Effective Practices in Reducing or Eliminating Exclusionary Discipline

Oregon Charter School Program Grant (OCSPG) Webinar

January 11, 2016
Session Objectives

• Framing the Issue
  – What is “exclusionary discipline” in education and why do we care about it?

• What are some examples of best practice in this area, and what should OCSP grant applicants consider?
  – Policy
  – Practice
Why?

Why change the way we do behavior management in schools?
History of disciplinary inequity
A national view

Suspension as Percent of Enrollment By Race

<table>
<thead>
<tr>
<th>Year</th>
<th>Blacks</th>
<th>Whites</th>
<th>Hispanic</th>
<th>Native American</th>
<th>Asian/PI</th>
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<tbody>
<tr>
<td>1972-73</td>
<td>6</td>
<td>3.1</td>
<td>2.7</td>
<td>2.8</td>
<td>1.1</td>
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<tr>
<td>1988-89</td>
<td>10</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>2006-07</td>
<td>15</td>
<td>4.8</td>
<td>6.8</td>
<td>7.9</td>
<td>2.7</td>
</tr>
</tbody>
</table>

Figure 2. Impact by race and disability of the use of out-of-school suspensions, 2009-2010

Is there a correlation between school discipline and academic achievement?
Discipline Gap: Framing the Issue

“One of the most consistent findings of modern education research is the strong positive relationship between time engaged in academic learning and student achievement (Brophy, 1988; Fisher et al., 1981; Greenwood, Horton, & Utley, 2002). The school disciplinary practices used most widely throughout the United States may be contributing to lowered academic performance among the group of students in greatest need of improvement.”

“Research on the frequent use of school suspension has indicated that, after controlling for race and poverty, higher rates of out-of-school suspension correlate with lower achievement scores, or showed no academic benefits as measured by test scores and were predictors of higher dropout rates.”

Source: Losen, J (2012)- Sound Discipline Policy for Successful Schools, citing Skiba & Rausch (2006); and Fabelo et al., (2011)
Recent studies show that being suspended even once in ninth grade is associated with a twofold increase in the likelihood of dropping out, from 16% for those not suspended to 32% for those suspended just once.

High School Dropout Rates by 9th Grade Out-of-School Suspensions (Balfanz, 2013)
Supportive School Discipline Initiative announced July 2011

Goals:

• Build consensus for action among federal, state, and local education and justice stakeholders
• Collaborate on research & data collection
• Guide and ensure compliance with civil rights laws
• Promote awareness about evidence-based and promising policies and practices

"Maintaining safe and supportive school climates is absolutely critical, and we are concerned about the rising rates and disparities in discipline in our nation’s schools,” –U.S. Secretary of Education Arne Duncan—

“Ensuring that our educational system is a doorway to opportunity – and not a point of entry to our criminal justice system – is a critical, and achievable, goal,” U.S. Attorney General Eric Holder.
How do we look in Oregon?
First, the good news....
Oregon Statewide Data
Expulsions
2009-2014

Expulsions

<table>
<thead>
<tr>
<th>Year</th>
<th>Expulsions</th>
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<td>2009/10</td>
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<tr>
<td>2010/11</td>
<td>1600</td>
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<tr>
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<tr>
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</tr>
<tr>
<td>2013/14</td>
<td>1300</td>
</tr>
<tr>
<td>2014/15</td>
<td>1100</td>
</tr>
</tbody>
</table>
Oregon Statewide Data
Suspension/Expulsion 2009-2014

Out of School Suspensions

- 2009/10: 49,000
- 2010/11: 47,000
- 2011/12: 45,000
- 2012/13: 43,000
- 2013/14: 33,000
- 2014/15: 30,000

Out of School Suspensions
But much work remains ...
Oregon’s school-to-prison pipeline is an urgent civil rights challenge in Oregon. Mirroring a national trend, the school-to-prison pipeline in Oregon refers to the disproportionate punishment of students of color that begins with more serious punishment than their white peers in school and a greater likelihood of intervention by juvenile justice authorities. There is also ample evidence of disproportionate representation of people of color in the adult criminal justice system.

Current Oregon data shows a trend of criminalizing, rather than educating our state’s children. It encompasses the growing use of zero-tolerance discipline, disciplinary alternative schools and juvenile arrests that marginalize our most at-risk youth and deny them access to education. With zero tolerance, behavior problems and infractions that used to be handled by teachers and school administrators are now effectively pushing students out of school and entangling many of them in the juvenile justice system.

Students of color are disproportionately represented at every stage of Oregon’s school-to-prison pipeline. Data shows that children of color are more likely than their white peers to be subjected to harsher punishment and the effects are amplified the further up the justice system they move. Nationally, African-American students are far more likely than their white peers to be suspended or expelled for the same kind of conduct at school. Although they represent 3% of the youth population in Oregon (age 10–17), African Americans make up 13% of those held in “close custody” in Oregon juvenile detention facilities. On the other hand, their white peers represent 76% of the same population and 56% of those held in close custody.

