

Office of Superintendent of Public Instruction  
May 12, 2014

**Committee Members in attendance:**

Dr. James Smith, *Educational Opportunity Gap Oversight and Accountability Committee*  
Edri Geiger, *Washington State School Directors' Association*  
Greg Williamson, *Office of Superintendent of Public Instruction*  
Jennifer Harris, *Office of the Education Ombuds*  
Mia Williams, *Association of Washington School Principals*  
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*

**Committee Members not in attendance:**

Alan Burke, Ed.D, *Office of Superintendent of Public Instruction*  
Edward Prince, *Commission on African American Affairs*  
Lillian Ortiz-Self, *Commission on Hispanic American Affairs*  
Matt Vaeena, *Commission on Asian Pacific American Affairs*  
Myra Johnson, *Washington Education Association*

**Staff and Public in attendance:**

Christie Perkins, *NW PBIS Network*  
Jerry Bender, *Association of Washington School Principals*  
Jess Lewis, *Office of Superintendent of Public Instruction*  
Kristin Hennessey, *Office of Superintendent of Public Instruction*  
Maria Flores, *Office of Superintendent of Public Instruction*  
Megan Eliasson, *Office of Superintendent of Public Instruction*  
Megan Wargacki, *House of Program Research*  
Mike Donlin, *Office of Superintendent of Public Instruction*  
Sheri Dunster, *Office of Superintendent of Public Instruction*

**Introductions, agenda overview, and approval of meeting minutes**

The meeting was called to order at 9:15 a.m. by OSPI facilitator, Maria Flores. Agenda items were reviewed and the group approved the March meeting minutes.

**Rulemaking Update: Amendments to WAC Chapter 392-400**

**Jess Lewis, Program Supervisor, Behavioral Support/LAP- OSPI**

**LAP UPDATE**

- Brief introduction to Jess's position with new LAP changes – now includes behavior management strategies. You may have a student who isn't meeting standards due to

behavior issues; now LAP supplemental funds can be used towards these students. Hoping to share guidance regarding these changes.

- LAP is in addition to general education funds. School does not need to be Title I to receive LAP funds. All funds are distributed by individual student. Non-academic services are now available under LAP.
- Districts no longer need to complete applications for LAP. This will increase accountability, while decreasing ability for OSPI to monitor.
- Districts may use up to 5% of allocation for behavior. Currently using EOY Report for LAP allocation breakdown.
- Now building a different tool to collect data from districts and determine how the students were served and gains made.
- There will be a behavior panel of experts meeting in September 2014- July 2015. Member selection is in process; will include math and reading specialist panel members.
- A \$28,000 budget proviso passed this year until July 2015. Experts will determine best practices for suspensions/expulsions providing alternative services to students (originally came from HB 1680).
- This may be the case at some schools, however not necessarily statewide- not all kids are receiving services. Language in 5946 requires a 180 degree cultural shift. Jess's job will be to implement the decisions made by this task force.
- Another issue is lack of sustainable dollars, meaning these initiatives are not attached to funding.

**Comments:**

- Where is the accountability with LAP funds? Will not happen in the collection tool; however questions regarding services and outcomes will be in the EOY report by each school. Consolidated Program Reviews (CPR) will bring OSPI to monitor the work at districts. We look for opportunities to offer technical assistance and further training.
- Working with two different worlds. AWSP principals who apply IDEA measures to all of their students and are doing lots of things and WA Appleseed data which finds thousands of students not receiving the services they need. Both parties are telling the truth they see. Comes down to the culture of each school and how families and communities feel about the services they are receiving. OEO has heard from some schools that districts are guiding them to fill in IEP plans based on what the school staff can handle not what the student needs.
- OSPI is having conversations on how to portray data to incentivize districts to improve. Assemble data to show districts with similar demographics and their disproportionality.
- How do we put the spotlight in the right place?
- We've never developed these behavior service structures in schools before. These are students qualified for behavior services that may not have an IEP plan.
- How does data on the individual student transfer for statistical use? Is it possible to link the data points of this committee (from CEDARS) to these services?
- At the superintendent level it is helpful to know more about this 5% to work with district grant writers and principals.

- Public has a concern with disaggregation of subgroups. We're not seeing is different points for subgroups and linking prior incidents to end results for child.
- Need to integrate Native students' culture into suspension/expulsion incidents.

