

Student Discipline: Policies, Practices, and Data

WHY COALITION | JUNE 15, 2018

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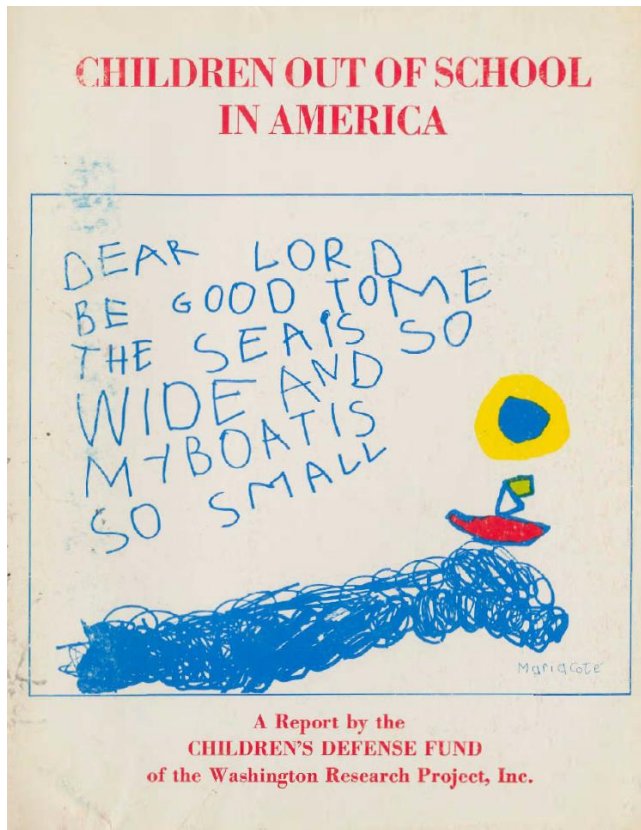


OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION

Trends in Policy and Practice



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Children's Defense Fund. (1974).
Children Out of School in America.
Washington Research Project.

“Only a few years ago, school exclusionary devices such as suspensions were invisible. Neither the federal, state, nor local governments had any idea how many children were suspended or why. Even school superintendents were often ignorant of the extent of this practice in their districts. Suspension was an administrative process so discretionary and so informal that it was hidden inside the offices of individual principals, and sometimes inside the classes of individual teachers, in schools throughout America. A hidden process out of view of the rest of the world is subject to great abuse though most people assumed, and continue to assume, that suspensions are confined to a few patently unruly troublemakers. This is plainly untrue.”



Schools must maintain environments conducive to learning, but not at the expense of individuals' rights. A first step school officials must take to avoid arbitrary exclusion from school is to establish fair disciplinary procedures. A second step would be to eliminate the many offenses like smoking or truancy that do not seriously threaten or pose harm to others. Only the most serious conduct should be a basis for throwing a child out of school.



SCHOOL SUSPENSIONS

ARE THEY HELPING CHILDREN?



A Report by the
CHILDREN'S DEFENSE FUND
of the Washington Research Project, Inc.

What Can Be Done?

Racial discrimination in the discipline process must be investigated and attacked with great urgency. Schools and administrators should examine the patterns of suspensions in their own districts and pay special attention to schools where the proportion of suspensions seriously exceeds the racial proportions in those schools.