In 1992, the Oregon Supreme Court established a task force on racial/ethnic issues in the judicial system. The task force, chaired by former Chief Justice Edwin J. Peterson, issued a comprehensive report in May 1994 demonstrating that “racial minorities are at a disadvantage in virtually all aspects of the Oregon court system.”


Recent data from the Oregon Department of Education and Oregon Youth Authority illuminates a parallel disadvantage that students of color face in Oregon’s schools.

2 Oregon Youth Authority Quick Facts July 2010
4 Id. at 3
5 The Oregon Department of Education is the source for all data in this report related to school discipline.
Exclusionary Discipline in Multnomah County Schools:
How suspensions and expulsions impact students of color

A report of the Multnomah County Commission on Children, Families & Community (2012)
Rebecca Stavenjord, Lead Staff
Suspension, expulsion, and achievement of English learner students in six Oregon districts

Key findings

- In 2011/12 English learner students were suspended or expelled at a similar rate as non–English learner students in elementary school but at a higher rate than non–English learner students in middle school and high school.
- Averaged across all grades, aggression and insubordination/disruption were the most common reasons why both English learner students and non–English learner students were suspended or expelled.
- The average English learner student who was suspended lost 1.9 school days in elementary school, 3.5 days in middle school, and 4.9 days in high school; the average non–English learner student who was suspended lost 2.3 days in elementary school, 3.3 days in middle school, and 4.1 days in high school.
- On average, English learner students who were suspended or expelled had lower achievement on state assessments in reading and math than English learner students who were not suspended or expelled.
How is suspension/expulsion being used?

Most Violations Were Discretionary Violations -- Not Mandatory Violations

- 92.6% Discretionary School Code of Conduct
- 4.9% Other Discretionary
- 0.6% Mandatory Expulsion
- 6% Mandatory

Mandatory: Less than three percent of violations were related to behavior for which state law mandates expulsion or removal.

Discretion: Nine times out of ten, a student was suspended or expelled for violating the school's code of conduct.
Oregon SY 13/14
All Offense Types

Primary Offense Type by Selected Subgroup

- Disruptive Behavior: 64.0%
- Homicide/Suicide: 2.3%
- Physical Assault/Attack: 17.1%
- Property Crimes: 4.9%
- Sexual Assault & Battery: 0.5%
- Substance Abuse/Misuse: 11.3%

* Information is suppressed if five or fewer students are represented to protect student confidentiality.
Oregon SY 13/14
OSS
HB 2192
Passed both House and Senate unanimously in 2013.

Provisions took effect July 1, 2014

Key Changes
Removes mandatory expulsion (zero tolerance) language regarding “weapons,” replacing instead with “firearms” to be consistent with Gun Free Schools Act (GFSA). 18 USC § 921

- Note—both GFSA and 2192 provide the superintendent of a district discretion to “modify the expulsion requirement for a student on a case by case basis.” 20 USC 7151(b)(1); ORS 339.250(7)(c)(A).
HB 2192-Key Changes

Limits expulsion to the following circumstances:
• For conduct that poses a threat to the health or safety of students or school employees
• When other strategies to change student conduct have been ineffective; or
• When the expulsion is required by law

ORS 339.250(2)(b)(A-C)
HB 2192-Key Changes

Requires adoption of written policies for managing students who threaten violence or harm. The policies...shall include:

• Provisions that *allow* an administrator to consider and implement any of the following options:
  – Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
  – Placing the student in a setting where the behavior will receive immediate attention...
  – Requiring that a school obtain an evaluation of students by a licensed mental health professional before allowing the student to return to the classroom setting.

• Removal cannot exceed 10 days unless good cause is shown that evaluation could not be completed in that time period. Policy must describe circumstances under which district school board may enter into contracts with MH professionals.

HB 2192-Policy Development

Requires districts to develop “a student handbook, code of conduct, or other document that:”

- Defines a respectful learning environment
- Defines acceptable behavior, and behavior that is subject to discipline
- Establishes procedures to address threatening behavior
- Establishes consequences that correct and promote positive alternative behavior
- Makes consequences known throughout the school community

ORS 339.250(3)(a-e)
HB 2192-Disciplinary Decision-making

In establishing and enforcing discipline, suspension, and expulsion policies, a district school board shall ensure that the policy is designed to:

- Protect students & staff from harm
- Provide opportunities to learn from mistakes
- Foster positive learning communities
- Keep students in school
- Impose discipline without bias against students from a protected class as defined in ORS 339.351
- Ensure compliance with federal and state law concerning students with disabilities
- Use evidence based approaches
- Propose alternative programs of instruction where appropriate
- Take the student’s developmental level into account
- Respond to misconduct in a manner that is: fair, nondiscriminatory, and proportional

ORS 339.250(5)(a-j)
Recent additions to Oregon’s school discipline law

The Oregon legislature passed SB 553 & SB 556 in the 2015 regular session. Both bills took effect 7/1/15.

