

# Student Discipline Task Force

## Final Report

2013–2014

Authorizing legislation: RCW 28A.600.490

(<http://app.leg.wa.gov/RCW/default.aspx?cite=28A.600.490>)

### Student Discipline Task Force

#### Task Force Members

Dr. James Smith	Educational Opportunity Gap Oversight and Accountability Committee
Edri Geiger	Washington State School Directors' Association
Edward Prince	Commission on African American Affairs
Gloria Ochoa	Commission on Hispanic American Affairs
Jennifer Harris	Office of the Education Ombuds
Jess Lewis	Office of Superintendent of Public Instruction
Matt Vaeena	Commission on Asian Pacific American Affairs
Mia Williams	Association of Washington School Principals
Myra Johnson	Washington Education Association
Paul Alig	TeamChild
Rosemarie Search	Washington Association of School Administrators
Tim Stensager	K-12 Data Governance Committee
Tracy Sherman	League of Education Voters
Trevor Greene	Association of Washington School Principals
Zharina Angeles	Commission on Asian Pacific American Affairs

# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	<b>3</b>
<b>BACKGROUND</b> .....	<b>4</b>
IMPLEMENTATION OF CHARGE.....	4
2012–2013 DATA.....	5
<b>STANDARD DEFINITIONS</b> .....	<b>7</b>
<b>NEW DATA ELEMENTS</b> .....	<b>8</b>
<b>EXISTING DATA ELEMENTS</b> .....	<b>9</b>
CREDIT RETRIEVAL DURING A PERIOD OF EXCLUSION: .....	10
SCHOOL DROPOUT AS A RESULT OF DISCIPLINARY ACTION: .....	10
<b>NEXT STEPS</b> .....	<b>10</b>
PREVENTION FOR AT-RISK STUDENTS.....	10
POSITIVE BEHAVIORAL INTERVENTIONS & SUPPORTS.....	11
RESTORATIVE PRACTICES .....	12
ALTERNATIVES TO SUSPENSION .....	13
FAMILY ENGAGEMENT.....	14
EQUITABLE ACCESS TO EDUCATION SERVICES .....	15
SCHOOL TO PRISON PIPELINE.....	16
REENGAGEMENT MEETING, PLANNING, AND PROGRAMMING .....	17
DISTRICT ENROLLMENT.....	18
DISPROPORTIONALITY.....	18
<b>CONCLUSION</b> .....	<b>20</b>
<b>REFERENCES</b> .....	<b>21</b>
<b>APPENDICES</b> .....	<b>22</b>
APPENDIX A: ENGROSSED SUBSTITUTE SENATE BILL 5946 .....	22
APPENDIX B: FINAL RULES (WSR 14-15-153) .....	22
APPENDIX C: JOINT “DEAR COLLEAGUE” LETTER – U.S. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS.....	22
APPENDIX D: CIVIL RIGHTS DATA COLLECTION, DATA SNAPSHOT: SCHOOL DISCIPLINE.....	22
APPENDIX E: WORKING DOCUMENT—ADDITIONAL DISCIPLINE DATA ELEMENTS.....	22
APPENDIX F: DRAFT STUDENT DISCIPLINE FILE (P) FROM CEDARS DATA MANUAL SCHOOL YEAR 2015-16, VERSION 8.0 .....	22
APPENDIX G: CEDARS DATA MANUAL SCHOOL YEAR 2014-15, VERSION 7.3.....	22

## Executive Summary

The Student Discipline Task Force developed standard definitions and data collection standards for disciplinary actions taken at the discretion of the school district. Data collection standards included elements of education services, petitions for readmission, credit retrieval, and school dropout as a result of disciplinary action.

The Task Force was responsible for developing the definitions and data elements to revise the statewide Comprehensive Educational Data and Research System (CEDARS). Concluding this important work, the Task Force chose to compile their recommended revisions to the CEDARS manual in this report. Over the course of convening, the impact of the CEDARS revisions were discussed. The Task Force decided to summarize relevant discretionary discipline issues and propose further policy solutions.

## Background

In 2013, Engrossed Substitute Senate Bill 5946, Part III (Sec. 301) created RCW 28A.600.490 and charged the Office of Superintendent of Public Instruction to convene a Student Discipline Task Force to develop:

1. Standard definitions for causes of student disciplinary actions taken at the discretion of the school district.
2. Data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school.

The data collection standards must include:

- Information about education services provided while a student is subject to a disciplinary action
- The status of petitions for readmission to the school district when a student has been excluded from school
- Credit retrieval during a period of exclusion
- School dropout as a result of disciplinary action  
(Washington State Legislature, 2013)

RCW 28A.600.490, Section (2) states the participants in the Student Discipline Task Force must represent the following: the K-12 data governance group, the Educational Opportunity Gap Oversight and Accountability Committee, the State Ethnic Commissions, the Governor's Office of Indian Affairs, the Office of the Education Ombuds, school districts, and other education and advocacy organizations. In addition to OSPI's K-12 data governance group, it was decided that OSPI's behavior staff should participate on the task force.

Over the course of the year, the appointed members contributed to the development of data collection standards and definitions for behaviors resulting in discretionary disciplinary actions.

## Implementation of Charge

The Student Discipline Task Force was led by a neutral facilitator and used a consensus based decision-making protocol. The Task Force has met since September of 2013 to meet the deadline of revising the data definitions and standards for student discipline by the 2015-16 school year.

In the initial 2013 task force meetings, the members met monthly, on the second Monday of the month. Then, beginning in 2014 Student Discipline Task Force switched to bimonthly meetings, on the second Monday of the month. Members prepared for meetings on off months by completing group designated homework assignments, drafting definitions or data elements, and reading discipline research and resources.

