

**ALTERNATIVE SCHOOLING: THE NEED TO IMPROVE ALTERNATIVE
SCHOOLS TO ACCOMMODATE THE POPULATION THEY SERVE**

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I. Introduction

Every child in this country has a right to a public education. In most states, attendance at schools is mandatory until the age of 16. Throughout the past decades, the right of a public education for all and the mandating of an education for the Nation's children have come under debate. The United States government, including Congress and the Supreme Court decisions, has impacted teaching the children of this country. For example, the government has declared that all children with disabilities are entitled to a Free and Appropriate Public Education. To determine whether a child has a disability, they created a list of categories to define disabilities. Special education has become a big part of our education system, especially in terms of funding special education programs in public schools. Although there are still many issues with special education laws being implemented properly, children with disabilities, by law, have the right to an education.

Similarly, the government has set our standards that a student must meet in order to receive a high-school diploma. There are nationwide exams administered throughout the a child's education to test their progress in the traditional educational subjects such as reading and math. Home schooling and private schools have been accepted as alternative option for families that do not want to send their child to traditional schooling, but these alternatives are still subject to the same educational requirements and achievement standards. Also, recently, there has been an increase in charter or magnet schools to attract the brightest student to schools, which provide special services for gifted and bright students.

However, it seems our government has missed a portion of children who may also need special services in education. These children are called “at-risk” children.¹ Many of these children end up in what are called “Alternative schools.” Alternative schools are primarily used as a substitute for traditional schools when a student is not succeeding in the traditional schooling environment. Many times, alternative school is used as a last resort for children who have misbehaved either in school or in conflict with the law. In a 2008 survey, the most common reasons to send a student to alternative schooling was due to physical attacks or fights, possession, use or distribution of drugs and alcohol, disruptive behavior, continued academic failure, or the possession of a weapon.² Many of these students may not have physical or mental disabilities to qualify them under the Special Education laws, but many have behavioral issues as well as drug and alcohol abuse problems, which impact their ability to learn in a traditional classroom setting.³ Alternative schools started as a way to provide students with a different approach to learning, however, it appears that now they are commonly used for disruptive students or students that break the school rules. Over the years there is a large discrepancy between these alternative schools, and there are very few laws or guidelines from the government

¹ Jo Anne Grunbaum, Laura Kann, Steven A. Kinchen, James G. Ross, Vani R. Gowda, Janet L. Collins, Lloyd J. Kolbe, *Special Report: Youth Risk Behavior Surveillance: National Alternative High School Youth Risk Behavior Survey, United States, 1998*, 70, J. Social Health. 5, 5 (2000), available at

<http://web.ebscohost.com/ehost/pdfviewer/pdfviewer?vid=2&hid=113&sid=2757019c-a248-430b-971b-3c220bdab5ae%40sessionmgr113>.

² Priscilla Rouse Carver, Laurie Lewis, Peter Tice, *Alternative Schools and Programs for Public School Students At Risk of Educational Failure: 2007-08*, National Center for Education Statistics, 4, 1-21 (2010) available at

<http://nces.ed.gov/pubs2010/2010026.pdf>

³ *Supra* note 1 at 5.

to help these schools succeed.⁴ This paper will show that although because all children in this country are entitled to a public education, many children with behavior issues and “at-risk” children are not receiving the proper education. This paper will further show that children placed in alternative schooling should be treated by the law in a similar manner to those children with disabilities. Although “at-risk” adolescents, kids with behavior problems, and students who disrupt the classroom do not have a disability and are not entitled to special education, they should be provided with appropriate education. In many instances, this is an alternative education program.