Student Discipline Policies & Practices

School Safety

Ensure secure environment

Prevent crime and violence

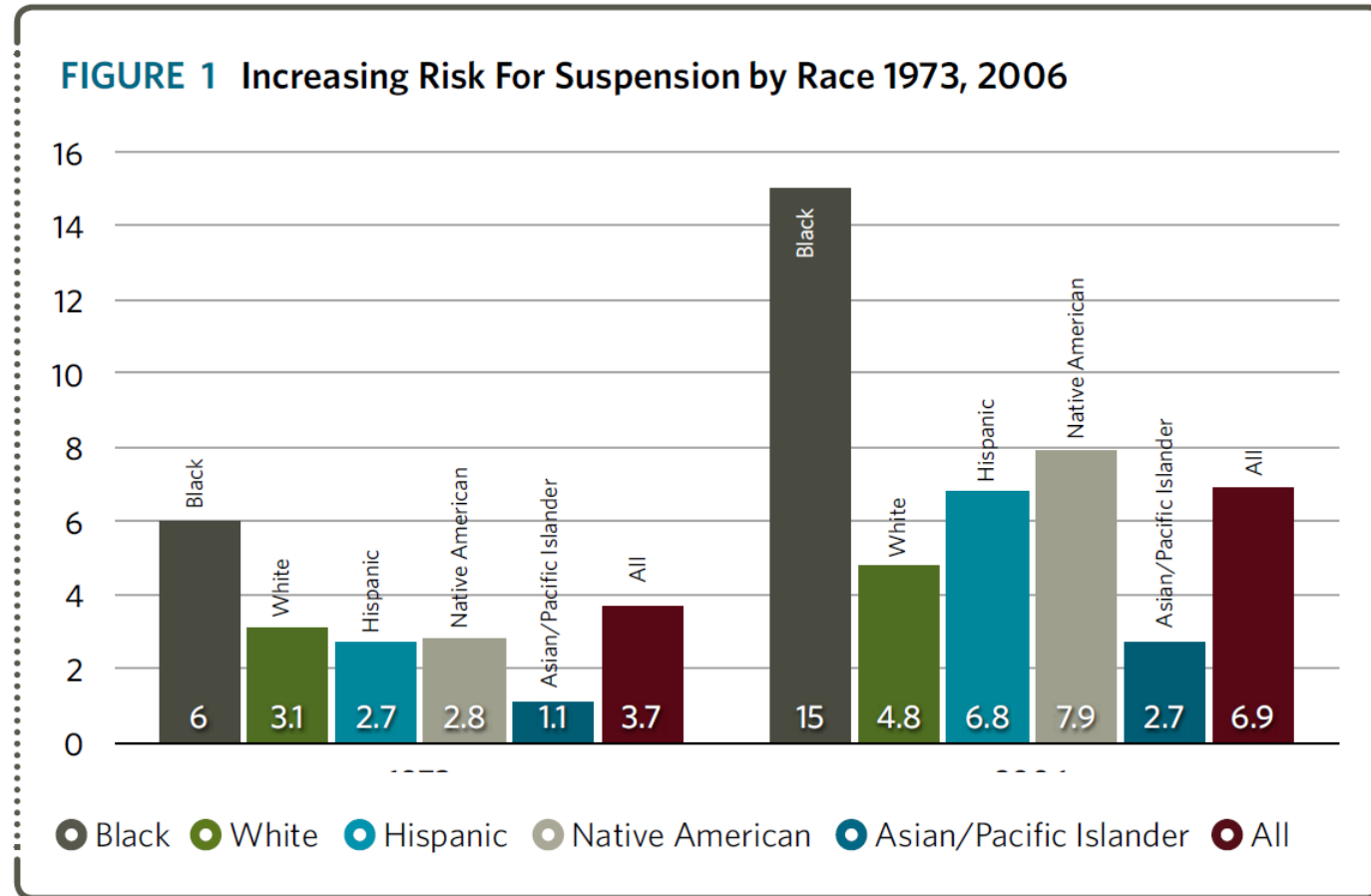
Student learning

Academic instruction

Accountability for behavior



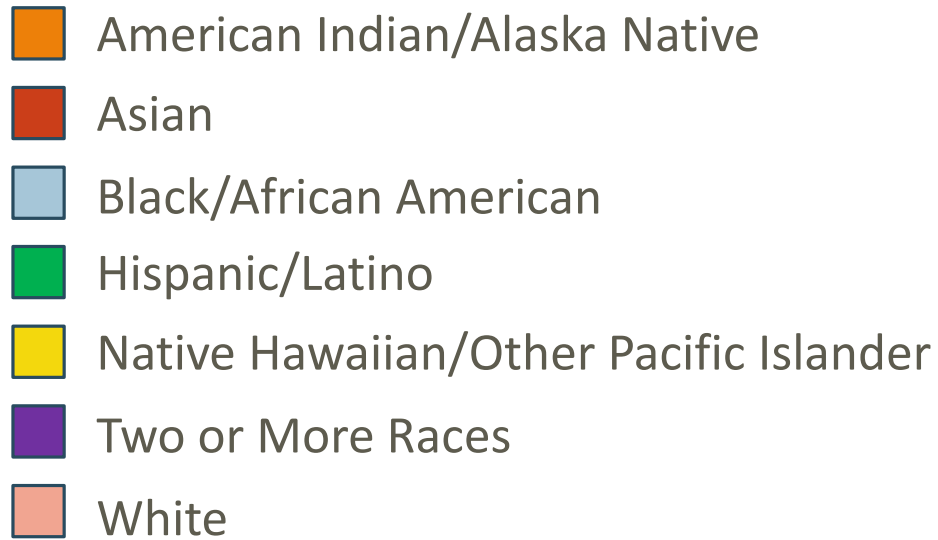
National Discipline Data By Race 1973/2006



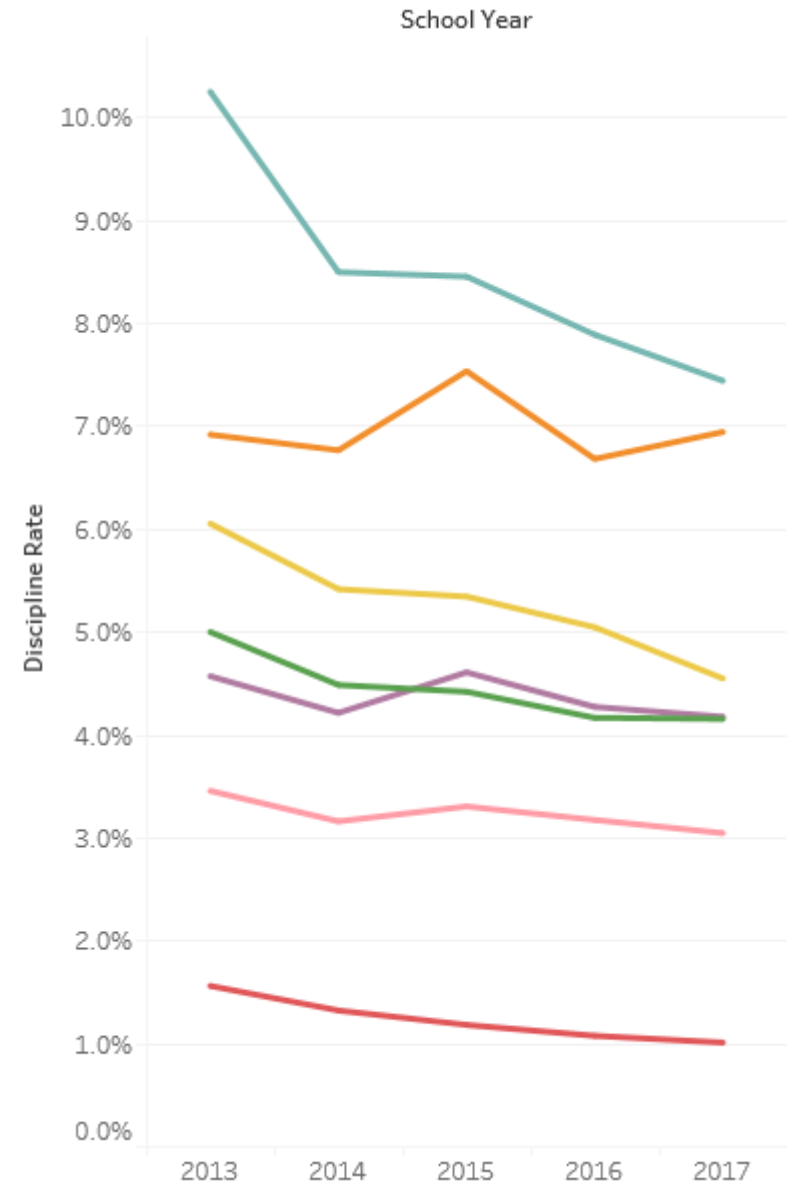
Losen, D. J., & Skiba, R. J. (2010). *Suspended education: Urban middle schools in crisis*.



