

**STATE OF MAINE
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**Final Report
of the**

**Task Force to Study the Implementation
of Alternative Programs and Interventions
for Violent and Chronically Disruptive Students**

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Executive Summary

The Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students was established in the First Regular Session of the 119th Legislature by Joint Study Order, S.P. 598, passed on June 5, 1999. The 9 members of the Task Force included six individuals representing the Legislature and three public members, including an educator, a contracted services provider and a student, each of whom has specific expertise, knowledge and background in violence prevention and intervention programs or alternative educational settings.

The Task Force was established to study the implementation of alternative programs and interventions in schools and communities across the State. The Task Force was specifically charged with the following duties:

1. Study the availability of a continuum of interventions for violent and chronically disruptive students, including the existence of positive behavioral supports in classrooms, the availability of alternative educational settings and alternative community placements;
2. Request the assistance of appropriate state agencies and educational institutions and invite the participation of experts and interested parties; and
3. Recommend a plan, strategies and any necessary legislation to develop an appropriate continuum of interventions for violent and chronically disruptive students, including the availability of alternative educational settings and alternative community placements.

The Task Force was convened on September 16, 1999, met six additional times and received information from several panels of experts and interested parties. The following recommendations were approved at the final meeting on January 3, 2000:

Task Force Recommendations

1. Improve State-level Coordination of the Child and Family Service System and Integrate Programs and Services with the Local Public Schools

The Task Force recommends that the Governor's Children's Cabinet (Cabinet) should be authorized by state law, and that the expectation of inter-agency program coordination and the use of so-called "pooled-flexible funds" to maximize limited resources, should also be endorsed in state law. In addition, State funds should be authorized and appropriated for a coordinator position which could undertake projects or tasks that support the mission of the Cabinet to create and promote coordinated policies, programs and service delivery within the child and family service system.

The Task Force further recommends that the Cabinet establish a "civil and caring schools" initiative that should be designed in partnership with regional children's cabinet

stakeholders and local public school officials to focus on coordinating and integrating the screening, referral, and service delivery practices of the regional child and family service system with those of the local public school systems. Finally, the Task Force recommends that the Cabinet should embark on a statewide public awareness campaign to increase the level of knowledge and understanding of the various cabinet initiatives.

2. Implement the Statewide Standards of Responsible and Ethical Student Behavior Developed by the Department of Education; and Hold Local School Administrative Units Accountable for Implementing District-wide Student Conduct Codes

The Task Force recommends that the Joint Standing Committee on Education and Cultural Affairs (Education Committee) review the progress of the Department of Education (DOE) in developing statewide standards for responsible and ethical student behavior pursuant to Public Law 1999, c. 351. The Task Force further recommends that the Education Committee work with the DOE and representatives of educational stakeholder groups to ensure that local school board and school administrative unit officials across the State receive technical assistance and training on the “best practices” in prevention and intervention programs that can support successful implementation of the district-wide student conduct codes recently enacted into State law.

3. Provide Training to Build the Early Intervention Capacity of Elementary School Educators to Respond Immediately to Incidents Involving Chronically-disruptive or Violent Student Behavior

The Task Force recommends that one-time funds should be appropriated to the DOE to implement a grant program targeted towards enhancing the early intervention capacity of elementary school educators in school administrative units across the State. Grant funds would be used by elementary schools to provide training to existing school personnel who would intervene as “first responders” when a behavioral crisis incident involved a chronically-disruptive or violent student. “First responder” training could include the following elements:

- ❖ Local school officials would determine which elementary school personnel should receive “first responder” training;
- ❖ “First responders” could provide an element of rapid response to the scope of an existing “student assistance team,” and could work in concert with school prevention and intervention programs to produce protective and positive interventions;
- ❖ “First responders” could acquire expert knowledge of the array of school-based and community-based resources that may be developed as part of an intervention plan for a chronically disruptive or violent student; and
- ❖ “First responders” could be trained in the design of “bridge strategies” to support school and home interventions that can result in successful behavioral changes.

4. Incorporate Competency in Conflict Management Education as Part of Teacher and Administrator Certification

The Task Force recommends that the State Board of Education (SBE) and the DOE incorporate knowledge of conflict management education concepts and skills as part of standards-based initial teacher certification and administrator certification; and that the SBE and the DOE should also consider requiring knowledge of conflict management education as part of standards-based re-certification of teachers and administrators.

5. Support Conflict Management Education and Civil Rights Team Programs in Public Schools

The Task Force recommends that the Legislature should appropriate additional funding to support the establishment of conflict management education and civil rights team initiatives in our public schools, as well as sustain existing programs. Support of LD 1305, which was carried over to the 2nd Regular Session of the 119th Legislature, would provide \$100,000 to the DOE to create a grant program to fund training for an additional 20 conflict management education programs and peer mediation programs in public schools; and would also provide \$50,000 to the Department of the Attorney General to support the training and establishment of additional Civil Rights Team programs in public schools. The Task Force further recommends that LD 1305 should be amended to include a provision that provide teachers and administrators who participate in conflict management education or civil rights team training with appropriate credit for such training as they seek to initially acquire or renew their professional license.

6. Encourage Initiatives and Efforts That Can Strengthen the Parent-School Partnership

The Task Force recommends that school officials strive to involve parents in an active and ongoing partnership with educators to benefit their children's education and development. Each public school should create a family-friendly climate that can encourage and support parental involvement. Educators should engage parents in positive school experiences as early as possible.