II. Background of Alternative Schooling

The idea of the alternative school has been around since the late 1960’s, when their popularity grew due to the ambition to create progressive and innovative alternatives to the common schooling practices.⁵ It was not until the 1980’s when alternative schools started to be used for remedial measure for children who struggled in mainstream education.⁶ Then, in the 1990’s, alternative schools were seen as a place for students with disciplinary problems in mainstream schooling.⁷ By the year 2000, alternative schools served over 400,000 kids between the ninth and twelfth grades.⁸

⁴ Camilla A. Lehr, Cheryl M. Lange, *Alternative Schools Serving Students With and Without Disabilities: What are the Current Issues and Challenges?*, 47 *Preventing School Failure* 61, 59-65 (2003) available at <http://heldref-publications.metapress.com/media/4nc6a0byxrckrhbxgndm/contributions/q/6/4/0/q6408413078x948m.pdf>

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Jo Anne Grunbaum, Richard Lowry, Laura Kann, *Prevalence of Health-Related Behaviors Among Alternative High School Students as Compared with Students Attending Regular High Schools*. 29 *J. Adolescent Health*. 338, 337-343 (2001) available at http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6T80-4490CX3-6&_user=8321500&_coverDate=11%2F30%2F2001&_rdoc=1&_fmt=high&_orig=search

There are not accurate numbers for the number of adolescents served by alternative school today. This is partly due to the issue of high dropout rates for alternative schooling programs, and the countless number of new alternative schools emerging around the country. Another issue is determining what kind of school qualifies as an alternative school. The U.S. Department of Education described an alternative school “as a school that provides nontraditional education for students whose needs cannot be met through traditional schooling.”⁹ Furthermore, other researchers have classified three different types of alternative schools. The first type, Type I, are schools in which the student chooses to attend this school because of innovative programs and nontraditional administrative organizations.¹⁰ The second type of alternative school, Type II, is considered “last-chance” programs, where students are sent as an alternative to expulsion or jail.¹¹ The third type, Type III schools, provide remediation and rehabilitation in either academic areas or social and emotional areas, or sometimes both.¹² A goal of Type III schools is to enable students to return to traditional schooling eventually.¹³ All three types of alternative schools tend to have small class sizes to encourage a close student-teacher relationship. Many alternative schools also emphasize a student’s personal decision making with peer guidance and strong parental involvement. However, because many of the adolescents who attend these schools are

h&_sort=d&_docanchor=&view=c&_acct=C000029125&_version=1&_urlVersion=0&_userid=8321500&md5=e48f644a9d0e6bb7a36ba9bcbba3506e.

⁹ *Id.* at 337.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

considered “at-risk” additional guidance and services may be needed.¹⁴ This paper will primarily focus on Type II and Type III alternative schools.

III. Current National Programs for Alternative Schools

Today, there are a few private organizations that promote the use of alternative schools. The National Association for the Legal Support of Alternative Schools (NALSAS) has been around since 1973 and was originally “designed to help interested persons/organizations locate/evaluate/create viable alternatives to traditional schooling.”¹⁵ NALSAS created a process to accredit members of the National Coalition of Alternative Community Schools. In order to receive a Certificate of Accreditation, the school must be in compliance with all state and local laws and all of their advertising for the school regarding location and operation is valid.¹⁶ However, NALSAS makes no determination or evaluation of the quality of the program, the teaching staff, or the educational philosophy.¹⁷ The National Coalition of Alternative Community Schools (NCACS) states that it is “to support an educational process which is alternative in intention, working to empower people to actively and collectively direct their lives; to support an educational process which is alternative in form, requiring the active control of education by the students, parents, teachers and community members who are most directly affected; and to support an educational process which is alternative in content,

¹⁴ Lehr, Lange, *supra* note 4 at 61

¹⁵ N.A.L.S.A.S.: National Association for the Legal Support of Alternative Schools, <http://nalsas.org/index.html> (last visited May 19, 2010).

¹⁶ *Id.*

¹⁷ *Id.*

developing tools and skills to work for social justice.”¹⁸ On their website, a person can find links to all accredited schools in the U.S.¹⁹

Another national organization for alternative schools is the AHSI. AHSI was formed in 2003 with the name “Alternative High School Initiative” however they changed the name to “Association for High School Innovation.”²⁰ AHSI began in response to the increasing number of high school dropouts in the late 1990s and early 2000s. AHSI’s goal was speed up the process of improving alternative schools by increasing the number of alternative schools and improving their programs to result in high quality alternative schools.²¹ Now, with the changing of its name, AHSI plans “to lead – through innovation and intentional collaboration – a national response to the imperative that our country educate all youth.”²² AHSI has helped to increase the number of high quality alternative schools; they now have over 276 schools across the nation involved with their programs to educate all youth.²³

Although these national organizations provide some information about alternative schools, they do not provide guidelines for best practices in alternative schooling or any other measure of success. There is a need for national organizations to work with the government to do extensive research on best practices and how to implement these successfully in alternative schools.

