 3) Have clear, well-defined instructional and curriculum objectives.
- 4) Promote and maintain high student standards and student accountability as well as diverse measures for assessing student’s progress toward meeting these standards.
- 5) Have clear and well-defined student entrance and exit criteria, as well as re-entry criteria for those students who may have been dismissed from the program at some point but who have expressed a desire to return.
- 6) Student participation is *voluntary* (emphasis in original).
- 7) Are viewed by students, parents, and *all* (emphasis in original) staff as a privilege to attend and not as a “dumping ground for undesirables.”
- 8) Recruit, employ, and retain qualified and highly trained staff who have “special expertise” in the area of alternative education. It is essential that the staff is committed

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<sup>9</sup> Institute for the Study of Students at Risk. <http://www.ume.maine.edu/cofed/research/atrisk.html>

<sup>10</sup> Personal communication with Roxanne Lee, Institute for the Study of Students at Risk 12.18.2002.

to an alternative education philosophy and that they volunteer, and are not assigned, to teach in the program.

- 9) Have strong school district-wide support and understanding.
- 10) Have a close working relationship with all parts of the overall school system and with other collaborating agencies in the community that serve youth. In particular, it is essential that community mental health, health, and social services are not only made available for students but that these services are meaningfully integrated within the alternative education program per se.
- 11) Actively engage parents, to the maximum extent possible, in the overall program.
- 12) A consistent effort is made to reach out and involve the community.

The authors emphasize that the two *most critical* factors are the sense of hope and empowerment that these programs provide to students, and the “personal relationship” that exists between student and instructor.

## **Conclusion**

### **Why Our Knowledge is Limited**

Our knowledge about students who are suspended and/or expelled or referred to alternative education programs is limited. The three data sources used in this study begin to address the research questions of the study.

The number of statewide expulsions, 140 high school students in 2001-2002, is readily available from the Maine Department of Education. These data include gender and education status of the 140 students, albeit with a very restrictive definition of youth receiving Special Education services.<sup>11</sup> MSDFSCA reports 168 Students expelled during 2001-2002. These data are also available by gender and education status, using a less restrictive definition of youth receiving Special Education services.

The number of incidents of MSDFSCA prohibited behavior resulting in long-term suspension, removal to alternative education, or expulsion (940 in 2001-2002) is available from the MSDFSCA data collection project. These data contain the gender of students and their education status using a broader definition of students receiving Special Education services. These data are richer than DOE expulsion data because they include more disciplinary actions and the act that precipitated the incident.

The MSPS survey sought to collect more detailed information on Maine youth whose disciplinary involvement at school included either a long-term suspension or expulsion. Specifically, the MSPS survey collected data on student attendance, academic achievement, disciplinary history, referrals to alternative education and other resources, as well as the reason for student expulsions. This allows a more complete portrayal of the students included in this dataset, though the low response rate means that these data can only be used to create an impression; the sample is not large enough to be considered representative of all Maine students who are suspended and/or expelled.

### **What We Know**

We know that:

- 1) 168 Maine youth were expelled during the 2000-2001 school year (MSDFSCA); alternatively, 140 Maine youth were expelled (DOE).

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<sup>11</sup> Only youth who receive 60% or more of their education in a separate classroom are considered to be Special Education students the DOE expulsion reporting.

- 2) The majority of disciplinary incidents that resulted in long-term suspension, referral to alternative educational settings, and expulsion were Personal Offenses (34.0%) and Other: Policy Violations (31.9%) (MSDFSCA).
- 3) A sample of Maine youth who were suspended or expelled from school struggled academically (mean GPA 71.1), and had fair or poor school attendance histories (59.7%) (MSPS).
- 4) Nearly a third (32.1%) of a sample of Maine youth were referred to law enforcement and a smaller proportion (18.1%) were referred to other resources, overwhelmingly (80.0%) mental health and substance abuse resources (MSPS).
- 5) The majority of sample youth who withdrew from school or were expelled were provided with tutoring services (53.8%) and applied for readmission to school (55.8%) (MSPS).
- 6) We know, by proxy, that youth needs are mental health and substance abuse related (80.0%, MSPS). We know, by proxy, that many youth demonstrate poor impulse control and respect for the rights of others (34.0%) and substance abuse (31.9%) (MSDFSCA).
- 7) That Maine School Administrator attitudes display a wide range of beliefs on the utility of suspension and expulsion as disciplinary tools, from enthusiastic acceptance to near total rejection (MSPS).

### **What We Do Not Know**

We do not know:

- 1) Whether school referral patterns reflect the universe of youth needs
- 2) Number of days of school missed by expelled youth.
- 3) What, if any, services are provided to suspended youth to enable them to keep up with/make up school work.
- 4) The relationship between stated school disciplinary policy and school practices of suspension, referral to alternative education, and expulsion.
- 5) We do not know much about alternative education programs in Maine. The Institute for the Study of Students at Risk database will be helpful when it comes on line.

### **Topics for Future Research**

What is the relationship between individual school policy language, administrator attitudes, and school removal rates? An examination of a small (5-10) number of schools comparing the rates of removal to school policy language and School Administrator attitudes would provide a sense of this relationship. This would be a labor intensive qualitative study that would require obtaining permission from the schools chosen for the sample. Create a representative picture of student disciplinary histories. The MSPS survey provides a hint of what a comprehensive picture could look like. This would require refining the MSPS survey instrument and finding a way to get buy-in from Maine schools to increase response rates.

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**Appendix A**  
**Safe and Drug Free School and Communities Act Prohibited Behaviors**

<b>Category</b>
<b>ATOD</b>
Alcohol distribution
Alcohol possession
Alcohol use
Marijuana distribution
Marijuana possession
Marijuana use
Tobacco distribution
Tobacco possession
Tobacco use
Other drug distribution
Other drug possession
Other drug use
Identify other drug:
<b>Personal Offense</b>
Aggravated Assault
Battery
Fighting
Harassment: other
Harassment: sexual
Pushing
Simple assault
Physical attack
Threat/intimidation
Other personal offense
<b>Weapon Related</b>
Assault with another weapon
Possession of a firearm
Possession of other weapon
Other weapon offense
Bomb Threat
<b>Other: Criminal Acts</b>
Arson
Burglary/breaking and entering
Hate crime
Larceny/theft
Motor vehicle theft
Robbery
Vandalism (criminal mischief)
<b>Other: Policy Violations</b>
Disorderly conduct
Fireworks offense
Bias incident
Sexual offense (non-forcible)
Skipping school
Trespassing
Truancy
Other (identify other below)