

Discipline Data – Oregon, 2012-13

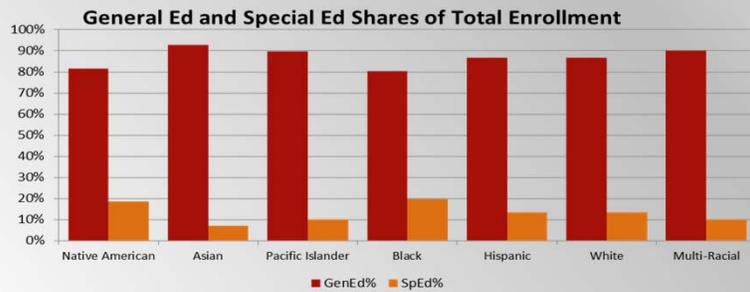
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Disclaimer

- *It is the policy of the State Board of Education and a priority of the Oregon Department of Education that there will be no discrimination or harassment on the grounds of race, color, religion, sex, marital status, sexual orientation, national origin, age or disability in any educational programs, activities or employment.*
- *The following presentation is for informational purposes only. It is not designed to provide legal advice.*

Total Enrollment; Sp Ed & Gen Ed

| Enrollment | Native American | Asian | Pacific Islander | Black | Hispanic | White | Multi-Racial | Total |
|------------|-----------------|--------|------------------|---------------|---------------|---------------|--------------|---------|
| | 9,577 | 22,215 | 3,741 | 13,969 | 121,372 | 364,792 | 28,048 | 563,714 |
| GenEd | 7,804 | 20,606 | 3,357 | 11,210 | 105,058 | 315,645 | 25,228 | 488,908 |
| SpEd | 1,773 | 1,609 | 384 | 2,759 | 16,314 | 49,147 | 2,820 | 74,806 |
| | | | | | | | | |
| % of Total | Native American | Asian | Pacific Islander | Black | Hispanic | White | Multi-Racial | Total |
| GenEd% | 81.49% | 92.76% | 89.74% | 80.25% | 86.56% | 86.53% | 89.95% | 86.70% |
| SpEd% | 18.51% | 7.24% | 10.26% | 19.75% | 13.44% | 13.47% | 10.05% | 13.30% |



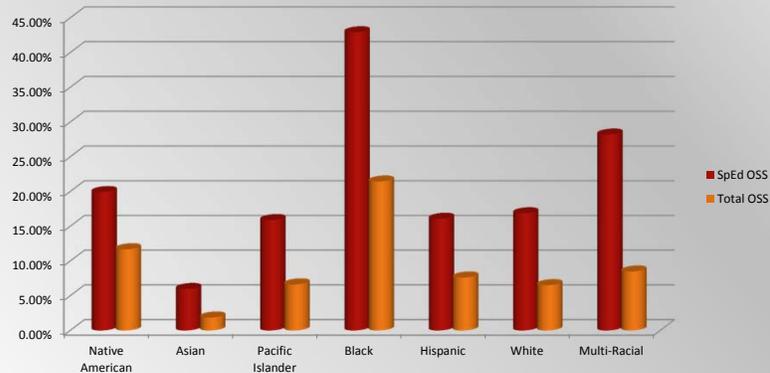
Suspension & Expulsion total # & %

| | Native American | Asian | Pacific Islander | Black | Hispanic | White | Multi-Racial |
|------------------|-----------------|--------|------------------|--------|----------|---------|--------------|
| Enrollment SpEd | 1,773 | 1,609 | 384 | 2,759 | 16,314 | 49,147 | 2,820 |
| Enrollment Total | 9,577 | 22,215 | 3,741 | 13,969 | 121,372 | 364,792 | 28,048 |
| OSS SpEd | 353 | 96 | 61 | 1184 | 2621 | 8286 | 795 |
| OSS Total | 1119 | 413 | 248 | 2994 | 9244 | 23782 | 2381 |
| ISS SpEd | 299 | 78 | 44 | 576 | 2904 | 6124 | 641 |
| ISS Total | 1122 | 332 | 347 | 1750 | 11439 | 21598 | 2155 |
| Expulsion SpEd | 9 | 1 | 2 | 13 | 90 | 165 | 13 |
| Expulsion Total | 54 | 19 | 12 | 68 | 471 | 816 | 68 |

| | | Native American | Asian | Pacific Islander | Black | Hispanic | White | Multi-Racial |
|------------|-----|-----------------|-------|------------------|---------------|--------------|--------|---------------|
| | % | | | | | | | |
| Special Ed | OSS | 19.91% | 5.97% | 15.89% | 42.91% | 16.07% | 16.86% | 28.19% |
| Total | OSS | 11.68% | 1.86% | 6.63% | 21.43% | 7.62% | 6.52% | 8.49% |
| Special Ed | ISS | 16.86% | 4.85% | 11.46% | 20.88% | 17.80% | 12.46% | 22.73% |
| Total | ISS | 11.72% | 1.49% | 9.28% | 12.53% | 9.42% | 5.92% | 7.68% |
| Special Ed | Exp | 0.51% | 0.06% | 0.52% | 0.47% | 0.55% | 0.34% | 0.46% |
| Total | Exp | 0.56% | 0.09% | 0.32% | 0.49% | 0.39% | 0.22% | 0.24% |

