



What's Known

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# How do states define alternative education?

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## Key findings

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- Forty-three states and the District of Columbia have formal definitions of alternative education.
- The literature suggests that the definition of alternative education should include target population, setting, services, and structure.
- Alternative education serves primarily students with behavioral problems.
- The most common alternative education services are regular academic instruction, counseling, social/life skills, job readiness, and behavioral services.
- Exemptions to compulsory attendance laws for alternative education programs occur at the district level.

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## Summary

Alternative education programs—broadly defined as educational activities that fall outside the traditional K–12 curriculum—frequently serve students who are at risk of school failure. Because individual states or school districts define and determine the features of their alternative education programs, programs may differ in key characteristics, such as target population, setting, services, and structure.

The Maryland State Department of Education needed a clear definition of alternative education programs to ensure compliance with Maryland Senate Bill 362, which calls for raising the mandatory age of school attendance and lists enrollment in an alternative program as an exemption from compulsory attendance. Because Maryland has no state-wide regulation, definition, or standards for alternative education, the department needed a clear definition of alternative programs to ensure compliance with the bill's provisions. In response to the Maryland State Department of Education's request for support, Regional Educational Laboratory Mid-Atlantic reviewed information on alternative education definitions and programs from state and federal websites and from local Maryland school system websites and found:

- Forty-three states and the District of Columbia have formal definitions of alternative education.
- The literature suggests that the definition of alternative education should include the target population, setting (for example, within a school or in a standalone school), services, and structure (for example, during or outside of school hours).
- Alternative education serves primarily students with behavioral problems (35 states).
- The most common alternative education services are regular academic instruction (21 states), counseling (14 states), social/life skills (13 states), job readiness (12 states), and behavioral services (for example, anger management, conflict resolution; 11 states).
- Of the states that report where alternative education programs operate, 18 indicate that they allow alternative education programs to be held in separate schools; 12 states indicate that alternative programs may be held within a regular school.
- Exemptions to compulsory attendance laws for alternative education programs occur at the district level.

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## **Why this review?**

Alternative education programs—broadly defined as educational activities that fall outside the traditional K–12 curriculum—include home schooling, general educational development (GED) programs, gifted and talented programs, and charter schools (Aron, 2006). Because individual states or school districts define and determine the features of their alternative education programs (Lehr, Lanners, & Lange, 2003), programs may differ in target population, setting, services, and structure.

To ensure compliance with Maryland Senate Bill 362, which calls for raising the mandatory age of school attendance from 16 to 17 and exempts students enrolled in an alternative education program, the Maryland State Department of Education requested assistance in defining and setting standards for alternative education in Maryland. When the age of compulsory attendance is raised to 17 on July 1, 2015, the Maryland State Department of Education must have a definition of alternative education in place so that local school systems can apply the exemption appropriately.<sup>1</sup>

To assist Maryland in defining alternative education, this study reviewed information on alternative education definitions and programs from state and federal websites and from local Maryland school system websites. This identification of elements covered in state definitions of alternative education programs may also be useful to other state education agencies that need to make informed choices about establishing or revising their own definitions of alternative education.

### **Definitions of alternative education vary**

Most states have education programs, services, and options that are considered “alternative” (Lange & Sletten, 2002), along with formal definitions of alternative education in their statutes and codes. In a 1998 survey of state coordinators of alternative education, 20 states reported having adopted a definition of alternative education (Katsiyannis & Williams, 1998). By 2002, 48 states had some type of alternative education legislation, with 34 states having a formal definition (Lehr, Tan, & Ysseldyke, 2008). However, there is little consensus among states on how to define alternative education.

At the federal level an alternative school is defined as “a public elementary/secondary school that addresses needs of students that typically cannot be met in a regular school, provides nontraditional education, serves as an adjunct to a regular school, or falls outside the categories of regular, special, or vocational education” (Sable, Plotts, & Mitchell, 2010, p. C-1).

This definition does not address alternative education programs within schools. Also, recent expansion of school, curriculum, and program types complicates the definition of “regular” schooling (Aron & Zweig, 2003). State definitions present additional complications. States structure and run alternative education programs differently. Even within a state, program emphasis can vary.

***To assist Maryland in defining alternative education, this study reviewed information on alternative education definitions and programs from state and federal websites and from local Maryland school system websites***

## Why there is no standard definition

The lack of a commonly accepted definition of “alternative education” indicates the fluidity of related policies and legislation, the diversity of contexts and settings, and the various groups of at-risk youth who may benefit from alternative education options (Aron, 2003).

Definitions of alternative education reveal several perspectives. One reflects the belief that “there are many ways to become educated, as well as many types of environments and structures within which this may occur” (Morley, 1991, p. 8). Another focuses on students’ education challenges and issues rather than students’ demographic characteristics or programmatic classification (Roderick, 2003).

The most common view of alternative education found in the literature offers a concrete set of dimensions for defining and designing programs and schools (Aron & Zweig, 2003):

- Whom the program serves.
- Where the program operates.
- What the program offers.
- How the program is structured.

These four dimensions reveal the complexity of developing a standard definition of alternative education. For example, the definition of a program on vocational training may differ from that of a program on credit recovery. Each of these dimensions offers many opportunities for variation.

Also complicating the task of reaching a standard definition is the changing nature of alternative education. Today’s alternative schools look very different from the original alternative schools that emerged in the 1960s. Alternative education has evolved to embody a wide range of options to serve students with varying circumstances, interests, and abilities (Lange & Sletten, 2002). Alternative education settings have moved away from private schools or special education programs to less traditional settings with specialized programs targeting specific groups of students. As alternative programs proliferate across the country, the policies that govern them are also changing (Lange & Sletten, 2002). But the current alternative education system shares the same philosophy as its predecessors—“one size does not fit all” (Raywid, 1994).

**Whom the program serves.** While some alternative education programs serve academically advanced students and students seeking vocational and technical education, most serve students who are at risk of school failure or who are marginalized from the traditional school system (Lange & Sletten, 2002). In a national survey 64 percent of districts reported having at least one alternative school or program for at-risk students; these programs served 646,500 students in the United States during the 2007/08 school year (Carver & Lewis, 2010).

Targeting alternative education to specific groups of youth can drive the curriculum or approach. For example, different alternative programs may be designed for pregnant or parenting teens, suspended or expelled students, recovered dropouts, delinquent teens, students with disabilities, students with high-risk health behaviors, and students seeking vocational and technical education.

**The most common view of alternative education offers four concrete dimensions for defining and designing programs and schools: Whom the program serves, where the program operates, what the program offers, and how the program is structured**

Alternative education programs are often intended to support students who are underperforming academically, have learning disabilities, display emotional or behavioral issues, are victims of other students with behavioral problems, demonstrate a high risk of dropping out of school, or display the need for individualized instruction (Coles et al., 2009). In a survey of state-level policies on alternative education half the states indicated that alternative schools were designed to prevent students from dropping out of school (Lehr et al., 2008).

**Where the program operates.** Program setting is related to the services provided (Aron, 2003). Alternative education programs can be located in resource rooms within a traditional school, in schools within a school, or in self-contained alternative schools. Some alternative programs operate on community college campuses, at medical or mental health facilities, or in juvenile detention centers.

**What the program offers.** Programs may offer regular high school diplomas, GED diplomas, or occupational certifications and often focus on basic life skills, good behavior in school, and skills needed to enter the workforce (Cable, Plucker, & Spradlin, 2009).

**How the program is structured.** Alternative schools and programs may be administered or funded by a number of agencies, including state and local education agencies, charter schools, mental health institutions, juvenile justice agencies, federally funded programs, or private companies. Programs typically provide settings that are smaller than traditional classrooms, emphasize new educational methods and hands-on learning, have a flexible structure, and offer services and programs for individual and small group experiences (Cable et al., 2009). Education may be provided during or after school hours or on weekends.

*In a survey of state-level policies on alternative education half the states indicated that alternative schools were designed to prevent students from dropping out of school*

### What the review examined

This review addressed three questions:

- How do states define alternative education?
- What alternative education programs currently operate in Maryland?
- How have states developed alternative education exemptions to compulsory attendance laws?

Data on alternative education definitions and programs from federal and state websites and from 24 local Maryland school system websites were examined to answer these questions. Phone interviews were conducted with representatives of education agencies in seven jurisdictions (Delaware, the District of Columbia, New Jersey, Pennsylvania, Tennessee, Washington, and Wisconsin) to determine how definitions of alternative education deal with the exemption from compulsory attendance laws of students in alternative education programs (see appendix A for a detailed description of the methodology).<sup>2</sup>

### States define alternative education in various ways

Definitions of alternative education were accessed from state department of education websites of all 50 states and the District of Columbia, as well as from websites containing state statutes and administrative codes. Forty-three states and the District of Columbia



had a formal definition of alternative education in 2013, compared with 22 in 1998 (Katsiyannis & Williams, 1998) and 34 in 2002 (Lehr et al., 2008).

Consistent with the concrete set of dimensions for defining and designing programs and schools presented in the literature, the alternative education definitions and policies were reviewed on four dimensions:

- Whom the program serves (grade levels/ages and target population).
- Where the program operates.
- What the program offers.
- How the program is structured.

The first three dimensions are described in this section; the fourth is described in the following section on alternative education programs in Maryland. The unabridged definitions and applicable laws or administrative statutes are included in appendix B.

### Whom do alternative education programs serve?

**Grade levels and ages served.** Twenty-eight states describe the grade levels or ages of students to be served by alternative education programs (table 1). Alternative programs tend to address students in the secondary grades, with 24 states serving high school grades and 22 states serving middle school grades. Thirteen states explicitly include elementary school grades; only four define students by age.

**Target population.** Forty-two states include information about the target population for alternative education or the eligibility criteria for enrollment in an alternative program (table 2). Alternative education programs most commonly target students with behavioral problems (35 states), including students who disrupt the classroom and students who commit severe disciplinary infractions and must be removed from regular education. Eighteen states target students with academic problems, including students with poor grades or low standardized test scores and students who are behind in school credits. Eighteen states target students classified as “at risk,” a category that can encompass pregnancy, homelessness, dropout status, disciplinary problems, academic failure, absenteeism or truancy, drug or alcohol abuse, and physical or sexual abuse. Thirteen states specify general target populations and are directed at students who are unable to benefit from a regular school environment. Other states target students who are at risk of dropping out of high school or who have dropped out (11 states) and students with truancy or attendance problems (9 states).

