

Good afternoon. My name is Deborah Gordon Klehr and I am an attorney at the Education Law Center, a non-profit legal advocacy and educational organization, dedicated to ensuring that all of Pennsylvania's children have access to a quality public education.

You have heard testimony today about some high-quality alternative education programs. Unfortunately, however, Pennsylvania also has many programs of very *low* quality. And that's not an accident; it is the direct result of deficiencies in our alternative education statute, which allows programs to hire unqualified teachers and provide educational programs so limited that they would never be tolerated in any "regular" school.

Again, not all programs suffer from these problems, as today's testimony has shown. But while our statute allows good programs to exist, it also allows for very bad ones.

I will outline what we see as the major problems with alternative education in the Commonwealth and suggest changes to the law. Many of our recommendations can be found in the attached proposed amended version of the alternative education statute.

We have six main concerns:

1. HOURS

Students in regular schools receive 27.5 hours of instruction per week. The alternative education statute states that alternative education programs may provide "different" hours of instruction. On that basis, PDE has approved alternative education programs that provide as little as 15 hours of education per week – barely more than 50% of the amount of instructional time provided to "regular" students.

What possible justification can there be for providing, to our most troubled students, about half as much instruction as we provide to those who are more successful? And how can we realistically hope that students in alternative programs, who are likely to have academic as well as behavior problems, will ever achieve at high levels under these circumstances?

RECOMMENDATION: Punishing disruptive students by depriving them of instruction makes no sense. The statute should require that these programs provide *at least* the amount of instructional time made available to all other children.

2. TEACHER QUALITY

According to the statute and PDE's guidelines, alternative education programs approved under 1901-E are not required to hire certified or highly qualified teachers. This provision almost certainly violates the No Child Left Behind Act. Equally important, it violates common sense. Obviously, the students in these programs have no less need for qualified teachers than do any other children.

RECOMMENDATION: We recommend deleting the extensive exemptions in 1901-E for private providers, including the teacher certification exemption; let's hold all alternative programs to high standards. In addition, we know from national best practices that alternative education programs work best when they have teachers who are trained in teaching children with

challenging behaviors and when there is a low ratio of students to teachers. You should consider adding language accordingly to the statute.

3. EDUCATIONAL OPPORTUNITIES

We hear story after story from students, parents and probation officers about the lack of educational opportunities at alternative education programs. The only existing study of the efficacy of alternative education programs was a report issued in July 2003 through a grant from the Center for Rural PA, a legislative agency of the PA General Assembly. It found that:

[M]ore than one-third of AE teachers had fewer curriculum resources than did regular classroom teachers. Furthermore, nearly 55 percent indicated that students in AE are excluded from some parts of the curriculum that are available to regular education students. This fact brings into question ‘separate but equal’ rights to education....AE students need the best curriculum and the best teachers to become successful.

With the help of the Juvenile Court Judges’ Commission and the PA Council of Chief JPOs, last year we surveyed Pennsylvania’s juvenile probation officers on their experiences with alternative education programs for disruptive youth. We received roughly 300 responses from JPO’s in counties across the Commonwealth—many wrote about the lack of educational opportunities at alternative education programs. Here is a sampling of the comments:

“The students are allowed to sleep. I think the low quality of education they are getting is not fair to them. Generally, they are a dumping ground for schools when they don’t want to deal with kids.” – JPO in Somerset County

“[The alternative education program] has a building that is deficient, school books that are too old, a library with books that are also outdated. It is not a conducive learning environment.” - JPO in Dauphin County

“I do not think they learn much at the AEP” – JPO in Lebanon County

RECOMMENDATIONS. Amending the statute to increase the hours and improve teacher quality at alternative education programs will help to address these problems. In addition:

- The statute should require that the curriculum at alternative schools be of high quality and be aligned with that of the sending school. Course credits must be transferable.
- The statute should empower PDE to monitor the alternative education programs for quality control so that we are not spending money on alternative education programs where students sleep or do busy work all day.
- Alternative education programs are inappropriate for young children. As such, the law should make clear that these programs are for seventh grade students and older only.
- The state should invest in behavioral health and prevention programs so that students do not need to be sent to alternative education for disruptive youth in such high numbers. In particular, we urge that the state expand its School-Wide Positive Behavior Support initiative, an evidence-based, research driven approach to creating, teaching, and reinforcing students’ social, emotional, and academic learning skills.