The members requested multiple guest speakers and staff presentations to guide their work. The following resources were utilized over the course of the year:

- 2012-13 Student Discipline Data from the Comprehensive Education Data and Research System

- Mandatory discipline codes and infractions
- Sample Discretionary Discipline Policies from various school districts
- *Reclaiming Students: The Educational and Economic Costs of Exclusionary Discipline in Washington*, TeamChild & Washington Appleseed
- Positive Behavioral Interventions and Supports (PBIS)
- Student/Educator Panels from Shelton School District and Highline Public Schools
- Disciplinary protections for students receiving (e.g. Special Education services, 504 plan, etc.)
- School Discipline Consensus Project, U.S. Departments of Education and Justice

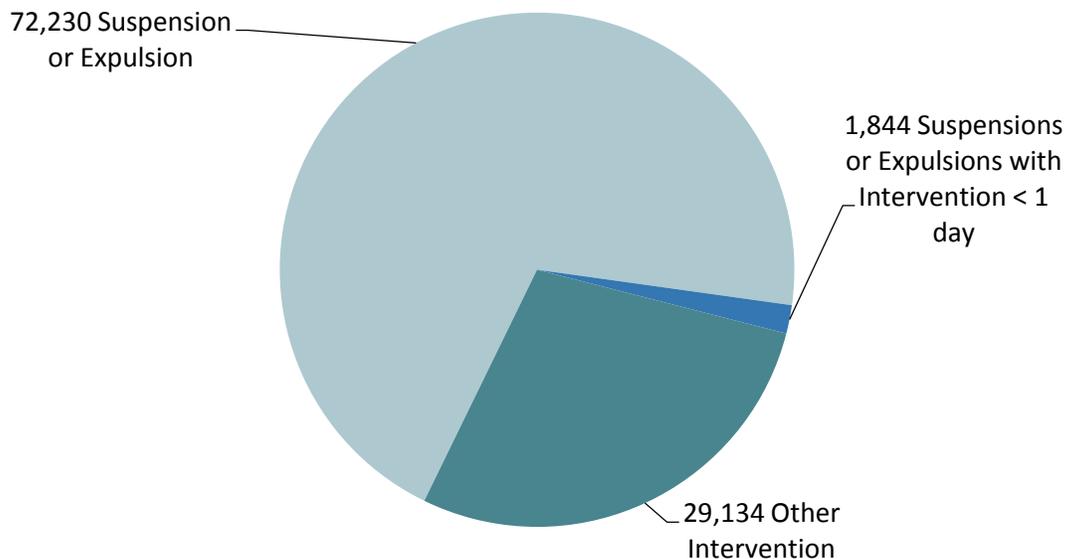
All meetings were open to the public and participation in public comment was encouraged. Often legislative staff and education and advocacy organizations attended. Additionally, staff from various OSPI departments frequently attended meetings to provide perspective and expertise. OSPI departments that were involved include: Student Information, Student Support, Data Governance, and Government Relations.

### 2012–2013 Data

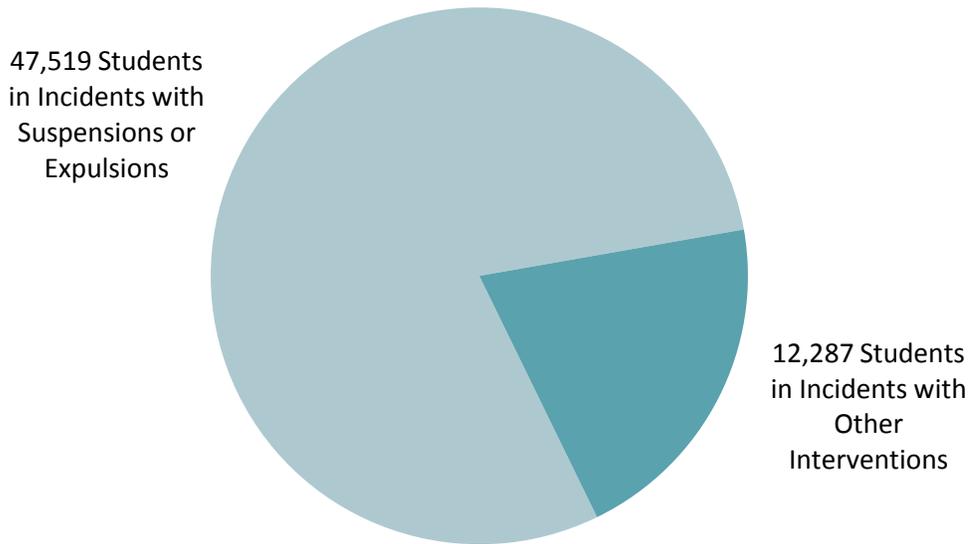
The following charts were shared with the Student Discipline Task Force in November 2013. The data is from the 2012–13 school year and shows the number of collected behaviors defined as “other”. The lack of information on “other” incidents drove the group to further refine collection standards.