Although not listed in table 2, other target populations identified in this review include students who are pregnant or parenting (six states), students caught engaging in substance use (six states), students whose parents are in legal or other trouble (for example, in jail or under investigation by child protective services; three states), and English language learner students (two states).

Although state statutes and administrative codes usually specify the target populations for alternative education, it is unclear in many cases whether the target populations are suggested or prescriptive. Some states, such as Iowa, provide very specific criteria for enrollment in alternative programs (students have to be at risk, which is defined as meeting 1 of 13 specific criteria). By contrast, Georgia’s code—which takes a broad approach—stipulates that “alternative education programs are intended to meet the education needs

**Twenty-eight states describe the grade levels or ages of students to be served by alternative education programs**

**Table 1. Grade levels and ages of students served according to alternative education definitions, by state**

State	Elementary school students	Middle school students	High school students	Students defined by age (rather than grade)	Comments
Alabama					
Alaska		✓	✓		
Arizona		✓	✓		
Arkansas	✓	✓	✓		
California					
Colorado					
Connecticut				✓	Offered during periods of expulsion for students under 16 and for students ages 16–18 on their first expulsion
Delaware		✓	✓		Intended primarily for students in the secondary grades (grades 6–12)
District of Columbia					
Florida					
Georgia					
Hawaii					
Idaho		✓	✓		Grades 7–12
Illinois	✓	✓	✓		Grades 4–12
Indiana		✓	✓		
Iowa					
Kansas		✓	✓		
Kentucky					
Louisiana	✓	✓	✓		
Maine					
Maryland					
Massachusetts		✓	✓		
Michigan	✓	✓	✓		Grades K–12
Minnesota	✓	✓	✓		Elementary and secondary grades (grades K–12)
Mississippi				✓	Compulsory school ages (ages 6–17 or age 5 if enrolled in full-day kindergarten)
Missouri	✓	✓	✓		
Montana					
Nebraska					
Nevada	✓	✓	✓		
New Hampshire			✓		
New Jersey					
New Mexico					
New York	✓	✓	✓		
North Carolina					
North Dakota				✓	Students must be ages 16–21 and have been dropped from the regular school program to be eligible for foundation aid payments in the alternative program
Ohio	✓	✓	✓		
Oklahoma		✓	✓		
Oregon	✓	✓	✓		
Pennsylvania					

(continued)

**Table 1. Grade levels and ages of students served according to alternative education definitions, by state**  
(continued)

State	Elementary school students	Middle school students	High school students	Students defined by age (rather than grade)	Comments
Rhode Island					
South Carolina		✓	✓		
South Dakota					
Tennessee	✓	✓	✓		Grades 1–12
Texas				✓	Students must be ages 10–21 to participate in the Juvenile Justice Alternative Education Programs; no age specified for participation in the Disciplinary Alternative Education Program
Utah					
Vermont	✓	✓	✓		
Virginia					
Washington					
West Virginia	✓	✓	✓		
Wisconsin			✓		
Wyoming					
<b>Total</b>	13	22	24	4	

**Note:** Blank cells indicate that the state definition does not specify the grade level or age of students served.

**Source:** Review of state definitions, legislative statutes, administrative codes, and department of education websites.

**Table 2. Target populations for alternative education programs, by state**

State	Students with behavioral problems	Students with academic problems	At-risk students	Students unable to benefit from regular school	Students who have dropped out	Students with truancy or attendance problems
Alabama	✓			✓		
Alaska						
Arizona	✓			✓		
Arkansas		✓	✓			
California						
Colorado	✓		✓		✓	
Connecticut	✓	✓				
Delaware	✓					
District of Columbia	✓					
Florida	✓					
Georgia	✓			✓		
Hawaii	✓	✓	✓			✓
Idaho	✓	✓	✓		✓	✓
Illinois	✓	✓	✓	✓		
Indiana	✓	✓			✓	
Iowa		✓			✓	✓
Kansas						

(continued)

**Table 2. Target populations for alternative education programs, by state** *(continued)*

State	Students with behavioral problems	Students with academic problems	At-risk students	Students unable to benefit from regular school	Students who have dropped out	Students with truancy or attendance problems
Kentucky						
Louisiana	✓			✓	✓	
Maine						
Maryland						
Massachusetts	✓		✓	✓	✓	✓
Michigan		✓	✓	✓		
Minnesota	✓	✓	✓			
Mississippi	✓		✓	✓		
Missouri	✓	✓			✓	
Montana	✓	✓	✓			
Nebraska	✓					
Nevada			✓			
New Hampshire	✓		✓			
New Jersey	✓	✓				
New Mexico						
New York			✓			
North Carolina	✓	✓	✓	✓	✓	✓
North Dakota					✓	
Ohio	✓	✓			✓	✓
Oklahoma	✓	✓	✓			✓
Oregon	✓	✓			✓	
Pennsylvania	✓					
Rhode Island	✓					✓
South Carolina	✓	✓				
South Dakota			✓	✓		
Tennessee	✓					
Texas	✓		✓			
Utah	✓			✓		
Vermont	✓					
Virginia	✓					
Washington						
West Virginia	✓		✓	✓		
Wisconsin	✓	✓		✓		✓
Wyoming						
<b>Total</b>	<b>35</b>	<b>18</b>	<b>18</b>	<b>13</b>	<b>11</b>	<b>9</b>

**Note:** Blank cells indicate that the state definition does not specify the target population.

**Source:** Review of state definitions, legislative statutes, administrative codes, and department of education websites.

of a student who is suspended from his or her regular classroom and also of a student who is eligible to remain in his or her regular classroom but is more likely to succeed in a nontraditional setting such as that provided in an alternative education program” (Official Code of Georgia, Annotated [O.C.G.A.], § 202154.1, 2010). It is unclear how strictly these criteria are enforced.

### Where do alternative education programs operate?

Thirty-four states specify possible locations for alternative education programs (table 3). Eighteen states allow for alternative programs at separate sites or school facilities. Twelve states mention alternative education programs within regular schools. And six states mention accredited schools or schools affiliated with accredited schools. Separate sites may include community colleges, recreation centers, and neighborhood organizations. Other settings include home schooling, online learning, and juvenile justice facilities. Although state statutes and administrative codes provide examples of settings and locations for alternative education programs, the identified settings are not intended as exhaustive lists.

### What services do alternative education programs provide?

In the operational definitions of alternative education, 39 states include guidance on services that should or might be provided, as indicated in official state definitions, legislative statutes, administrative codes, or department of education website content (table 4).<sup>3</sup> Although regular academic instruction is implied, only 21 states explicitly include this component in their operational definition. Other elements of academic instruction found in state guidance include remedial education, content area instruction (for example, math and reading), evidence-based curriculum, active learning, small group learning, digital learning, tutoring, and academic support.

Fourteen states include counseling services in their guidance on alternative education programs. Since many programs target students with behavioral problems, it is not surprising that 11 states mandate (or suggest) behavioral services, which include conflict resolution, anger management, positive behavioral supports, behavioral shaping, and cognitive-behavioral interventions.

Thirteen states specify social skills and support services, including social skills development, life skills instruction, and skills to increase employability and success in the community. Twelve states provide career education, which includes workplace or job training, vocational education, career readiness, and career counseling.

Twelve states mention other services, including transportation, daycare or childcare, health services, credit recovery, special education services, individual service plans, substance abuse interventions, and links to community partners.

Program services are diverse. For example, in California the social skills and support services are designed to maximize student motivation and self-directed learning. They also focus on building cooperative learning among students, teachers, and parents. Alabama's social skills and support services emphasize anger management and strategies for developing self-control.

***In the operational definitions of alternative education, 39 states include guidance on services that should or might be provided, as indicated in official state definitions, legislative statutes, administrative codes, or department of education website content***

**Table 3. Settings for alternative education programs, by state**

State	Separate site or school facility	In school	Accredited or affiliated with accredited school	Other
Alabama		✓		
Alaska			✓	
Arizona				
Arkansas	✓	✓		
California	✓	✓		
Colorado				✓
Connecticut				✓
Delaware				✓
District of Columbia				✓
Florida				
Georgia	✓	✓	✓	
Hawaii	✓			
Idaho	✓			
Illinois				
Indiana		✓		
Iowa				
Kansas				
Kentucky	✓	✓		
Louisiana	✓			
Maine				
Maryland				
Massachusetts	✓	✓		
Michigan			✓	
Minnesota	✓	✓		
Mississippi				✓
Missouri				✓
Montana	✓			
Nebraska				
Nevada			✓	
New Hampshire				
New Jersey				✓
New Mexico	✓			
New York			✓	
North Carolina				
North Dakota				
Ohio				
Oklahoma				
Oregon	✓			
Pennsylvania	✓		✓	
Rhode Island				
South Carolina	✓	✓		
South Dakota	✓			
Tennessee				✓
Texas				✓

*(continued)*

**Table 3. Settings for alternative education programs, by state** *(continued)*

State	Separate site or school facility	In school	Accredited or affiliated with accredited school	Other
Utah	✓			
Vermont				
Virginia				
Washington	✓	✓		
West Virginia	✓	✓		
Wisconsin		✓		
Wyoming				
Total	18	12	6	9

**Note:** Blank cells indicate that the state definition does not specify the setting.

**Source:** Review of state definitions, legislative statutes, administrative codes, and department of education websites.

**Table 4. Services provided in alternative education programs, by state**

State	Regular academic instruction	Counseling	Social skills and support	Career education	Behavioral services	Other
Alabama	✓	✓	✓	✓	✓	
Alaska	✓			✓		
Arizona						
Arkansas		✓			✓	
California			✓			
Colorado						✓
Connecticut						✓
District of Columbia						
Delaware						✓
Florida	✓		✓			
Georgia	✓	✓	✓		✓	
Hawaii						✓
Idaho	✓	✓		✓		
Illinois	✓		✓		✓	
Indiana						✓
Iowa	✓		✓	✓		
Kansas						
Kentucky	✓				✓	
Louisiana	✓	✓	✓	✓	✓	
Maine	✓					
Maryland						
Massachusetts			✓	✓	✓	
Michigan		✓				
Minnesota	✓			✓		
Mississippi	✓	✓	✓	✓	✓	
Missouri						
Montana						

*(continued)*

**Table 4. Services provided in alternative education programs, by state** *(continued)*

State	Regular academic instruction	Counseling	Social skills and support	Career education	Behavioral services	Other
Nebraska	✓	✓		✓		
Nevada	✓			✓		
New Hampshire						✓
New Jersey	✓		✓		✓	
New Mexico						
New York						✓
North Carolina						✓
North Dakota						
Ohio		✓				
Oklahoma	✓	✓	✓	✓		
Oregon						✓
Pennsylvania	✓	✓				
Rhode Island						
South Carolina						✓
South Dakota	✓					
Tennessee	✓	✓			✓	
Texas						✓
Utah						
Vermont						
Virginia	✓	✓	✓	✓	✓	
Washington	✓					
West Virginia		✓	✓			
Wisconsin						✓
Wyoming						
<b>Total</b>	<b>21</b>	<b>14</b>	<b>13</b>	<b>12</b>	<b>11</b>	<b>12</b>

**Note:** Blank cells indicate that the state definition does not specify the services provided.

**Source:** Review of state definitions, legislative statutes, administrative codes, and department of education websites.

