

AMERICAN BAR ASSOCIATION
COMMISSION ON YOUTH AT RISK
COMMISSION ON HOMELESSNESS AND POVERTY
REPORT TO THE HOUSE OF DELEGATES

RECOMMENDATION

1 RESOLVED, That the American Bar Association urges enactment and implementation of
2 statutes and policies that support the right of youth who have left school to return to school to
3 complete their education in high-quality, age-appropriate programs.

4
5 FURTHER RESOLVED, That the American Bar Association urges the enactment of laws and
6 policies that establish programs and procedures to encourage and assist parents, students, and
7 their legal representatives in understanding and exercising student rights to resume their
8 education.

REPORT

This recommendation deals with the millions of students living in the United States who have not attained a high school diploma and examines effective ways to allow them to complete their education. Students who have previously left school and try to resume their education face many barriers, including a lack of options of appropriate educational opportunities, ineffective or nonexistent tracking and reintegration policies, and age constraints. In addition, students dealing with disciplinary issues have difficulty returning to school if educational services are not provided during their time out of the classroom. If the disciplinary sanctions are also associated with court involvement, criminal sanctions, and time in juvenile detention facilities or comparable court-sponsored programs, the students face additional barriers when attempting to return to school.¹ In New York, more than two-thirds of high-school age court-involved students do not return to school after they are released from custody or a transitional school.² They are often let out in the middle of semesters after schools have stopped accepting students or during summers when schools are not ready to admit new students.³ Moreover, many states have a maximum age limit, up to which students are entitled to receive a free public education.⁴ Thus, students who have stayed out of school for several years but want to return sometimes need to find ways to finance their education while still battling many of the same issues that initially took them out of school.⁵

This recommendation attempts to address the above challenges by focusing on the right of students to resume their education. The recommendation builds upon two important prior ABA policies on public education reform. The first, from February 1995, recommended and encouraged school boards and school administrators to utilize curricula on dispute resolution and school-based peer mediation programs. The second, from February 2001, supported the principles that schools are safe places in which students can learn and develop; that in cases involving alleged student misbehavior school officials should exercise sound discretion consistent with due process and consider the individual student and the particular circumstances of misconduct; that alternatives to expulsion or referral for prosecution should be developed that would improve student behavior and school climate without making schools dangerous; and that "zero tolerance" policies, which mandate either expulsion or referral of students to juvenile or criminal court, without regard to the circumstances, nature of the offense, or the student's history, should be opposed in principle.

A youth's right to resume his/her education should be part of the larger goal of ensuring a high-quality education to all students and is a component of the broader solution to problems of push-

¹ NAT'L CHILDREN'S LAW CTR., IN SCHOOL, THE RIGHT SCHOOL, FINISH SCHOOL: A GUIDE TO EDUCATIONAL OPPORTUNITIES FOR COURT-INVOLVED YOUTH, 3 (2007) (citing that problems include "paperwork being lost, records not being sent,... [and] being denied admission, credits and graduation.").

² Office of Justice Programs, Office of Juvenile Justice & Delinquency Prevention, U.S. Dep't of Justice, *Overcoming Barriers to School Reentry* (Pub. No. 03)(2004) <<http://www.ncjrs.gov/pdffiles1/ojjdp/fs200403.pdf>> (last visited Apr. 9, 2009).

³ *Id.*

⁴ N. Y. EDUC. LAW § 3202.

⁵ ADRIA STEINBERG & CHERYL ALMEIDA, JOBS FOR THE FUTURE, THE DROPOUT CRISIS: PROMISING APPROACHES IN PREVENTION AND RECOVERY 9 (2004), available in ERIC, ED No. 497 890.