**Source of charts:** Office of Superintendent of Public Instruction. (2013). Student Discipline Task Force. November 25, 2013 Materials. Retrieved from: <http://www.k12.wa.us/StudentDiscipline/TaskForce.aspx>

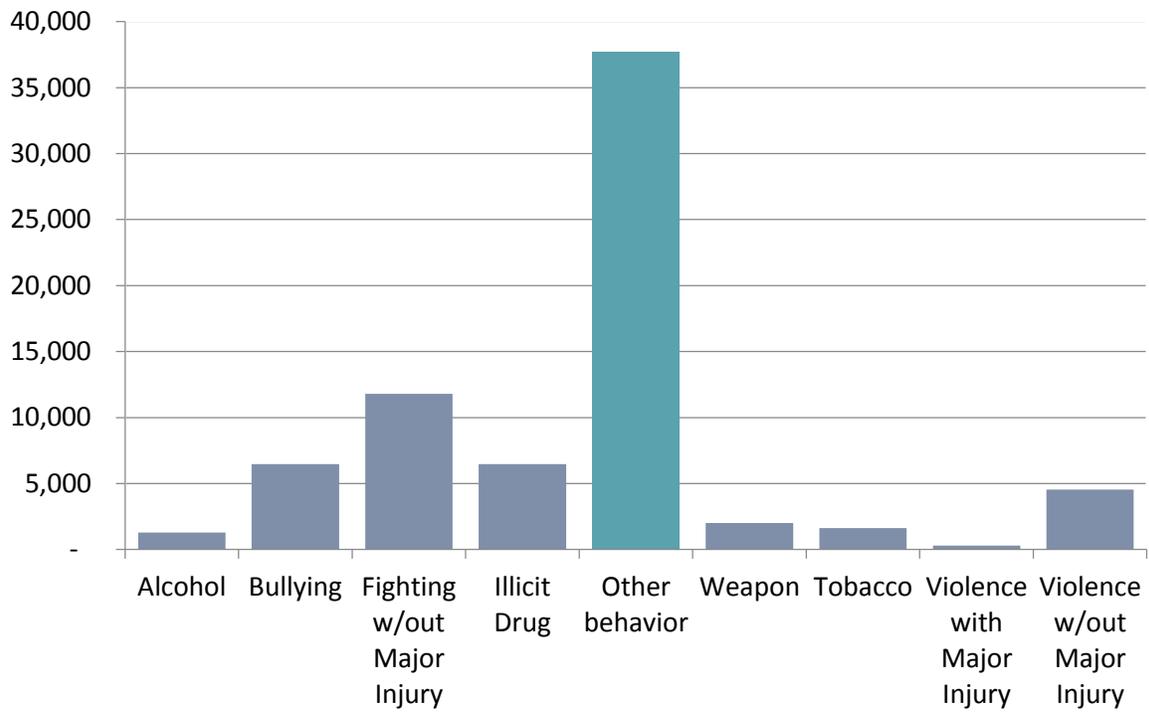
**Table 1: 101,364 total incidents reported in 2012–13**



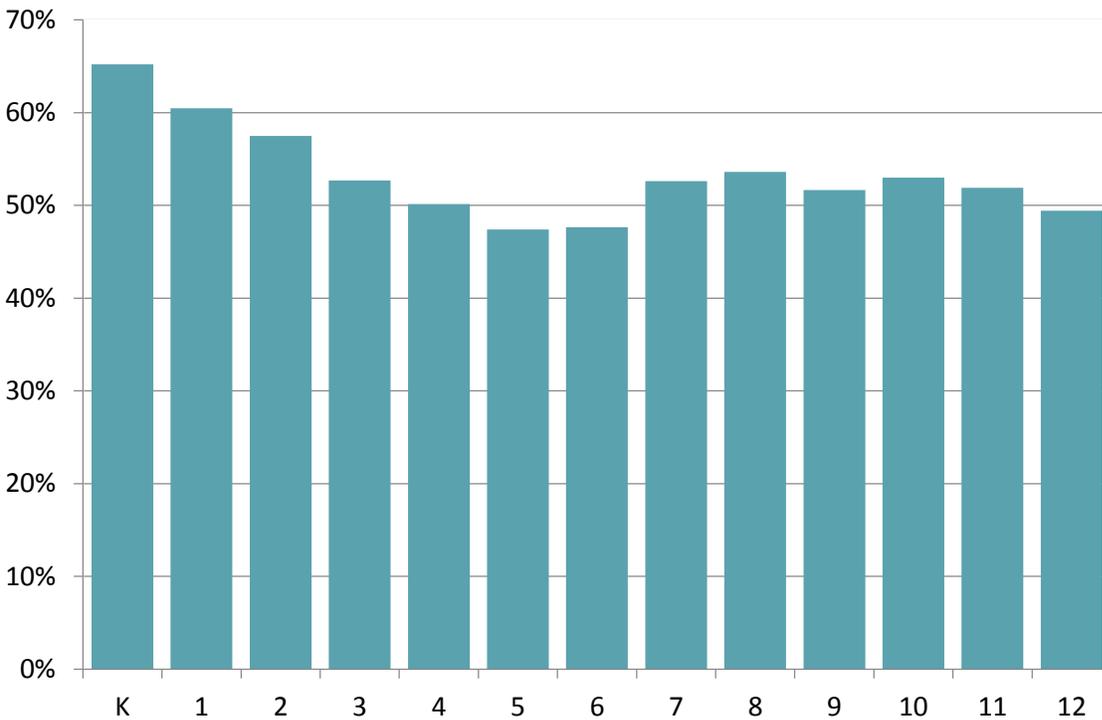
**Table 2: 59,806 students reported in incidents in 2012–13**



**Table 3: Behaviors associated with a suspension or expulsion in 2012–13**



**Table 4: Percent of Suspensions or Expulsions with “Other” Behavior in 2012–13**



## Standard Definitions

All school districts were required to collect and report the first two revised definitions (completed December 2013) in the school year 2014-15.