### Alternative education programs in Maryland are diverse

The review included a web search of alternative education programs in Maryland's 24 school districts.

#### Whom do alternative education programs in Maryland serve, and where do these programs operate?

The web search identified 89 alternative education programs in Maryland and found that 22 of 24 local school systems included information on alternative programs on their websites. Of these 22 local school systems, all served secondary school students, and 7 also served primary school students.

The review identified the characteristics of target populations for each alternative education program. Fifty-seven programs (64 percent) targeted students with behavioral problems or who were in contact with law enforcement, 54 (61 percent) targeted students who were having academic difficulties as evidenced by low grades or being behind grade level, and 22 (25 percent) targeted students with attendance problems (table 5). Less common target



**Table 5. Target population and setting of alternative education program offerings in Maryland school systems**

Local school system	Number of alternative programs	Whom the program serves					Where the program operates		
		Grades served	Behavior <sup>a</sup>	Academic <sup>b</sup>	Attendance <sup>c</sup>	Pregnant or parenting	In school	Outside of school	Separate site/school facility
Allegany County	2	6–12	1	2	1	0	1	0	1
Anne Arundel County	16	K–12	6	8	8	2	6	5	5
Baltimore City	12	8–12	8	10	3	0	4	4	4
Baltimore County	10	PK–12	8	7	0	1	3	2	5
Calvert County	2	6–12	2	1	1	0	1	0	1
Caroline County	1	6–12	1	0	0	0	0	0	1
Carroll County	5	PK–12	2	2	0	0	0	0	5
Cecil County	1	K–12	1	0	0	0	1	0	0
Charles County	1	6–12	1	1	0	1	0	0	1
Dorchester County	1	9–12	0	0	0	0	0	0	1
Frederick County	1	6–12	1	1	0	0	0	0	1
Garrett County	3	9–12	0	0	0	0	1	2	0
Harford County	2	K–12	1	2	1	1	0	0	2
Howard County	8	K–12	8	6	0	1	5	0	3
Kent County	0	na	0	0	0	0	0	0	0
Montgomery County	5	6–12	5	3	2	0	0	0	5
Prince George's County	7	6–12	6	4	2	0	2	1	4
Queen Anne's County	1	6–12	1	0	0	0	0	0	1
St. Mary's County	1	K–12	0	1	0	0	1	0	0
Somerset County	1	K–12	1	1	0	0	0	0	1
Talbot County	0	na	0	0	0	0	0	0	0
Washington County	5	6–12	0	2	1	0	3	1	1
Wicomico County	2	6–12	2	1	1	0	1	0	1
Worcester County	2	6–12	2	2	2	0	2	0	0
<b>Total</b>	<b>89</b>	<b>na</b>	<b>57</b>	<b>54</b>	<b>22</b>	<b>6</b>	<b>31</b>	<b>15</b>	<b>43</b>

na is not applicable.

**a.** Includes behavioral and discipline problems in school or contact with law enforcement.

**b.** Includes low grades and being behind grade level.

**c.** Includes poor attendance and truancy.

**Source:** Review of all Maryland local school system websites for information on current alternative programs.

populations included students who were pregnant or parenting (6 programs, 7 percent), and students in low-income households or households involved with Child Protective Services (4 programs, 4 percent).

The review also classified the setting of alternative education programs as either in a school (for example, school-within-a-school, alternative program or classroom operating within the school), outside a school (for example, home or hospital learning programs, programs operating within community-based organizations), or in a separate site or school facility (for example, alternative education centers, charter schools, vocational schools). Nearly half of alternative programs (43 programs, 48 percent) were standalone schools, 31 (35 percent) were in-school programs, and 15 (17 percent) operated outside a school.

### **What do alternative education programs in Maryland offer, and how are they structured?**

Data on services provided by the 89 alternative education programs in Maryland vary in level of detail (table 6). Some program websites provide considerable detail about service offerings, while others provide broad mission statements; therefore, the data in table 6 likely underrepresent the full array of services provided. All but 1 of the 89 programs provide academic instruction. The exception is a dedicated positive behavioral intervention and support program in Anne Arundel County. Beyond academics, the most common services offered are behavioral services (30 programs, 34 percent) and social skills and support (26 programs, 29 percent). Other services and supports include counseling (14 programs, 16 percent) and workplace and job training (14 programs, 16 percent).

Ten alternative education programs (11 percent) provide career education. However, the uneven reporting of programs in this area (for example, 3 of the 10 programs reported were in Prince George's County) may suggest that some school systems are not presenting all career and technical options as alternative programs.

The majority of alternative education programs (77 programs, 87 percent) operate during school hours. Twelve programs (13 percent) operate during nonschool hours, such as evenings, weekends, and summers.

The characteristics of these Maryland alternative education programs largely mirror those found in other states' definitions:

- Most alternative programs serve secondary school students, although some target primary school students.
- Alternative programs most commonly target students with behavioral problems; however, nearly the same percentage of Maryland's alternative programs target students with academic problems. Many state and national alternative programs target both populations.
- The setting of alternative programs is more often a standalone education center or school than a school-within-a-school.

**Table 6. Services and structure of alternative education program offerings in Maryland school systems**

Local school system	Number of alternative programs	Programs offered						How programs are structured	
		Regular academic instruction	Behavioral services	Social skills and support	Counseling	Workplace and job training	Career education	School hours	Outside school hours
Allegany County	2	2	0	0	0	0	0	1	1
Anne Arundel County	16	15	4	5	3	2	0	12	4
Baltimore City	12	12	2	3	2	4	1	11	1
Baltimore County	10	10	4	2	2	1	1	8	2
Calvert County	2	2	2	1	0	0	0	2	0
Caroline County	1	1	0	1	0	1	1	1	0
Carroll County	5	5	1	1	0	1	1	4	1
Cecil County	1	1	1	0	1	0	0	1	0
Charles County	1	1	0	0	0	0	0	1	0
Dorchester County	1	1	0	0	0	1	1	1	0
Frederick County	1	1	1	0	1	0	0	1	0
Garrett County	3	3	0	0	0	1	1	3	0
Harford County	2	2	1	1	0	1	0	2	0
Howard County	8	8	5	3	3	0	0	6	2
Kent County	0	0	0	0	0	0	0	0	0
Montgomery County	5	5	5	5	0	0	0	5	0
Prince George's County	7	7	1	2	0	2	3	6	1
Queen Anne's County	1	1	1	1	0	0	0	1	0
St. Mary's County	1	1	0	0	0	0	0	1	0
Somerset County	1	1	1	0	0	0	0	1	0
Talbot County	0	0	0	0	0	0	0	0	0
Washington County	5	5	0	1	0	0	0	5	0
Wicomico County	2	2	1	0	1	0	0	2	0
Worcester County	2	2	0	0	1	0	1	2	0
<b>Total</b>	<b>89</b>	<b>88</b>	<b>30</b>	<b>26</b>	<b>14</b>	<b>14</b>	<b>10</b>	<b>77</b>	<b>12</b>

**Source:** Review of all Maryland local school system websites for information on current alternative programs.

## **Alternative education exemptions to compulsory attendance laws occur at the district level**

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Nine state education agency officials in charge of alternative programs or compulsory attendance policies were interviewed to determine how states have responded to the exclusion of alternative education programs from compulsory attendance laws. The interviews targeted the four state education agencies in the Mid-Atlantic Region other than Maryland (Delaware, the District of Columbia, New Jersey, and Pennsylvania), as well as three states (Tennessee, Washington, and Wisconsin) that refer specifically to compulsory attendance in their definitions of alternative education or their administrative codes. The interview protocol is shown in appendix C.

### **How do other states describe compulsory attendance laws and alternative education exclusionary criteria?**

The age of compulsory attendance varied among the states from 5–8 years old to 16–18 years old (table 7). While some exemptions were mentioned (for example, in Pennsylvania, Amish children can obtain a waiver from compulsory attendance), most states require students to be enrolled in either public or private education programs, whether traditional or alternative, while of compulsory attendance age. For example, in Wisconsin, students must remain enrolled in the local school district until the end of the semester or quarter when they turn 18. Students who are participating in alternative education programs (including GED programs) are considered to be enrolled in the school district. One interviewee from Wisconsin explained:

**Most states require students to be enrolled in either public or private education programs, whether traditional or alternative, while of compulsory attendance age**

*We have a rather lengthy statute under Chapter 118 Section 15 that talks about attending until age 18 or you reach a high school diploma or equivalency but then it goes into the alternatives that may qualify under this compulsory attendance law other than a regular school. It gets into discussion about contracting with one of our vocational or technical colleges if a child turns 17 and is defined as a child at risk (and there are some definitions for what that means—there are a number of things but among them are at least a year behind their class in credits, pregnant, had been a dropout). If any of those criteria are met and they are considered a child at risk, then they can request and are to be admitted to one of the vocational or technical colleges that serve their region, and the school district enters into a contract to pay the tuition. So that's an example of one of the alternatives. But then there are a number of others that talk about a school work training or work study program so they basically could be in an apprenticeship program so they would get credit while they were working and learning a trade. They could be involved in an alternative public school or an alternative program (and those are different) and then they could get into a home-bound study or a home-based educational program. Those are some of the alternatives in the statute as qualifying educational programs that meet the compulsory school attendance requirements.*

This response indicates that Wisconsin has an expansive list of alternative programs that would qualify for exemptions under its compulsory attendance law (for example, vocational or technical college, work study, home school, alternative schools).