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out and high school non-completion addressed in the ABA report on the right to remain in school. As described in that report, far too many students drop out of school each year without a high school diploma.⁶ These youth face a series of negative outcomes, including fewer job opportunities, lower wages, unemployment, a greater likelihood of incarceration, and increased health problems.⁷ Moreover, dropouts create significant economic and social costs for the broader society. The report further pointed out that certain subgroups of students are more likely to drop out of school. These include African American and Latino students and students with disabilities, in particular students identified as having an emotional disturbance.⁸ Finally, a number of reasons were provided as to why students leave school, including being “pushed out” (through policies and practices that have the byproduct of increasing dropouts), “kicked out” (as a disciplinary measure), or “pulled out” (by criminalization of school-related behavior).⁹

The large numbers of youth who have already left school without securing a high school diploma compel the need to address the right to resume education. This requires more than simply declaring that right but ensuring that systems are in place for ensuring it, including high-quality alternatives beyond the right to re-enroll in the original school, which may be problematic for some students both because of the reasons they left in the first place and because they are significantly older upon return. The creation of high-quality alternatives requires systems of coordination to ensure that a range of good options are available and accessible. Thus, this recommendation calls for the enactment and implementation of statutes and policies addressing each of these aspects. Thus, on the one hand this recommendation calls for the enactment and implementation of statutes and policies to support the right to resume education in high-quality, appropriate programs and to help youth and their families and addressing each of these aspects. At the same time, the recommendation is made with the realization that fulfillment of those rights requires a commitment to making it a priority in order to fill in gaps in the law and create and coordinate the needed mechanisms, options, and systems to exercise those rights.

Making School Re-Engagement for Youth a National Priority with Financial Support

All students are entitled to a high-quality education, including older students and students who have been excluded from school for disciplinary problems or truancy issues, and this recommendation entails making school re-engagement a national education priority. Few laws address the needs of students who have already left the education system by focusing on reintegrating these students back into high school or an alternate program. Some laws address aspects of the issues related to re-entry,¹⁰ but these are scattered and lack the comprehensive effort that is necessary to prevent students who have left school from staying out permanently.¹¹

⁶ See ABA Report on the Right to Remain in School notes 2-4, 10-16 and accompanying text (discussing the dropout problem).

⁷ *Id.* at notes 10-16 and accompanying text.

⁸ *Id.* at notes 3-4 and accompanying text.

⁹ See generally *id.*

¹⁰ See, e.g., 20 U.S.C.A. § 6561d(1)(c) (2002) (awarding subgrants to agencies that offer strategies of recovering students who have dropped out); N.Y. EDUC. LAW § 3202(1), (1-a) (requiring administrators to inform students in writing and orally of their right to re-enroll at any time if a student is being dropped from enrollment due to truancy).

¹¹ See STEINBERG & ALMEIDA, *supra* note 5, at 4 (evaluating dropout prevention programs and finding that federally funded programs “were not effective at stemming the loss of young people from our schools.”). See also U. S.

In some locales, community groups, local organizations, and school districts have created alternative education programs for students who have left school before graduating.¹² These programs often receive state and federal funding, and if the right to resume education is not strengthened and protected through supportive legislation, funding can be cut or eliminated altogether. Cutbacks in programs have already begun.¹³ As local and state governments and the federal government begin to tighten their belts, the enduring presence and effectiveness of these programs is in serious jeopardy.¹⁴ Threats to programs that provide an opportunity to resume education are threats to the exercise of the right to a high-quality education, as described in the accompanying ABA report, as well as to the opportunity to acquire the “basic tools by which individuals might lead economically productive lives to the benefit of us all.”¹⁵

To make school re-engagement a national priority, there are roles for government on the federal, state and local levels. The federal government and state legislatures can provide the basic funding, standards, and an accountability plan, and direct local school boards to develop a more comprehensive plan with community input to implement the right to resume education.¹⁶ School districts and communities have the best understanding of the specific needs of their neighborhoods. An inclusive legislative scheme that protects the legal status of the right to re-enter could include, but is not limited to, the following goals: (1) providing youth with greater opportunities and support so that even after leaving school they can have access to a high-quality education, including programs to prepare students for postsecondary education and quality vocational opportunities, with the possibility of obtaining credits toward a high school diploma; (2) utilizing creative and effective tracking and re-entry systems; and (3) providing for greater awareness by parents, students, and their legal representatives of students’ rights related to resuming education.