Finalized at the December 2013 meeting:

- Failure to Cooperate (including but not limited to non-compliance, defiance, disrespect): repeatedly failing to comply with or follow reasonable, lawful directions or requests of teachers or staff.
- Disruptive Conduct: conduct that materially and substantially interferes with the educational process.

In addition to these, school districts will be required to begin collecting the remaining discipline definitions in the 2015-16 school year. The CEDARS manual will be updated with these new definitions.

Finalized at the January 2014 meeting:

- Destruction of Property/Vandalism: intentional damage of school property or the property of others.
- Sexually inappropriate conduct: obscene acts or expressions, whether verbal or non-verbal

- Theft, possession of stolen property: taking or knowingly being in possession of district property or property of others without permission.
- Academic dishonesty/plagiarism: knowingly submitting the work of others represented as the student's own or assisting another student in doing so, or using unauthorized sources.

Finalized at the September 2014 meeting

- Multiple/ Accumulated Offenses: discipline for culmination of multiple infractions that occurred during a school year.

Finalized at the December 2014 meeting

- Sexual Harassment: Conduct or communication intended to be sexual in nature, is unwelcome by the targeted person(s) and has the potential to deny or limit another student(s) ability to participate in or benefit from a school's education program.<sup>1</sup>
- Discriminatory Harassment: Conduct or communication that (1) is intended to be harmful, humiliating, or physically threatening, and (2) shows hostility toward a person or persons based on their real or perceived sex, race, creed, religion, color, national origin, sexual orientation, gender identity, gender expression, veteran or military status, disability, or use of a trained dog guide or service animal.
- Bullying: Unwanted, aggressive behavior that (1) involves a real or perceived power imbalance, and (2) is repeated, or has the potential to be repeated, over time.

## New Data Elements

Beginning in the 2015-16 school year, school districts will collect and submit new data elements to the Comprehensive Education Data and Research System (CEDARS).

Data Element	Description
<b>Appeal</b>	This element indicates if the suspension/expulsion was appealed.
<b>Academic Services</b>	This element reports if academic services were offered and if the student participated during the suspension or expulsion.
<b>Behavior Services</b>	This element reports if behavior services were offered and if the student participated during the suspension or expulsion.
<b>Petition for Readmission</b>	This element is the date that a Petition for Readmission was submitted by or on behalf of the student expelled or suspended.

---

<sup>1</sup> The Student Discipline Task Force did not reach complete consensus for the Sexual Harassment definition, however the listed definition was approved by the majority of members.

<b>Petition for Readmission Granted</b>	This element is the date that a Petition for Readmission was granted/approved for the student expelled or suspended.
<b>Petition by District to exceed more than one year</b>	This element indicates if the district was petitioned to exceed more than one calendar year for the suspension/expulsion.
<b>Reengagement Meeting Held</b>	This element is the date that a reengagement meeting took place with the student returning from suspension/expulsion.
<b>Reengagement Plan</b>	This element indicates if the district developed a reengagement plan for the student's return from this suspension/expulsion.

See Appendix F for a description and the business rules for each element.

CEDARS currently collects discipline information in the context of 'Incidents' that result in corrective action. The additional data collected as a result of the work of the Discipline Task Force, are pieces of additional information about the incident, the corrective action related to that incident or the services provided during the corrective action related to an incident. However, some of the data desired was not incident based, and fell more into the category of pattern based, or longitudinal discipline of a student. Some of this pattern information has been incorporated into the collection (such as multiple minor offenses), however some does not currently fit within the context of the incident based collection (such as interventions applied prior to suspension).

The CEDARS stakeholders provided feedback that determined more analysis and planning to collect pattern information. Therefore, the following elements will be reviewed by the Data Governance process and be considered for implementation for the 2016-17 school year:

<b>Data Element</b>	<b>Description</b>
<b>Interventions before Suspension</b>	A yes/no field indicating if there were any behavior interventions applied prior to an out of school suspension.
<b>Parents Notified of Due Process Rights</b>	A yes/no field confirming if parents were notified of their due process rights

Data governance will take the longer list of requests under advisement for consideration as elements in discipline collections in later years (see Appendix F).

## Existing Data Elements

Following presentations from OSPI's Student Information, it was determined that the two required elements: credit retrieval during a period of exclusion and school dropout as a result of disciplinary

action could be collected without creating new data elements. These data will be collected in CEDARS using existing data elements.

### **Credit retrieval during a period of exclusion:**

Credit loss can be totaled with currently collected data using the ratio of credits in a year for grades 9-12 and compare to students who received disciplinary interventions to those who did not. Students can be grouped by the number of days out of school (1-5, 5-10, and greater than 10) (OSPI, 2014).

### **School dropout as a result of disciplinary action:**

Dropout Analysis can be conducted with currently collected data using CEDARS data elements. Students who are disciplined and dropped out may be compared to students who are not disciplined and dropped out. Enrollment is checked at the end of the school year (May 31) for students who received short-term, long-term suspension or expulsion. This is compared to the number of students that did not receive disciplinary interventions (OSPI, 2014).

## **Next Steps**

### **Prevention for At-Risk Students**

#### **Background:**

All students are at-risk when they are not allowed to be in school. When students are expelled or suspended and not in a school facility, they often lack support by family or district staff and can be susceptible to negative influences that preclude any hope of long-term positive results. Before deficits develop further and gaps in competency increase, both General Education and Special Education students need direct instruction and a tiered curriculum in social emotional and behavioral skills. This direct instruction should be developmentally appropriate and support both social and academic success for individual students. System indicators regarding students who have the potential to struggle (starting at 8<sup>th</sup> grade or earlier) or systemic plans/programs in place for students who are identified as “at-risk” are not accessible by all entities. There is a need for awareness and intervention strategies to minimize excessive discipline issues for at-risk students.