An interviewee from Washington mentioned that the compulsory attendance ages are 8–18, but ambiguous descriptions for alternative education—especially home schooling—can

**Table 7. Compulsory school attendance ages and exemptions, selected states**

State	Compulsory school attendance age	Exceptions to attendance requirements
Delaware	5–16	Private school attendance; mentally or physically handicapped; by parent request with written documentation of physician or psychiatrist.
District of Columbia	5–18	Child obtained diploma; if 17 and lawfully employed, school hours may be flexible.
New Jersey	6–16	Mental condition such that student cannot benefit; physical condition prevents attendance; child attends day school where instruction is equivalent to that provided in public schools for children of similar grades and attainments.
Pennsylvania	8–17	Graduated high school; 15 and with approval, child may enroll in private trade school; enrolled in home education program pursuant to Tit. 24 § 13–1327.1 or private school; physical or mental defects rendering education impracticable; 16 and lawfully employed; 15 and engaged in farming or domestic service or 14 if engaged in same having achieved highest elementary grade; resides over two miles from nearest public highway, school or free public transportation is not furnished.
Tennessee	6–17	Child has graduated high school or has GED; physical or mental incapacity; mentally or physically incapacitated to perform school duties; child is 17 and conduct is detrimental to good order and benefit of other children; home school or non–public school instruction.
Washington	8–18	Enrolled in private school; home-based instruction; physically or mentally incapable of attending; child is 16 or older and legally employed or has met graduation requirements or has received certificate of educational competence.
Wisconsin	6–18	Child has graduated; physical or mental condition renders incapable; child is home-schooled or attends private school; at 16 child may attend technical school leading to high school graduation.

**Source:** Review of state statutes and administrative code.

create confusion. The interviewee indicated that students enrolled in an alternative education program for any reason are still considered public school students and are not exempt from compulsory attendance. They must also meet the general graduation requirements and communicate regularly with district representatives:

*Our alternative education programs reside within the public school category. We define alternative education in a different way. For us, it is students who are enrolled in the district and are in a program that does not require them to be in a school all day and every day. So districts have some flexibility as they create programs to have students do their work from home or essentially not in the classroom. There is no difference from a legal perspective of how these students are treated or responsibilities for graduation requirements.... The only difference is that they are not necessarily in the classroom. We do have a different set of rules that schools have to follow...like a student learning plan for each kid and what we are calling Alternative Learning Experience Programs, which map out what the students have to learn. The districts have to make weekly contact with the student. It can be face to face, email, phone, or even Skype. It has to be contact between a student and a teacher at least once a week, and then the district has to do a monthly evaluation of the students to decide if they are making satisfactory progress. If they aren't, there is a set of procedures that must be followed.*

Although Washington has a broad definition of alternative education, it also has structured oversight, as evidenced by the communication required between districts and students in alternative education. Delaware has a similar communication requirement:

*A student cannot be placed arbitrarily [in an alternative education program] by a principal. A team consisting of school and district personnel determines if they are going to act on recommendation for an alternative program. An intake meeting occurs for a new student and then periodically. An exit meeting occurs at the end.*

### How do states implement alternative education exemptions to compulsory attendance laws?

Interviewees indicated that definitions of alternative education as an exemption to compulsory attendance laws are applied at the district level. Three of the nine interviewees stated that “alternative education” is a generic term. All three indicated that the term includes anything that deviates from what is deemed traditional. All interviewees explained that nearly all alternative education programs within their state serve primarily students with a history of behavioral infractions. Several interviewees mentioned that alternative education is usually framed as a long-term suspension—an alternative to expulsion. However, some other examples of alternative education extend beyond disciplinary issues to include programs for young mothers or students coping with illness. The interviewee from Pennsylvania explained:

**Definitions of alternative education as an exemption to compulsory attendance laws are applied at the district level**

*One form that is in the Pennsylvania code is alternative education for disruptive youth, which is a disciplinary exclusionary placement. In Pennsylvania, [local education agencies] are free to create any kind of alternative education that they want provided that it complies with all provisions of the school code. For example, kids that may have a mental health diagnosis/partial hospitalization—the education of that program may be considered alternative. Other forms, like within Philadelphia, are drop-back-in programs for overage/undercredited students as well as even charter schools. Not that it is narrowly defined by Pennsylvania, but there is this one type of alternative education known as alternative education for disruptive youth that is governed and outlined by specific statutes. Doesn't mean that there cannot be other forms of alternative education.*

In Wisconsin, for example, every school district is required to identify students who meet the criteria for at-risk status and the alternative programs these students have requested. Students who are at risk by statutory definition in Wisconsin have already dropped out or meet two or more of the following criteria: they are truant, delinquent, parenting, or pregnant; behind in credits or skills; or retained in grade 8. These at-risk students are still considered to be in school regardless of the type of services or education they receive. Districts are required to serve at-risk students, and until 2011 a grant program paid for at least part of the cost of alternative education. Charter schools are not defined in Wisconsin as alternative education programs.

### Implications of the study

The purpose of the review was to identify considerations to guide development of a definition. The review considered four dimensions of alternative education programs when examining definitions and policies:

- **Whom the program serves** (grade levels and ages and target population). In most states alternative education programs target secondary school students. Maryland

may want to focus its definition of alternative education on secondary school students to comply with Senate Bill 362, but the definition should cover all grades because Maryland programs serve students from preK to grade 12. While it may be appropriate to target students with behavioral problems, as most states do, other target populations to consider include students with academic challenges, students with attendance problems, students at risk of dropping out or who have already dropped out, and students who are pregnant or parenting. Some states define the target population for alternative education as students who are unable to benefit from a regular school environment.

- **Where the program operates.** Alternative programs can operate within a school, outside the school (for example, in a juvenile detention center or hospital), or as a standalone school. Some states include home schooling in their definition of alternative programs.<sup>4</sup>
- **What the program offers.** If the definition specifies services to be offered, it should recognize their variety, including regular academic instruction, counseling, social skills and life skills training, workplace and job readiness, and behavioral interventions.
- **How the program is structured.** Some alternative programs operate on weekends or evenings or during the summer. The definition should specify how much instruction is needed for an alternative program to exempt students from compulsory attendance.

***An appropriately formulated and successfully implemented state definition can help alternative education reach its goal of providing students with a second chance to succeed in school***

It is difficult to incorporate all the components of alternative education programs in a single definition. Programs are highly diverse in target populations, setting, services, and structure and are often tailored to address specific challenges, such as behavioral or academic problems. But at a minimum, a definition should recognize alternative education's many purposes and evolving nature. An appropriately formulated and successfully implemented state definition can help alternative education reach its goal of providing students with a second chance to succeed in school.

The experiences of state education agencies suggest that very specific guidance and oversight will be needed to successfully implement a state definition of alternative education.

### **Study limitations**

The main limitation of this study is that state definitions are typically based on laws and administrative codes. It is unclear how some components of definitions of alternative education are used and administered. For example, for states indicating that alternative education targets students with academic and behavioral problems, this review did not collect the level of detail needed to understand how academic and behavioral problems are defined and how actively these specific groups are targeted.

Nonetheless, this identification of elements covered in state definitions of alternative education programs provides sufficient detail for state education agencies to make informed choices about establishing or revising their own definitions of alternative education.

## **Appendix A. Methodology**

This appendix describes the methodology of the policy and legislative review for definitions of alternative education across the United States and in Maryland, as well as the methodology for the phone interviews. It also explains how the qualitative analyses were conducted.

### **Policy and legislative web-based search for definitions of alternative education**

To provide the Maryland State Department of Education with information about how other states define alternative education, the Regional Educational Laboratory (REL) Mid-Atlantic reviewed state department of education websites for all 50 states and the District of Columbia. Online legal resources, such as FindLaw® and LawSERVER™, were also reviewed to gather information from referenced laws on how alternative education is defined. Study team members reviewed general resources on alternative education from the U.S. Department of Education to ensure congruence between elements of a definition of alternative education across both state and federal jurisdictions. The search terms included:

- Alternative education.
- Alternative program.
- Alternative standards.
- Alternative definition.
- Alternative learning.
- Charter school.

To provide the Maryland State Department of Education with information on how the 24 local school systems in Maryland define and implement alternative education programs, study team members reviewed websites for all 24 school systems in the state and gathered information on current alternative programs. This web search was not designed to be a comprehensive census of alternative education programs in the state; rather, it was intended to find information about the range of programs that the final definition of alternative education should cover.

### **Telephone interviews with other state education agencies in the Mid-Atlantic Region**

To provide the Maryland State Department of Education with information on how other states have responded to exclusionary criteria for alternative education programs in their compulsory attendance laws, study team members conducted phone interviews with representatives of seven state education agencies (Delaware, District of Columbia, New Jersey, Pennsylvania, Tennessee, Washington, and Wisconsin). Initially, only individuals from within the Mid-Atlantic Region participated. A second round of interviews was conducted to gather information from states with specific references in their definitions of alternative education or their administrative code to compulsory attendance (Tennessee, Washington, and Wisconsin). The amount of specificity provided by respondents varied tremendously, with the most detailed and thorough responses coming from Washington and Wisconsin.

Nine state education agency officials who were in charge of alternative education programs or were facilitators of compulsory attendance policies were interviewed to determine how states have responded to exclusionary criteria for compulsory attendance laws. In most



cases, the first point of contact chosen was a senior official at a state education agency who, as a leader within the department, would be able to direct the interviewer to people working closely with alternative education programs and with the greatest operational knowledge of alternative education and compulsory attendance legislation within the state. Both the initial contacts and the people who were ultimately interviewed received a copy of the interview protocol before their scheduled appointment. The interview protocol is included in appendix C.

## Analysis methods

Study team members reviewed the alternative education definitions, legislative statutes, administrative codes, and department of education websites of all 50 states and the District of Columbia for information on official and operational definitions of alternative education programs. The purpose of the review was to provide the Maryland State Department of Education with information on how other states have defined alternative education (including the elements of each definition), so that it can make informed decisions about how to define alternative education for the purposes of Senate Bill 362.

For each definition, statute, code, or website defining alternative education, REL Mid-Atlantic staff catalogued the following elements:

- Grade levels covered under the state statutes and administrative codes.
- Target population for alternative education services (if specified).
- Special services required or suggested in alternative programs (if specified).
- Eligibility criteria and exclusionary criteria for participation in the alternative education program (if specified).
- Whether the alternative program must be affiliated with a traditional K–12 school (if specified).
- Notes regarding any other aspects of the definition that may help the Maryland State Department of Education.

These elements were initially identified after the research team selected Aron and Zweig's (2003) framework for a definition of alternative education. Aron and Zweig's framework identified four elements of a definition of alternative education: whom the program serves, where the program operates, what the program offers, and how the program is structured.

When more than one definition of alternative education was found for a given state, language in the law or statute was prioritized over administrative code or website content. The data were extracted and tabulated in a spreadsheet. The spreadsheet included the definitions as well as the elements of the alternative education programs. The state definitions of alternative education and the relevant state statute or legislative codes were compiled into a table (table B1 in appendix B). Additional sources (additional statutes, codes, and website content) identified to collect data on grades served, target populations, services, eligibility criteria, and affiliation are presented in table B2 in appendix B.

