Oregon School Discipline Advisory Council

School Discipline Reform in Oregon

Discussion and Recommendations for Policy and Practice

Oregon School Discipline Advisory Council
1/22/2015

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EXECUTIVE SUMMARY

Since the early 1990s, schools in the United States have become increasingly punitive in their approaches to school discipline. Educational systems have adopted "zero tolerance" school discipline policies and practices that, in theory, were designed to make schools safer places. Safe schools are of paramount concern, and there is no question that credible threats of serious harm to individuals in a school environment must be addressed. However, zero tolerance practices have been increasingly applied to a broad range of student behaviors. This has resulted in a drastic increase in the use of exclusionary discipline—i.e., suspension and/or expulsion from school. Research conducted over the past ten years suggests that not only do zero tolerance policies fail to make schools safer, they cause harm.[1] Inappropriate suspension, expulsion, or referral to law enforcement harms all students—particularly those who are members of historically disenfranchised groups (e.g., racial/ethnic minorities, students with disabilities, LGBT students). This problem—commonly referred to as "school pushout" or the "school to prison pipeline"—is well documented both nationally and here in Oregon.[2,3] In response to the seminal study—*Breaking Schools' Rules*[4]—the U.S. Department of Education and Department of Justice partnered to create the *Supportive School Discipline Initiative.*[5] The goal of the initiative is to coordinate federal actions to "provide schools with effective alternatives to exclusionary discipline while encouraging new emphasis on reducing disproportionality for students of color and students with disabilities." To that end, the initiative has identified four guiding strategies to support this work—building consensus; investing in research and data collection; issuing guidance, and building awareness, capacity, and leadership.[6]

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[1] Skiba, R., et al. (2008). Are zero tolerance policies effective in schools: An evidentiary review. *American Psychologist, 63(9),* 852-862.

[2] Losen, D., Gillespie, J., (2012). *Opportunities suspended: The disparate impact of disciplinary exclusion from school.* Retrieved from: http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/upcoming-ccrr-research.

[3] American Civil Liberties Union of Oregon (2010). *Oregon's school to prison pipeline.* Retrieved from: http://aclu-or.org/content/aclu-report-oregon's-school-prison-pipeline-0; American Civil Liberties Union of Oregon (2013). *Oregon's school to prison pipeline: Update.* Retrieved from: http://aclu-or.org/content/aclu-report-oregon's-school-prison-pipeline-0; Stavenjord, R. (2012). *Exclusionary discipline in Multnomah county schools: How suspensions and expulsions impact students of color.* Retrieved from: http://allhandsraised.org/wp-content/uploads/2012/10/exclusionary_discipline_1-3-12.pdf.

[4] Fabelo, T., Thompson, M.D., Plotkin, M., Carmichael, D., Marchbanks, M., & Booth, E. (2011). *Breaking schools' rules: A statewide study of how discipline relates to students' success and juvenile justice involvement.* Retrieved from: http://csgjusticecenter.org/youth/breaking-schools-rules-report

[5] United States Department of Justice. (2011). *Attorney General Holder, Secretary Duncan announce effort to respond to school-to-prison pipeline by supporting good discipline practices.* Retrieved from: http://www.justice.gov/opa/pr/2011/July/11-ag-951.html

[6] United States Department of Education. (2011). *Overview of the Supportive School Discipline Initiative.* Retrieved from: http://www2.ed.gov/policy/gen/guid/school-discipline/appendix-3-overview.pdf

Oregon is taking steps to address this problem at the state level. The Governor's Summit to Reduce Disproportionate Minority Contact in the Juvenile Justice System has made school discipline reform one of its core priorities. Additionally, the Oregon legislature passed House Bill (HB) 2192 in the 2013 legislative session. HB 2192 significantly revised Oregon's school discipline code, tightening restrictions on the use of suspension and expulsion, and requiring school boards to adopt policies focused on positive alternatives to exclusionary discipline. To support these initiatives, the Oregon Department of Education (ODE) formed the Oregon School Discipline Advisory Committee (OSDAC). OSDAC is an interdisciplinary group of policymakers, practitioners, advocates, and community members. In convening the OSDAC, ODE leadership issued the following charge:

> The ultimate goal of OSDAC is to reduce disproportionate school disciplinary practices in Oregon public schools. To achieve this end, the OSDAC would assist with identifying best practices and advocating at the policy level to make changes in the way discipline is practiced with all students, in particular with students of color. This would include advocating at the legislative, state school board, and local school board levels. It is further envisioned that the OSDAC members would also assist in their local communities with implementing changes for culturally responsive and positive disciplinary practices. This would require providing leadership, collaboration, and professional development for school administrators and personnel.