#### **RULES UPDATE**

- Chapter 392-400 had not been opened for rule writing since 1986. Discipline has come a very long way since 1986. Attempting to edit rules without making a substantive change. A substantive change requires going through the public hearing process again.
- Absenteeism resulting in suspensions/expulsion doesn't make sense, yet State WAC allows this after implementing Becca.
- Also seeing, suspension or expulsion (unofficial exclusion) when a student expresses suicidal ideation. Schools are applying notion of "harm to self or others" for suspension/expulsion and excluding to develop a safety plan for students. Process for evaluating student's mental health should be done through 504 plans.
- Right now we see emergency response mode and panic- how do you build the structure to provide the care the students need? If the school is using a humane process, we don't want to put them in the hole by not giving them any option.
- However it is understood that in many schools there is a removal and it turns into a long removal rather being addressed by the 504/behavior plan process.
- Many incidents where the thought is the child should not be in school and they are excluded, but then the student has no adult supervision.
- There is also a resource issue; we need more support for mental health to not dump all of the work on counselors. We are often asking staff to do things that they have no experience with. We should not endorse this as a policy practice.
- Concise Explanatory Statement- compilation of comments will be sent to all those who commented. Goal is to have this complete in 60 days to file the CR-103 (final statement). If there is a substantive change to the proposed rules, we will hold another public hearing.
- Goal is to have entire rules process complete before the next school year.

#### **Public Comment**

- Public was asked to comment and no comment was provided.

#### **Review Homework: Data Elements**

- Task force broke up into two groups to review homework and noted additional changes. Full group discussion tabled.

#### **Working Lunch: Review of Legally Defined Behaviors**

**Kristin Hennessey, *Equity and Civil Rights – OSPI***

**Mike Donlin, *the School Safety Center – OSPI***

#### ***Bullying***

- HIB- harassment, intimidation, or bullying definition. Cyberbullying is included in HIB definition. Any of the following include HIB: physical harm, damage to property, substantially interfering with education, etc.

- CDC put out a document in April around Bullying and ways to assess. Uniform definition of bullying was included.
- K-12 Definition of bullying covers: youth or groups of youth (not siblings or current dating partners). These are considered a specific form of violence and are separate definitions.
- Often have conversations with schools regarding HIB complaints, but the school doesn't think that is the case.

#### *Discriminatory Harassment*

- If bullying is based on a protective class it may or may not be discrimination.
- Our hope is to inform you of laws and regulations that exist now, confusion around them, and things you should think about when developing data standards.
- Is there paperwork involved with bullying and harassment?
  - In the best case, bullying would not go into a disciplinary action, but would be dealt with at the classroom level.
  - If it does go to the principal and turns into a deeper issue it should become a harassment issue.
- Under discriminatory harassment, must have compliant policy and procedure and be logging discriminatory harassment.
- Protected class includes: sex (athletics, pregnant or parenting teens), race/color, religion/creed, national origin (citizenship, limited English), disability, use of a service animal, sexual orientation, gender expression and gender identity, veteran or military status, age.
- The school must take prompt and appropriate action to investigate, stop the harassment, address its effect, and prevent it from recurring.
- Schools should not wait to be approached with a discriminatory harassment complaint- you can recognize certain signs.
- Sexual harassment can include acts of physical violence, including sexual assault and rape.
- Schools/districts often make the mistake of handing over incident to law enforcement entirely. Law enforcement also makes mistake of telling schools/districts to stay out of situation. This is a mistake as each group has roles.
- Discrimination Complaint Procedure: Complaint to superintendent → Appeal to School Board → Appeal to OSPI (OSPI contracts appeal review through Office of Administrative Hearings)
- Behaviors and Interventions- prevention comes first and awareness is the first step to prevention.

#### *Hazing*

- The RCW and WAC's in Washington refer to Higher Education only. However, Hazing for K-12 falls under HIB.

#### *Gang Activity*

- Defined by RCW 28A.600.455, but is not clear how the school would find out student is involved in gang activity.

- How does this manifest itself at school? How do we prevent this in younger students? How do we address those involved? How do we collect data in a meaningful way?
- Gangs in schools work group- trying to identify recognizable items that may be related to gang involvement at school (dress, colors, and behaviors), some criminal policies feed into school related.
- Healthy Youth Survey includes questions on gang involvement in schools.
- Most gang related activity falls under another category. Definitions of gangs are always changing.

#### *Considerations for Data Elements*

- Clear understandable definitions
- Practical and practicable definitions and policy (nothing too complex for practitioners to differentiate on the spot)
- Number of specific data points
- Training on definitions and policy
- Complications or decisions regarding duplicative counts
- Asking consistent questions
- Other
- Most discipline situations can be handled at the lowest level. School level administrators can take an approach to prevent bully knowing the source.
- At the local level recognize the difference between children who left unchecked will develop into bullying overtime v. “kids just being mean.”
- If we were to deal with every “mean” kid in a middle school, it would take up every moment of the day.
- If parent disagrees with the decision made on a bullying issue, they can appeal all the way up the chain.
- The number of calls OEO gets are going down, but the patterns are the same.
- The number of students bullied went down 50% when HIB act was initiated.