State definitions of alternative programs were reconciled to provide the Maryland State Department of Education with guidance on what elements of the definitions should be considered. The original list of five definitional elements (listed above) was collapsed into four categories:

- Grade levels or ages served.

- Target population and eligibility criteria.
- Services required or suggested.
- Settings or organizational structures specified.

Two study team members then independently evaluated the state definitions of alternative education, as well as the state statutes, administrative codes, and state department of education guidance for alternative education on these four elements.

Next, the study team members reconciled the coding of the state definitions, statutes, administrative codes, and core components of the alternative education program. If the study team members coded an element differently, they discussed their interpretations and reached a consensus.

The coding results were summarized with a frequency count of elements reported under each category and the number of states reporting a given category of information in their definition.

Study team members reviewed websites for all 24 school districts in Maryland and gathered information on current alternative education programs. The following information was abstracted for each alternative program identified:

- Program name.
- Grade levels served.
- Enrollment.
- Target population characteristics (for example, students who were expelled, students who wish to be enrolled in career and technical education).
- Services provided.
- Eligibility criteria (and exclusion criteria, if any).
- Setting (whether the program was delivered in school, in a separate school building, or in a nonschool setting).
- Additional notes (for example, whether traditional educational services such as reading or math instruction were provided).

The Alternative Education Standards Committee will use this information about the alternative programs in Maryland to identify which programs may be considered “alternative education,” which grants them exemption from compulsory attendance under Senate Bill 362, and check whether the Maryland State Department of Education’s new definition of alternative education is robust enough to enable straightforward enforcement of compulsory attendance.

**Table B1. Definitions of alternative education by state**

State	Statute/code	Definition
Alabama	Alabama Code § 41-15B-2.2	The plan submitted by each local board of education shall provide multiple tiers of alternative education programs that include, but are not limited to, “in-school suspension,” a short-term alternative school program to enable children to perform in the traditional classroom setting, and a long-term program that provides a true alternative to expulsion.
Alaska	AS 14.30.365 (c)(1)	“Alternative education program” means a public secondary school that provides a nontraditional education program, including the Alaska Military Youth Academy; a public vocational, remedial, or theme-based program; a home school program accredited by a recognized accrediting body; a charter school authorized under AS 14.03.250–14.03.290; and a statewide correspondence school that enrolls students who reside outside of a district in which the student resides and provides less than three hours a week of scheduled face-to-face student interactions in the same location with a teacher who is certified under AS 14.20.020.
Arizona	Arizona Revised Statutes, Title 15 Education, Section 15-796	“Alternative education” means the modification of the school course of study and adoption of teaching methods, materials, and techniques to provide educationally for students in grades 6–12 who are unable to profit from the regular school course of study and environment.
Arkansas	Arkansas Code § 620-2303(2)	Alternative learning environment means an alternative class or school environment that seeks to eliminate learning barriers for students whose academic and social progress are negatively affected by their personal characteristics or situations.
California	California Code EDC-2-4-31-3, Subsection 58500. Enacted by Stats. 1976, Ch. 1010.	An alternative school is a school or separate in-school class group designed to maximize student opportunities to develop self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy; recognize that the best learning takes place when the student learns because of a desire to learn; maintain a learning situation that maximizes student self-motivation and encourages the student in his/her own time to follow his/her own interests, which may be conceived independently or result from teacher presentations of choices of learning projects; maximize continuous, permanent opportunities for teachers, parents, and students to cooperatively develop the learning process and its subject matter; maximize the opportunity for students, teachers, and parents to continuously react to the changing world, including but not limited to the community where the school is located.
Colorado	C.R.S. 22-7-604.5	Criteria that a public school must meet to be designated an alternative education campus include, but are not limited to the following: (a) having a specialized mission and serving a special needs or at-risk population; (b) being an autonomous public school; (c) having an administrator who is not under the supervision of an administrator at another public school; (d) having a budget separate from any other public school; (e) having nontraditional methods of instruction delivery; and (f) (1) serving students who have severe limitations that preclude appropriate administration of assessments pursuant to section 22-7-409, (2) serving a student population in which more than ninety-five percent of the students have an individualized education program pursuant to section 22-20-108 or meet the definition of a high-risk student contained in subsection (1.5) of this section, or any combination of these two criteria that equals at least ninety-five percent of the student population, or (3) serving students who attend part-time and come from other public schools where the part-time students are counted in the enrollment of the other public school.
Connecticut	Proposed in CT House Bill 6504	(Proposed) Alternative school program means an educational program of instruction offered by a local or regional board of education that is not part of the general education provided by that board of education.
Delaware	14 Del.C., Chapter 16	An alternative program is a program established pursuant to 14 Del.C., Chapter 16: The Department of Education shall establish a program component that will provide alternative educational and related services for the more severe discipline problems in the public schools. This component will serve primarily secondary school students, including but not limited to youngsters who have been expelled from regular schools, students who may be subject to expulsion, and others who have committed serious violations of the local school district discipline code.
District of Columbia	Attendance and School Safety Act of 2001	Alternative education program means an education program other than that in which the student was placed prior to disciplinary action (as defined in the Attendance and School Safety Act of 2001).

(continued)

**Table B1. Definitions of alternative education by state** *(continued)*

State	Statute/code	
Florida	Florida Administrative Code, Rule: 6A-1.099822	An alternative school, for purposes of school accountability improvement ratings, is any school that provides dropout prevention and academic intervention services pursuant to Section 1003.53, F.S. Charter schools can be designated as alternative schools if the school's charter explicitly states a mission to provide dropout prevention and academic intervention services through alternative education. This definition does not include "second chance schools" as defined by Section 1003.53, F.S., educational programs operated or contracted by Department of Juvenile Justice facilities, or district school board programs that serve students officially enrolled in dropout retrieval programs.
Georgia	Georgia Legislative Code IDDM 160-4-8-.12 Alternative/Non-Traditional Education Programs; O.C.G.A. § 20-2-154.1 (2010)	An alternative/nontraditional education program that operates in affiliation with a school and does not report Full-Time Equivalent (FTE) or receive an Adequate Yearly Progress (AYP) designation. Achievement data for students enrolled in the program are reported back to the school where the student is reported for FTE. The program may be housed within a school, on the same site, or at a different location. Adherence to all requirements as stated in SBOE Rule 160-4-8-.17 Case Management Consultation for Agency Placed Transfer Students is required. Programs may include attendance recovery, credit recovery, disciplinary program, early college, evening school, and open campus.  An alternative/nontraditional education school has an official school code and serves as the home school for students enrolled. The school receives an AYP designation, reports FTE counts for all enrolled students, and earns Quality Basic Education (QBE) formula funds directly. Adherence to all requirements as stated in SBOE Rule 160-4-8-.17 Case Management Consultation for Agency Placed Transfer Students is required.
Hawaii	Hawaii Admin Rules § 8-12-2; also see Hawaii State Board of Education Policy 2131, "Programs and Services for Secondary Alienated/At-Risk Students"	Alternative educational program means an educational program, in a nonschool setting other than home schooling, that addresses the standards identified in the Hawaii Content and Performance Standards.
Idaho	Idaho Administrative Code 08.02.03.110	Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Some designated differences must be established between the alternative school programs and the regular secondary school programs. Alternative secondary school programs will include course offerings, teacher/pupil ratios, and evidence of teaching strategies that are clearly designed to serve at-risk youth as defined in this section. Alternative high school programs conducted during the regular school year will be located on a separate site from the regular high school facility or be scheduled at a time different from the regular school hours.
Illinois	105 ILCS 5/ School Code Art. 13A and 13B; 23 Illinois Administrative Code, Ch. I, S240	Alternative Learning Opportunities Programs shall broaden the range of academic, behavioral, and social/emotional interventions that schools provide to increase the academic performance of students who are determined to be at risk of academic failure, as defined in Section 240.20 of this part, so that those students can meet state standards and successfully complete their education.

*(continued)*

**Table B1. Definitions of alternative education by state** *(continued)*

State	Statute/code	
Indiana	IC 20–30–8-6	To qualify as an alternative education program, the program must be an educational program that instructs eligible students in a different manner from that available in a traditional school setting and comply with the rules that are adopted under IC 4–22–2 by the state board to govern alternative education programs and admission of eligible students to alternative education programs.
Iowa	Iowa Administrative Code 281–12.2–256; Iowa Code 280.19A	Alternative program means a class or environment established within the regular educational program and designed to accommodate specific student educational needs such as, but not limited to, work-related training; reading, math, or science skills; communication skills; social skills; physical skills; employability skills; study skills; or life skills. Alternative school means an environment established apart from the regular educational program that includes policies and rules, staff, and resources designed to accommodate student needs and provide a comprehensive education consistent with student learning goals and content standards established by the school district or by the school districts participating in a consortium. Students attend by choice.
Kansas	2012 Kansas Statutes 72–9201; 72–1111	Not officially defined.
Kentucky	KRS 160.380; 704 KAR 19:002. Alternative education programs	Alternative education program means a program that exists to meet student needs that cannot be addressed in a traditional classroom setting and is designed to remediate academic performance, improve behavior, or provide an enhanced learning experience in alternative classrooms, centers, or campuses. Alternative education programs do not include career or technical centers or departments.
Louisiana	Louisiana RS 17 § 416.2	Alternative education programs may mean programs designed to offer variations of traditional instructional programs and strategies to help unmotivated, unsuccessful, or disruptive students remain in school and obtain a high school diploma. Alternative programs may include but are not limited to programs that hold students to strict standards of behavior in highly structured and controlled environments, sometimes referred to as “boot camps,” “police schools,” or “court schools.”
Maine	Title 20-A > Chapter 119 > Subchapter 2-A > § 3271.	Alternative instruction may be substituted for attendance in a day school in the following cases when approved by the school principal: the person is enrolled in an approved special education program [1985, c. 490, § 8 (NEW)] or obtains equivalent instruction through alternative learning or in any other manner arranged or approved by the commissioner. [2007, c. 667, § 4 (AMD); 1989, c. 415, § 3 (RP); 2007, c. 667, § 4 (AMD)].  Attendance at school or an alternative education program is not required of a person who has graduated from high school before the person’s 17th birthday [2007, c. 667, § 5 (AMD)]; who is at least 15 years old, has completed the 9th grade, and has permission to leave school to participate in a suitable program of training or combined work and study from a parent and the commissioner [1989, c. 415, § 4 (AMD).]; or who has been adjudged an habitual truant and excused from attendance pursuant to procedures established by the commissioner.
Maryland	na	Maryland does not have a statewide definition of alternative education programs. Each local recipient addresses alternative education programs at the local level. Local recipients have a clear understanding of what constitutes a career and technology education program of study and, through the work of the Special Populations workgroup, has tools available to assist students in accessing these programs.
Massachusetts	na	Alternative education is an initiative within a public school district, charter school, or educational collaborative established to serve at-risk students whose needs are not being met in the traditional school setting. For the purposes of this definition, alternative education does not include private schools, home schooling, General Educational Development (GED) services, or gifted and talented programs. Alternative education may serve some students with disabilities but is not designed exclusively for students with disabilities.