Out of School Suspension (OSS)

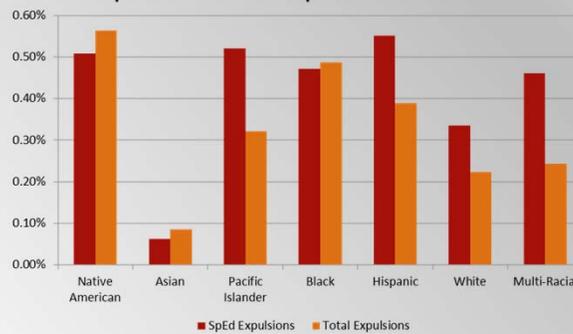
| | | Native | Asian | PacIsle | Black | Hispanic | White | Multi-R |
|------------|-----|--------|-------|---------|--------|----------|--------|---------|
| Special Ed | OSS | 19.91% | 5.97% | 15.89% | 42.91% | 16.07% | 16.86% | 28.19% |
| Total | OSS | 11.68% | 1.86% | 6.63% | 21.43% | 7.62% | 6.52% | 8.49% |



Expulsions

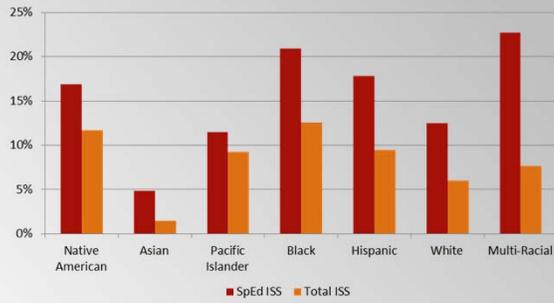
| | | Native | Asian | PacIsle | Black | Hispanic | White | Multi-R |
|------------|-----|--------|-------|---------|-------|----------|-------|---------|
| Special Ed | Exp | 0.51% | 0.06% | 0.52% | 0.47% | 0.55% | 0.34% | 0.46% |
| Total | Exp | 0.56% | 0.09% | 0.32% | 0.49% | 0.39% | 0.22% | 0.24% |

Special Ed and Total Expulsion Rates 2012-13

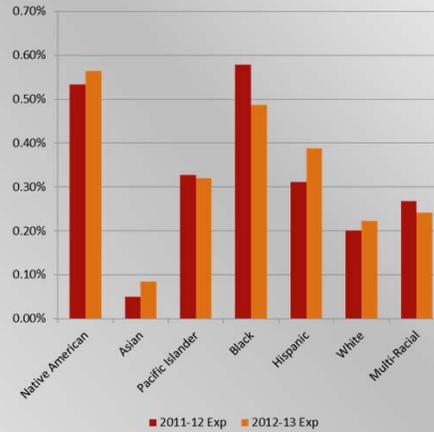
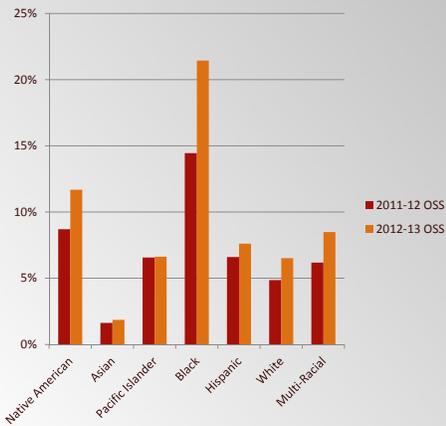