7. Support the Availability of Alternative Education Programs for Students “At-Risk”

The Task Force recommends that state and local educational policymakers continue to support the availability of alternative education programs for students “at-risk.” While unable to reach consensus on specific recommendations about the type of alternative delivery system that should be available to provide educational programs and support services to chronically-disruptive and violent students who are placed in an alternative education setting, the Task Force supports the existing array of public and publicly-assisted alternative education programs that provide a variety of learning environments for students whose academic needs are not met by conventional public school programs.

I. INTRODUCTION

The Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students was established during the First Regular Session of the 119th Legislature by Joint Study Order, S.P. 598. A copy of the joint order is attached as **Appendix A**. The joint study order established a task force consisting of nine members: six Legislators, including two members each from the legislative joint standing Committees on Education and Cultural Affairs, Health and Human Services and Criminal Justice; and three public members, including an educator, a contracted services provider and a student, each of whom has specific expertise, knowledge and background in violence prevention and intervention programs or alternative educational settings. The Task Force membership is listed in **Appendix B**.

Charge to the Task Force

The Task Force was charged with developing a plan to address the growing concern of disruption and violence in the public schools. In examining the issues relating to school disruption and violence, the Task Force was authorized to conduct public hearings to receive testimony on the incidence of disruptive student conduct and violent behavior in the public schools throughout the State. The Task Force was assigned with the following duties:

1. Study the availability of a continuum of interventions for violent and chronically disruptive students, including the existence of positive behavioral supports in classrooms, the availability of alternative educational settings and alternative community placements;
2. Request the assistance of state agencies and educational institutions, and invite the participation of experts and interested parties; and
3. Recommend a plan and strategies to develop an appropriate continuum of interventions for violent and chronically disruptive students.

The Task Force was also charged with recommending any necessary legislation to create an appropriate continuum of interventions for violent and chronically disruptive students, including the availability of alternative educational settings and alternative community placements. The Joint Standing Committee on Education and Cultural Affairs has authority to introduce legislation during the Second Regular Session of the 119th Legislature to implement the Task Force plan and recommendations.

Scope and Focus of Task Force Meetings

The Task Force was convened on September 16, 1999 and held six additional meetings on the following dates: October 4, 1999; October 21, 1999; November 16, 1999; November 30, 1999; December 13, 1999; and January 3, 2000. The Task Force used the first meeting to review the legislative intent, to discern the purposes

of the study and to formulate a work plan. The Task Force decided to focus the next three meetings on gathering information about the following issues:

- ❖ Teacher and administrator preparation programs, certification requirements and professional development practices related to providing educational personnel with the capacity to implement effective violence prevention and intervention programs, including classroom management skills and positive behavioral supports;
- ❖ The type of challenging behaviors and the array of preventive and interventive school responses to chronic student misconduct and violent behavior;
- ❖ The scope of alternative education programs established by public schools, as well as alternative programs provided by independently-operated schools and alternative placements available in other community-based settings;
- ❖ Overview of Federal special education laws (IDEA) and state regulations related to student misconduct incidents involving exceptional students;
- ❖ Best practices related to successful programs and strategies for involving parents in their children's schools; and
- ❖ Overview of community-based responses (prevention and intervention) to youth misbehavior, misconduct and violence

Each of the Task Force meetings included one or more panel discussions and also provided an opportunity for Task Force members to deliberate on the testimony provided by panelists. Invited panelists included representatives from the Department of Education, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Communities for Children initiatives, the College of Education & Human Development at the University of Maine and the University of Southern Maine, superintendents, school principals, alternative educators, disability rights advocate, community advocates, conflict management educators and peer mediation groups.

During its fifth meeting, the Task Force members discussed the range of perspectives and information provided to them; and invited a panel of superintendents to provide additional perspective to their deliberations. At its final three meetings, the Task Force members reviewed the information presented, deliberated on a set of findings and conclusions and formulated recommendations.

The enabling legislation established December 15, 1999, as the reporting date of the Task Force to the Joint Standing Committee on Education and Cultural Affairs of the 118th Legislature. Due to the abbreviated time period in which the Task Force had to complete its work after the September 14, 1999 convening date, the Task Force petitioned the Legislative Council for an extension of the reporting deadline and was granted an extension until January 14, 2000.

Background

With the enactment of Resolves 1997, chapter 119, the 118th Legislature established the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings (“Commission”) during the Second Special Session. The Legislature charged the Commission to review district-wide school disciplinary policies, procedures and practices that address disruptive student conduct and violent behavior in the public schools in the State. The Commission was further directed to develop a plan addressing the growing concern of violence in the public schools and to submit its report with any accompanying legislation to the Joint Standing Committee on Education and Cultural Affairs of the 119th Legislature.

The Commission recommendations led to several bills that were considered by the Education Committee during the First Regular Session of the 119th Legislature. Public Law 1999, Chapter 351, enacted “An Act to Implement the Recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings.” A copy of Public Law 1999, Chapter 351 is attached as **Appendix C**. This law established the following requirements:

1. It requires the Commissioner of Education, in consultation with educational stakeholders, to develop statewide standards of responsible and ethical student behavior;
2. It requires local school boards, with input from educators, parents, students and community members, to adopt a district-wide code of conduct for their students. The district-wide code of conduct adopted by the school board must:
 - Define unacceptable student behavior, establish standards for student responsibility and prescribe consequences for conduct code violations;
 - Describe appropriate referral procedures for students in need of special services and establish criteria to determine when further review of an the individual education plan is necessary for a student removed from class;
 - Establish procedures concerning the removal of disruptive or violent students from class or a school bus and consider input by teachers and other educational personnel regarding student disciplinary and placement decisions; and
 - Establish guidelines concerning the circumstances when a superintendent may provide information to law enforcement authorities regarding a violent incident committed on school grounds or property.
3. It requires local school boards, in consultation with public safety, mental health and law enforcement officials, to develop a crisis response plan for violent or potentially violent situations in each of its schools;
4. It mandates that educational records follow any student who transfers to a school within the State from another school administrative unit or from out of state. The

law provides for more timely reporting of student records between schools and provides that school administrative units retain discretion as to the admission of a student who has been suspended or expelled or is presently the subject of an expulsion proceeding;

5. It amends the existing "anti-hazing" statute to include protections for educational personnel as well as for students, and also expands the definition of "injurious hazing" to include harassment; and
6. It provides for immunity protections for school personnel.