WA Discipline Data By Race 2013–2017



<http://www.k12.wa.us/DataAdmin/PerformanceIndicators/DisciplineRates>



Exclusionary Discipline: Policies & Practices

School Safety

Zero tolerance policies

Student learning

Punitive consequences



Zero Tolerance, Punitive, and Exclusionary Discipline

- Mandatory administration of predetermined consequences
- Severity of consequences exceeds nature of behavior
- Consequences imposed as a form of punishment
- Uniformly applied without consideration of mitigating circumstances or context
- Removal from instructional settings
- Exclusions from lunch, recess, after-school activities, school sports and social events

A 2006 study noted that “**a zero tolerance approach** (e.g., school suspension or expulsion) toward preventing school violence **characterizes Washington State** (consistent with other areas of the U.S.)”

Hemphill, S. A., Toumbourou, J. W., Herrenkohl, T. I., McMorris, B. J., & Catalano, R. F. (2006). The effect of school suspensions and arrests on subsequent adolescent antisocial behavior in Australia and the United States. *Journal of Adolescent Health*, 39(5), 736-744.



Zero Tolerance: APA Task Force Conclusions

No evidence that zero tolerance reduced violence, improved school climate, increased consistency in schools, or deterred future behavior.

Evidence that zero tolerance policies and practices:

- Increase racial disparities and referrals to the juvenile justice system.
- Likely have negative effects on child development.
- Create unintended consequences for students, families, and communities that result in larger societal costs.

AND...

Alternative approaches to zero tolerance exist that demonstrate effectiveness toward improving school climate.



American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools?: An evidentiary review and recommendations. *The American Psychologist*, 63(9), 852.

Exclusionary Discipline: Student Outcomes

Research shows that students who receive a suspension are at increased risk for:

- Receiving subsequent suspensions
- Lower attendance and lack of school engagement
- Course failure and repeating a grade
- Not graduating on time
- Dropping out of school
- Involvement in the juvenile justice system



Behavior:

District Discretion

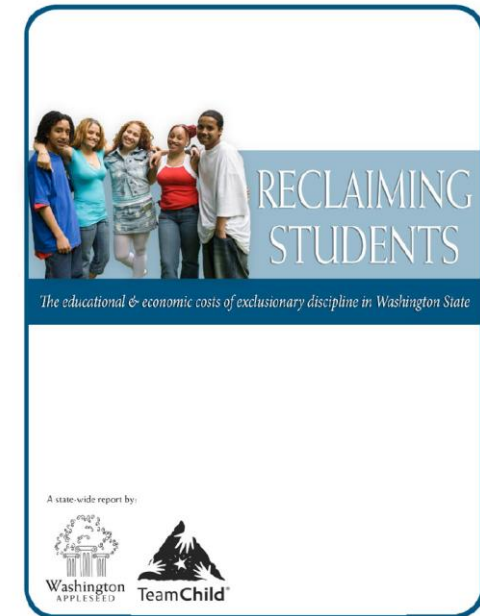
Research consistently demonstrates that the overwhelming **majority of suspensions and expulsions are for non-violent, low-level violations of district or school policies.** District policies that allow schools **broad discretion in interpreting student behavior contribute to racial disparities in discipline.**

- A statewide study in Texas found that while nearly sixty percent of the students studied were suspended or expelled at least once between seventh- and twelfth-grade, only three percent of the exclusions were mandated under state law
- Some school districts have adopted policies prohibiting suspension or expulsion for subjective behavior categories such as “disruptive conduct” or “willful defiance”



2012 WA Report: Findings

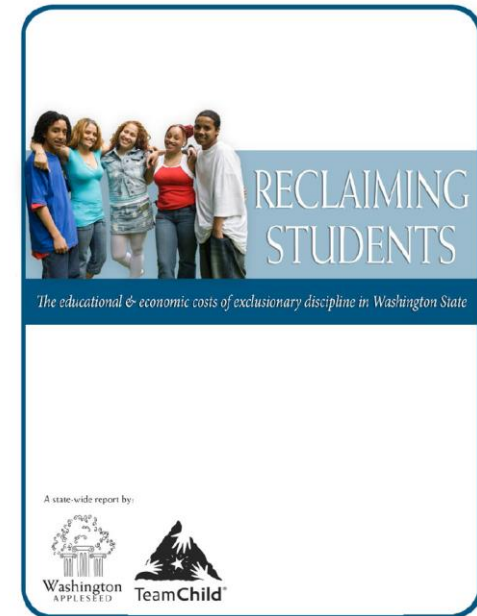
- 1) Exclusionary discipline contributed to the **academic and social disengagement** of students.
- 2) The vast majority of disciplined students **did not receive educational services** during exclusionary discipline.
- 3) Exclusionary school discipline practices **disproportionately impacted** students of color and youth living in poverty.
- 4) **Reliance on exclusionary discipline practices varied** significantly from district to district, even among districts with similar demographic characteristics.
- 5) Discipline data yielded only a **partial picture** of the number of students impacted by exclusionary practices each year.