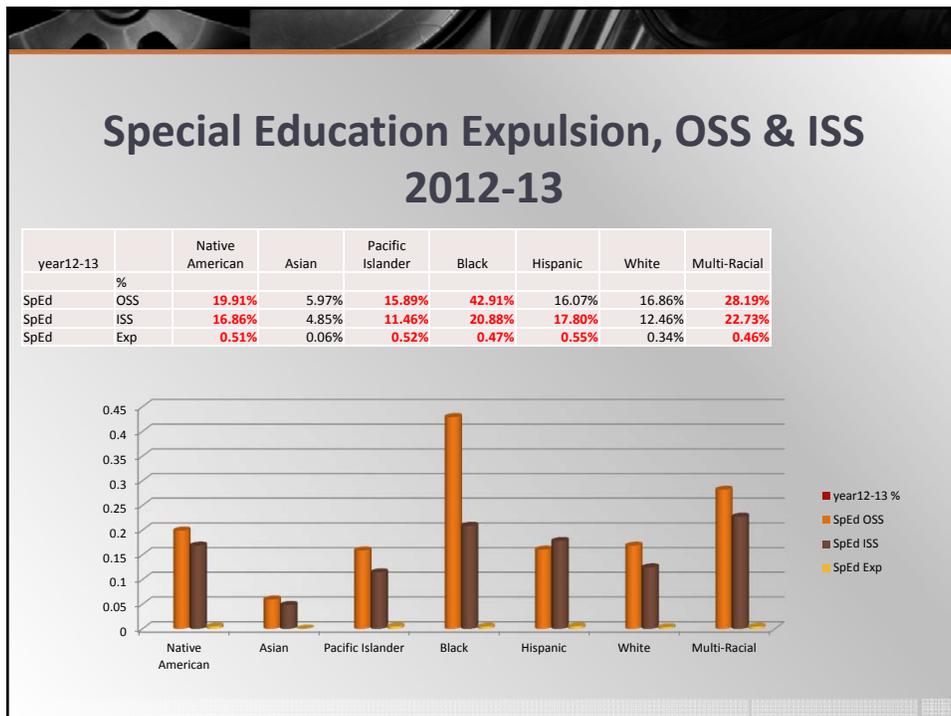
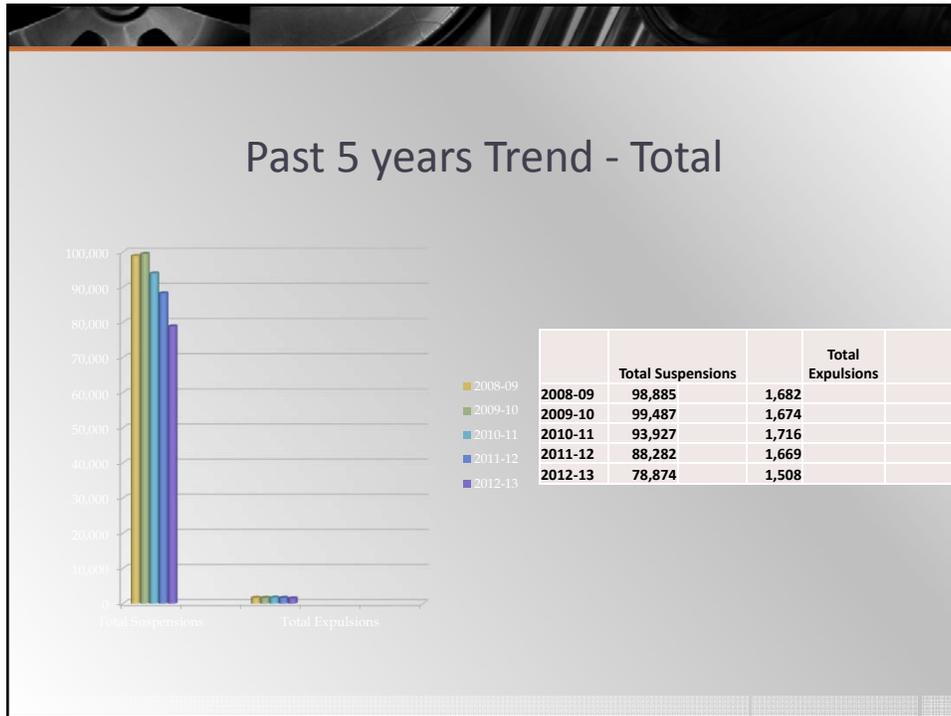
In-School Suspensions (ISS)

| | | Native | Asian | Pacisle | Black | Hispanic | White | Multi-R |
|------------|-----|--------|-------|---------|--------|----------|--------|---------|
| Special Ed | ISS | 16.86% | 4.85% | 11.46% | 20.88% | 17.80% | 12.46% | 22.73% |
| Total | ISS | 11.72% | 1.49% | 9.28% | 12.53% | 9.42% | 5.92% | 7.68% |



Expulsion and OSS, 2011-12 & 2012-13





Indicator B4 – Disproportionate Discipline, Special Education – SPR&I

- **B4A:** The percent of districts that have a significant discrepancy in the rate of suspensions and expulsions of greater than 10 days in a school year for children with disabilities.
- **B4B:** The percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs; and (b) policies, procedures, or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.