The Education Committee also reported out two other bills related to recommendations of the Commission during the 1st Session of the 119th Legislature: (1) L.D. 1305, An Act to Establish and Fund Conflict Resolution Education and Civil Rights Team Programs in the Public Schools; and (2) Senate Paper 598, a Joint Order to Establish the Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students. While L.D. 1305 was ultimately carried-over to the 2nd Session of the 119th Legislature, Senate Paper 598 was passed by both bodies of the Legislature.

II. SUMMARY OF KEY FINDINGS

In establishing this Task Force, the Legislature sought to focus the study on collecting available information that would inform the Legislature about existing State and local efforts to implement programs and services that seek to prevent or respond to disruptive and violent student behavior. In examining these initiatives, the Task Force members began by reviewing the public educational system, including school-based programs and alternative education programs, before moving on to statewide and local community-based programs that involved jurisdictions of other child- and family-serving agencies throughout the State. The Task Force work plan is included in **Appendix D**.

Summary of Key Findings Regarding the Availability of Interventions for Chronically Disruptive and Violent Student Behavior

The following sections summarize the data collected and the information received by Task Force members related to the duties charged to the Task Force to study the availability of a continuum of interventions for violent and chronically disruptive students, including: (1) the type of challenging behaviors presented by chronically disruptive and violent students; (2) the array of interventions developed by schools in response to chronic student misconduct and violent behavior; (3) the availability of alternative educational settings and (4) the availability of alternative community placements. A list of Maine Youth Violence Prevention Resources is presented in **Appendix E**.

1. The Type of Challenging Behaviors Presented by Chronically Disruptive and Violent Students

Challenging behaviors. Faculty at the University of Maine documented the concerns cited by 33 Maine principals regarding “challenging behaviors” of students in kindergarten through grade 12 during the 1997-98 school year. In reviewing the research literature for this case study, researchers noted that frustration and stress, modeling and the media, substance abuse and socialization were cited as factors that may contribute to challenging behaviors presented by school-aged youth. The most frequently cited challenging behavior presented by Maine students included:

- ❖ Aggression -- behavior that physically hurts others such as fighting, throwing objects, kicking, assaulting and ripping things off walls;
- ❖ Defiance -- opposition to rules, directives or expectations of teachers and school officials; and
- ❖ Harassment -- intimidation, name calling, verbal and physical harassment and bullying.

The University of Maine case study also identified school responses and strategies to address these challenging behaviors, including consultants and counselors coming into

the school for training and intervention with teachers and children in conflict resolution education and peer mediation, social skills training, alternative programs, crisis intervention and training.

“Wits end kids”. A Task Force member with expertise in dealing with chronically disruptive and violent student behavior shared a term that aptly describes the impact of their misbehavior – “wits end kids.” Task Force members adopted this designation as they became more familiar with the propensity of these children to drive educators to their “wits end” as they seek out appropriate measures to address their misconduct. The following descriptions more specifically characterize the type of chronically disruptive and violent student behavior that educators encounter in our schools:

- ❖ *Children with disruptive and moderately violent behavior* might typically display the following behaviors: frustration, frequent verbal outbursts, difficulty following rules and staying on task, arguing and testing authority, stubbornness, bothering others, and aggression against person or property, usually with real or imagined provocation.

These children are very challenging, but typically have behaviors that can be positively influenced with high-quality classroom management and behavioral intervention plans. Programs such as peer mediation and adult conflict management or counseling are also often effective with these behaviors.

- ❖ *Children with severely disruptive and violent behavior* might typically display the following behaviors: general hostility toward others, assault/aggression against person or property, verbal harassment, rage, defiance of authority, violation of norms and values of society (e.g., torturing pets, fixation on death), and showing no remorse.

These children represent approximately 2% - 4% of the school-aged population. They typically have behaviors that are resistant to change, even when the students are in settings that provide high-quality classroom management and behavioral intervention plans. These are students who require intensive behavioral support and intervention. In addition, they often require a well-coordinated system of care that involves the entire school, the child’s family and community service agencies.

If permitted, a very small group of disruptive students (2%) can create havoc in a school by influencing the actions of the 98% who behave appropriately. Individuals in the small group may be so dysfunctional that initially they cannot succeed in a regular classroom setting. They may lack the skills and trust to succeed at anything other than disruption and can set a trend for the actions of the majority if immersed directly in school programs. Intervention taking place outside the classroom is often necessary first.

2. The Array of School-based Interventions and the Availability of Positive Behavioral Supports for Chronic Student Misconduct and Violent Behavior

State-wide student conduct and responsibility standards and local district-wide codes of conduct. With the enactment of Public Law 1999, Chapter 351, the Department of Education was directed to consult with representatives of appropriate education stakeholder groups in the development of statewide standards for responsible and ethical student behavior. The Department is required by law to report these standards to the Education Committee during the Second Regular Session of the 119th Legislature. Public Law 1999, Chapter 351, also requires that -- beginning in September, 2000 -- every school administrative unit in the State should implement district-wide student conduct codes for all students with clearly defined consequences at the building level for unacceptable behavior, including physical violence and verbal harassment.