Mosehauer, K., McGrath, N., Nist, J., & Pilar, K. (2012). Reclaiming Students: The Educational and Economic Costs of Exclusionary Discipline in Washington State. Washington Appleseed & Team Child.

2012 WA Report: Recommendations

- 1) **Reduce** the use of out-of-school exclusions.
- 2) Require school districts to **provide access to educational services** during periods of exclusionary discipline.
- 3) Ensure that **no** student is subject to **indefinite exclusion**.
- 4) Adopt and follow recommendations of the Education Opportunity Gap Oversight and Accountability Committee in order to **support a reduction in the disproportionate impact** of exclusionary discipline on students of color.
- 5) Require school districts to retrieve excluded students and **re-engage** them in education.



Mosehauer, K., McGrath, N., Nist, J., & Pilar, K. (2012). Reclaiming Students: The Educational and Economic Costs of Exclusionary Discipline in Washington State. Washington Appleseed & Team Child.



(2013) ESSB 5946:

Student Discipline and Behavior

- ✓ Set **time limits on exclusionary discipline** practices and provided additional due process rights for students.
- ✓ Created **Discipline Task Force** to develop data collection and definition standards related to school discipline.
- ✓ Directed OSPI Data Governance to **revise CEDARS** to incorporate Task Force data collection standards.
- ✓ Made **discipline data publically available** through OSPI website.
- ✓ Included **behavior in the scope of LAP** and directed OSPI to create a **menu of best practices for behavior**.



2014 Discipline Rulemaking

long-term suspension and the length of the suspension imposed. This requiring the nature and extent of the corrective actions (~~((and/or punishments))~~) is advisable, and the imposition of such preestablished corrective action options in cases involving extenuating (~~((and/or))~~) or exceptional circumstances time offense other than for offenses involving exceptional misconduct as

ive action (~~((or punishment))~~) reasonably calculated to modify his or her conduct may, however, elect to adopt rules providing for the immediate resolution allowed to grant exceptions in cases involving extenuating (~~((and/or))~~) or even imposed upon the student(s) involved. For the purpose of this rule, "evaluation with an ad hoc citizens committee to (a) be of such frequent occurrence of other forms of corrective action (~~((and/or punishment))~~), as to warrants of the disruptive effect upon the operation of the school(s) as to wa



4SHB 1541:

Disproportionality in Student Discipline

- ✓ A long-term suspension or expulsion must not exceed the **length of an academic term**.
- ✓ School districts **restricted from using long-term suspension or expulsion** except for certain severe behavior violations.
- ✓ School districts **may not suspend the provision of educational services** as a disciplinary action and **must provide an opportunity for students to receive educational services** while suspended or expelled.
- ✓ School districts **must use disaggregated data** to monitor the impact of district discipline policies and procedures.
- ✓ School districts **must review and update discipline policies** and procedures in consultation **with staff, students, families, and the community**.



4SHB 1541:

Unpacking RCW 28A.600.015(6)

RCW 28A.600.015(6)

- (a) A violation of RCW 28A.600.420;
- (b) An offense in **RCW 13.04.155**;
- (c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or
- (d) Behavior that adversely impacts the health or safety of other students or educational staff.

RCW 13.04.155

- (a) A violent offense as defined in RCW 9.94A.030;
- (b) A sex offense as defined in RCW 9.94A.030;
- (c) **Inhaling toxic fumes** under **chapter 9.47A RCW**;
- (d) A **controlled substances violation** under chapter 69.50 RCW;
- (e) A **liquor violation** under RCW 66.44.270; and
- (f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW.

RCW 9.47A.010

As used in this chapter, the phrase "substance containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any substance containing one or more of the following chemical compounds:

- (1) Acetone;
- (2) Amylacetate;
- (3) Benzol or benzene;
- (4) Butyl acetate;
- (5) Butyl alcohol;
- (6) Carbon tetrachloride;
- (7) Chloroform;
- (8) Cyclohexanone;
- (9) Ethanol or ethyl alcohol;
- (10) Ethyl acetate;
- (11) Hexane;
- (12) Isopropanol or isopropyl alcohol;
- (13) Isopropyl acetate;
- (14) Methyl "cellosolve" acetate;
- (15) Methyl ethyl ketone;
- (16) Methyl isobutyl ketone;
- (17) Toluol or toluene;
- (18) Trichloroethylene;
- (19) Tricresyl phosphate;
- (20) Xylol or xylene; or
- (21) **Any other solvent, material substance, chemical, or combination thereof, having the property of releasing toxic vapors.**



Recent Changes in State Laws

Example: Length of Exclusions

Exclusion Type	Maximum Length Before 2013	Maximum Length After 2013	Maximum Length After 2016
Short-term Suspension	10 consecutive school days	10 consecutive school days	10 consecutive school days
Long-term Suspension	Undefined	One calendar year	The length of an academic term
Expulsion	Indefinite	One calendar year	The length of an academic term
Emergency Expulsion	Undefined	10 consecutive school days	10 consecutive school days