Funding at the federal and state levels can be adapted to encourage school districts to promote the right of students to resume their education after they have left school. One option for a creative funding strategy is a policy such as that implemented in Oregon, where funds follow the student.¹⁷ If a student is “pushed out” or if the student’s needs would be best met in an

GOV’T ACCOUNTABILITY OFFICE, PUB. NO. GA O-08-313, DISCONNECTED YOUTH: FEDERAL ACTION COULD ADDRESS SOME OF THE CHALLENGES FACED BY LOCAL PROGRAMS THAT RECONNECT YOUTH TO EDUCATION AND EMPLOYMENT (2008) (arguing greater coordination between government agencies is necessary and that the Department of Labor should work with states and investment boards to provide better information and guidance to local agencies that are trying to re-engage youth).

¹² See generally NANCY MARTIN & BETSY BRAND, AM. YOUTH POLICY FORUM, FEDERAL, STATE, AND LOCAL ROLES SUPPORTING ALTERNATIVE EDUCATION 25-30 (2006) (describing alternate education programs and the roles of government through policy and legislation, discussing the problems with the systems currently, and making recommendations for policy makers).

¹³ PAUL E. BARTON, POLICY INFO. CTR. EDUC. TESTING SERV., ONE-THIRD OF A NATION: RISING DROPOUT RATES AND DECLINING OPPORTUNITIES 21 (2005), available in ERIC ED No. 485 192 (showing that federal investment in second-chance programs has dropped from \$15 billion in the late 1970’s to \$3 billion today).

¹⁴ *Id.* (noting a decrease in federal funding of second-chance or dropout recovery programs occurring at the “same time that the earning power of dropouts is in sharp decline.”).

¹⁵ *Plyler v. Doe*, 457 U.S. 202, 221 (1982).

¹⁶ U. S. GOV’T ACCOUNTABILITY OFFICE, *supra* note 11, at 39 (citing the federal government’s role as “providing funding, oversight, and technical assistance...and hold[ing] programs accountable for meeting performance goals”).

¹⁷ MARTIN & BRAND, *supra* note 12, at 12.

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alternative program, funding follows the student into that program.¹⁸ Recognition and support in the way of funding grants and legislative protection to programs that provide multiple pathways to graduation are important in ensuring the right to resume education.¹⁹ Funding provisions that require certain progress goals to be met as a prerequisite for receipt of continued aid can discourage programs from taking on students who might not be able to meet those goals or meet them in the year required by the regulations.²⁰ Programs that provide opportunities for disconnected youth often use a combination of federal, state and local funding sources and greater coordination between sources should be encouraged so that it is easier to provide services to students most in need.²¹ In the consideration of funding mechanisms, however, care must be taken not to contribute to the under-funding of public schools or the undermining, rather than advancing, of the obligation to provide a free public education. As discussed further below, all potential funding schemes with respect to alternative education programs should encompass an assurance that the programs provide their students with the same opportunity to meet the state's high academic standards as all other students.

Providing full opportunity and support for out-of-school youth to re-integrate into public school or other age-appropriate, high-quality education programs that enable them to receive a regular diploma and/or enter postsecondary education, including during any periods of illness, institutionalization, or incarceration

This principle, which is the core of the right to resume education articulated in this recommendation, addresses both the right to re-enroll and the right to an alternative program that: (a) is age-appropriate, (b) is of high-quality, and (c) enables students to receive a regular diploma and have the opportunity to enter postsecondary education. This last recognizes that a regular diploma is often necessary for postsecondary and career opportunities that a G.E.D. does not provide and, at the same time, that there is a need for good programs in which older youth and adults can enroll directly in college. Finally, this principle explicitly recognizes that students who are incarcerated, institutionalized, or have illnesses that prevent them from attending their regular school should nevertheless be able to continue to receive a high-quality education during those periods.