The Task Force finds that these statewide standards should be established in a timely fashion so that local school officials can benefit from this guidance as school administrative units design and implement district-wide student conduct codes for the academic year beginning in September, 2000. While local school officials retain authority to determine how their school curriculum and student conduct codes will comply with statewide student conduct standards, the law also requires schools to report any and all violent and harmful incidents to the Department of Education on an annual basis. The Task Force endorses this effort as an important step in identifying and monitoring the incidence of harmful and violent behaviors in Maine schools.

Teacher and administrator preparation programs, certification requirements and professional development practices. Given the daunting challenges presented by such chronically disruptive and violent student behavior, the Task Force reviewed the state of teacher and administrator preparation programs, certification requirements and professional development practices with an eye toward understanding how current policies and programs provide educational personnel with the capacity to implement effective violence prevention and intervention programs, including classroom management skills and positive behavioral supports.

A panel of faculty members from the University of Maine and the University of Southern Maine described current research strands in teacher preparation for classroom management, and the infusion of classroom management skill development in their respective teacher preparation programs. These faculty members offered the following observations on initial teacher training:

- ❖ The focus of teacher preparation programs for beginning teachers is establishing productive learning environments where the “teacher as architect” designs the classroom program and environment and the “teacher as observer” conceptualizes prevention, analyzes the situation and intervenes as needed;
- ❖ There are no specific undergraduate courses in classroom management, but classroom management is an important strand in the overall teacher preparation

program; pre-service teachers also work with behavioral specialists in child development and special education courses;

- ❖ Initial teacher candidates are immersed in 100 hours of field experience during their undergraduate coursework, including a student teaching practicum during their senior year; and as observers and as student teachers, they learn about the array of school and community resources available to address misconduct and violent behavior encounter disruptive student behavior;
- ❖ When new areas of educator training are identified, such as dealing with chronically disruptive or violent student behavior, coursework is malleable to current issues and trends in education and can work for both teacher and administrator preparation programs; and
- ❖ Recommend cohort programs as part of recruitment efforts to attract teacher and administrator candidates; also support the alignment of program curriculum and fieldwork with performance-based standards that seek to develop appropriate skill sets for standards-based public education.

Regarding “best practices” in teacher preparation for effective classroom management, these faculty members indicated that instructional program and classroom management are interconnected; and that effective teachers structure the learning environment, possess “with-it-ness” described as an awareness of all activity in the classroom and have the ability to motivate and engage students. Panelists also offered the following perspectives:

- ❖ Best practices in classroom management are moving away from “controlling” student behavior and moving toward “enabling” student learning;
- ❖ With respect to difficult-to-teach students, teaching and social strategies dovetail together;
- ❖ Behavior modification can make a difference for chronically disruptive students when timely and appropriate consequences are introduced by teachers and supported by the events that follow;
- ❖ Effective teaching strategies and positive behavioral intervention strategies have been the focus of University-sponsored summer institutes and professional development programs; and
- ❖ Educator awareness of “hardware” measures (e.g., metal detectors, security cameras) and “software” measures (e.g., early childhood care, pro-social skills training and conflict resolution education) has recently been heightened, yet teachers need both “hard” and “soft” initiatives for safe schools, but professional development programs to address challenging behaviors are often squeezed out of training budgets.

Array of school-based prevention and intervention initiatives developed to respond to chronically disruptive and violent student behavior. Testimony received by the Task Force demonstrated that schools are implementing a variety of responses to the growing incidence of challenging student behavior. Panels including faculty members, state agency personnel and local school superintendents provided the following perspectives regarding school-based prevention and intervention initiatives:

- ❖ Schools should be places where kids feel safe and cared for and learn to care for others;
- ❖ The focus of state and federal resources and programs must shift to early intervention initiatives in pre-school and elementary school since it is often too late to address chronically disruptive or violent behavior in the middle or secondary school years;
- ❖ State policymakers should establish standards for program effectiveness while targeting resources at the local level and allowing school officials to adapt programs to local contexts;
- ❖ With the infusion of federal funds and through the leadership of the Department of Education and the Department of Human Services staff, Maine is developing the infrastructure for a coordinated school health program (see **Appendix F**) that would provide wraparound service delivery to remove barriers to learning and to encourage students to adopt healthy lifestyles and behaviors;
- ❖ Whatever approach schools take to deal with disruptive students, a whole school approach is more effective. Students should get the same message about proper behavior on the bus, in the cafeteria, on the playground, in gym and at extra-curricula activities as in the classroom;
- ❖ Recognizing and dealing with peer rejection and marginalization of vulnerable students at the elementary level is very important. One of the greatest needs schools face in this area is to provide more guidance counselors in elementary schools and to enable them to do more counseling, rather than performing administrative duties such as compiling test scores. Additional Educational Technicians could perform the more routine functions now done by counselors;
- ❖ Preference should be to first require provision of positive support before making alternative placements. “Positive behavioral supports” are programs that provide a positive alternative to understand what is the communicative intent of the misbehavior and to find an alternative manner in which to support the child. The source of the misconduct may be a core academic problem and may need professional diagnosis;

- ❖ Teachers should model, and incorporate into the curriculum, desirable behavior (civility, respect and compassion). If this part of the system of learning results is not adequately represented throughout the curriculum, it should be fully incorporated. Certification and recertification standards should reflect these skills as well;
- ❖ Local school leaders (principals, superintendents and school boards) should actively support the implementation of humane education practices in their schools. Individual teachers cannot affect the whole school environment; and
- ❖ Education is a community endeavor, school leaders must first engage and involve community members since these problems can't be resolved independent of parents, community members, social agencies and civic and religious organizations.