Positive Discipline: Policies & Practices

School Safety

Safe and supportive
school climate

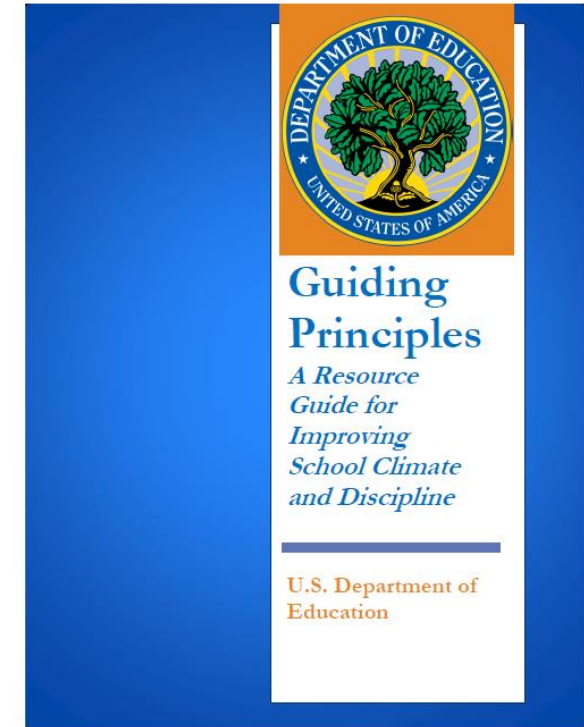
Student learning

Instructional discipline



Discipline Policies and Practices: Federal Guidance

- 1) Climate and Prevention
 - 2) Clear, Appropriate, and Consistent Expectations and Consequences
 - 3) Equity and Continuous Improvement
- Remove students from the classroom only as a **last resort**, ensure that any alternative settings provide students with **academic instruction**, and **return** students to their regular class as soon as possible.
 - 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.



U.S. Department of Education (ED). (2014). *Guiding Principles: A Resource Guide for Improving School Climate and Discipline*. Washington, D.C.



Discipline Policies and Practices: Federal Law

Every Student Succeeds Act (ESSA) requires:

State plans to include how the state will support school districts “to **improve school conditions for student learning**, including through reducing [...] the overuse of discipline practices that remove students from the classroom”

District plans to include how the district “will support efforts to **reduce the overuse of discipline practices that remove students from the classroom**, which may include **identifying and supporting schools with high rates of discipline**, disaggregated by [...] subgroups of students.”



District Discretion: State Law

According to RCW 28A.600.015(7), with the exception of firearms violations, **school districts are not required to impose suspension or expulsion for behavior** “and should first consider alternative actions.”

MANDATORY REPORTING



MANDATORY CONSEQUENCES



Positive Discipline: State Laws

According to RCW 28A.600.020(2), except for emergency situations, **teachers must attempt one or more alternative actions** before excluding a student from the classroom.

RCW 28A.600.410 encourages school districts to “find **alternatives to suspension.**”

RCW 28A.600.015(7) encourages districts to “**consider alternative actions**” before administering suspension or expulsion.



Behavior Menu of Best Practices and Strategies

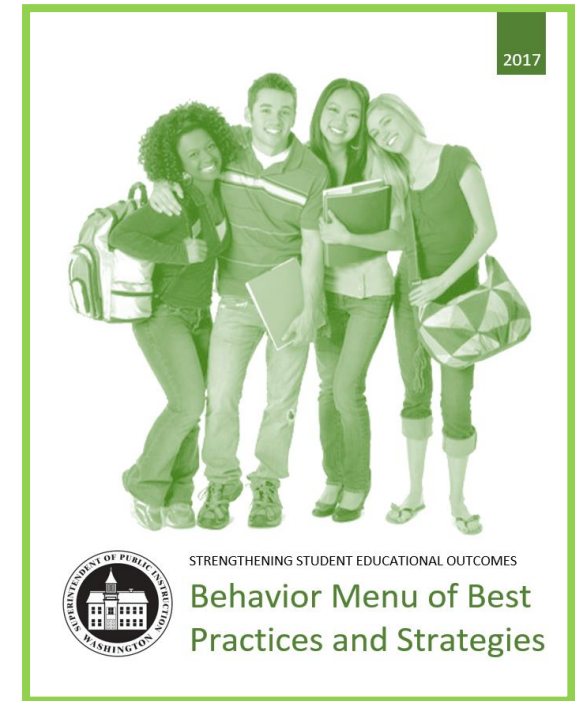
2013 legislation directed OSPI to create state menus for ELA, Math, and Behavior

Menus were developed by panels of experts, WSIPP, and OSPI staff and are updated annually by July 1

Third version of the behavior menu was published May 24, 2017

Districts implementing LAP services must use the menus

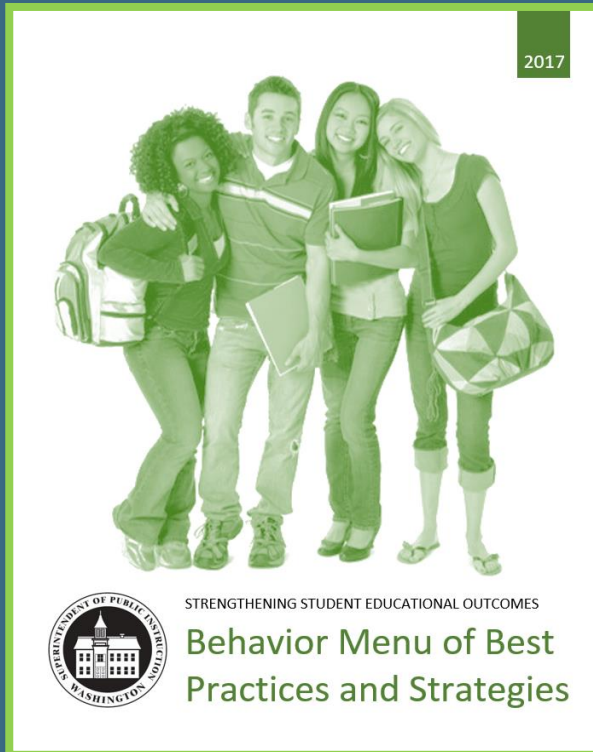
Under Washington's ESSA plan, schools identified for improvement will be required to use the menus



<http://www.k12.wa.us/menus>



Behavior Menu of Best Practices and Strategies



Student-Centered Practices and Strategies

- Behavioral Health
- Behavior Monitoring
- Mentoring
- Peer Mediation
- Restorative Justice
- Social Skills Instruction

Educator-Focused Practices and Strategies

- Behavior Consultant Teacher/Instructional Coach
- De-escalation
- Professional Learning Communities
- Targeted Professional Learning
- Trauma-Informed Approaches