*(continued)*

**Table B1. Definitions of alternative education by state** *(continued)*

State	Statute/code	
Michigan	94–1979-I Section 388.1701	Alternative education is a separate, nontraditional program within a K–12 public school district or a public school academy established to provide personalized educational services for students who are at risk of not graduating with their class and/or have individual needs not being met in a traditional setting.
Minnesota	§ 123A.05 § 123A.06	<p>State-approved alternative program definitions:</p> <ul style="list-style-type: none"> <li>• An area learning center (ALC) provides comprehensive educational services to enrolled secondary students throughout the year. This could include a daytime school within a school or separate site for both high school and middle school students. Students must be at risk as defined by statute. Students served are off-track for graduation and are working toward completing their graduation requirements. In addition to day programs, these centers provide extended learning opportunities for students to make up lost credits or prepare for graduation tests. ALCs serve students from more than one district. ALCs must also provide services to middle school students, either at a separate site or within their school. ALCs can apply to provide targeted services to elementary students in after-school and summer school programs.</li> <li>• An alternative learning program (ALP) is very similar to an ALC, but may choose to serve only students within their district, and they can determine the grade levels they wish to serve. ALPs are not eligible for targeted services. Contract alternatives are day programs that contract with a district to operate alternative programs. They currently exist only in Minneapolis and Saint Paul.</li> <li>• Students must be at least 16 years old to participate in independent study. There is a separate application process for this program. You must be an ALC or an ALP to apply for this.</li> <li>• Targeted services, focusing on academic and social skills that students will need to graduate, are generally after-school and summer school programs, although they may also be offered before school and on Saturdays. Students must be in grades K–8. Only sites that have approval to run ALCs, along with a middle-level component, are allowed to offer targeted services. There is a separate application process for targeted services.</li> <li>• Learning year programs (for acceleration) are programs designed to accelerate a student’s academic progress so that they graduate ahead of their peers. An example of this would be a student who chose to take additional classes in high school to graduate in three years instead of four.</li> </ul>
Mississippi	§ 37–13–92	An alternative education program involves temporary authorized departure from the traditional school setting. It is designed to provide educational and social development for students whose behavior places them at risk of not succeeding in the traditional school structure and/or in adult life without positive interventions.
Missouri	na	Missouri’s alternative programs are for students having difficulty in academic, disciplinary, social, economic, or other areas relating to their ability to become productive members of the workforce. They can be for dropouts who wish to reenroll or students who wish to seek vocational training.
Montana	na	Private alternative adolescent residential or outdoor program that provides a structured, private, alternative residential setting for youth who are experiencing emotional, behavioral, or learning problems and who have a history of failing in academic, social, moral, or emotional development at home or in less structured traditional settings.
Nebraska	Title 92, Nebraska Administrative Code, Chapter 17	Alternative schools, classes, or programs are schools, classes, or programs required by law to be provided for expelled students.
Nevada	§ 388.500 § 388.537	Alternative program means a program operated by a school district in accordance with NRS 388.537 to educate students at risk of dropping out of school.
New Hampshire	N.H. § 188-E:2	Alternative education program means a program that provides at-risk students with options that can lead to graduation by focusing on the student’s individual social needs and the academic requirements for a high school diploma.

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**Table B1. Definitions of alternative education by state** *(continued)*

State	Statute/code	
New Jersey	6A:16-9.1 6A:16-9.2 6A:16-9.3	Alternative education program means a comprehensive educational program delivered in a nontraditional learning environment that is distinct and separate from the existing general or special education program.
New Mexico	na	Not officially defined.
New York	na	New York State public alternative education includes any nontraditional environment that provides a comprehensive elementary, middle, or secondary curriculum. Mastery of learning standards and attainment of a high school diploma are achieved through a learner-centered program structure, multiple learning opportunities, frequent student performance review and feedback, and innovative use of community and school resources to support youth development. Alternative education also includes programs operated by local school districts, Boards of Cooperative Education Studies (BOCES), and the Office of Children and Family Services that prepare students under 21 to pass the General Educational Development Tests (GED) and receive a New York State High School Equivalency (HSE) Diploma.
North Carolina	§ 115C-105.45 § 115C-105.48	Alternative learning programs and schools are safe, orderly, caring, and inviting learning environments that assist students with overcoming challenges that may place them at risk of academic failure and disruptive behavior so that they can learn, graduate, and become productive community contributors. The goal of each program and school is to promote high-quality and rigorous academic and safety programs through developing individual student strengths, talents, and interests. Effective alternative learning programs and schools encompass the following seven principles: clear mission, leadership, culture and climate, professional development, parent/community involvement, curriculum and instruction, and monitoring and assessment.
North Dakota	67-16-01	Not officially defined.
Ohio	3313.533	The purpose of the alternative school is to serve students who are on suspension, having truancy problems, experiencing academic failure, disrupting class, or exhibiting other academic or behavioral problems specified in the resolution, or who have been discharged or released from the custody of the Department of Youth Services under section 5139.51 of the Revised Code.
Oklahoma	70 O.S. § 1210-568	Alternative education programs are specifically tailored to meet the needs of students who may be struggling with poverty, substance abuse, family dysfunction, or psychological or physical trauma.
Oregon	ORS-336.615 OAR-581-022-1350	Alternative education program means a school or separate class group designed to best serve students' educational needs and interests and assist students in achieving the academic standards of the school district and the state.
Pennsylvania	Article XIX-C, Section 1901-C	Alternative education programs, implemented by a school district, an area vocational technical school, a group of school districts, or an intermediate unit, remove disruptive students from regular school programs to provide them with a sound educational course of study and counseling designed to modify disruptive behavior and return them to a regular school curriculum.
Rhode Island	§ 16-21-27	Each school district shall adopt a plan to ensure continued education of students who are removed from the classroom because of a suspension of more than 10 days or who are chronically truant. The plan shall be adopted by the school committee and submitted to the Rhode Island Department of Elementary and Secondary Education as part of its annual strategic plan submission.
South Carolina	§§ 59-63-1300	The General Assembly finds that a child who does not complete his/her education is greatly limited in obtaining employment, achieving his/her full potential, and becoming a productive member of society. It is, therefore, the intent of this article to encourage district school boards throughout the state to establish alternative school programs. These programs shall be designed to provide appropriate services to students who for behavioral or academic reasons are not benefiting from the regular school program or may be interfering with the learning of others. It is further the intent of this article that cooperative agreements may be developed among school districts to implement innovative exemplary programs.

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**Table B1. Definitions of alternative education by state** *(continued)*

State	Statute/code	
South Dakota	13–27–3	A child shall be excused from school attendance, pursuant to § 13–27–2, because the child is otherwise provided with alternative instruction for an equivalent period of time as in the public schools in the basic skills of language arts and mathematics. The child's parent or guardian shall identify in the application the place where the child will be instructed and any individual who will instruct the child. The individuals are not required to be certified. The secretary of the Department of Education may investigate and determine whether the instruction is being provided. Failure to provide instruction is grounds for the school board, upon 30 days' notice, to revoke the excuse from school attendance. The secretary of the Department of Education may inspect the records of an alternative education program with 14 days' written notice if the secretary has probable cause to believe the program is not in compliance with this section. The records to be inspected are limited to attendance and evidence showing academic progress.
Tennessee	0520–01–02-.09	An alternative school is a short-term intervention program designed to develop academic and behavioral skills for students who have been suspended or expelled from the regular school program.
Texas	TEC Chapter 37	A disciplinary alternative education program established in conformance with the Texas Education Code (TEC), § 37.008 and this section is defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons. Juvenile justice alternative education programs were created to serve the educational needs of juvenile offenders and at-risk youth who are expelled from the regular classroom or the school district disciplinary alternative education program.
Utah	na	Not officially defined.
Vermont	na	Not officially defined.
Virginia	§ 22.1–276.01.	Alternative education program includes night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.
Washington	WAC 392–121–182	Alternative learning experience means a course or a set of courses developed by a certificated teacher and documented in an individual written student learning plan for any student who meets the definition for enrollment specified by WAC 392–121–106. A student may enroll part-time in an alternative learning experience, subject to the provisions of RCW 28A.150.350 and chapter 392–134 WAC. The student pursues the requirements of the written student learning plan in whole or in part independently from a regular classroom setting or schedule, but the learning plan may include some components of direct instruction. The student's learning is supervised, monitored, assessed, evaluated, and documented by a certificated teacher.
West Virginia	W. Va. 126CSR20, WVBE Policy 2418	An alternative education program, as defined by W. Va. 126CSR20, WVBE Policy 2418, Regulations for Alternative Education Programs for Disruptive Students (hereinafter Policy 2418), is a temporary authorized departure from the regular school program designed to provide educational and social development for students whose behavior places them at risk of not succeeding in the traditional school structure and in adult life without positive interventions.
Wisconsin	Wis. Admin. Code § 44.02(1)	Alternative education program means an instructional program approved by the school board that uses successful alternative or adaptive school structures and teaching techniques and that is incorporated into traditional classrooms or regularly scheduled curricular programs or that is offered in place of regularly scheduled curricular programs. Alternative educational program does not include a private school, a tribal school, or a home-based private educational program.
Wyoming	na	Not officially defined.

na is not applicable and includes cases where the state has no official definition of alternative education and where the definition appears in official documents but not in statutes or codes.

**Source:** Review of state definitions, legislative statutes, administrative codes, and department of education websites.