Task Force members acknowledged the good news that 95% - 98% of Maine students are doing great work in our schools and communities. For those chronically disruptive and violent students, Task Force members were heartened to hear that the resiliency research identifies 3 factors as critical in turning around wayward youth: (1) establish high expectations; (2) know your students and (3) provide opportunities for involvement. Testimony was also provided that reflected the following array of school-based initiatives and programmatic efforts that embrace one or more of these factors:

- ❖ Over 200 Maine schools (approximately 50%) have developed a Student Assistance Teams (SAT) over the past 11 years; and Maine is recognized nationally for this accomplishment and the SAT training manual. Student assistance teams are trained to deal with pre-referral interventions such as the design of positive behavioral supports and behavior modification as intermediate steps before a student is referred for disciplinary action or to a pupil evaluation team for assessment and placement in a special education program;
- ❖ Peer mediation is another approach that has worked in schools across the U.S.; successful programs depend on firm procedural guidelines, proper training for peer mediators and recruitment of a representative cross section of the student population as mediators. Grants often provide start-up funds for schools that are doing peer mediation. There are some on-going costs for staff coordinators. Some schools pay stipends to teachers; some grant compensatory time to participate in the program; and others rely on volunteers. A team approach spreads the burden. On-going staff training is needed;
- ❖ Maine schools have over 2,000 peer educators; over 100 peer mediation programs started in Maine schools over last 7 years; peer mediation, often part of a conflict management program, is a peacemaking process where students learn to express emotions and develop communication, problem-solving and conflict-resolution skills. Research findings indicate peer mediation reduces conflict and aggressiveness, increases perspective taking, improves staff and student

perspectives of school environment; however, impact on suspensions and violent incidents is still unclear;

- ❖ The Attorney General's Civil Rights Team Project began in 1996 with 18 schools, grew to 56 schools in 1997 and topped 100 schools by 1998; Attorney General officials provide 40-60 in-service training programs per year; the program purpose is to raise awareness and encourage early reporting of acts of harassment. Power of the Civil Rights Teams come from developing peer role models and encouraging youth to stand up and do the right thing; a growing nucleus of peer role models can change culture in schools; and
- ❖ Families, communities and schools need to provide comprehensive solutions; place in context of providing necessary social skills for productive lives; zero tolerance doesn't equate to having an array of effective programs;
- ❖ The intent of zero tolerance programs is to be fair and to send a strong message to students, yet they may only result in sending too many children for unnecessary risk assessments and may have the unintended consequence of removing children from school without an appropriate support system;

Misconduct involving exceptional students. A panel including the Department of Education official responsible for dealing with special education services and an attorney who advocates for special education students discussed federal and State regulations established under the 1997 Reauthorization of the Individuals with Disabilities Education Act (IDEA) that contain new requirements regarding the discipline of students with disabilities. They noted that at the same time that safe school policies and zero tolerance programs are being put into place, federal and state special education laws continue to require that schools address students individually. They agreed that students with disabilities are more often victims of misconduct than perpetrators; and that schools are safer today than they were many years ago.

They offered the following insights regarding federal IDEA regulations and Section 504 of Rehabilitation Act of 1973 regulations; and also added the following observations on student placements:

- ❖ Individual Education Program (IEP) requirements: (1) the Pupil Evaluation Team (PET) must determine whether appropriate behavioral supports or services are necessary; and (2) public schools must also heed disseminated models of current research;
- ❖ Placement is to be determined after the IEP is established; and shall be in the least restrictive environment (LRE) where the IEP can be incorporated for up to 10 days if a comparable placement would be provided for non-special education student;

- ❖ A manifestation determination must occur within 10 days of the alleged behavior to determine if the behavior was manifest from the student's identified disabling condition; and any member of the IEP, including a parent, can reconvene the PET to review the plan;
- ❖ Therapeutic placements to Spurwink and Sweetser are now aided by the availability of Medicaid funds; and
- ❖ Focus is now on getting to the core of a student's behavioral issues and not to enact punitive measures; schools can't use cookie cutter approach or merely reiterate school's discipline policy, and must develop an individual approach for each student.

Should the manifestation determination find that the IEP was followed and the misconduct was not determined to be part of a student's disabling condition, then under IDEA, a placement change may take place under following circumstances:

- ❖ Under a school's unilateral authority, expulsion and suspension for a cumulative total of 10 days;
- ❖ Under a school's unilateral authority, for up to 45 days placement in an alternative program for violation of federal weapon or drug laws;
- ❖ Up to 45 days for certain dangerous behavior when a hearing officer, after consultation with the Pupil Evaluation Team (PET), finds that dangerousness does exist; and
- ❖ For more than 10 days to an alternative education setting after consultation with the PET and agreement by the parents to implement the alternative programs and services.

State law is now consistent with Federal law, and state rules mirror copy federal law and regulations. Still, Maine law must be child-centered, keep kids safe, keep consequences logical and recognize that we're talking about educating children. Suspension and expulsion only transfers the problem situation to someone else. Maine policymakers should focus on changing attitudes from parsing children out to separate settings and toward providing quality education for all individual students.