Transition and Readiness Practices and Strategies

- High School Transition Supports and Credit Retrieval
- Kindergarten Transitions

Family and Community Practices and Strategies

- Family Engagement
- School-Community Partnerships

Equity in Student Discipline: Recent Research



Framework for Increasing Equity in School Discipline	
Prevention	<ol style="list-style-type: none">1. Supportive Relationships2. Bias-Aware Classrooms and Respectful School Environments3. Academic Rigor4. Culturally Relevant and Responsive Teaching5. Opportunities for Learning and Correcting Behavior
Intervention	<ol style="list-style-type: none">6. Data-Based Inquiry for Equity7. Problem-Solving Approaches to Discipline8. Inclusion of Student and Family Voice on Conflicts' Causes and Solutions9. Reintegration of Students after Conflict or Absence
Prevention <i>and</i> Intervention	<ol style="list-style-type: none">10. Multi-tiered System of Supports

(Review of Research in Education, 2017, p. 255)

Recent Laws: Intended Impact

Consistent with research on best practices in discipline, recent federal and state laws are intended to:

- 1) **Limit the use of exclusionary discipline** in schools.
- 2) **Minimize the impact of exclusionary discipline** on students who are excluded.
- 3) **Reduce disparities** in the administration of student discipline



Data & Analytics



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CEDARS Discipline Collection: Reporting Requirements

2011: E2SHB 1599 created RCW 28A.300.046. Section (2) directed OSPI's Data Governance to "establish the parameters and an implementation schedule for statewide collection" of "student discipline data with a focus on suspensions and expulsions from school."

2013: ESSB 5946 amended RCW 28A.300.042, adding a new requirement that "[a]ll student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to disaggregation by subgroups including" specific student-level and incident-related information.

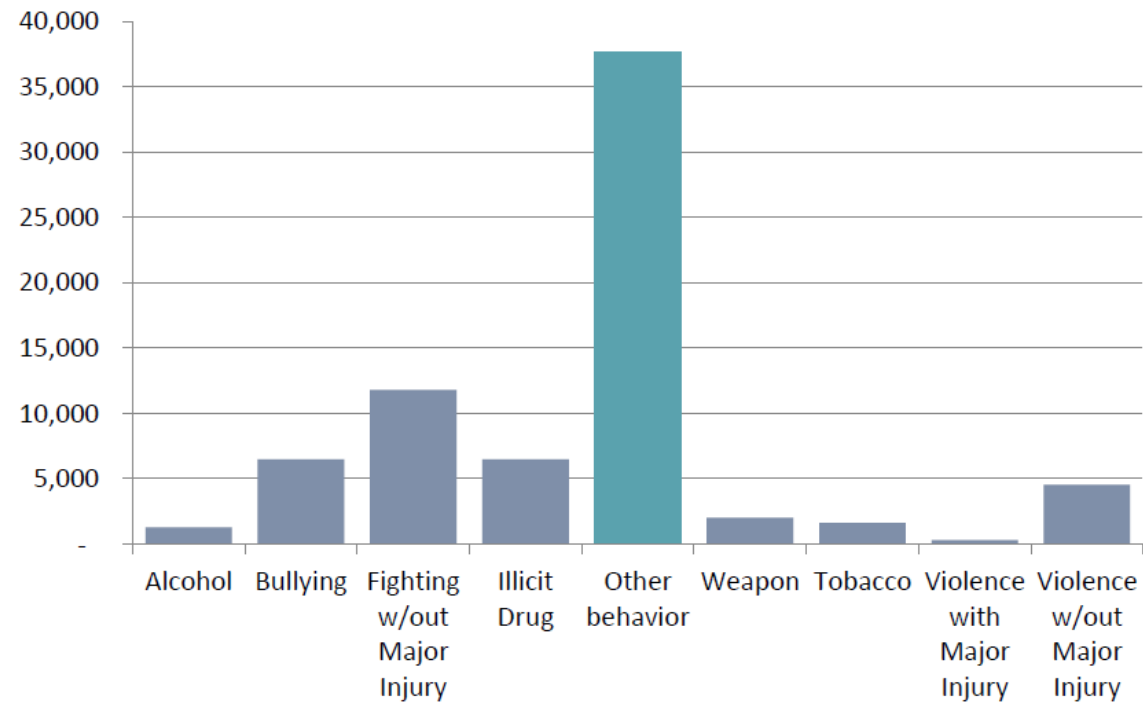
2013: ESSB 5946 amended RCW 28A.300.046, requiring OSPI to make discipline data publicly available and easily accessible on the OSPI website.

2016: 4SHB 1541 created RCW 28A.320.211. Section (2) requires school districts to "use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures."



CEDARS Discipline Collection: Behavior Code “Other”

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



Office of Superintendent of Public Instruction (OSPI). (2014). *Student Discipline Task Force Final Report*.



CEDARS Discipline Collection:

Additional Required Elements

2012–2013	2013–2014	2014–2015	2015–2016	2018–2019
Incident Date Behavior Code Intervention Date Intervention Applied Number of Intervention Days Incident ID Weapon Type	+ Interim Alternative Education Setting	+ Emergency Expulsion + Emergency Expulsion Days to Conversion + Other Behaviors	+ Academic Services + Behavior Services + Date Petition for Readmission Submitted + Date Petition for Readmission Granted + Petition to Exceed More Than One Year + Date Reengagement Meeting Held + Reengagement Plan + Appeal Code	+ Duration of Exclusionary Action Days + Total Amount of Exclusionary Time - Number of Intervention Days - Emergency Expulsion - Emergency Expulsion Days to Conversion



CEDARS Discipline Collection:

Additional Behavior Codes

2012–2013	2013–2014	2014–2015	2015–2016
Alcohol Bullying (HIB) Fighting Without Major Injury Illicit Drug Other Behavior Possession of a Weapon Tobacco Violence With Major Injury Violence Without Major Injury	+ Illicit Drug (Other than Marijuana) + Marijuana + Serious Bodily Injury - Illicit Drug	+ Failure to Cooperate + Disruptive Conduct Redefined Bullying (HIB)	+ Multiple Minor Accumulated Incidents + Sexual Harassment + Discriminatory Harassment + Destruction of Property / Vandalism + Sexually Inappropriate Conduct + Theft or Possession of Stolen Property + Academic Dishonesty / Plagiarism Redefined Bullying



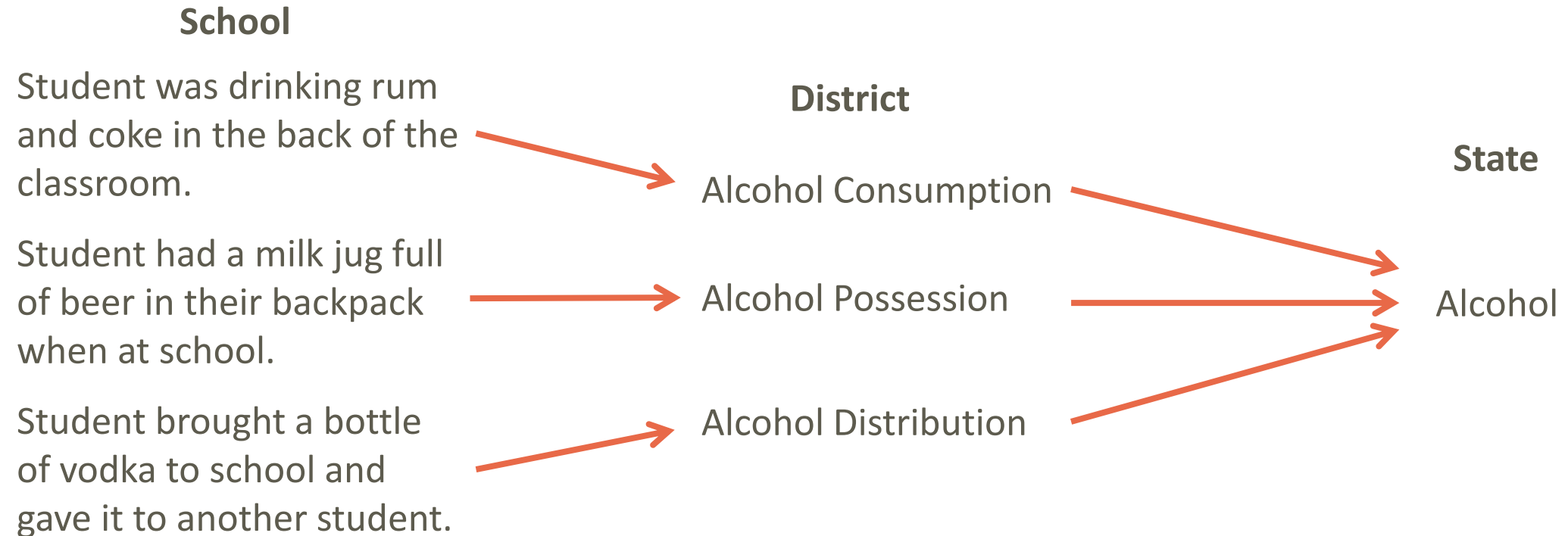
CEDARS Discipline Collection:

Additional Discipline Actions

2012–2013	2013–2014	2014–2015	2018–2019
Expulsion Long-term Suspension Short-term Suspension Interim Alternative Education Setting No Intervention Applied Other	+ In-School Suspension - Interim Alternative Education Setting	+ Emergency Expulsion	+ Classroom Exclusion - Other

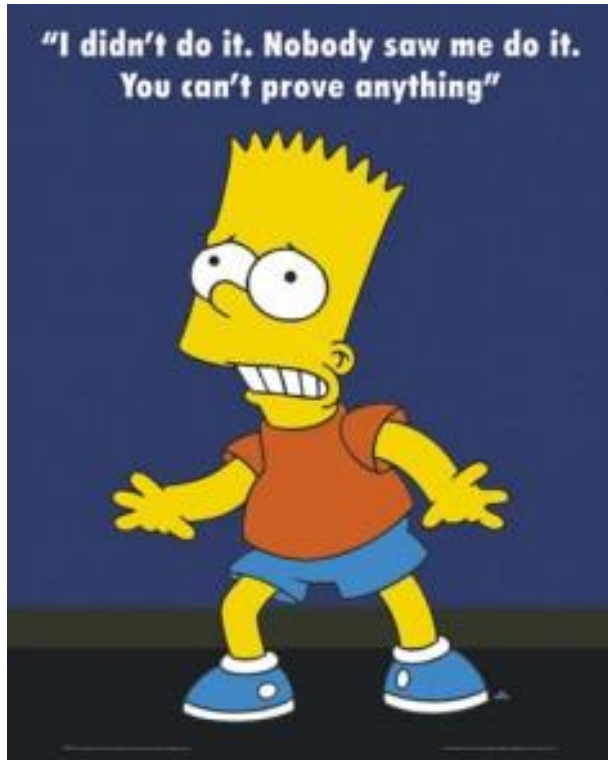


Reporting Behavior Data: School Level to State Level



CEDARS Discipline Collection:

Unreported Incidents



- Unobserved Behavior. – “If a tree falls in the forest and no one is around to hear it, does it make a sound?”
- Non-Exclusionary Response. – “If your only tool is a hammer, everything starts to look like a nail.”
- Under Reporting. – “No, you’re not being fired. They just don’t want you to work here anymore”