**Table B2. References for statutes, administrative codes, and other information on alternative education used in this report**

State	Link to state law/code	Statute/code	Other relevant sources
Alabama	<a href="http://www.legislature.state.al.us/">http://www.legislature.state.al.us/</a>	Alabama Code § 41-15B-2.2	<ul style="list-style-type: none"> <li>• AL State Board of Education Chapter 290-3-1 Public School Governance</li> <li>• Code of Alabama 16-1-24.3</li> </ul>
Alaska	<a href="http://www.law.state.ak.us">www.law.state.ak.us</a>	AS 14.30.365 (c)(1)	<ul style="list-style-type: none"> <li>• Senate Bill No. 41</li> <li>• AS Sec. 14.03.250 (Alaska Charter Schools Statute)</li> </ul>
Arizona	<a href="http://www.azleg.state.az.us/">http://www.azleg.state.az.us/</a>	Arizona Revised Statutes, Title 15 Education, Section 15-796	<ul style="list-style-type: none"> <li>• Arizona Revised Statutes (ARS): 15-797; 15-841E; 15-308</li> </ul>
Arkansas	<a href="http://www.arkleg.state.ar.us/">http://www.arkleg.state.ar.us/</a>	Arkansas Code § 620-2303(2)	<ul style="list-style-type: none"> <li>• Arkansas Code Annotated (Ark. Code Ann.): 6-18-508; 6-18-509; 6-20-323 (Repealed)</li> <li>• Arkansas Code Annotated (Ark. Code Ann.): 6-15-1005</li> <li>• Arkansas Department of Education Rules and Regulations (ADE) <ul style="list-style-type: none"> <li>• Rules Governing the Distribution of Student Special Needs Funding and the Determination of Allowable Expenditures of Those Funds (June 2012)</li> <li>• Rules governing Highly Qualified Teachers Promulgated Pursuant to the NCLB Act of 2001</li> </ul> </li> <li>• Act 1118 of 2011: To Improve the Effectiveness of Public School Alternative Learning Environments</li> <li>• Definition of open-enrollment public charter school can be found at Ark. Code Ann. §§ 6-23-3-1 et seq.</li> </ul>
California	<a href="http://www.leginfo.ca.gov/">http://www.leginfo.ca.gov/</a>	California Code EDC-2-4-31-3, Subsection 58500. Enacted by Stats. 1976, Ch. 1010.	<ul style="list-style-type: none"> <li>• California Education Codes: <a href="http://leginfo.legislature.ca.gov/faces/codes.xhtml">http://leginfo.legislature.ca.gov/faces/codes.xhtml</a>, Sections 56366.9; 58503; 58550-58512</li> </ul>
Colorado	<a href="http://www.state.co.us/gov_dir/stateleg.html">http://www.state.co.us/gov_dir/stateleg.html</a>	C.R.S. 22-7-604.5	<ul style="list-style-type: none"> <li>• Colorado Revised Statutes 22-7-602; 22-33-203; 22-23-103(2); 22-1-102.5(2)(a)</li> <li>• Senate Bill 02-94</li> </ul>
Connecticut	<a href="http://www.cga.state.ct.us/">http://www.cga.state.ct.us/</a>	Proposed in CT House Bill 6504	<ul style="list-style-type: none"> <li>• Connecticut Code 10-220; 10-233D</li> </ul>
Delaware	<a href="http://www.legis.state.de.us/Legislature.nsf?Open">http://www.legis.state.de.us/Legislature.nsf?Open</a>	14 Del.C., Chapter 16	<ul style="list-style-type: none"> <li>• Delaware Code, Title-14, Chapter 5</li> <li>• Delaware Admin Code Title 14: 600; 611</li> <li>• Alternative placements listed in the definition of special education under 14 DE Admin. Code 922.3.0</li> <li>• 69 Del. Laws, c. 464, § 1604</li> </ul>
District of Columbia	<a href="http://198.187.128.12/dc/lpext.dll?f=templates&amp;fn=fs-main.htm&amp;2.0">http://198.187.128.12/dc/lpext.dll?f=templates&amp;fn=fs-main.htm&amp;2.0</a>	Attendance and School Safety Act of 2001	<ul style="list-style-type: none"> <li>• District of Columbia Code 38-233</li> </ul>
Florida	<a href="http://www.leg.state.fl.us/">http://www.leg.state.fl.us/</a>	Florida Administrative Code, Rule: 6A-1.099822	<ul style="list-style-type: none"> <li>• Florida Code 1006.09</li> <li>• Florida State Annotated Code Section: 228.041; 230.2316; 230.02; 230.23</li> </ul>

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**Table B2. References for statutes, administrative codes, and other information on alternative education used in this report** *(continued)*

State	Link to state law/code	Statute/code	
Georgia	<a href="http://www.legis.state.ga.us/">http://www.legis.state.ga.us/</a>	Georgia Legislative Code IDDM 160–4-8-.12 Alternative/Non-Traditional Education Programs; O.C.G.A. § 20–2-154.1 (2010)	<ul style="list-style-type: none"> <li>• Georgia Administrative Code Annotated: 20–2-751.1</li> </ul>
Hawaii	<a href="http://www.capitol.hawaii.gov/">http://www.capitol.hawaii.gov/</a>	Hawaii Admin Rules § 8–12–2	<ul style="list-style-type: none"> <li>• Hawaii State Board of Education Policy 2131, “Programs and Services for Secondary Alienated/At-Risk Students”</li> </ul>
Idaho	<a href="http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm">http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm</a>	Idaho Administrative Code 08.02.03.110	<ul style="list-style-type: none"> <li>• Idaho Code 33–1002</li> </ul>
Illinois	<a href="http://www.legis.state.il.us/">http://www.legis.state.il.us/</a>	105 ILCS 5/School Code Art. 13A and 13B; 23 Illinois Administrative Code, Ch. I, S240	<ul style="list-style-type: none"> <li>• 105 ILCS 5/13B</li> </ul>
Indiana	<a href="http://www.in.gov/legislative/">http://www.in.gov/legislative/</a>	IC 20–30–8-6	<ul style="list-style-type: none"> <li>• Indiana Code 20–33–8-3; 21–3-11</li> <li>• Senate Bill 422</li> </ul>
Iowa	<a href="http://www.legis.state.ia.us/">http://www.legis.state.ia.us/</a>	Iowa Administrative Code 281–12.2–256; Iowa Code 280.19A	
Kansas	<a href="http://www.kslegislature.org/">http://www.kslegislature.org/</a>	2012 Kansas Statutes 72–9201; 72–1111	<ul style="list-style-type: none"> <li>• Kansas Statute Number 72–991a</li> <li>• 704 KAR 7–070</li> <li>• 704 KAR 3:305</li> </ul>
Kentucky	<a href="http://www.lrc.state.ky.us/home.htm">http://www.lrc.state.ky.us/home.htm</a>	KRS 160.380; 704 KAR 19:002. Alternative education programs	<ul style="list-style-type: none"> <li>• Kentucky Revised Statute (KRS): KRS 158.44; KRS 158.070; KRS 159:051; KRS 160.345; KRS 156.160</li> <li>• Kentucky Administrative Regulation (KAR): 704 KAR 3:303; 704 KAR 3:305; 704 KAR 7:070; 704 KAR 19:002</li> </ul>
Louisiana	<a href="http://www.legis.state.la.us/">http://www.legis.state.la.us/</a>	Louisiana RS 17 § 416.2	<ul style="list-style-type: none"> <li>• Louisiana Revised Statutes: 17:100.1; 17:100.5</li> </ul>
Maine	<a href="http://janus.state.me.us/legis/">http://janus.state.me.us/legis/</a>	Title 20-A > Chapter 119 > Subchapter 2-A > § 3271.	<ul style="list-style-type: none"> <li>• Maine Statutes: Title 20-A Part 3 Chapter 211 Subchapter 3: 5104-A; Title 20-A Part 7 Chapter 601: 15002-A; Title 20-A Part 3 Chapter 207-A Subchapter 3: 4729</li> </ul>
Maryland	<a href="http://mgaleg.maryland.gov/webmga/frm1st.aspx?tab=home">http://mgaleg.maryland.gov/webmga/frm1st.aspx?tab=home</a>	na	<ul style="list-style-type: none"> <li>• Maryland Code Annotated 7–305.1</li> </ul>
Massachusetts	<a href="https://malegislature.gov/">https://malegislature.gov/</a>	na	<ul style="list-style-type: none"> <li>• Massachusetts Law Title 12–69–1N; Title 12–76–21; Title 12–69–1F</li> </ul>
Michigan	<a href="http://www.michiganlegislature.org/">http://www.michiganlegislature.org/</a>	94–1979-I Section 388.1701	<ul style="list-style-type: none"> <li>• Michigan Compiled Law (MCL): 380.1310; 380.1311; 388.1625d</li> </ul>

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**Table B2. References for statutes, administrative codes, and other information on alternative education used in this report** *(continued)*