#### **Recommendation:**

Expelled or suspended students, must receive educational and behavior intervention services in a school facility by a trained and qualified staff member. It is the student’s civil right to receive a free, appropriate public education. The goal is to provide *all* students with the needed support and services to enable them to graduate to be career and college ready.

The legislature should provide funding for a structured set of options that are evidence-based to provide such instruction and accompanying success. Likewise, schools and districts must implement from the provided options. Schools must provide enough guidance counselors, school psychologists, and social workers to meet the prototypical schools model. School districts should make use of existing structures,

skill centers, and reengagement schools, Alternative Learning Experience (ALE), Learning Assistance Program (LAP) and Readiness to Learn (RTL) grants. Elementary and middle schools without alternative placements must ensure there are supports to provide educational services. Providing regional consortium based services could engage the small and medium districts in strategies and resources to provide these services.

Professional development needs of all teachers should be identified, made a requirement and paid for from increased, earmarked funds in the basic education budget. Ongoing training must take place for all levels of staff in the recognition and awareness of behavioral, physical and mental indicators of potential discipline issues, along with proven intervention strategies and best practices to support student positive redirection. Cultural competency training is crucial as staff bias may easily affect student discipline decisions. All teachers and principals must demonstrate cultural competency expectations outlined by the Teacher Principal Evaluation Project (TPEP).

Both the State and school districts should invest in an early warning system that has been created collaboratively, with input from students' families, educators, and community members. This early warning system should be implemented with targeted supports and a shared focus on no more than 5 indicators. We also recommend trying to obtain shared agreement from stakeholders on the indicators a specified amount of time that gives enough time for the system to absorb the efforts and see whether the efforts are effective.

## Positive Behavioral Interventions & Supports

### **Background:**

Suspended and expelled students receive little individualized behavior interventions. This results in repeating of the same or similar behaviors resulting in further exclusions. All students (general and special education students – should have their individual needs for social-emotional success assessed ongoing, and intervention/supports identified to support their healthy growth in this area. Behavior and social-emotional learning should be addressed as a core competency rather than a skill set that students either have or they don't have. Social-emotional skills can be taught, just like any other part of core instruction, and schools should prioritize this learning right along with reading, writing, and arithmetic.

Reducing discipline disparities and improving academic outcomes include teacher-training programs, along with other implemented strategies focused on improving student engagement, restorative practices, and student social emotional positive redirection. Many classrooms/schools/districts use punitive methods to manage behavior rather than trying new approaches and focusing on a more positive school climate.

### **Recommendation:**

Require that suspended and expelled students receive individualized behavior interventions by a trained and qualified staff member (e.g. behavioral specialists) during their entire period of suspension or

expulsion. The program and updates must be in consultation with the student and his family (similar to an IEP plan). State funding should be based on results not just implementation. LAP funding should be considered as a source for behavioral supports.

A statewide needs assessment should be conducted to determine the level of counseling/mental health staffing available and how many staff positions and programs must be added to provide adequate levels of support for students in this area. Sufficient staff capacity must be built to focus on ways to direct resources and professional development to demonstrated needs. Funds should be allocated to support the hiring of new staff positions to meet assessed needs.

Implementation of proven multi-tiered systems of support such as SWPBIS (School-wide Positive Behavioral Intervention and Supports) and other positive intervention programs and strategies should take place in all districts and school sites.

An additional effective strategy is the implementation of Restorative Practices. These practices seek to replace a punitive approach to discipline with a more constructive collaborative and humane approach that embraces all members of the community, including those who break the rules. Such alternative systems create explicit structural approaches changes in the way schools approach school discipline.

Both individual schools and districts with over 5% of students being suspended or expelled or more than 5% disproportionality must implement a new approach from a menu of options (PBIS, RULER, Restorative Justice, etc.) that is currently being developed through the Learning Assistance Program.

## Restorative Practices

### **Background:**

Many classrooms/schools/districts are taking a punitive approach to managing behavior rather than trying new approaches and focusing on a more positive school climate. Restorative Justice is a revolutionary program based on respect, responsibility, relationship-building and relationship repairing. It focuses on mediation and agreement rather than punishment. Restorative Justice aims to keep students in school. Though studies show it works incredibly well, the approach is not, used in all district or even understood by all educators.

Using restorative practices keeps students in school. They aren't excluded for disrupting class or violating minor rules as those consistently have happen to them in punitive systems. Everyone works together to keep them in the classroom where they can learn. Children who are expelled from school often end up in what education reform activists call the "school-to-prison pipeline." Restorative Justice seeks to stop that cycle and keep on track with their educations.

Keeping students in school is fundamental to their academic success. Students many times during the immediate behavior infraction do not think about how their action impacts others. Excluding them

through the use of harsh, punitive policies disengages students—leading many to drop out and many become involved with the juvenile justice system.

**Recommendation:**

The Restorative Justice model should be part of professional development training for all school leaders and certificated staff and serious consideration given to implementing the model in all districts. The entire school community has to commit to successfully implementing a Restorative Justice model. School Resource Officers (SROs) should be trained along with the school staff on Restorative Justice Strategies. This would avoid a potentially conflicting issue with law enforcement. Therefore, districts are encouraged to employ Restorative Justice Techniques by trained, qualified staff prior to resorting to suspensions. This should not become a requirement without funding to support smaller districts.