While there should always be an option to return to the youth's home school, it should never be the only option. First, while efforts need to be made to welcome returning students and provide for their educational needs, the reality is that the characteristics of the school that may have contributed to the student's leaving in many cases will not always have changed dramatically for the better. Second, the returning student will often have the added burden of being older than his/her classmates, further contributing to a sense of isolation, not belonging, and feeling that s/he is being treated inappropriately for his/her age. This problem in relation to age is exacerbated by the fact that many students are already older than their classmates at the time they

¹⁸ *Id.* at 11; STEINBERG & ALMEIDA, *supra* note 5, at 8 (describing "children at risk" statutes in Wisconsin and Minnesota where state money follows children that satisfy statutory criteria for being "at risk." This scheme allows district to contract with private, nonprofit, nonsectarian agencies where their needs might be better served. These funding schemes are not without controversy and may increase competition with districts for scarce funds.)

¹⁹ MARTIN & BRAND, *supra* note 12, at 12.

²⁰ U. S. GOV'T ACCOUNTABILITY OFFICE, *supra* note 11, at 4.

²¹ *Id.* at 3, 7 (2008) (finding that 12 different agencies fund different programs to help high school dropouts, homeless and runaway youth, incarcerated youth, or youth who have aged out of foster care).

drop out, often having previously been held back one or more grades, a major factor that leads students to drop out and then makes them even older if they later seek to return.

Supporting the right of students to resume their education can also be achieved by promoting high-quality, age-appropriate alternative education programs, which often provide opportunities for over-age, under-credited students. “Alternative education” is a broad term that is used to describe a wide variety of options outside the traditional K-12 school system that are targeted at students who have been unsuccessful in their prior school experiences.²² These nontraditional alternatives can satisfy the concern of having older students interact with younger students in traditional high schools and provide an option that may better fit with the schedules and commitments of older students.²³

Although the various forms of alternative education can help address some of the barriers of re-entry, there are a number of problems associated with alternative education.²⁴ First, not all states have laws regarding alternative education, and those that do tend to vary in inclusiveness and detail of standards.²⁵ In addition, finding appropriate programs that offer credits toward a high school diploma and are not already at maximum capacity can be difficult.²⁶ Some alternate systems find it difficult to offer special education services or programs necessary for effective advancement such as language assistance.²⁷ This is especially troubling due to the higher dropout rates for special education students and English language learners (ELLs).²⁸ Programs are also not always available in the student’s area, and transportation may not be provided.²⁹ Moreover, in order to meet certain goals to obtain funding, programs may not be able to provide assistance to students who have too few credits, a problem that is exacerbated as the ages of

²² See LAUDAN Y. ARON, *THE URBAN INST., AN OVERVIEW OF ALTERNATIVE EDUCATION* 3 (Jan. 2006) <http://www.urban.org/UploadedPDF/411283_alternative_education.pdf> (last visited Apr. 9, 2009).

²³ In New York City, the Department of Education established an Office of Multiple Pathways to Graduation that provides students with a variety of resources and information on programs that are specifically for older students who have dropped out including transfer schools, work programs, and GED programs. See *ADVOCATES FOR CHILDREN OF N.Y., DEAD ENDS: THE NEED FOR MORE PATHWAYS TO GRADUATION FOR OVERAGE, UNDER-CREDITED STUDENTS IN NEW YORK CITY* 2 (2007).

²⁴ MARTIN & BRAND, *supra* note 12, at 25-30.

²⁵ See, e.g., CAL. EDUC. CODE §§ 48916(d), 48916.1 (West 2006) (requiring alternate education for expelled students under both zero tolerance and other provision and set minimum required features for alternate education programs); MICH. COMP. LAWS ANN. § 380.1280a (2005) (providing some general guidelines for alternative schools to comply with requirements for traditional high schools); MICH. COMP. LAWS ANN. § 380.1311 (1994) (allowing districts to provide alternate education programs for expelled students at their own discretion, but does not require alternate education programs or re-entry into mainstream schools); OHIO. REV. CODE ANN. § 3313.533 (West 2004) (setting requirements for boards of education and school districts when creating alternative schools and providing certain minimum standards of monitoring and accountability, but allowing leeway for districts to fill in the details of the plans); TENN. CODE ANN. § 49-6-3402(i)(1) (requiring that districts set up alternate schools for students in grades 7-12 with no similar requirement for grades K-6.). See MARTIN & BRAND, *supra* note 12, at 2 (noting that “[a]lthough 48 states define alternative education, their definitions vary tremendously, as do their approaches.”).