## Finalize Data Elements: Education Services, Credit Retrieval, Reengagement Plans and Interventions

### 1. Education Services During the Suspension or Expulsion

Titles	Definition	Pick List
In School Suspension-instruction/services in a different classroom in the same school	A classroom for students serving in-school suspension (ISS) within the same school building but separate and apart from the classrooms in which they normally attend.	Student received: Academic instruction/services a) Yes b) No Individualized behavior intervention a) Yes b) No
Alternative Building in School District	A building that is separate and apart from the school that the student attended prior to the suspension or expulsion.	Student placed in alternative building in school district: a) Yes b) No
Virtual Academy/Online Learning	District approved online learning opportunities provided to suspended or expelled students to allow them to stay current with grade-level studies.	Student received: Online academic instruction/services c) Yes d) No Individualized behavior intervention w/staff a) Yes b) No # hours online access per week: _____
Tutoring	Tutoring services provided by the district to assist students in maintaining continued academic learning while out of the classroom environment.	Student received: a) Yes b) No Student received: Academic instruction/services a) Yes b) No Individualized behavior intervention a) Yes b) No
Non-traditional school hours	Learning opportunities for students provided outside of standard schools hours (e.g. Friday afternoon, Saturday school, etc.)	Student received: a) Yes b) No
Make-up work packet	Classroom assignments completed at home and returned as agreed to by the student/family and district.	Student received all assignments: a) Yes b) No Student received credit or grade a) Yes b) No Student was allowed to makeup all work and receive all credit a) Yes b) No

2. Credit Retrieval Options

Titles	Definition	Pick List
Eligibility	Academic credit is a value assigned to completed academic work.	
	Partial academic credit is a value assigned to partially complete academic work.	
Requirements	Academic credit and/or partial academic credit can be earned or awarded during regular attendance, during a period of exclusion, for suspension, or after their return to school.	
Authorization	The granting of academic credit either partial or complete can only be done by staff authorized by the school district policies/procedures.	
Continuation	A program for credit continuation/grade completion is a program that allows students to continue to accrue academic credit and/or partial academic credit without gaps during suspension or expulsion.	
Number of lost credits	Number of academic credits student should have received during the time period of their suspension or expulsion minus the number of academic credits the student actually received during that time.	
Retrieval	Students are informed, allowed, and expected to make up all missed coursework or tests for modified assignments without penalty.	Students received: a) Yes b) No

3. Reengagement Plans

Titles	Definition	Pick List
Reengagement Meeting Notification	Notification included information of parent's rights to language access (interpreter/translation)	Parents received: c) Yes d) No School sent notification: e) Yes f) No Interpreter/translation notice included in parent notification: g) Yes h) No Date sent: _____
Reengagement meeting		Date held: _____ Held within 20 days of suspension/expulsion a) Yes b) No No later than 5 days prior to return to school: a) Yes b) No Language access provided a) Yes b) No Translated materials provided in requested language a) Yes b) No Who participated in meeting: <input type="checkbox"/> General Ed. Teacher <input type="checkbox"/> SPED Teacher <input type="checkbox"/> School Psychologist <input type="checkbox"/> District Representative <input type="checkbox"/> Administrator <input type="checkbox"/> Counselor/Behavior Support <input type="checkbox"/> Parent(s) <input type="checkbox"/> Other: _____ Dates Expulsion occurred: _____ Meeting occurred: _____ Student returns to school: _____
Meeting outcomes		Shortened length of exclusionary discipline a) Yes b) No Number of days reduced: _____ Reengagement plan completed: a) Yes b) No School completed enrollment/reenrollment paperwork: a) Yes b) No



4. Interventions

Titles	Definition	Pick List
Interventions used with student:		Challenges/stressors identified: a) Yes b) No Barriers to attendance identified: a) Yes b) No Was the attendance issue due to : a) physical health b) mental health c) drug/alcohol abuse Referral to 504/SPED if relevant: a) Yes b) No Safety plan (if HIB identified): a) Yes b) No Supportive components identified: a) Yes b) No Behavioral success plan identified: a) Yes b) No Relevant counseling discussed with family: a) Yes b) No Communication plan between school and student/family: a) Yes b) No
Discipline Review Committee	Committee comprised of student's teachers/principal/counselor reviews student's prior conduct and discipline to determine 1) Whether prior discipline has been effective; and 2) Whether another type of corrective action would be more effective or appropriate under the circumstances.	Committee was used: a) Yes b) No Date held: _____ Held within 20 days of suspension/expulsion c) Yes d) No No later than 5 days prior to return to school: c) Yes d) No Language access provided c) Yes d) No Translated materials provided in requested language c) Yes d) No Who participated in meeting: <input type="checkbox"/> General Ed. Teacher <input type="checkbox"/> SPED Teacher <input type="checkbox"/> School Psychologist <input type="checkbox"/> District Representative <input type="checkbox"/> Administrator <input type="checkbox"/> Counselor/Behavior Support <input type="checkbox"/> Parent(s) <input type="checkbox"/> Other: _____ Dates Expulsion occurred: _____ Meeting occurred: _____ Student returns to school: _____
Student Performance Improvement Agreement	Student-district contract in which student complies with certain conditions in exchange for a shortened term of suspension.	Student received: a) Yes b) No
District Liaison for	A certified staff member (not a compliance officer)	District Liaison was used throughout the time of