B4A Weighted Risk Ratio & “n” size

- **B4A:** Oregon defines **significant discrepancy** as a rate of suspension/expulsion for greater than 10 days based on **weighted risk ratio greater than 2.0 and more than three (3) IDEA-eligible students** with greater than 10 days suspension/expulsion.
 - 2011: ODE identified **8.6% (17/197)** of districts having significant discrepancies as in the rates of suspensions/expulsions of greater than 10 days.
 - Represents a **4.6% decrease** in the rates of suspension/expulsion of students with special needs from 2010.
 - **79.7% (157/197)** of districts were excluded from the calculation due to the minimum “n” size requirement of more than three IDEA-eligible students with greater than 10 days suspension/expulsion.

B4B Rate Ratio & “n” size

- **B4B:** Oregon defines **significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs** as:
 - A **rate of suspension/expulsions for greater than 10 days disaggregated by race/ethnicity.**
 - **Rate ratio analysis shows a value greater than 2.0 in the same race/ethnic category, and at least five (5) IDEA eligible students** who received long-term suspension/expulsions in the same race/ethnic category.
 - **2011,** ODE identified **6.6% (13/197) of districts** as having significant discrepancies in the rates of suspensions/expulsions by race/ethnicity.
 - **89.3% (176/197) did not meet the minimum “n” size requirement** of at least **five (5) IDEA-eligible** students suspended and/or expelled by race/ethnicity.
 - **Seven (7) of the thirteen (13) districts did not have policies, practices, and procedures** that contributed to significant disproportionality by race/ethnicity for students with special needs having been expelled and/or suspended greater than 10 days.
 - **Six (6) districts needed to provide Corrective Action Plans (CAPs)** regarding the development and implementation of IEPs, the use of positive behavioral interventions and supports (PBIS), and the use of procedural safeguards.

Interim Services - Flag

- **11th day rule**
- **When does the 11th day rule begin?**
- **Expulsion; Out of School Suspension (OSS); In-School Suspension (ISS).**
- **In-School Suspension – does it count towards the 10 days or not?:**
 - **3 Criteria to not count:**
 1. Access to the general education curriculum
 2. Access to special education services
 3. Included with their non-Disabled peers

[Note: remain cognizant of pattern]

What's a P to P & CAP?

- Policy to Practice (P to P) Review
 - Sample Handout; supports
- Corrective Action Plan (CAP)



Scenarios – Small Groups

1. District is flagged for B4A; you had five students with IEPs who were excluded (suspended or expelled) more than 10 days. 4 were provided with interim services; 1 was not. How do you proceed?
2. District is flagged but excluded from B4B since 4 of your 5 Latino students with IEPs were excluded (suspended or expelled) from school for more than 10 days. How do you proceed?
3. Two Native American students with IEPs were suspended or expelled from school for more than 10 days; interim services were provided. The district only has 3 Native American students on IEPs. How do you proceed?
4. Two multi-racial students are suspended/expelled for more than 10 days; interim services are not provided. There are only four Multi-R students on IEPs in the district. How do you proceed?

HB 2192 (School Discipline & *end Zero Tolerance*) – Legislative Session 2013

- ▣ **Section 5 (2):**
 - ▣ Each district *school board adopt written policies* for discipline, suspension, expulsion....including
 - ▣ (G) *assault* of school employee or another student, or
 - ▣ (H) intentional attempts, word or conduct, to place a school employee or student *in fear of imminent serious physical injury....*
 - ▣ (b) must *limit use of expulsion*:
 - ▣ (A) conduct that *poses threat* to health or safety of others
 - ▣ (B) when *strategies to change student conduct have been ineffective*; or
 - ▣ (C) when *expulsion is required by law* (GFSA).
 - ▣ (c) must consider *age, past pattern of behavior* of student prior to imposing suspension or expulsion.
 - ▣ (d) ...limited so
 - ▣ (A) duration of *expulsion may not be more than one calendar year*.
 - ▣ (B) duration of *suspension, not to exceed 10 school days*.
 - ▣ (e) ORS 336.010; may require student *attend school during non-school hours as alternative* to suspension, not to exceed 10 school days.

HB 2192

- ▣ (3)....each district shall develop a student handbook, code of conduct or other document:
 - ▣ (a) defines and helps *create a learning environment that students respect*;
 - ▣ (b) defines *acceptable norms of behavior* and types of behavior subject to discipline.
 - ▣ (c) establishes *procedures* to address behavior or circumstances that pose a threat to safety.
 - ▣ (d) establishes *system of consequences* designed to correct misconduct and *promote [positive] behavior* within acceptable norms;
 - ▣ (e) made system of consequences *known to school community, students, parents, guardians, school district employees*.