²⁶ BARTON, *supra* note 13, at 21.

²⁷ *ADVOCATES FOR CHILDREN OF N.Y.*, *supra* note 23 at 4.

²⁸ Suzanne E. Kemp, *Dropout Policies and Trends for Students with and Without Disabilities*, 41 *ADOLESCENCE* 235, 235-36 (2006) (reporting that between 32% and 36% of students with learning disabilities and 50% to 55% percent of students with emotional or behavioral disorders drop out).

²⁹ Dean Hill Rivkin, *Legal Advocacy and Education Reform: Litigating School Exclusion*, 75 *TENN. L. REV.* 265, 277 (2008) (finding the problems of transportation particularly acute since alternate programs often meet at night or outside the hours of operation for public transportation).

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dropouts decrease.³⁰ Similarly, certain programs, through a screening process, may turn away students who do not meet specific academic criteria, such as a minimum reading level, or who have substance abuse issues or criminal histories.³¹

An additional, significant concern associated with alternative education relates to the increased number of alternative education schools that have been created for students who have been deemed disruptive because of problematic behavior and consequently removed from their regular learning environment for alleged disciplinary violations. These schools often provide an academic program that is low level and remedial in nature, focusing on instruction in the “basics.”³² What has evolved is essentially a separate system of education that is segregated and stigmatizing for students who have been subject to disciplinary exclusions. These students are disproportionately from low-income, racial and ethnic minority backgrounds and students with disabilities. In a 2009 study of alternative education schools in Mississippi, the American Civil Liberties Union found that these schools did not provide opportunities for students to engage in meaningful, challenging, and rigorous work and did not provide appropriate instruction to meet the individualized learning needs of their students.³³ At the same time, many of the schools provided for a shorter length of learning time as well as an excessive focus on behavioral modification at the expense of instruction.³⁴ These schools were also found to have a disproportionately large number of African American students and students with disabilities.³⁵

Despite the concerns associated with current forms of alternative education, the availability of nontraditional education options that are both high-quality and age-appropriate is an important part of ensuring the right of students who have left school to resume their education. While some models of alternative education function as separate schools, alternative education programs do not need to be provided outside of the regular high school building. For example, “school-within-a-school” models have been shown to be effective.³⁶ These programs encourage school officials to take responsibility for students for whom the school may have played a role in “pushing out.”

The best approach may be for districts to provide a variety of high-quality and age-appropriate options, or multiple pathways to graduation.³⁷ Some programs may include internships or dual

³⁰ ADVOCATES FOR CHILDREN OF NEW YORK, *supra* note 23, at 13 (finding a shift from dropping out occurring largely between grades 11 and 12 thirty years ago, to typically between grades 9 and 10 today).

³¹ ROB BUSCHMANN & JOSHUA HAIMSON, MATHEMATICA POL’Y RESEARCH, BRING THEM BACK, MOVE THEM FORWARD 2 (2008) <http://www.mathe-matica-mpr.com/publications/pdfs/bringback_moveforward.pdf> (last visited Apr. 9, 2009).

³² CAMILLA A. LEHR ET AL., ALTERNATIVE SCHOOLS: FINDINGS FROM A NATIONAL SURVEY OF STATES 15 (2004) <http://ici.umn.edu/alternativeschools/publications/alt_schools_report2.pdf> (last visited Apr. 9, 2009).

³³ AMERICAN CIVIL LIBERTIES UNION AND THE ACLU OF MISSISSIPPI, MISSING THE MARK: ALTERNATIVE SCHOOLS IN THE STATE OF MISSISSIPPI 19 (Feb. 2009) <http://www.aclu.org/pdfs/racialjustice/missingthemark_report.pdf> (last visited Apr. 9, 2009).

³⁴ *Id.* at 38.

³⁵ *Id.* at 6-7.

