



# State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

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Dear Colleague:

Working effectively with students who do not attend school regularly or behave in ways that violate school rules is a major challenge for educators. To assist school personnel in meeting this challenge, the Department of Public Instruction provides technical and financial assistance. The primary purpose of this correspondence is to inform you of three new or revised publications available on our website that interpret the laws regarding discipline and compulsory school attendance, and offer best practice examples. We also offer preliminary information about a related major professional development initiative and some background information to put these issues in context.

Over the past 15 years, a serious trend has developed that disconnects too many of our students from school due to expulsion. In 1992-93, approximately 400 students were expelled statewide. In 2007-08, 1,400 students were expelled from Wisconsin public school districts, a 350% increase. Repeated relatively high rates of expulsion were reported in various school districts, including those in rural, suburban, and urban communities. African American, Hispanic, and American Indian students were much more likely to be expelled than white or Asian American students. One might assume the expulsion trend parallels juvenile crime, but that is not the case. Statistics from the Wisconsin Office of Justice Assistance reveal that juvenile crime in Wisconsin, since 1997, has declined by 20%, and by over 40% for serious violent crimes.

Of the major categories of types of incidents leading to expulsion, behaviors related to alcohol and other drugs were the most common, accounting for more than 40% in 2008. The second most common type was repeated violation of school rules, accounting for about 20% in 2008. Perhaps the most serious offenses, with the greatest safety risks, lead to relatively fewer expulsions, with assault accounting for 6% and weapon possession 15%. Schools are required by law to expel only in cases of fire-arm possession, and even these may be modified on a case-by-case basis. All other disciplinary actions, with the exception of following due process, are determined through local policies. While school administrators and board members have the legal and ethical responsibility to maintain a safe school environment, this must be balanced with the student's constitutional right to a public education. Expulsion, which deprives the student of this right, is warranted only in cases where "the interest of the school demands the pupil's expulsion," s. 120.13 (1) (c) 1 Wis. Stats., and overrides the student's constitutional right to a public education.

The philosophy of "zero tolerance" for student misbehavior played a role in the large increase in expulsions. In some cases, zero tolerance resulted in severe penalties being applied to a wide range of infractions with little consideration for unique circumstances or for support services to assist the student in overcoming the behavioral problem. While the zero tolerance philosophy has no legal basis and has not proven to be an effective deterrent, it did have much appeal. Following studies showing its ineffectiveness in improving school safety and climate, many school administrators and school boards have reexamined discipline policies and alternative measures that have begun to reduce the numbers of students expelled. After reaching the zenith in 2006 of over 1,800 expulsions from Wisconsin public schools, the number has dropped by more than 20% to the 2008 level. While this is encouraging, more work is needed to ensure that while inappropriate behavior is not tolerated, consequences and support keep the student engaged in learning whenever possible, and maintain a safe learning environment for all students.

More recent experience and research have identified a wide range of disciplinary practices, interventions, and alternative placements that are effective in maintaining both a safe environment and student attendance. Alternative education programs, for example, provide settings where students' behavior can be more closely monitored and supported. Some school districts have developed policies whereby the expulsion may be held in abeyance if the student gets community-based services for AODA or violent behavior and maintains appropriate behavior at school. "First offender" programs offer interventions that help prevent repeated use of alcohol and other drugs. A selection of these strategies is described in the new document *Alternatives to Expulsion: Case Studies of Wisconsin School Districts*, available at <http://dpi.wi.gov/sspw/pdf/expulsionalts.pdf>. This publication also describes ways school districts are continuing to educate students during an expulsion to effectively continue their education following the expulsion.

In addition to the educational benefits of keeping students in school, school districts can receive state aid for students served. While expelled students not receiving educational services are not eligible for state aid, many districts continue to receive more state aid than they would otherwise by not expelling as many students and by educating those they do expel.

The Department of Public Instruction encourages all school districts to use a variety of balanced discipline and support strategies to keep students in school while maintaining a safe school environment. One systematic way to support positive student behavior and reduce disciplinary problems is through an evidence-based approach entitled, Positive Behavior Interventions and Supports (PBIS). A small number of Wisconsin school districts have begun to implement this approach and have already seen success in reducing disciplinary problems. Beginning in the 2009-10 school year, the DPI will make professional development on PBIS widely available to schools statewide. More specific information about this opportunity will be sent to all school districts in coming months. To learn more about this effective national initiative, we encourage you to use the following resources: [www.pbis.org](http://www.pbis.org) and [www.pbisillinois.org](http://www.pbisillinois.org).

Additional best practices in alternatives to suspension and expulsion are being shared at professional conferences through a partnership among the Department of Public Instruction, the Wisconsin Association of School Boards, the Association of Wisconsin School Administrators, and the Wisconsin Association of School District Administrators.

Finally, DPI offers two revised publications: *Answers to Frequently Asked School Discipline Questions* and *Answers to Frequently Asked School Attendance Questions*, both of which offer the department's interpretation of relevant state and federal laws. These are available at <http://dpi.wi.gov/sspw/pdf/schldscplnqa.pdf> and <http://dpi.wi.gov/sspw/pdf/schlattendqa.pdf>. We hope you will find these to be helpful. If you have questions related to any of these documents or alternatives to expulsion, or would like printed copies of these publications, please feel free to contact the Student Services/Prevention and Wellness Team at (608) 266-8960.

Sincerely,

Carolyn Stanford Taylor  
Assistant State Superintendent  
Division for Learning Support: Equity and Advocacy

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