School staff should be trained in the principles of Restorative Justice to understand when this approach is appropriate in resolving behavior that impacts other students and the school community. It provides students as many opportunities as possible to make amends with their community instead of being removed/banished. School staff should be required to consider restorative options and alternatives for suspension for students being suspended for behaviors such as “disruptive behavior” due to the subjective nature of this discipline category.

Additionally, both schools and districts with over 5% of students being suspended or expelled or more than 5% disproportionality must implement a new approach from a menu of options (PBIS, RULER, Restorative Justice, etc.).

## Alternatives to Suspension

**Background:**

Out of the classroom, even though in the same school building, without individualized behavior interventions by trained staff may just set up a student for more exclusions. With no program established that would enable a student to demonstrate readiness to return and support once back in the classroom the student may flounder and not be successful long term.

All schools should develop and implement a list of evidence-based strategies for addressing behavior and conduct infractions that, except in the most extreme cases, allow students to remain in class and use other interventions and consequences. Excessive suspensions, even in-school suspensions, and expulsions threaten education opportunity, thereby undermining the closing of the academic opportunity gap.

**Recommendation:**

A trained and qualified staff member should provide an alternative program for in-school suspension. Using a scaffolded approach to meet the behavior and education needs of the student, individualized

services provided during and after should enable the student to be prepared to successfully gradually return to a full day schedule.

Adequate funds should be allocated to support the staffing for providing these in-school suspension alternatives, particularly for smaller districts without the staffing capacity to:

- Provide academic tutoring and behavior instruction, employing activities to develop social emotional skills, social skills, cognitive skills, and work habits.
- Student integration of skills and subsequent improvement in student conduct will result in student success and subsequently, permission for the student to return to class.
- Directly teach problem solving skills to assist student in electing alternative ways to behave.
- Develop a contract that includes both positive and negative consequences.
- Emphasize student choice.
- Follow-up support to student to ensure success once back in the classroom.

## Family Engagement

### **Background:**

See comments in “equitable access” section regarding district liaison working with both the student and his/her family as well as district administrators. Too many times the family is not knowledgeable about any problems until the student is excluded. Added to it is the lack of an on-going dialogue and collaboration with school and family during the period a student is excluded.

Parents must be made full and meaningful partners in addressing their students’ behavior challenges, so that social-emotional learning bridges home to school and school to home. Family Engagement Strategies build parents’ skills to ask the right questions and play specific roles in their children’s education and involvement in the disciplinary processes including positive behavioral redirection.

### **Recommendation:**

Parents and schools need to work together to instill the importance of education into children of all ages. Finding discipline procedures that work is a job for students, parents, and teachers to explore together. Working together, the school and community can demonstrate to children that working as a team effectively solves disparity problems. For discipline, this involves building collaborative partnerships with the community and families to address the root causes of student misbehavior.

Language access needs of parents must be addressed through legislation. This includes providing appropriately for the interpretation and translation needs of parents whose first language isn’t English so that they may participate in discipline-related meetings without depending on their student to translate for them. Parents/guardian and family members of special education students should be trained in how to participate in the development of Functional Behavioral Assessments (FBAs) and Behavior Intervention Plans (BIPs) with their Individualized Education Programs (IEP) teams.

Parents, guardians, and family members place a critical role in the reengagement process. For any behavior infraction that results in exclusion, families must be part of the decisions on appropriate interventions, placements, progress updates' schedule and the necessary indicators needed to be met to shorten period of exclusion.

More funding is necessary to support wraparound services. However, some communities have existing resources that could be better connected to parents, including wrap around initiatives and culturally responsive providers and services. Schools are encouraged to play a connecting role between families, guardians, and community based providers. The role of the family engagement coordinator is to be a school-based connector of these services. This position is included in the prototypical schools model as a Parent Involvement Coordinator, however an allocation value has not been set in statute and is still listed as zero (Washington State Legislature, 2014).

Educational Service Districts (ESDs) are regional resources that play a central role in providing the information. Outreach meetings providing meaningful engagement strategies need to accommodate family schedules. These could be held at facilities outside of campus/school facilities to work with family schedules.

## Equitable Access to Education Services

### **Background:**

Equitable Access to Education Services does not exist for all students, especially students on long term suspensions or expulsions. Not all excluded students (suspended or expelled) receive educational services and individualized behavior interventions. The end result is a loss of credits and continuation of behaviors that have not been addressed except for suspensions or expulsions.

Most districts' excluded students are not overseen by a trained and qualified district liaison for suspended or expelled students and their families. Without this monitoring and support many excluded students do not receive meaningful, individualized education and behavior interventions during their suspension or expulsion, resulting in falling behind in class work, loss of credits and/or continue to have the behavior issues that can lead to further expulsions and potential dropping out of school.

Students who are out of school due to suspension or expulsion do not have the same access to educational services as their peers (i.e. opportunities to learn material covered in class while student is out, to make up missed schoolwork or tests that ensure the student does not fall behind, and has access to the same level of instructional support.)

There are many differences in regulations, provided services, and alternate educational placements, with IDEA and Section 504 pertaining to discipline. Students with an IEP have the right to a manifestation determination meeting following a disciplinary action.

**Recommendation:**

Equitable access to services should be a priority focus for all staff: teachers, counselors, principals, and school boards. With the disproportionality that exists, students of color are impacted in far greater numbers in not receiving these key supports. All of the above parties must be held accountable for providing these services to all students. Equally accountable are legislators in providing funding to support these services.