³⁶ See John H. Tyler & Magnus Lofstrom, *Finishing High School: Alternative Pathways and Dropout Recovery*, 19 FUTURE OF CHILDREN: AMERICA’S HIGH SCHOOLS 77, 91 (2009).

³⁷ See BUSCHMANN & HAIMSON, *supra* note 31, at 17 (advocating for a “portfolio” of options or tiers within programs that can admit a wider range of students at different levels of commitment and academic progress); MARTIN & BRAND, *supra* note 12, at 8 (advocating for a “menu of education options”).

enrollment to earn both high school and college credit, and some may operate out of community college campuses.³⁸ These programs tend to involve participation from a group of collaborating providers such as schools districts, community colleges and local businesses.³⁹ In these programs, students can acquire specific skills necessary to take college courses so that they are adequately prepared to handle the rigors of college classes. Such programs can be especially beneficial because, in addition to potentially providing an opportunity for a high school diploma, they can encourage students to look beyond high school towards their future, including postsecondary education and careers.⁴⁰ Programs that involve a holistic approach to learning, including non-academic services and a focus on empowering students, may also be appropriate.⁴¹ Finally, for those students who must remain outside of traditional high school, even temporarily due to illness, institutionalization, or incarceration, there should be an opportunity for them to continue their studies in high-quality alternative programs in separate school buildings.

Regardless of the type of alternative education model, it is important to ensure that all such options guarantee the same core elements of program quality to which all students are entitled, as articulated under the separate ABA recommendation on that topic, including, among other things, an accelerated and enriched curriculum, effective instruction by highly-qualified teachers, and individualized attention to differences. Youth attending alternative education programs or schools should have the same opportunity to meet their state's challenging academic standards as all other students. It is also important for monitoring systems to be developed that assess the quality and effectiveness of the diversified alternative models available and provide for various measures of student progress including, but not limited to, graduation rates.⁴²

Developing Evidence-Based Collaborative and Creative Tracking and Re-Entry Programs among School Districts, Community Colleges, and the Private and Non-Profit Sectors

To protect students after they have left, a system of tracking these students should be implemented by school districts, along with attempts to use this tracking system to contact former students and help them re-enter programs.⁴³ Tracking systems now being planned or implemented for measuring dropout rates should also be used to recover students.⁴⁴ Tracking can make it easier for students to obtain their records and re-enroll at their own initiation. When

³⁸ STEINBERG & ALMEIDA, *supra* note 5, at 6.

³⁹ OFFICE OF THE SUPERINTENDENT OF PUB. INSTRUCTION, WASHINGTON, HELPING STUDENTS FINISH SCHOOL: WHY STUDENT'S DROP OUT AND HOW TO HELP THEM GRADUATE 67 (2006) <<http://www.k12.wa.us/research/pubdocs/pdf/dropoutreport2003.pdf>> (last visited Apr. 9, 2009) (describing the "Middle College concept" which involve partnerships between boards of education and colleges and various programs throughout the country).

⁴⁰ STEINBERG & ALMEIDA, *supra* note 5, at 9.

⁴¹ U. S. GOV'T ACCOUNTABILITY OFFICE, *supra* note 11, at 4.

⁴² BUSCHMANN & HAIMSON, *supra* note 31, at 22.

⁴³ Russell Rumberger, *Fewer And Fewer High School Students Make It To Their Graduation: Instead, They Drop Out: Four Strategies, If Used Together, Could Stem The Tide*, THE SACRAMENTO BEE, Sept. 14, 2008, at E1 (arguing that the tracking system will also increase accountability).

⁴⁴ In 2004, only about one-fifth of states have systems already in place that can track school completion. BARTON, *supra* note 13, at 7 (2005).

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students are tracked, it is possible to know where they have been and what services they require.⁴⁵

Given the need for a range of options, some not at the regular high school or run by the school district, the right to resume education will not be exercised in a meaningful way if there is not good coordination to enable the student to learn about various programs being run by various government and non-government providers, including enough information about each to make good choices. States and/or school districts need to be vested with the responsibility and obligation to create and foster that collaborative system.