Suspended/Mandatory Expelled Students	assigned by the district to communicate with the student and the student's family during the period of suspension or expulsion. The assigned staff member's duties include: 1) Monitoring the student's receipt of assignments and return on course work; 2) Serving as a liaison between the student/family and the district to provide updates on improvements in the student's behavior and academic progress; 3) Reviewing the student's progress with the district administrators to determine whether it warrants a shortening of the suspension/expulsion.	suspension/expulsion: a) Yes b) No
Frequency of same discipline for each type of behavior infraction	Listing the times the same punishment and/or intervention has been used for the same type of inappropriate behaviors for an individual student	Same punishment use: Number of punishments _____ Frequency of same punishment use _____

5. Petition for Readmission

Submitted Petition for readmission	Petition for readmission outlining request to be readmitted to school at any time during the exclusion.	Student submitted petition for readmission a) Yes (if yes- Date _____) b) No
Status of Petition for Readmission	Readmission determined by Principal and Superintendent	Student petition for readmission granted a) Yes b) No Date _____

6. Grievances/Appeals

Short term suspension grievance	Student and family submitted a grievance with the school principal of the short term suspension	Short term suspension grievance submitted a) Yes (if yes-Date _____) b) No
Status of Short term suspension grievance	Decision by principal about the short term suspension grievance	Change in Short term suspension a) Yes b) No Date _____
Long term suspension/expulsion Request for hearing	Student and family request a hearing to appeal long term suspension/expulsion within 3 days after written notice of long term suspension/expulsion	Hearing requested: a) Yes (if yes-Date _____) b) No
School set hearing	School sets hearing date within 3 days of notice from student and family requesting the hearing	School set hearing date: a) yes (if yes-Date _____) b) No
Hearing Decision notice	School sends hearing decision to the student and family	School sends hearing decision: a) yes (if yes-Date _____) b) no
Hearing Decision outcome	School determines outcome for appealing long term suspension/expulsion	Hearing Decision Outcome: Long term suspension shortened a) yes (if yes- how many days shorter) b) no Expulsion shortened a) yes (if yes- how many days shorter) b) no
Appeal to school board	Student and family appeal hearing decision within 3 days to school board for long term suspension/expulsion	Appeal of hearing decision to school board a) yes (if yes-Date _____) b) no
Appeal to Superior Court	Student and family appeal school board decision within 30 days to local superior court.	Appeal of school board decision to Superior Court a) yes (if yes-Date _____) b) no

**Petitions: Readmissions and Exceeding One Year****Maria Flores, *Student and School Success – OSPI***

- Petition for readmission- students have the right to petition at any time before the suspension/expulsion runs out.
- Move within the attendance boundary of another school in a different school district.
- Be released from resident district and be approved for admission at new district (but they can deny for suspension/expulsion)
- Alternative Education
  - Online Learning
  - ALE – Alternative Learning Experience
- School Districts must:
  - Must have written policy and procedure for readmission process.
  - If no readmission policy, principal and superintendent will provide information about process.
- Student and Family:
  - Can ask for readmission at any time.
  - Ask other adults, mentors or supervisors to write letters of support.
  - Can bring supporters to readmission meeting.
- Letter or school district for to Superintendent and Principal:
  - Explaining the reasons for wishing to be readmitted
  - Identifying changes student as undergone, plans to address the harm caused by the behavior.
  - Could include a proposed behavior plan, probationary period or other options.
  - Letters of support (counselors, community members involved w/ student, etc.)
  - Include any information about successful completion of online or alternative learning experience.

**July Agenda Planning****Renton Meeting**

- Format for final report/recommendations
- Legally defined behaviors – use existing definition
- Data on discipline leading to drop outs – look at kids who dropped out and align their history (mobility, attendance, behaviors)
- Drop out presentation – Tim Stensager

Meeting adjourned at 4:00 p.m.