CEDARS Discipline Collection: Exclusionary Actions

- RCW 28A.300.046 provides that the CEDARS collection must include “student discipline data with a focus on suspensions and expulsions from school.”
- RCW 28A.300.042(4)(h) provides that CEDARS discipline data must include: (i) Short-term suspension; (ii) Long-term suspension; (iii) Emergency expulsion; (iv) Expulsion; (v) Interim alternative education settings; (vi) No intervention applied; and (vii) Other intervention applied that is not described in this subsection (4)(h);
- CEDARS manual and reporting guidance was revised for the 2016–17 school year to clarify that the discipline collection “captures information regarding behavior and corrective or disciplinary actions for students involved in incidents during school or school-related activities when they are removed from their regular education setting.”
- CEDARS discipline collection revised and renamed “Student Exclusionary Discipline File” for the 2018–19 school year

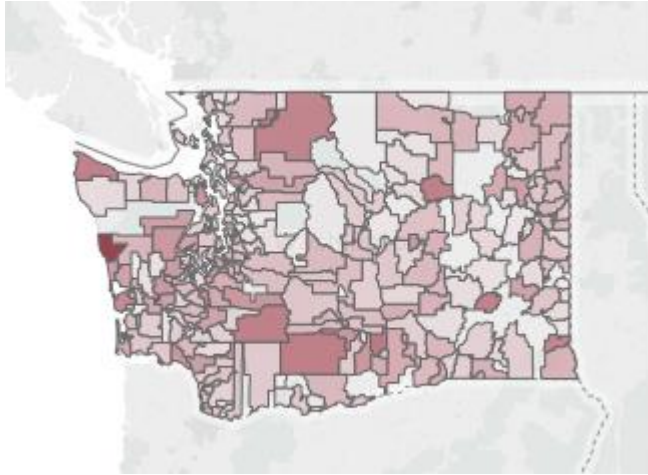


CEDARS Discipline Collection: “Other Behaviors”

- Added to collection for 2014–15 school year
- Used to indicate there was more than one behavior associated with an incident for an individual student
- CEDARS business rules state that the reporting district is to report:
 - The behavior that is determined by the district to be the most serious offense in Element P07 (R08) – Behavior Code.
 - All additional behaviors in Element P16 (R09) – Other Behaviors



OSPI Discipline Analytics: Data Displayed



- How many students are suspended or expelled
- Who is suspended or expelled (by race, sex, program, etc.)
- How long they are removed
- For which behaviors



OSPI Discipline Analytics: Data Calculations

- **Discipline Rates:** number of students excluded divided by number of students enrolled
- **Exclusion Days:** total exclusion days divided by total incidents with exclusion type
- **Behavior Proportion:** number of incidents with specific behavior divided by number of incidents with exclusion type
- **Composition Index**
 - Looks at groupings of students and measures whether they are suspended at a rate proportionate to their representation in the total student population.
 - Numbers greater than one indicate the group makes up more of the suspensions/expulsions than their representation in the population generally.
 - Calculation: $([\# \text{ of suspended students in X group}] / [\text{Total \# of suspended students}]) / ([\# \text{ of students in X group}] / [\text{Total \# of students}])$



Data & Practices



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Discipline Data and Practices: Substances Considerations

- ***Length of exclusions***

- RCW 28A.600.015(1) “An expulsion or suspension of a student **may not be for an indefinite period of time.**”
- RCW 28A.600.020(6) “**must have an end date** of not more than the length of an academic term, as defined by the school board, from the time of corrective action.”

- ***Emergency Expulsions***

- WAC 392-400-205(5) “an emergency removal from school for up to, and not exceeding, ten consecutive school days from the student's current school placement by a school district superintendent or a designee of the superintendent. The superintendent or designee must have good and sufficient reason to believe that the student's presence poses an immediate and continuing **danger to other students or school staff** or an immediate and continuing **threat of substantial disruption of the educational process**. An emergency expulsion must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school.”

- ***Drug assessments and treatment services***

- RCW 28A.600.410 “School districts are encouraged to find alternatives to suspension including **reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services**. Consistent with current law, the conditioning of a student's suspension does not obligate the school district to pay for the counseling or other treatment services except for those stipulated and agreed to by the district at the inception of the suspension.”



Discipline Data and Practices: Systems Considerations

- ***Data-based Decision Making***
 - Discipline data collected in CEDARS and reported in OSPI's Discipline Analytics can be used to assist districts in asking informed questions about student outcomes to guide further efforts.
 - District, building, and classroom level data must be used to contextualize the behavior (who, what, when, where, why) and inform problem-solving practices.
 - Data alone cannot provide solutions. Problem-solving teams at the districts and school levels must be intentional about using data effectively and efficiently within a Multi-Tiered System of Supports.
- ***Multi-Tiered System of Supports***
 - A prevention and intervention based framework, based on a public health model, for delivering a continuum of supports to students across academic and behavioral domains.
- ***WA Integrated Student Supports Protocol***
 - The Legislature directed the Center for the Improvement of Student Learning (CISL) within OSPI to develop the Washington Integrated Student Supports Protocol (WISSP). Part of the purpose includes coordinating academic and nonacademic supports for students and integrating community-based supports into school-based settings.
 - Essential components of the WISSP include needs assessments, community partnerships, coordination of supports, integration within the school, and a data-driven approach.



OSPI Resources

Data Analytics: www.k12.wa.us/DataAdmin/PerformanceIndicators/DataAnalytics.aspx

MTSS: <http://www.k12.wa.us/MTSS/Resources.aspx>

WISSP: <http://www.k12.wa.us/CISL/ISS/>

Student Discipline: <http://www.k12.wa.us/studentdiscipline>

Equity in Student Discipline: www.k12.wa.us/StudentDiscipline/Equity

Behavior Menu: <http://www.k12.wa.us/SSEO/BehaviorMenu.aspx>



Questions?



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