School districts or states should be encouraged to provide centers or centralized and easily accessible information for students who want to return. These can protect against procedures that cause students to lose time searching for available programs or remain outside of school because of an inability to maneuver through the complex bureaucratic system necessary to re-enter.⁴⁶ Re-enrollment centers can also provide assistance in helping people re-integrate easily into a school program.⁴⁷ For example, The Philadelphia School District created a Re-Engagement Center to facilitate school re-integration. This center provides opportunities for students to be assessed to determine where they are academically and what services might benefit them upon re-entry.⁴⁸ If legal services were also made available through enrollment centers, when students are being denied the right to re-enter or are being unlawfully pushed out of school, more options would be available to them to challenge these practices. For court-involved students, effective advocacy is especially important when they are trying to re-enroll. Probation or parole officers can provide help in re-enrollment of students and can be trained in how to get students back into school as quickly as possible by attorneys or other knowledgeable people about enrollment policies.

Establishing Programs to Encourage and Assist Parents, Students, and their Legal Representatives in Understanding the Right of Students to Re-Enter School

Parents, students, and legal representatives need to be provided information about the right of students to resume education. Districts and administrators should be required to inform students of their right to re-enter when they become aware that a student is leaving school or has already left school for a period of time, and should make all efforts to contact and encourage re-entry,

⁴⁵ In Wisconsin each student is given an identification number and a school must submit information to a central reporting agency regarding the student's school, enrollment date, exit information if applicable, high school completion credential type, grade-level placement, disability information, economic disadvantage status, English language proficiency information, any other outside services a student is receiving, and reasons why they might be out of district. Wisconsin Department of Education, Preparing Your School District for the Individual Student Enrollment System (ISES), <<http://dpi.wi.gov/lbstat/isesprepar.html>> (last visited Apr. 9, 2009). See also Bill Gates & Melinda Gates, *A Bold Vision for Stimulus, Education Reform*, ROLL CALL, Feb. 10, 2009 (arguing for longitudinal data systems that will help teachers identify the needs of students).

⁴⁶ STEINBERG & ALMEIDA, *supra* note 5, at 7 (2004) (describing a program in Chicago where a Reenrollment Center is part of the newly created Dropout Prevention and Recovery Department and will "serve as the door to a range of quality learning options for reconnecting out-of-school youth.").

⁴⁷ Office of Justice, *supra* note 2 (describing a re-enrollment program for court-involved youth).

⁴⁸ Kristen A. Graham, *A Path To Success Open Quietly for Dropouts*, PHILA. INQUIRER, Aug. 20, 2008, at B2.

especially when a student is temporarily absent due to disciplinary actions or illnesses.⁴⁹ In addition to informing students and their guardians that a student has a right to re-enter, alternative education options should be suggested.⁵⁰ Re-enrollment centers and tracking mechanisms discussed above can be another avenue to spread information about rights associated with returning to school. One school district's commitment to informing students and encouraging re-entry included a door-to-door campaign. Former students who failed to register for school were paid a house visit as part of an initiative to lower the dropout rate. Volunteers carried registration paperwork to assist in the process of re-entry.⁵¹ Making students and their supporters aware of their rights and of ways of exercising their right to resume education can be effective in ensuring that all students eventually graduate.

CONCLUSION

Failing to guarantee the right of re-entry for youth who have previously left school creates significant costs to the future of the youth involved and to the community and state in which the youth reside. In recognition of the consequences that ensue when students leave the education system, both state governments and the federal government need to take steps towards addressing the needs of students who have already left school as well as those who will leave in the future so that all students have access to a high-quality education. The proposed recommendation encourages the passage of laws and implementation of policies to make school re-engagement a national and state priority, calls for the provision of the necessary support and high-quality opportunities for that re-engagement, urges the development of tracking and re-entry programs, and makes the right of students to resume their education more widely known. These provisions, if implemented, will help ensure that the right of students to resume their education is protected and enforced.