Involving parents in their children's schools. Task force members received testimony that engaging parents in their child's school is a critical factor in the academic and affective development of their child. The Task Force finds that both school officials and teachers should find ways to involve and engage parents in the school environment in ways that encourage and strengthen the parent-school partnership on behalf of our children. Toward this end, the Maine Parents Association recently held a summit to discuss the role that parents can and should play in providing support for civil and safe schools for all Maine children.

The Task Force also received information regarding two policy initiatives of the Bangor schools that may serve to strengthen the parent-school partnership. Each student should have an individual education plan established by the 4th grade. The student's educational plan would be the product of a meeting between the school's guidance counselor, the student and the student's parent(s). The educational plan would include the student's career and educational goals, would identify the necessary academic coursework and other learning activities to achieve these goals and would be updated annually thereafter.

The other Bangor school policy requires that, beginning at the 2nd grade level, students whose academic performance is below average for their grade level should be provided with the academic support necessary to improve their academic performance to their grade-level average. Students performing below grade-level average should have a compulsory meeting between school's guidance counselor, the student and the student's parent(s) to discuss the challenges facing the student and to develop a student instructional plan to return the student's academic performance at least to their grade-level average. This intervention should be required through the 10th grade.

The Task Force finds these initiatives to be affirmative examples of how educators can support parental involvement in schools in a manner that suggests a holistic approach to their child's education, and in a way that may establish a productive parent-school partnership.

3. The Availability of Alternative Educational Settings

The Task Force met with a panel of alternative educators to review the scope of alternative education programs established by public schools, as well as alternative programs provided by independently-operated schools. According to Department of Education data, there are 85 alternative education programs currently operating in the State. Alternative education programs come in all shapes and sizes and vary by local circumstances. The majority of these programs serve secondary school students, approximately 12 serve middle school students and only one serves students in the elementary grades. The primary student populations served by alternative education programs include students who need an alternative learning environment and students whose behavior or attitude need further development and can benefit from a more supportive placement before they can be reintegrated into the regular classroom. These programs also serve special needs students who have been identified with a severe emotional disturbance, only if the alternative setting is determined to be an appropriate placement for the student.

An alternative education program must be initiated by a local school board which can approve one or more alternative education programs and can enter into so-called superintendents' agreements to establish a regional program. The process for enrolling a student in an alternative education program involves cooperative decisionmaking between parent(s), the student and school administrators. Once a referral is made by an

educator or requested by a parent, the student completes an application and a meeting is held to discuss the student's educational needs and to set up an "alternative education plan." The guidance counselor, principal and teacher usually have the final decision on placement of a student in an alternative education program.

Alternative educators endorsed the benefit of establishing alternative education programs in the elementary and middle school grades since, from a developmental perspective, it may take 3 years to develop a state of awareness in an individual student and earlier intervention could turn a student around by the time the youth reaches high school. They indicated that early intervention should begin in pre-school and that kindergarten teachers can immediately identify "at risk" children.

Alternative education programs work within a network of school and community agencies. Alternative educators work closely with both school faculty and administration, as well as within the community with state and local community agency resource people. These programs take disenfranchised children for whom the regular public school model is not working and provide them with a place to belong. Belonging is a critical component of alternative education programs since these children are often disenfranchised. Programs benefit both youth and the community at large by making education relevant for the individual and preparing the youth to become a productive citizen in the community. An anecdotal report indicated that about 30% of alternative education students participate in postsecondary education.

Funding for alternative education programs comes primarily from local taxpayers, with some programs also receiving State funds from the Innovative Grant Program as well as grant funds from federal and private grant programs. Alternative educators indicated that start-up costs are a challenge, particularly personnel costs; and that the most effective alternative educators are already within our public schools. Alternative education programs that have access to grant writers can quadruple the amount of State funds provided by securing federal and private grants. Superintendents' agreements can establish regional programs that are funded in part by accepting tuition students from public schools in the region.

Alternative educators reported that a lack of stable funding is a detriment to sustaining effective alternative education programs and also noted that the State has recently changed its funding policies for alternative education programs. There is no longer distinct categorical funding for establishing or maintaining alternative education programs; and the State will no longer reimburse rental expenses for alternative education programs located away from the public school and in the community. Alternative educators recommend that the state investment in alternative education programs needs to increase and that adults and the community at large need to inform state and local legislative bodies to express support for funding our alternative education programs.

An effective alternative educator has a gift for building an affirmative relationship with an at-risk student and possesses the ability to provide learning experiences appropriate to the student's individual learning style. Preparation and training for

alternative educators should develop competencies in establishing relationships with students, accommodating the multiple learning styles of students and coaching within a cooperative education approach. Alternative educators are mostly intuitive individuals. Alternative educators suggested that a cohort program in an undergraduate preparation program could be an important component to developing skilled alternative educators. The opportunity to participate in a pre-service internship and an in-service mentoring situation has been found to benefit inexperienced alternative educators.

The Alternative Education Association is comprised of both public and private alternative schools in the state. The association holds statewide meetings twice per year to provide professional development for alternative educators. Regional groups meet monthly and also provide training and the opportunity to collaborate on program development. The association has considered creating assistance teams to visit school systems, yet asserted that funding and resources are necessary for alternative schools that would need substitute staff to replace educators going out into the field. They recommend that the Department of Education and the Alternative Education Association could collaborate in establishing regional assistance teams for sustaining and assessing alternative education programs. They also proposed that funding is needed to update the 1993 study of alternative schools sponsored by the Maine Department of Education and the College of Atlantic that included a case study of 6 alternative education programs.