4. LENGTH OF STAY

Officially, the goal of the alternative education program is to rehabilitate the student and return him to a regular school environment. This goal is in line with national best practices and evidence-based practices on alternative education.

In practice, however, many students get stuck in alternative education for years. I recently talked to a student who had been in 9th grade for the third year in a row at an alternative education program. JPOs have also repeatedly pointed to this problem. One wrote: “The children are in the program a really long time without much improvement.” Of course, the ultimate result is that many students simply drop out.

RECOMMENDATION: While the statute states that children should be reviewed at least twice a year, no meaningful guidelines are provided for this review, nor is there any monitoring or documentation requirement to ensure that it takes place. These omissions should be corrected. Also, the statute should require that PDE collect data from each alternative education program regarding students’ length of stay, the numbers of students restored to regular education each year, and the number who drop out. PDE should be required to consider this data in making decisions about funding and re-funding alternative education programs.

5. STUDENTS WITH DISABILITIES

Students with disabilities are overrepresented in alternative education programs. According to the latest data available, 42.3% of children transferred to alternative education programs have disabilities. This is *three times* the figure for children in the regular school population – and it is especially troubling because alternative education programs are often not set up to meet the needs of students with disabilities. It also raises the possibility that some of the children sent to alternative education programs may be students with disabilities who are not receiving the services they need in their home schools, prompting an inappropriate transfer.

RECOMMENDATION: PDE should monitor overrepresentation of students with disabilities in alternative education programs and deny funding to school districts accordingly. In addition, schools should be required to conduct a review before recommending that a child be sent to an alternative program to make sure that the disruptive behavior is not a result of an undiagnosed disability or of the failure to provide appropriate special education services.

6. ACCOUNTABILITY

In many ways, the General Assembly has led the way in demanding “accountability” from our state’s public education system. But when it comes to alternative education, systems of accountability are missing – which means that we are spending a large amount of money on services that may be good, may be bad, or may be anything in between. We really don’t know.

PDE has one staff person who is responsible for monitoring these programs. He does his work on the basis of self-reporting by the programs themselves. Moreover, because PDE has chosen not to view these programs as “schools”, the Department does not require any analysis of the programs’ PSSA results, or even that the programs file School Safety reports. The most recent annual report from PDE to the Legislature on these programs is from the 2004-05 school year.

The bottom line, obviously, is that we don't know, in any systematic way, what's going on in these programs – but the money keeps flowing.

RECOMMENDATION: The statute should require that PDE monitor alternative education programs more closely and revoke grants from noncompliant programs. Up to date, independent information on the quality and outcomes of the programs must be gathered and made publicly available. While PDE's new Guidelines make steps in the right direction towards collecting this information, such data collection requirements should be codified in the statute.

In closing, I'd like to read excerpts from a letter written by a 16 year-old 10th grade student in Montgomery County, which illustrates her experience in an alternative education program. The student had no prior disciplinary history, took honors courses, and on her report cards, teachers remarked, "she is a pleasure to have in class." She made one mistake when she brought several prescription drugs to school to give to her boyfriend in December, 2008.

When I first started attending Tri-County Alternative School, I quickly noticed how poor of an environment it was for students who had a desire to learn. Not many of the teachers actually taught full lessons at Tri-County. My normal day consists of watching a movie in Science, doing online math work in Math, completing spelling words and a word search in English, taking notes in history, drawing patterns in art, and then going to the gym where we walk around and do whatever we want. We never have homework....I have been attending Tri-County for about four months and so far I have learned pretty much nothing....

If you are a student who has behavior problems and no desire to learn then I think this is the school for you. But if you are a fairly well-behaved student who wants to learn who got stuck in this because of one poor choice, I do not believe you should be stuck in this school because this school is doing nothing but hurting you.

(A copy of the entire letter is attached.)

We have no doubt that there are some promising practices right here in PA. But our current statute and funding mechanism do not weed out the ineffective, purely punitive programs from the effective, rehabilitative ones. We hope you will consider our recommendations for improving alternative education in the Commonwealth. Thank you for allowing me to participate in today's hearing.

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