OSDAC seeks to align its efforts with the OEIB's *Equity Lens*, the ODE's *Strategic Plan*, and the education workgroup from the Governor's Summit to Reduce Disproportionate Minority Contact in the Juvenile Justice System.[7] OSDAC is issuing this set of recommendations on school discipline as one part of its strategic activities. Recommendations are organized around topical areas including data, funding, legislation, policy, and practice. These recommendations are offered with the intention of facilitating deeper discussions, improved policies, and more effective school discipline practices throughout Oregon.

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[7] Oregon Education Investment Board (2013), *Equity lens*. Retrieved from: http://education.oregon.gov/Pages/Commitment-to-Equity.aspx; Oregon Department of Education (2012) *Strategic plan*, Retrieved from: http://www.ode.state.or.us/search/page/?id=3933 Oregon Youth Authority (2014). *2014 Governor's summit on reducing disproportionate minority contact in the juvenile justice system*. Retrieved from: http://www.oregon.gov/oya/dmcsummit/2014/pages/summit.htm;

OREGON SCHOOL DISCIPLINE ADVISORY COMMITTEE

Statement of Purpose

The purpose of the School Discipline Advisory Committee (SDAC) is to advise, consult, support, and make recommendations to ODE and education partners on policies and practices that promote and maintain the inclusion and engagement of students in a healthy learning environment. We strive to eliminate exclusionary discipline practices and replace them with inclusive, culturally responsive approaches that foster social-emotional learning, educational equity, and successful outcomes for each and every student.

Objectives

1. Recommend policies that identify discipline disparities directly, and make recommendations for the use of promising and evidence-based practices that employ positive behavioral supports and are focused on the elimination of discipline disparities.
2. Address manifestations of institutional racism and bias that result in disproportionate suspension, expulsion, and exclusion of youth who have been historically disenfranchised, marginalized, or under served.
3. Recommend professional development and training to empower and support education professionals in fostering and implementing culturally responsive behavior management practices.
4. Include and empower parents and students throughout the educational decision-making and policy-making process through holistic team-based planning.
5. Ensure disciplinary decisions are based on individualized student assessment and the promotion of positive learning environments.
6. Reduce exclusionary discipline in accordance with Oregon Department of Education's key performance measures.
7. Facilitate strong partnerships between schools, students and their families, and community stakeholders to ensure all voices are heard.

OSDAC Leadership

Chair: John Inglish, Oregon Department of Education
Vice-Chair: Sheila Warren, Portland Parent Union

Organizational members

Oregon Department of Education	Lane Education Service District
Youth Development Council (YDC)	Lenssen & Associates
Youth, Rights & Justice	Washington County Juvenile Department
Resolutions Northwest	Clackamas County Juvenile Dept.
Univ. of Oregon-Institute on Violence & Destructive Behavior	McMinville School District
Coalition for Communities of Color	Tigard-Tualatin School District
Oregon Public Health Division	Portland Parent Union
Beaverton School District	Willamette University School of Law
Oregon Technical Assistance Center	Oregon Education Association
Education Northwest	Center for Dialogue and Resolution
Oregon Youth Authority	Bethel School District
Restorative Justice Coalition of Oregon	Oregon State Board of Education (board liaison: Charles Martinez)

DATA & ACCOUNTABILITY SYSTEMS

Ready access to data is crucial. Timely and transparent access to these data has been recognized nationally as a barrier to improvement. In 2011, the National Education Policy Center issued a brief entitled *Good Discipline: Legislation for Education Reform.* The report noted:

> The current montage of state and federal reporting requirements often leaves the public, as well as policymakers, with an incomplete understanding of the extent to which poor and minority students are excluded from school on disciplinary grounds. Policymakers and community members need to have access to accurate data to inform education policy, to determine what works and what doesn't, to get a clear picture of the school climate and level of safety in a school, and to reveal possible discriminatory practices . . . Public school educators should routinely collect, reflect upon, and publicly report data on school disciplinary removal. Reports at the state, district, and school level (where permissible) should include data disaggregated by race/ethnicity, gender, and disability status in terms of numbers of each group disciplined. These reports should also include the percentage of each group that experiences suspension and expulsion, as well as disaggregated incidence data on the type of infraction and the number of days of missed instruction that results from such removals.[8]

Since 1968, The U.S. Department of Education's Office for Civil Rights (OCR) has been collecting data on out-of-school suspension and expulsion through the Civil Rights Data Collection (CRDC).[9] In recent years, the CRDC has been expanded to allow for comparison of data on students with disabilities to those without disabilities. Several new categories were also added, including in-school suspensions, school-based arrests, and school referrals to law enforcement. Although the CRDC is a very descriptive and useful tool, it is currently only collected on the biennium. This means the data is almost two years old by the time it is made available to the public in useable form. These factors diminish its efficacy as a tool for monitoring real-time change at the state, district, and school level.

