

## **Alternative Education**

### **DEFINITION**

Alternative Education Program means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments.<sup>1</sup>

### **PURPOSE**

The purpose of the Board's Alternative Education Program is to provide:

- Learning activities that support innovative pathways and are aligned to college and career outcomes for all students.
- A curriculum that is aligned with the Kentucky Academic Standards and the learning goals in each student's Individual Learning Plan (ILP). The curriculum of the District Alternative Program shall be the middle and high school core curriculum and shall include behavioral counseling.
- Successful student transition to the regular school assignment, when possible, or to post-secondary status.
- A meaningful alternative to suspension and/or expulsion of a student.

### **ALTERNATIVE EDUCATION IN LIEU OF EXPULSION**

In lieu of expelling a student, or upon the expiration of a student's expulsion, the Superintendent may place a student into an alternative program or setting if the Superintendent determines placement of the student in his or her regular school setting is likely to substantially disrupt the educational process or constitutes a threat to the safety of other students or school staff.

The alternative program or setting may be provided virtually. Students placed in an alternative program or setting shall be subject to compulsory attendance requirements under KRS Chapter 159 and applicable Board policy.

Action to expel, extend the expulsion, or place in an alternative program or setting a student shall not be taken until the parent, guardian, or other person having legal custody or control of the student has had an opportunity for a hearing before the Board. Following the initial alternative placement of a student, the Board shall review the alternative program or setting placement at least once per year and determine if the placement should be continued.<sup>4</sup>

NOTE: Students do not have a right to assignment to alternative programs or services except as specifically provided by law.

As required by Kentucky Administrative Regulation the District shall ensure:

- That each Alternative Education Program is not limited in scope or design and is aligned to the academic program of the District.
- A student enrolled in an Alternative Education Program may be eligible to participate in one (1) or more types of programs to address student learning needs that may include an alternative digital learning environment, credit recovery, or an innovative path to graduation.
- The Board shall review this policy and accompanying procedure(s) annually.<sup>2</sup>

**Alternative Education****ELIGIBILITY CRITERIA**

Alternative education placements may be utilized for students at middle and high school grade levels.

Placement may be voluntary or involuntary, and the program may be offered either on-site or off-site.

An ILP shall exist for a student in grade six (6) and above as required by regulation prior to placement in a District Alternative Education Program. Criteria for involuntary assignment by District personnel in the Alternative Education Program may include one (1) or more of the following:

- The need for a different educational environment for the student that will reflect an instructional delivery style best provided in an alternative setting.
- The student has contributed to substantial and on-going disruption of the educational process.
- Documentation that there are specific academic and/or behavioral performance areas that require intensive assistance best provided in alternative setting.
- Confirmation that the student has significant and on-going truancy issues that are impeding academic growth.
- Documentation that the student needs intensive support in the areas of social and personal issues that are impeding academic performance and/or behavioral expectations.
- The student has been assigned for code of conduct or Board policy violations for which assignment to an alternative program is authorized under the code or policy.
- The student has been identified as being at risk of academic failure and/or dropping out of school.
- The student has previously dropped out of school, but has requested to return to school via enrollment in an alternative education setting.
- The student is assigned to an alternative school or program for other reasons as provided in the code of conduct, Board policy, or other program standards adopted by the Board.
- Other reasons related to safety concerns and educational needs of the student referenced in 704 KAR 19:002.

A student's parent/legal guardian or a student who is eighteen (18) years of age or older may request voluntary placement in the Alternative Education Program.

**ASSIGNMENT**

Middle or high school students found guilty of noncompliance to the Student Discipline Code may be assigned to the District Alternative Program upon recommendation of a Principal.

**Alternative Education****ASSIGNMENT (CONTINUED)**

Middle or high school students may be referred for placement in the District Alternative Program by the Principal of their school after documentation clearly delineates that accommodations and/or modifications have been unsuccessful in providing appropriate programming at the student's school of enrollment.

The Principal shall notify the parents by letter of his/her recommendation for their child's assignment to the District Alternative Program. The letter shall include the reason for the recommendation.

The duration of the alternative assignment shall be as provided in applicable Board policy, code of conduct, or other alternative program standards adopted by the District or as decided by the team and approved by the Superintendent/designee.

Assignment to the District Alternative Program shall be for a minimum of nine (9) school weeks (45 days), unless otherwise determined by the panel based on specific factors particular to that student and situation.

**HEARING**

Designees of the Superintendent shall hear charges of noncompliance to the Student Discipline Code from the Principal and confirm or deny placement of the student in the District Alternative Program.

The Principal and/or parents have the right to appeal to the Superintendent the decision of the hearing panel.

**ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA**

Students enrolled in a District-operated alternative education program shall be eligible to seek attainment of a High School Equivalency Diploma if the student:

- Is at least seventeen (17) years of age;
- Is not on track to graduate\*; and
- Has previously attained a passing score on an official readiness test for a High School Equivalency Diploma.

\*Not on track to graduate – At the fourth (4th) school year, cumulative grade point average of less than 2.5 and/or not at the 75% mark to obtain the minimum twenty-two (22) credits to graduate.

A student who has attained a High School Equivalency Diploma shall be exempt from compulsory attendance.<sup>3</sup>

**ILPA TEAM**

The Superintendent/designee shall appoint members of a team to develop an Individual Learning Plan Addendum (ILPA) for students with long term placements in grades six through twelve (6-12) assigned to an alternative school or program. The team may consist of the lead administrator/designee of the student's current school/program, the lead administrator/designee of the alternative school/program, counselors, teachers and other staff as appropriate.