Laura Farber
Chair
American Bar Association
Commission on Youth at Risk
August 2009

⁴⁹ See N.Y. EDUC. LAW § 3202 (1-a) (McKinney 1995) (requires that a student and their guardian be informed orally and in writing of their right to re-enter but applies only to situations where a school is dropping a student because of absence for more than twenty consecutive days).

⁵⁰ See e.g., OR. REV. STAT. ANN. § 339.250 (9)-(11) (West 2003) (providing that before a student leaves school due to expulsion, when there has been erratic attendance records, or when there has been more than one serious discipline problem within a year, a document must be provided to the student and their guardian listing alternative education options or other appropriate programs).

⁵¹ Jamie Rogers, *Educators Visit Homes to Help Bring Students Back to School*, FLORENCE MORNING NEWS, Aug. 24, 2008.

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GENERAL INFORMATION FORM

Submitting Entity: The Commission on Youth at Risk

Submitted By: Laura Farber, Chair

1. Summary of Recommendation(s).

The recommendation seeks laws and policies that would support the right of youth who have left school to return and complete their education, through more clearly establishing the right and facilitating its exercise through eliminating barriers to returning, establishing high-quality age appropriate program options, and creating coordination systems that enable youth to understand and avail themselves of those opportunities.

2. Approval by Submitting Entity.

The Commission on Youth at Risk voted to approve this recommendation on April 21, 2009 at its Spring meeting.

3. Has this or a similar recommendation been submitted to the House or Board previously?

No.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

There are no existing Association policies that are relevant to this recommendation that would be affected by its adoption.

5. What urgency exists which requires action at this meeting of the House?

Congress will be considering significant public education reforms as a priority of the new Administration, and state education reform is happening now because the public is placing a higher importance on public school improvement, quality education and graduation. In addition, the entire Elementary and Secondary Education Act of 1965, including the largest federal education program, Title I, and many others, is due for reauthorization and is a critical potential vehicle for reform.

6. Status of Legislation. (If applicable.)

Many bills have been submitted in Congress dealing with various aspects of elementary and secondary education that relate in some way to the subject matter of this recommendation, including many proposed as amendments to the Elementary and Secondary Education Act of 1965, which is due for reauthorization, we are not aware of any that encompass the particular recommendations themselves.

7. Cost to the Association. (Both direct and indirect costs.)
There are no direct or indirect costs.

8. Disclosure of Interest. (If applicable.)

Not applicable.

9. Referrals.

State and Local Government Law
Individual Rights and Responsibilities
Family Law Section
Young Lawyers Division
Criminal Justice Section
Commission on Homelessness and Poverty
Standing Committee on Public Education
Center for Human Rights
Council on Racial and Ethnic Justice
Commission on Women in the Profession
Section of Administrative Law
Government and Public Sector Lawyers Division

10. Contact Person. (Prior to the meeting.)

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11. Contact Person. (Who will present the report to the House.)

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EXECUTIVE SUMMARY

1. Summary of the Recommendation

The recommendation seeks laws and policies that would support the right of youth who have left school to return and complete their education, through more clearly establishing the right and facilitating its exercise through eliminating barriers to returning, establishing high-quality age appropriate program options, and creating coordination systems that enable youth to understand and avail themselves of those opportunities.

2. Summary of the Issue that the Resolution Addresses

For those youth who have left or been removed from school, it is in everyone's long-term interest – both themselves and society at large – for them to resume their education. Yet barriers often exist for these youth to return to the school they left, while other high-quality and age-appropriate alternatives are often not available, and coordinated systems often do not exist for creating them and making them accessible.

3. Please Explain How the Proposed Policy Position will Address the Issue

The recommendation calls for laws and policies that would make school re-engagement for such youth a national education priority, provide them with full opportunity and support to reintegrate into public school or another age-appropriate, high quality education program; encourage school districts, community colleges, and private and non-profit sectors to develop collaborative re-entry systems and programs that lead to diploma achievement, higher education, and career readiness; and programs and procedures to assist youth and parents in understanding their rights to resume education.

4. Summary of Minority Views

No opposition to this recommendation has been identified.