¹⁸ National Coalition of Alternative Community Schools: Living is Learning, http://ncacs.org/ncacs_origins.htm (last visited May 19, 2010).

¹⁹ NALSAS, *supra* note 15.

²⁰ AHSI: Association for High School Innovation, <http://www.ahsi.org/> (last visited May 19, 2010)

²¹ *Id.*

²² *Id.*

²³ *Id.*

IV. Successful Alternative Schools

Though there are these organizations to help promote the use of alternative schools, it is clear that there are large discrepancies between the alternative schools. There are no specific guidelines to the ideal alternative schooling practices. Some alternative schools are known more than other for their high rates of successful alternative education. For example, Holden High School in California is recognized nationally as one of the premier alternative schools for children with behavior issues.²⁴ Holden High School is an accredited school by NALSAS.²⁵ Holden High School prides itself on its small number of students and its mission to provide “a safe, supportive, and effective learning community for a broad spectrum of adolescents who thrive in a less traditional and more empowering educational environment.”²⁶ Holden High School is also known for its one-on-one counseling, which is part of the weekly curriculum, as well as its family counseling.²⁷ Holden High School has been successful in providing an education for teens who struggle with traditional schooling, however, Holden High School is a private school and tuition is over \$24,000 a year.²⁸ Although there are financial aid services, it seems that the “at-risk” adolescents that need these kinds of programs would have difficulty obtaining the alternative schooling they need.

Another alternative school that has had been called successful in the past is Peoria Alternative High School in Illinois.²⁹ Peoria Alternative High School was a part of a

²⁴ Holden High School, <http://holdenhigh.org> (last visited May 19, 2010).

²⁵ NALSAS *supra* note 15.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Janice M. Dugger, Chester W. Dugger. *An Evaluation of a Successful Alternative High School*. High School Journal 218 (1998) available at <http://heldref->

study of alternative high schools that encouraged dropouts to return to school and stay through graduation.³⁰ This study measured both academic achievements by the students as well as their self-esteem throughout the school year.³¹ The control group in this study was made up of adolescents on the waitlist for Peoria Alternative High School.³² The control group was offered classes at the local education center where they would receive class credits.³³ The main differences between Peoria Alternative High School and the local education center were that Peoria Alternative High School had special training for their teachers, small class sizes, and a small student body, all of which promoted a family environment in the school.³⁴ Furthermore, Peoria Alternative High School faculty and staff work closely with all the students to ensure that they are reaching goals set forth by each student, and creating a “highly structured and extremely flexible” program, in which the students help to create the rules for the school with strict sanctions.³⁵

Throughout the year, students at Peoria Alternative High School and the control group were given self-esteem tests and academic achievement tests. Overall, students at Peoria Alternative High School scored high on both tests by the end of the school year. More importantly, Peoria had about a 90% attendance rate throughout the year, as compared to only one-third of the students at the education center who made it through the year.³⁶ It is evident that the right kind of alternative schools can retain adolescents in

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

school when in other schooling environments these students probably would have dropped out of school.

V. Current Problems with Alternative Schools

One of the main criticisms of alternative schools is that adolescents in these programs are more likely to engage in risky behaviors. One study compared health-related behavior of students in alternative schools to those in traditional schools.³⁷ This study found that students at alternative high schools were at a significantly higher risk of violence-related injury, suicide, HIV infection, pregnancy, and unhealthy diet habits than those students attending traditional high schools.³⁸ This study recommends that instead of looking at this as a problem with alternative schools, it should place a responsibility on the alternative schools to provide more services to help decrease the prevalence of risk-taking behaviors.³⁹ Alternative schools do not cause these higher risk-taking behaviors; most of the students in these alternative schools are placed there in part because their risk-taking behaviors have gotten them into trouble, landing them in the alternative schooling system.