**Alternative Education****ILPA TEAM (CONTINUED)**

The Superintendent/designee shall chair the team and invite the guardians, and as appropriate, the student to participate.

After consideration of input of the team, the counselor or the designated administrator shall prepare or revise the ILPA to address, as appropriate, academic and behavioral needs, criteria for re-entry into the traditional program and review of student progress.

**EXCEPTIONS:**

- Such decisions for individual students with disabilities under the IDEA shall be made when required through the Admissions and Release Committee process and changes in service delivery required under the IDEA shall be made to the student's IEP.
- Such decisions for students identified under Section 504 shall be made through the team process as required under federal law and corresponding District policies and procedures.

**OTHER RESTRICTIONS**

While assigned to the District Alternative Program, for noncompliance to the Student Discipline Code, the student may not come to any school grounds unless authorized by the Principal and may not participate in or attend any extracurricular/student activities of any District school.

**CONTINUING SUPPORT**

Opportunities shall be provided for students to continue regular school work as appropriate under the supervision of Alternative Education Program staff. Students participating in an alternative program shall continue to be able to access tutoring, transportation, library and media services, specialty course work, intervention, counseling, and other resources and services already available in the District as determined through the development of the ILPA.

**FAILURE TO COMPLY**

Should a student fail to comply with specified rules of operation of the District Alternative Program, fail to satisfactorily complete a counseling program or fail to earn required academic credits, the duration of stay may be extended by the officials of the District Alternative Program.

The officials of the District Alternative Program shall make the final decision regarding whether a student has complied with expectations during assignment.

Any violation of the specified rules and regulations governing the District Alternative Program or failure to meet the behavioral expectations shall be just cause for extending the student's time in the District Alternative Program. When such action is necessary, the student, parents, and home school Principal shall be notified prior to the date extension will take place.

**Alternative Education****TRANSITION**

Students may transition to a regular classroom setting in accordance with any criteria for re-entry established by the ILPA Team and in accordance with the following process:

1. The lead Alternative Education Program administrator/designee shall invite the student (age 18 or older) or the parent/legal guardian to meet to discuss the proposed transition. If the parent/legal guardian or adult student do not attend, written notification shall be provided to explain the proposed re-entry.

For IDEA or Section 504 students, the IEP or Section 504 team shall determine placement of students as required by law.

2. Strategies shall be documented to promote successful transition to include specific staff responsibilities and how follow-up monitoring will occur.
3. Should the transition not be successful for the student, reassignment to the Alternative Education Program may be considered, and the ILPA Team may be reconvened accordingly.

**COLLABORATION WITH OUTSIDE AGENCIES**

The coordinator or lead administrator of the Alternative Education Program shall establish a process to collaborate with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs. Release of protected information about students involved in the program shall be in compliance with the Family Educational Rights and Privacy Act (FERPA).

**GRADUATION**

A senior or eighth (8<sup>th</sup>) grade student, who is assigned to the District Alternative Program for noncompliance to the Student Discipline Code, at the conclusion of the school year, or who has been assigned to the District Alternative Program at any time during his/her senior/eighth (8<sup>th</sup>) grade year, may not participate in the graduation/promotion ceremony except as provided below:

1. The parent of a graduating senior (or the student, if the student is 18) or eighth (8<sup>th</sup>) grade student, may request permission for the student to participate in the graduation/promotion ceremony and related events. The request must be in writing, and must be received by the high/middle school Principal at least five (5) school days prior to the final day of school for students, unless the circumstances prevent meeting this deadline.
2. Upon receipt of a request, the high/middle school Principal shall convene a meeting including the Superintendent/designee, a teacher at the Hugh C. Spalding Academy familiar with the student's academic performance and conduct at the Hugh C. Spalding Academy, a parent member of the school based decision making (SBDM) council, and the member of the Board of Education in whose District the student resides (or, if that member is unavailable, any other board member).

**Alternative Education****GRADUATION (CONTINUED)**

This five-(5) member committee, of which the Principal is the chairperson, shall determine whether the student's conduct which led to the disciplinary action and assignment to the District Alternative Program makes it more likely than not that the student's presence would either disrupt the graduation/promotion ceremony, or pose a threat of harm to school employees, other students, or members of the public who are attending graduation or the promotion ceremony. The committee shall also consider whether the student has admitted the conduct which led to the disciplinary action and assignment to the District Alternative Program, and the extent to which the deterrent effect of assignment to the District Alternative Program would be reduced by permitting the student to participate in graduation/promotion ceremony.

4. Four (4) members of the committee shall constitute a quorum, and approval of three (3) members of the committee is required in order for a student to be permitted to participate. In making its decision, the committee may seek information from any other staff member who may have information relating to the student. The decision of the committee shall be placed in writing by the Principal, and shall be conveyed to the parent(s)/student making the request. The decision of the committee shall be final.

**NOTE: THIS POLICY DOES NOT APPLY TO A TEMPORARY/SHORT-TERM INTERVENTION.**

**REFERENCES:**

- <sup>1</sup>KRS 160.380
- <sup>2</sup>704 KAR 19:002
- <sup>3</sup>KRS 158.143
- <sup>4</sup>KRS 158.150
- KRS Chapter 159
- 707 KAR 1:320
- Student Discipline Guidelines*, Kentucky Department of Education
- OAG 77-419

**RELATED POLICIES:**

- 08.131; 08.141
- 09.123; 09.14; 09.426; 09.431; 09.434; 09.435