**SB 553** - For students fifth grade or lower, out-of-school suspension limited to the following circumstances:

- For nonaccidental conduct causing serious physical harm to a student or school employee;
- When a school administrator determines, based upon the administrator’s observation or upon a report from a school employee, that the student’s conduct poses a direct threat to the health or safety of students or school employees; or
- When the suspension or expulsion is required by law

Enrolled Senate Bill 553:  
[https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB553/Enrolled](https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB553/Enrolled)

**SB 556** - Expulsion may not be used to address truancy

Enrolled Senate Bill 556:  
[https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB556/Enrolled](https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB556/Enrolled)
Students, Families, Communities

Policy
- OSBE
- Local School Boards
- Formal
- Informal

Law/Regulation
- Federal
- State

Practice
- Superintendent
- Principal
- Teacher/Practitioner

Research
- SWPBIS
- Restorative Justice
- Integration of practices
What are some resources to guide policy development in this area?
CONTENTS

1. Background
2. Questions Local Policymakers Should Ask
3. 10 Action Steps to Prevent the Use of Out-Of-School Suspensions
4. Game-Changing Community Strategies
5. Research
6. Resources

https://www.nsba.org/out-school-suspension-policy-guide
CONTENTS

1. Introduction
2. Using Disciplinary Interventions
3. Description of Inappropriate and Disruptive Behaviors and Consequences
4. Procedures
5. Data Collection & Monitoring
6. Glossary of Disciplinary Interventions or Responses

http://safequalityschools.org/resources/entry/model-school-discipline-policy

NOTE:
This policy does not take into account local and state laws that may be applicable. We recommend that a lawyer be consulted for assurance that all policies are drafted in compliance with the law in your jurisdiction.
CONTENTS

1. 8 Philosophical Principles
2. Expectations for the School Community
3. Description of Student Behaviors and Responses
4. 5 level offense severity rating & decisionmaking matrix
5. Recommendations for Implementation

http://www.marylandpublicschools.org/msde/divisions/studentschoolsvcs/student_services_alt/student_discipline.html

The Maryland Guidelines for a State Code of Discipline

Adopted July 22, 2014

MARTIN O’MALLEY
GOVERNOR

Lillian M. Lowery, Ed.D.
STATE SUPERINTENDENT
OF SCHOOLS

MARYLAND STATE DEPARTMENT OF EDUCATION
PREPARING WORLD CLASS STUDENTS
Discipline Disparities Briefing Papers

The Discipline Disparities Research to Practice Collaborative, within a national context of troubling disparities and promising solutions, has used information from stakeholder groups, as well as knowledge of the current status of research in the field, to craft this series of informational briefs and supplementary research papers with targeted recommendations customized for different audiences.

- Interventions
- Policy Recommendations
- New Research
- Supplementary

http://www.indiana.edu/~atlantic/
What are some resources to guide *practice* in this area?
CONTENT

1. Climate & Prevention

2. Clear, Appropriate, and Consistent Expectations & Consequences

3. Equity & Continuous Improvement

http://www2.ed.gov/policy/gen/guid/scho ol-discipline/fedefforts.html#guidance
Structure of the Consensus Report

• Conditions for Learning
• Targeted Behavioral Interventions
• School-Police Partnerships
• Courts & Juvenile Justice
• Information Sharing
• Data Collection
STRUCTURE OF THE MODEL CODE

The Model Code is organized into five chapters:

1) Education
2) Participation
3) Dignity
4) Freedom from Discrimination
5) Monitoring and Accountability

Each of these chapters addresses a different key component of providing a quality education and reflects core human rights principles and values. Each chapter includes recommended policies for states, districts and schools.
CONTENT

Structural
• Culturally Responsive PBIS
• PBIS
• Threat Assessment

Relationships
• Student-Teacher Relationships
• Restorative Practices

Emotional Literacy
• Social & Emotional Learning

Culturally Responsive Frameworks
• Strategies & Interventions
• Implicit Bias Reduction
• Culturally Responsive Classroom Management

Selected Interventions for Addressing Equity
• Addressing Sexual Orientation, Income Level, & Gender Inequities

http://www.indiana.edu/~atlantic/annotated-bibliographies/
Education Development Center

- Free
- Online
- 6 module school Positive School Discipline Course for School Leaders

http://positiveschooldiscipline.promoteprevent.org/
Practice Resources: Restorative Justice

International Institute for Restorative Practices
www.iirp.edu

Restorative Justice for Oakland Youth (RJOY)
Rjoakland.org

SaferSanerSchools™
Whole-School Change Through Restorative Practices

Improve relationships & attitudes among:
» Students
» Staff
» Administrators
» Parents
San Francisco Unified School District
Restorative Practices Initiative
http://www.healthiersf.org/RestorativePractices/
MORAL IMPERATIVE: THE BOTTOM LINE

The undeniable truth is that the everyday educational experience for many students violates the principle of equity at the heart of the American promise. It is our collective duty to change that.

--Arne Duncan--
Questions & Comments
References


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