HB 2192

- ▣ (4) each district school board shall adopt *written policies on managing students who threaten violence or harm...*and shall include all of the following:
 - ▣ (a) *staff reporting methods.*
 - ▣ (b) *provisions that allow an administrator to consider and implement the following options:*
 - ▣ (A) *immediately removing student from classroom setting who threatened to injure another person or to severely damage school property.*
 - ▣ (B) *placing student in setting where behavior will receive immediate attention, not limited to office of principal, asst. principal, counselor, school psychologist, licensed TCSP, or licensed MH professional.*
 - ▣ (C) *require school obtain an evaluation by licensed MH professional before allowing student to return....within 10 school days....policy to describe the circumstances under which district may enter into contracts with licensed MH professional to perform any evaluation.*
 - ▣ (c) *require administrator to provide parent or guardian notification that describes the student's behavior and school's response.*
 - ▣ (d) *provision for allocation of necessary funds for district to implement.*

HB 2192

- ▣ (5) In establishing and enforcing discipline, suspension and expulsion policies, *district school board shall ensure the policy:*
 - ▣ (a) *protects students & school employees from harm;*
 - ▣ (b) *provide opportunities for students to learn from their mistakes;*
 - ▣ (c) *fosters positive learning communities;*
 - ▣ (d) *keeps students in school and class;*
 - ▣ (e) *imposes disciplinary sanctions without bias against students from a protected class (ORS 339.351);*
 - ▣ (f) *implements graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to student's conduct;*
 - ▣ (g) *employs a range of strategies for prevention, intervention and discipline taking into account the student's developmental capacities and proportionate to the degree of severity of the misbehavior;*
 - ▣ (h) *proposes, prior to the expulsion, alternative programs of instruction, combined with counseling for the student in the following circumstances:*

HB 2192

- ▣ ***Circumstances:***
- ▣ (A) following *second or subsequent occurrences of behavior within a 3-years period;*
- ▣ (B)...*the student's attendance pattern is so erratic that student is not benefiting from the educational program; or*
- ▣ (C) when a *parent or guardian applies for student's exemption from compulsory attendance (ORS 339.030(2):*
 - ▣ (i) ...*use approaches that are effective and research-based in reducing student misbehavior, & promoting safe and productive social behavior; and*
 - ▣ (j) *ensure school conduct and discipline codes comply with state and federal laws concerning the education of students with disabilities.*
- ▣ (6)...*must provide and disseminate information about alternative programs of instruction and/or counseling in writing to student, parent, guardian...at least once every 6 months.*

HB 2192

- ▣ (7) each SD board must *adopt written policy involving firearms (18 U.S.C. 921) including:*
 - ▣ (a) require *expulsion from school not less than one year* for a student who:
 - ▣ (A) *brought a firearm to school, school property;*
 - ▣ (B) *possessed, concealed or used a firearm in school, school property;*
 - ▣ (C) *brought, possessed, concealed or used firearm at interscholastic activity admin by voluntary organization.*
 - ▣ (C) (b) *Allow exceptions:*
 - ▣ (A) *for courses, programs, activities approved by SD, including hunter safety courses, Reserve Officer training, firearms related courses or vocational courses.*
 - ▣ (B) (c) *allow superintendent of SD to:*
 - ▣ (A) *modify expulsion requirement for student on case by case basis.*
 - ▣ (B) *propose alternative programs of instruction and instruction/counseling that are appropriate and accessible to student (provide info in writing to parents every 6 months).*
 - ▣ (d) *appropriate referral to law enforcement*
 - ▣ (e) *annual reporting to the ODE (discipline incidents collection).*

HB 2192

- ▣ (8) each SD school board adopts and disseminates *written policies for use of physical force by school employee or volunteer upon a student...consistent with section 3, chapter 665, Oregon laws 2011 (Physical Restraint & Seclusion statutes)*.
- ▣ (section 6): Amendments to section 5 become *operative July 1, 2014 (2014-15 school year)*.
- ▣ However, *“for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage (Section 13)*.

Questions - Comments;
Thanks for Coming



References

- <http://www.leg.state.or.us/13reg/measpdf/hb2100.dir/hb2192.b.pdf>
- <http://www.ode.state.or.us/apps/Navigation/Navigation.Web/default.aspx#/Discipline>
- <http://www.ode.state.or.us/search/results/?id=107> (Safe Schools)
- <http://www.ode.state.or.us/search/page/?=3905> (SPR&I)