Districts must provide a trained, culturally competent/responsive and qualified staff member (not a compliance officer) to communicate with the student and student's family during the period of expulsion. The duties of the assigned staff is to 1) monitor the student's receipt of assignments and return of course work; 2) serve as liaison between the student, family and district to provide updates on the improvement of the student's behavior and academic progress; 3) review the student's progress with the district administrator(s) to determine whether it warrants the shortening of the expulsion; and 4) Ensure compliance with any Section 504 Plan and/or IEP. The same meeting/manifestation determination must be required for students under both IDEA and Section 504.

Under RCW 28A.150.220, minimally, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship (Washington State Legislature, 2014). The State must monitor districts' compliance, and establish remedies (monetary, compensatory education, or otherwise) for students who do not receive the minimum services to which they are entitled.

## School to Prison Pipeline

**Background:**

Disparities exist in the number of students of color, ELL students, students in poverty, and students with disabilities that are ending up in the school to prison pipeline. This results in increasing dropout rates, long term suspensions and expulsions. Multiple exclusions set up students for failure by not being able to acquire enough credits to graduate. It can also result in low self-esteem, which can lead to dropping out.

Trauma experienced from difficult situations, poverty, or lack of social/emotional supports- accumulates and results in behavior incidents in schools. Behavior incidents resulting in suspensions/expulsions, may lead to juvenile justice difficulties. The State, districts and communities must provide supports to help students address trauma issues and prevent incidents.

SROs used to enforce school discipline issues can result in a police report and/or arrest. Many districts have little or no written guidelines resulting in lack of clarity for staff, SROs, students, and parents. Additional measures must be adopted to increase awareness and monitoring of disproportionality in discipline practices.

**Recommendation:**

The school system includes the school community, school staff, families, school board, legislators, and even the business community. All need to be continuously aware of the connectivity of excessive discipline (especially disproportionate), dropout rates, and less than desirable graduation rates and the increasing number of students winding up in the juvenile justice system. Training on the roles and accountability of each segment can positively impact these trends. Additionally, schools and districts must engage in “conversations on race” with their students and families of color to better understand their experience and perspective.

Districts must create a policy outlining the roles and responsibilities of law enforcement in schools and district staff that provides clarity to the police or sheriff department and their assigned SROs, district staff, parents and students. The MOU between the two entities must detail the roles and responsibilities, mandated training, and oversight requirements established by state statute. Legislature should establish the oversight requirements. Data reported must include arrests per year and/or exclusions resulting from SRO actions. These should be included in the OSPI public online reports.

State database reports should follow students who have been suspended or expelled, including disaggregation by race, gender, special education, and poverty noting: 1) frequency and number of exclusions related to dropping-out or graduating rates; 2) arrests; 3) time incarcerated during time as a student and after-leaving K-12; and 4) achievement of a post-secondary degree. Data sharing agreements must be with appropriate agencies in consultation with the Washington State Education Research & Data Center for future research.

## Reengagement Meeting, Planning, and Programming

**Background:**

The task force developed definitions and data elements for the reengagement process. Not all of the reengagement elements will be revised in the 2015 – 16 CEDARS manual, however the group encourages consistent inclusive practices that keep parent/guardians current with appropriate notifications and communications.

Districts and Schools need guidance on preventions and interventions to use both prior to the student being excluded (for suspension and expulsion) and in the reengagement plan for return to school. The 2014 Supplemental Budget included a proviso directing \$28,000 of the 2015 general fund to OSPI to create a clearinghouse of research-based best practices. Engrossed Substitute Senate Bill 6002, Section 501 (w) states the clearinghouse will inform districts on academic and nonacademic support practices for students while they are subject to disciplinary action and after their reengagement (Washington State Legislature, 2014).

**Recommendation:**

The task force supports the funding of academic and nonacademic support practices including the clearinghouse outline in ESSB 6002.

It is recommended that the following data elements regarding reengagement are included in future revisions of the CEDARS manual:

- *Reengagement meeting notification*: Notification of right to meeting, including information on parent/guardian's right-to interpreter/translation (language access services).
- *Reengagement meeting*: Meeting between school district/ student/parent and or guardian to discuss how to return a student to an educational setting as soon as possible.

## District Enrollment

**Background:**

WAC 392-121-108 states that absences exceeding twenty consecutive days, "shall not be counted as an enrolled student until attendance is resumed" (Washington State Legislature, 2012). When a student is absent for twenty consecutive school days prior to the monthly count day, the student cannot be claimed for funding on the *Monthly Report of School District Enrollment Eligible for Basic Support*. However at this point, there is no requirement to code the student as "withdrawn" in CEDARS. Withdrawing a student creates further challenges for the student during the reengagement process. Still school districts often use the lack of funding as an excuse to withdraw students and withhold academic and nonacademic services.

**Recommendation:**

At a minimum, after twenty days of consecutive absences, school districts must refrain from withdrawing a student. Educational services must be provided to the student during the period of the exclusionary discipline and school districts should not create further barriers for the student to return to school. Additionally, it is recommended that the apportionment not be reduced for students missing twenty consecutive days. These funds are vital to providing educational services and supports while a student is absent.

## Disproportionality

**Background:**

In January of 2014, the U.S. Department of Education (DOE) and the U.S. Department of Justice (DOJ) issued new guidance on the administration of student discipline without discriminating on the basis of race, color, or national origin. The letter discussed racial disparities in school discipline, explaining the disproportionate discipline of certain racial or ethnic groups identified by Civil Rights Data Collection (CRDC). For example, "although African-American students represent 15% of students in the CRDC, they make up 35% of students suspended once, 44% of those suspended more than once, and 36% of students expelled" (U.S. Department of Education and U.S. Department of Justice, 2014). Overall, the

CRDC has found a disproportionate number of students losing instructional time and schools resorting to exclusionary discipline and law enforcement referrals.