Alternative educators work with State and local agencies, as well as non-governmental agencies and private citizens to provide creative solutions for alternative education students. With the advent of the Communities for Children initiative, alternative educators reported improved coordination of State and local community agency services. However, they also suggest that issues remain in identifying and providing appropriate interventions for our children, including the need to understand and clarify the boundaries between education and social work and the need to direct resources to home environment.

4. The Availability of Alternative, Community-based Placements

The Task Force also addressed the implementation of alternative programs and interventions across the continuum of service delivery contexts beyond the educational system. In reviewing the status of community-based initiatives and alternative placements available in community-based settings, the Task Force members find that the inter-agency program coordination model adopted by the Governor's Children's Cabinet, including the state-local program of integrated case management system fostered by the Communities for Children initiative, holds great promise for providing coordinated policies, programs and service delivery within the child and family service system. Information regarding the Governor's Children's Cabinet is presented in **Appendix G**.

Testimony was received that indicated that program and service gaps exist across the State, yet the progress reported by the Regional Children's Cabinet for the Greater Bangor region demonstrated that a multiplicity of public and private agencies are collaborating to provide quality services in a more coordinated fashion. Testimony

received from panel discussion participants provided the following information and perspectives regarding community-based prevention and intervention initiatives for chronically disruptive and violent students:

- ❖ Communities for Children prevention initiatives foster partnerships between state and local communities to increase children’s educational achievement and well-being; 62 partner communities have been established across the state;
- ❖ Research-based “developmental asset” approach (Search Institute) involves all sectors of community in assessing realities facing children and focusing on 40 building blocks that renew community and help youth grow up healthy, caring and responsible;
- ❖ The Community of Caring concept seeks to establish an environment of mutual trust throughout the community; and collaborative efforts across the community -- involving the public, businesses, hospitals, law enforcement officials and local governments, in addition to the schools – may be more effective than approaches limited strictly to schools;
- ❖ 4-year olds in Head Start need a full-day program; earlier intervention of at-risk kids will reduce problems encountered by schools later;
- ❖ Private out-of-district placements are very costly; the State should investigate the cost and effectiveness of providing regional in-state residential placements itself;
- ❖ A 1998 Legislative study of the juvenile justice system reported that the Department of Corrections contracts with 43 private agencies to provide treatment services for juvenile offenders; the study recommended that the Department of Corrections should continue to work with the Department of Human Services, the Department of Education and the Department of Mental Health Mental Retardation and Substance Abuse Services to develop a better network that provides a comprehensive continuum of care for juvenile offenders;
- ❖ Effective diversion and alternative sentencing programs are needed for juveniles charged with criminal offenses; the Jump Start program and other informal adjustment alternatives may provide a middle course between school sanctions and Maine Youth Center sentencing; a number of restorative justice pilot programs recently established in the State may also prove to be effective interventions;
- ❖ Schools should receive advance notice and an educational plan for kids who are returned to public school from detention at the Youth Center or residential placement;

- ❖ There are various agency, institutional and private programs and services available to help schools and families deal with disciplinary issues. The available resources may provide quick intervention assistance or may help a school or community in developing long term approaches. In either case, the availability of those resources should be widely disseminated to all interested parties, including legislators; and
- ❖ Successful approaches should be publicized and replicated.

III. RECOMMENDATIONS

The Task Force to Study the Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students makes the following recommendations and presents them for the immediate consideration of the Legislature. These recommendations were approved by a consensus of those Task Force members present at the final meeting:

Task Force Recommendations

1. Improve State-level Coordination of the Child and Family Service System and Integrate Programs and Services with the Local Public Schools

The Task Force recommends that the Governor's Children's Cabinet should be authorized by state law, and that the expectation of inter-agency program coordination and the use of so-called "pooled-flexible funds" to maximize limited resources, should also be endorsed in state law. In addition, State funds should be authorized and appropriated for a Children's Cabinet Coordinator position. This position would be responsible for providing staffing assistance to the Governor's Children's Cabinet and, with authorization from the Governor's Children's Cabinet, could undertake projects or tasks that support the Cabinet's mission to create and promote coordinated policies, programs and service delivery within the child and family service system.

The Task Force further recommends that the Governor's Children's Cabinet establish a "civil and caring schools" initiative that will focus on coordinating early intervention programs that can enhance the intellectual, emotional and social development of the children in our public elementary schools. The "civil and caring schools" initiative should be designed in partnership with regional children's cabinet stakeholders and local public school officials. This initiative should focus on coordinating and integrating the screening, referral, and service delivery practices of the regional child and family service system with those of the local public school systems. Inter-agency coordination of these processes is integral to bridging the gaps between our families, communities and schools.

Finally, the Task Force recommends that the Governor's Children's Cabinet should embark on a statewide public awareness campaign to increase the level of knowledge and understanding of the various initiatives of the Governor's Children's Cabinet. One specific suggestion offered is to contract with public school students to upgrade the Governor's Children's Cabinet website, including links to state agency sites, regional children's cabinet sites and local Communities for Children partnership sites. The Governor's Children's Cabinet should also make printed materials available, perhaps in conjunction with a toll-free telephone number, so that citizens without access to the Internet can also become better informed about state and regional children's cabinet initiatives.

2. Implement the Statewide Standards of Responsible and Ethical Student Behavior Developed by the Department of Education; and Hold Local School Administrative Units Accountable for Implementing District-wide Student Conduct Codes

The Task Force recommends that the Joint Standing Committee on Education and Cultural Affairs review the implementation of statewide standards for responsible and ethical student behavior that will be developed by the Department of Education (see Public Law 1999, c. 351). The Department is required to submit proposed statewide standards for responsible and ethical student behavior to the Education Committee in January 2000, so that these standards can be disseminated to local school boards and school officials well in advance of the start of the 2000-01 school year.