State	Link to state law/code	Statute/code	Other relevant sources
Minnesota	<a href="http://www.leg.state.mn.us/">http://www.leg.state.mn.us/</a>	§ 123A.05 § 123A.06	<ul style="list-style-type: none"> <li>Minnesota DOE State approved definition of alternative education: <a href="http://education.state.mn.us/MDE/StuSuc/EnrollChoice/AlterLearn/050600">http://education.state.mn.us/MDE/StuSuc/EnrollChoice/AlterLearn/050600</a></li> <li>Minnesota Statutes: 124D.68; 124D.128; 126C.05</li> </ul>
Mississippi	<a href="http://www.ls.state.ms.us/">http://www.ls.state.ms.us/</a>	§ 37–13–92	<ul style="list-style-type: none"> <li>Mississippi Alternate Education Guidebook: <a href="http://board.mde.k12.ms.us/June_2010/Tab_07_DP_back-up_Alternate_Education_Guidebook.pdf">http://board.mde.k12.ms.us/June_2010/Tab_07_DP_back-up_Alternate_Education_Guidebook.pdf</a></li> </ul>
Missouri	<a href="http://www.moga.state.mo.us/">http://www.moga.state.mo.us/</a>	na	<ul style="list-style-type: none"> <li>Missouri Revised Statutes: 167.164; 167.335</li> </ul>
Montana	<a href="http://leg.state.mt.us/css/default.asp">http://leg.state.mt.us/css/default.asp</a>	na	<ul style="list-style-type: none"> <li>Montana Code Annotated 20–5-202; 37–48–102; 41–5-1801</li> </ul>
Nebraska	<a href="http://www.unicam.state.ne.us/">http://www.unicam.state.ne.us/</a>	Title 92, Nebraska Administrative Code, Chapter 17	<ul style="list-style-type: none"> <li>Nebraska Statutory Authority Sections: 79–209; 79–266</li> </ul>
Nevada	<a href="http://www.leg.state.nv.us/">http://www.leg.state.nv.us/</a>	§ 388.500 § 388.537	<ul style="list-style-type: none"> <li>Nevada Revised Statute (NRS): 392.4675, Amendment Number 1229</li> </ul>
New Hampshire	<a href="http://www.nh.gov/government/laws.html">http://www.nh.gov/government/laws.html</a>	N.H. § 188-E:2	<ul style="list-style-type: none"> <li>New Hampshire Revised Statutes Annotated 15–193:13; 15–188-E:7; 188-E:8</li> </ul>
New Jersey	<a href="http://www.njleg.state.nj.us/">http://www.njleg.state.nj.us/</a>	6A:16–9.1 6A:16–9.2 6A:16–9.3	<ul style="list-style-type: none"> <li>New Jersey Annotated Code 6A:16–8.1 through 3; 6A:16–9.1 through 6A:16–10</li> </ul>
New Mexico	<a href="http://www.nmonesource.com/nmnxtadmin/NMPublic.aspx">http://www.nmonesource.com/nmnxtadmin/NMPublic.aspx</a>	na	<ul style="list-style-type: none"> <li>New Mexico State Annotated Code: 22–5-4.7</li> <li>NM Statute 22–2C-12</li> </ul>
New York	<a href="http://assembly.state.ny.us/">http://assembly.state.ny.us/</a>	na	<ul style="list-style-type: none"> <li>8 NYCRR Section 100.7 (h) (i)</li> <li>New York State Education Department (NYSED) page on student support services: <a href="http://www.p12.nysed.gov/sss/ssae/AltEd/">http://www.p12.nysed.gov/sss/ssae/AltEd/</a></li> </ul>
North Carolina	<a href="http://www.ncleg.net/gascritps/statutes/statutes.asp">http://www.ncleg.net/gascritps/statutes/statutes.asp</a>	§ 115C-105.45 § 115C-105.48	<ul style="list-style-type: none"> <li>General Statute 115C-105.46–48</li> <li>SBE Policy HSP-Q-001</li> </ul>
North Dakota	<a href="http://www.state.nd.us/lr//">http://www.state.nd.us/lr//</a>	67–16–01	
Ohio	<a href="http://www.legislature.state.oh.us/">http://www.legislature.state.oh.us/</a>	3313.533	<ul style="list-style-type: none"> <li>Ohio Revised Annotated Code 3313.534</li> </ul>
Oklahoma	<a href="http://www.lsb.state.ok.us/">http://www.lsb.state.ok.us/</a>	70 O.S. § 1210–568	<ul style="list-style-type: none"> <li>Oklahoma Statutes Sections: 70–1210.561; 70–1210.562; 70–1210.565; 70–1210.567</li> </ul>
Oregon	<a href="http://www.leg.state.or.us/">http://www.leg.state.or.us/</a>	ORS-336.615 OAR-581–022–1350	<ul style="list-style-type: none"> <li>Oregon Revised Statutes (ORS): 329.485 (4)(5); 339.250 (9)(10)</li> <li>Oregon Administrative Rules (OAR): 581–021–0072; 581–021–0071</li> </ul>
Pennsylvania	<a href="http://www.legis.state.pa.us/">http://www.legis.state.pa.us/</a>	Article XIX-C, Section 1901-C	<ul style="list-style-type: none"> <li>Article XIX-E, Act 48 of 1999 Private Alternative Education Institutions for Disruptive Students</li> <li>Pennsylvania Alternative Education for Disruptive Youth (AEDY): <a href="http://www.portal.state.pa.us/portal/server.pt/community/alternative_education_for_distruptive_youth_(aedy)/7318">http://www.portal.state.pa.us/portal/server.pt/community/alternative_education_for_distruptive_youth_(aedy)/7318</a></li> </ul>

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**Table B2. References for statutes, administrative codes, and other information on alternative education used in this report** *(continued)*

State	Link to state law/code	Statute/code	
Rhode Island	<a href="http://www.state.ri.us/">http://www.state.ri.us/</a>	§ 16–21–27	<ul style="list-style-type: none"> <li>• Rhode Island Discipline Procedures and Requirements for Students: <a href="http://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Special-Education/Disability-Specific-assistance/NEW-RI-DISCIPLINE-PROCEDEQUIRE-JULY-05.pdf">http://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Special-Education/Disability-Specific-assistance/NEW-RI-DISCIPLINE-PROCEDEQUIRE-JULY-05.pdf</a></li> </ul>
South Carolina	<a href="http://www.scstatehouse.gov/index.php">http://www.scstatehouse.gov/index.php</a>	§§ 59–63–1300	<ul style="list-style-type: none"> <li>• South Carolina Statute Title 59 Article 13 Section 59–63–1300 to 59–63–1400</li> </ul>
South Dakota	<a href="http://legis.state.sd.us/statutes">http://legis.state.sd.us/statutes</a>	13–27–3	<ul style="list-style-type: none"> <li>• South Dakota Codified laws: 13–27–29; 26–8B-6</li> </ul>
Tennessee	<a href="http://www.legislature.state.tn.us/">http://www.legislature.state.tn.us/</a>	0520–01–02-.09	<ul style="list-style-type: none"> <li>• Tennessee Code Annotated (TCA) 49–6-3402; 49–6-3405; 49–6-3404</li> <li>• State Board of Education Rules 0520–1-2-.09</li> </ul>
Texas	<a href="http://www.capitol.state.tx.us/">http://www.capitol.state.tx.us/</a>	TEC Chapter 37	<ul style="list-style-type: none"> <li>• Texas Education Code (TEC): 29.081</li> <li>• Senate Bill 133; 189</li> <li>• Texas Education Agency Alternative Schooling Definition: <a href="http://www.tea.state.tx.us/alternative-schooling/">http://www.tea.state.tx.us/alternative-schooling/</a></li> </ul>
Utah	<a href="http://www.le.state.ut.us/">http://www.le.state.ut.us/</a>	na	<ul style="list-style-type: none"> <li>• Utah Code: 53A-11–907; 53A-17a-141</li> </ul>
Vermont	<a href="http://www.hslida.org/legislation/state/VT/default.asp">http://www.hslida.org/legislation/state/VT/default.asp</a>	na	<ul style="list-style-type: none"> <li>• 16 V.S.A. § 1162; 16 V.S.A. § 1161A</li> <li>• Report on Alternative Education Schools/Programs in Vermont: <a href="http://education.vermont.gov/publications/alternative-school-report">http://education.vermont.gov/publications/alternative-school-report</a></li> </ul>
Virginia	<a href="http://viriniageneralassembly.gov/">http://viriniageneralassembly.gov/</a>	§ 22.1–276.01.	<ul style="list-style-type: none"> <li>• Code of Virginia Section: 22.1–209.1:2; 22.1–254; 22.1–266</li> </ul>
Washington	<a href="http://www.leg.wa.gov/pages/home.aspx">http://www.leg.wa.gov/pages/home.aspx</a>	WAC 392–121–182	
West Virginia	<a href="http://www.legis.state.wv.us/WVCODE/Code.cfm">http://www.legis.state.wv.us/WVCODE/Code.cfm</a>	W. Va. 126CSR20, WVBE Policy 2418	<ul style="list-style-type: none"> <li>• House Bill 2118</li> </ul>
Wisconsin	<a href="http://www.legis.state.wi.us/">http://www.legis.state.wi.us/</a>	Wis. Admin. Code § 44.02(1)	<ul style="list-style-type: none"> <li>• Wisconsin Statutes: 115.28; 118.153</li> </ul>
Wyoming	<a href="http://legisweb.state.wy.us/">http://legisweb.state.wy.us/</a>	na	<ul style="list-style-type: none"> <li>• Wyoming State Annotated Code: 21–4-305</li> </ul>

na is not applicable and includes cases where the state has no official definition of alternative education and where the definition appears in official documents but not in statutes or codes.

**Source:** Review of state definitions, legislative statutes, administrative codes, and department of education websites.

## **Appendix C. Interview protocol for state education agencies on exclusionary criteria for compulsory attendance laws**

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*At the start of each interview, the interviewers read the introduction of the protocol to the interviewees. All interviewees indicated their understanding of and acceptance of the interview protocol and agreed to continue. The interviewers stated that they might ask for additional clarification or specific examples to substantiate claims if needed. To ask for additional information or clarification, interviewers used probes phrased in neutral language, such as “Please explain,” “Can you elaborate?” or “Can you provide an example?”*

Introduction: Thank you for meeting with us today. We are working with the Maryland State Department of Education to help support the implementation of Senate Bill 362 (SB362), which calls for raising the age of compulsory attendance in Maryland. Since enrollment in alternative programs is an exclusionary criterion for mandatory attendance, there is a need to apply a clear definition and standard for alternative programs to ensure compliance with SB362’s provisions. We would like to ask you a few questions about your thoughts on, and experiences with, compulsory attendance laws—especially as they relate to alternative education.

1. Please describe the compulsory attendance law that is currently in place in your state.
2. Do exclusionary criteria for compulsory attendance laws include enrollment in alternative education programs? (If no, skip to question 7) (If answered no, but REL records show that the answer is yes, go to question 2a.)
  - a. We understood from our reading of [cite relevant document] that enrollment in alternative education programs is an exclusionary criterion. Have the rules changed since? Please tell us more.
3. How is this exclusionary criterion operationalized (i.e., what are the parameters for this criterion)?
4. Do you have a sense of how many alternative education programs operate outside the public school system?
  - a. Does the number of alternative education programs that operate outside the public school system pose a challenge in implementing the exclusionary criterion (for alternative education programs)?
5. Did you have difficulties applying this criterion to alternative settings?
6. If so, what were the challenges you encountered in its application or enforcement?
7. If you do not have exclusionary criteria for alternative education programs, what was the rationale behind this decision?
8. What potential challenges do you expect MSDE to face in the roll-out of its compulsory attendance laws?

## Notes

1. The Task Force to Study Raising the Compulsory Public School Attendance Age to 18 (2007) noted that the State Board of Education should include program locations, quality practice and programming, and range of services and instruction in the regulatory definition of alternative education.
2. These jurisdictions were selected because they represent the four other education agencies in the Mid-Atlantic Region (Delaware, the District of Columbia, New Jersey, and Pennsylvania), as well as education agencies in three states (Tennessee, Washington, and Wisconsin) that refer specifically to compulsory attendance in their alternative education definitions or administrative codes.
3. For many states, services are not a requirement; the statutory language suggests that a given list of services be provided.
4. Although home schooling appears to be a separate exclusionary criterion in Senate Bill 362 (“Is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age”), it is worth considering in the definition of alternative education.

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