The guidance also included principles for developing school climate and school discipline policies and practices. The principles, “grounded in recognized promising practices and research” are intended as a resource for states, school districts, schools, parents, students, and other stakeholders. However, they are non-regulatory and do not require specific actions by any entities.

**Recommendation:**

School districts must review their data for disproportionate practices. Districts practices must adhere to the DOE/DOJ guiding principles:

1. Create positive climates and focus on prevention.
  - Engage in deliberate efforts to create positive school climates.
  - Prioritize the use of evidence-based prevention strategies, such as tiered supports.
  - Promote social and emotional learning.
  - Provide regular training and supports to all school personnel and SROs.
  - Collaborate with local agencies and other stakeholders.
  - Ensure that any school-based law enforcement officers’ roles focus on improving school safety and reducing inappropriate referrals to law enforcement.
2. Develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors.
  - Set high expectations for behavior and adopt an instructional approach to discipline.
  - Involve families, students, and school personnel, and communicate regularly and clearly.
  - Ensure that clear, developmentally appropriate, and proportional consequences apply for misbehavior.
  - Create policies that include appropriate procedures for students with disabilities and due process for all students.
  - Remove students from the classroom only as a last resort, ensure that alternative settings provide academic instruction, and return students to class as soon as possible.
3. Ensure fairness, equity, and continuous improvement.
  - Train all school staff to apply school discipline policies and practices in a fair and equitable manner.
  - Use proactive, data-driven, and continuous efforts, including gathering feedback from families, students, teachers, and school personnel to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences.
  - Provide support to the student when returned to the classroom.

## Conclusion

Moving forward with these recommendations, the task force urges consideration of funding sources to support new mandates. Most often the superintendents or principals in small districts, end up filling multiple roles to complete the work. The legislature should acknowledge the challenges all districts, and especially smaller districts face in implementing policies without designated staff.

The Student Discipline Task recognizes the potential impact of discretionary policy changes on school districts and seeks support from all involved entities. Funding is needed to provide adequate statewide training, particular to support smaller districts. All training accompanying new discipline policy must include competency to enhance the cultural responsiveness, appreciation, acknowledgement, and understanding of how the culture and home environment, can impact student behavior in the classroom.

In the past, school districts have had significant control over discretionary disciplinary policies and sanctions or consequences for student misconduct. Discretionary offenses have been locally defined by school boards. However the lack of common definitions statewide has made it difficult for schools to make comparisons to schools in other districts. At the state level, discretionary offenses have only been differentiated from mandatory offenses by the mass category of “other.”

With the Student Discipline Task Force’s updates to the Comprehensive Education Data and Research System (CEDARS) manual, districts will begin collecting data on common definitions for discretionary offenses. Districts can gain a better understanding of the discretionary discipline incidents occurring in their schools. Districts also have the opportunity to compare their discipline data to districts with similar demographics. With these analytics, districts and schools can evaluate the rate of suspensions and expulsions for discretionary incidents and consider areas for improvement.

## References

- U.S. Department of Education and U.S. Department of Justice. (2014). Joint “Dear Colleague” Letter. *Dear colleague letter on the nondiscriminatory administration of school discipline*. Retrieved from: <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>
- U.S. Department of Education. (2014). Civil rights data collection. Data snapshot: school discipline. Retrieved from: <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>
- Office of Superintendent of Public Instruction. (2013). Student Discipline Task Force. November 25, 2013 Materials. Retrieved from: <http://www.k12.wa.us/StudentDiscipline/TaskForce.aspx>
- Office of Superintendent of Public Instruction. (2014). Student Discipline Task Force. November 10, 2014 Materials. Retrieved from: <http://www.k12.wa.us/StudentDiscipline/TaskForce.aspx#1>
- Washington State Legislature. (2012). WAC 392-121-108. *Definition—Enrollment exclusions*. Retrieved from: <http://app.leg.wa.gov/WAC/default.aspx?cite=392-121-108>
- Washington State Legislature. (2013). RCW 28A.600.490. *Discipline task force — Development of standard definitions — Development of data collection standards — Membership — Statewide student data system revision*. Retrieved from: <http://apps.leg.wa.gov/RCW/default.aspx?cite=28A.600.490>
- Washington State Legislature. (2013). SB 5946 - 2013-14. *Strengthening student educational outcomes*. Retrieved from: <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5946&year=2013>
- Washington State Legislature. (2014). RCW 28A.600.490. *Basic education — Minimum instructional requirements — Program accessibility — Rules*. Retrieved from: <http://apps.leg.wa.gov/RCW/default.aspx?cite=28A.150.220>
- Washington State Legislature. (2014). SB 6002 – 2013-14. *Making 2014 supplemental operating appropriations*. Retrieved from: <http://apps.leg.wa.gov/documents/billdocs/2013-14/Pdf/Bills/Session%20Laws/Senate/6002-S.SL.pdf>

## APPENDICES

Appendix A: [Engrossed Substitute Senate Bill 5946](#)

Appendix B: [Final Rules \(WSR 14-15-153\)](#)

Appendix C: [Joint “Dear Colleague” Letter – U.S. Department of Justice, Civil Rights Division and U.S. Department of Education, Office for Civil Rights](#)

Appendix D: [Civil Rights Data Collection, Data Snapshot: School Discipline](#)

Appendix E: Working Document—Additional Discipline Data Elements

Appendix F: DRAFT Student Discipline File (P) from CEDARS Data Manual School Year 2015-16, Version 8.0

Appendix G: [CEDARS Data Manual School Year 2014-15, Version 7.3](#)