Another study, conducted in 2007-2008 school year, administered a survey to alternative schools across the United States. The survey was sent to 1,806 public school districts, and had a 96% response rate.⁴⁰ After compiling the data, the survey found that although alternative schools were improving, there were still areas in which the alternative school struggled to succeed. One issue is that about one-third of school districts report that they would like to enroll more students in alternative schooling

³⁷ Grunbaum et al, *supra* note 8 at 342.

³⁸ *Id.*

³⁹ *Id.* at 343.

⁴⁰ Carver et al, *supra* note 2 at 2.

programs, but there is not enough available staff or space to allow more students into the programs.⁴¹ Another issue with staffing these alternative schools is that only 30% of school districts have special teaching requirements in alternative schools, and only about half of the school districts reported having professional development requirements for staff of alternative schools.⁴² This should be a concern for the students attending these alternative high schools because without special training of the teachers to deal with adolescents who do not succeed in traditional schooling environments, the teachers and other staff will not understand how to treat these students differently than in traditional schools.

These weaknesses of the alternative school programs should be addressed by implementing more provisions for alternative schools to provide services for children who engage in risky behaviors. By providing these services, as well as setting requirements and training for the teachers and school staff, this could greatly improve the problems that alternative education faces today.

VI. The Future of Alternative Schools

The current research has shown that it is possible for alternative schools to be successful in helping students graduate from high school, or at least further their education. However, there are so many different types of alternative schools, it is hard to know which ones will provide a student with the appropriate schooling method. Alternative schools have a wide range of focuses and philosophies of the best practices. Without government guidelines to different approaches, every alternative school is different. The government has enacted legislation to ensure that every child has a right to

⁴¹ *Id.* at 4.

⁴² *Id.*

public education, they have set standards for meeting graduation requirements, and they have enacted law against discrimination of children with the need for special educational programs. However, a large population of our youth is still failing to graduate from high school. Many of these adolescents cannot handle the traditional educational system, and it is evident that we have been aware of this issue for decades.

However, it was surprising to discover how little comprehensive research is available about the success and failure of alternative schooling. Our government needs to fund more studies of the best practices for alternative schooling in the future.

Although there are many good alternative schools right now, there are even more that do nothing to help students perform better than in traditional programs. Every school district should have a designated alternative school with appropriate staff training and counselors to work with these adolescents to create an educational plan that he can reasonably achieve.

Similarly to student receiving special educational services, students not performing well in traditional schools should be given the opportunity to attend an alternative school with an individual education plan. As of 2008, only 63% of school districts reported that they require a written learning plan for every student upon entering an alternative high school.⁴³ Although many students who are sent to reform schools have a disability requiring special education, many times this is coupled with other issues, whether behavioral or environmental. Therefore, not just those students with disabilities should receive an individual education plan. Although the definition of a disability should not be expanded to include these things because many of these behavioral and

⁴³ *Id.*

environmental factors should not be labeled as a disability, it is important that these behavior issues and environmental factors be recognized as factors which inhibit the ability for these children to succeed in traditional schooling. Moreover, it is important that these behavior issues and environmental factors not be considered disabilities because this would only add to an already harsh stigma for disabled people. Similarly, students who are sent to alternative schools may also get labeled negatively as “bad kids” because many of the adolescents who attend these alternative schools have behavioral issues or substance abuse issues. However, similar to special education, anyone entering an alternative school should be required to have a written individual education plan. The government should consider enacting a law to ensure children in alternative school are treated similarly to those children requiring other types of special education.

Furthermore, it is important that alternative schools collaborate with various outside agencies to promote the success of students. As of 2008, 80% of school districts with alternative schools reported working with the criminal justice system and/or with community mental health agencies.⁴⁴ All alternative schools should be working with mental health and other organizations; it is important to capture that last 20% of alternative schools needing assistance from outside agencies and provide them with this kind of support.

Alternative schools have come a long way in the past forty years, some greatly enhancing a student’s ability to continue with education when they may not perform well in traditional schooling, yet other failing miserably at keeping students from risky or harmful behaviors. Alternative schools are in need of specific guidelines in order to

⁴⁴ *Id.*

ensure the best practices and achieve high success rates. All children in this country are entitled to a public education, including those who cannot handle traditional schooling. Therefore, they should be provided with the adequate alternative education, and school districts should be mandated to provide this adequate alternative education.