The Task Force further recommends that the Joint Standing Committee on Education and Cultural Affairs work with the Department of Education and representatives of educational stakeholder groups, including the Maine School Management Association and the Maine Principals Association, to ensure that local school board and school administrative unit officials across the State successfully implement the district-wide student conduct codes recently enacted into State law. State-level oversight should be complemented by technical assistance and training, perhaps on a regional basis in coordination with Maine School Management Association and the Maine Principals Association, for superintendents, school board members, school administrators, teachers, parents, and students on the “best practices” in prevention and intervention programs that work in Maine schools and communities.

3. Provide Training to Build the Early Intervention Capacity of Elementary School Educators to Respond Immediately to Incidents Involving Chronically-disruptive or Violent Student Behavior

The Task Force recommends that one-time funds should be appropriated to the Department of Education to implement a grant program targeted towards enhancing the early intervention capacity of elementary school educators in school administrative units across the State. Grant funds would be used by elementary schools to provide training to existing school personnel who would intervene as “first responders” when a behavioral crisis incident involved a chronically-disruptive or violent student. “First responder” personnel can serve to fill the void between the initial reaction to misconduct, the deployment of a student assistance team, and student suspension or expulsion. “First responder” training could include the following elements:

- ❖ Local school officials would determine which elementary school personnel should receive “first responder” training (e.g., principal, guidance counselor, teacher, bus driver, educational technician, support staff or other school personnel);
- ❖ “First responders” could provide an element of rapid response to the scope of an existing “student assistance team,” and could work in concert with school prevention and intervention programs -- such as conflict management education, peer mediation programs, and civil rights teams -- to produce protective and positive intervention to

disruptive student behaviors and situations;

- ❖ “First responders” would develop expert knowledge of the array of school-based and community-based resources that may be recommended as parts of an intervention plan for a chronically disruptive or violent student, and could participate in the design of intervention plans for such students; and
- ❖ “First responders” could be trained in the development of “bridge strategies” to support school and home interventions that can result in successful behavioral changes.

4. Incorporate Competency in Conflict Management Education as Part of Teacher and Administrator Certification

The Task Force recommends that the State Board of Education and the Department of Education incorporate knowledge of conflict management education concepts and skills as part of standards-based initial teacher certification and administrator certification; and that the State Board and Department should also consider requiring knowledge of conflict management education as part of standards-based re-certification of teachers and administrators. Teachers and administrators who participate in either conflict management education or civil rights team training should receive credit for such training as they seek to initially acquire or renew their professional license.

5. Support Conflict Management Education and Civil Rights Team Programs in Public Schools

The Task Force recommends that the Legislature should appropriate additional funding to support the establishment of conflict management education and civil rights team initiatives in our public schools, as well as sustain existing programs. Support of LD 1305, which was carried over to the 2nd Regular Session of the 119th Legislature, would provide \$100,000 to the Department of Education to create a grant program to fund training for an additional 20 conflict management education programs and peer mediation programs in public schools. This bill would also provide an additional \$50,000 to the Department of the Attorney General to support the training and establishment of additional Civil Rights Team programs in public schools.

The Task Force further recommends that prior to passage, LD 1305 should be amended to add a provision to the certification and licensure statutes that would provide teachers and administrators who participate in either conflict management education or civil rights team training with appropriate credit for such training as they seek to initially acquire or renew their professional license.

6. Encourage Initiatives and Efforts That Can Strengthen the Parent-School Partnership

The Task Force recommends that school officials strive to involve parents in an active and ongoing partnership with educators to benefit their children's education and development. Each public school should create a family-friendly climate that can encourage and support parental involvement. Educators should engage parents in positive school experiences as early as possible. Establishing a positive relationship with parents can have immediate and lasting benefits, particularly when circumstances dictate that a school official or teacher must involve parents in a situation involving their child's misconduct in school. Increasing the level of meaningful parental involvement in our public schools is a win-win situation for students, families and communities.

7. Support the Availability of Alternative Education Programs for Students "At-Risk"

The Task Force recommends that state and local educational policymakers continue to support the availability of alternative education programs for students "at-risk." An effective alternative educator has a gift for building relationships with students at-risk. Alternative education programs take students marginalized by "regular" schools and give them a place to belong and be a part of a community. While unable to reach consensus on specific recommendations about the type of alternative delivery system that should be available to provide educational programs and support services to chronically-disruptive and violent students who are placed outside of the public school system, the Task Force supports the existing array of public and publicly-assisted alternative education programs that provide a variety of learning environments for students whose academic needs are not being met by conventional public school programs.

Acknowledgements

Task Force members would like to acknowledge and thank all those individuals -- including experts, practitioners, state and local agency resource people and interested parties -- who provided testimony and background information to the Task Force. A list of these individuals is included as **Appendix H**.

APPENDIX A

**Senate Paper 598:
Joint Order to Establish the Task Force to Study the Implementation
of Alternative Programs and Interventions
for Violent and Chronically Disruptive Students**

APPENDIX B

Task Force Membership

APPENDIX C

P.L. 1999, chapter 351: An Act to Implement the Recommendations of the Commission to Study Providing Educators With More Authority to Remove Violent Students from Educational Settings

APPENDIX D

Work Plan: Goals, Tasks and Information Needed

APPENDIX E

Maine Youth Violence Prevention Resources

APPENDIX F

Coordinated School Health Programs

APPENDIX G

The Governor's Children's Cabinet

APPENDIX H

Individuals Providing Testimony: Experts, Practitioners, Resource People and Interested Parties

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