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[8] Losen, D.J. (2011). *Good discipline: Legislation for education reform.* Boulder, CO: National Education Policy Center. Retrieved from http://nepc.colorado.edu/publication/discipline-policies-legislation., 1.; *See also,* Losen, D.J. (2011). *Discipline policies, successful schools, and racial justice.* Boulder, CO: National Education Policy Center. Retrieved [date] from http://nepc.colorado.edu/publication/discipline-policies-legislation.

[9] U.S. Department of Education, *Civil rights data collection.* Retrieved from: http://ocrdata.ed.gov/

The ODE has taken steps to mitigate this problem in its design and publication of the *Education Data Explorer*.[10] This tool can be accessed from ODE's homepage. In addition to statewide academic assessment data, the tool allows for review of discipline data. Discipline incidents can be disaggregated by: offense type, number of disciplinary days, type of discipline, and race/ethnicity. Offense type, disciplinary days, and type of discipline can be further disaggregated by gender, ethnicity, English proficiency, disability status, and poverty.

ODE has also included school discipline raw data in its annual *Oregon Report Card*. The report includes total numbers of expulsions and suspensions, disaggregated by race/ethnicity.[11]

Recommendations

The *Education Data Explorer* discipline tool is very useful to stakeholders working toward school discipline reform. Its value lies in the fact that it makes these data transparent and easily accessible not only to educators, but to a wide range of stakeholder groups. Meaningful reform requires school systems, government and nonprofit agencies, and communities to work together collectively. In order to do this, stakeholder groups must have ready access to recent data, so that progress can be monitored, and the efficacy of improvement efforts can be measured. This tool could be made even more useful with the following revisions/additions:

- Allow for disaggregation of school discipline data to the *school* level. Currently, the *Data Download* feature allows users to view academic assessment data for individual schools, but not discipline data. Adding this capability would enhance transparency and allow for more meaningful improvement efforts. It must be acknowledged that established suppression protocols should remain in order to protect individual students in instances where they would be easily identifiable.

- Ensure that each and every disciplinary incident is counted and reflected in the data. Currently, this tool reports using a "one student: one incident" protocol. For example, a student who received eight suspensions in a school year would only be counted as one suspension in the tool. Further, the tool "rolls up" to the highest level of severity for an incident. For example, a student who received multiple suspensions, followed by a subsequent expulsion would only be counted as one expulsion in the tool. Every incident of exclusion from the classroom results in lost instructional time. This, in turn, has a significant influence on academic progress and school engagement. Counting each and every incident of exclusionary discipline is therefore critical to ensuring the accuracy and usefulness of these data in driving school improvement.

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[10] Oregon Department of Education, *Education Data Explorer*. Retrieved from: http://www.ode.state.or.us/apps/Navigation/Navigation.Web/default.aspx#/Discipline

[11] Efforts are currently underway to augment this data display by showing discipline in relation to demographic representation, and including comparison data from the previous year.

- Create enhanced ability for "intersectional" readings of various data. For example, users can currently select the *Race & Ethnicity Comparison* tab to view disciplinary incidents disaggregated by race ethnicity. The ability to view other characteristics (e.g., disability status, economic disadvantage, gender, English proficiency) in conjunction with race/ethnicity would make the tool even more useful.

Oregon Report Cards

- Track longitudinal data for discipline in the same manner that student academic performance is tracked. This will provide stakeholders with a quick "at-a-glance" perspective on whether a district is making progress in this area.
- Consider using the *number of days of lost instruction* as a metric (as opposed or in addition to raw number of suspensions/expulsions). Disaggregate this by race/ethnicity, disability status, economic disadvantage, gender, and English proficiency.[12]

FUNDING

Many districts in Oregon are poised to engage in this work, but lack the resources. School discipline policies and handbooks can be revised, but educators must be given concrete intervention tools, skills, and strategies to use as alternatives to exclusionary discipline in order to effect real change. If funds are made available, the Oregon Department of Education (ODE) can serve as a coordinator by entering into contracts with local entities to provide consultation and training services to school districts, and by issuing grant moneys via request for proposals to districts and nonprofit organizations that are ready and willing to engage in this work. This furthers the mission articulated in the Oregon Education Investment Board's *Equity Lens* document, which asks, "Who are the racial/ethnic and underserved groups affected? What is the potential impact of the resource allocation and strategic investment to these groups?"[13] Districts should also be encouraged to review their existing use of resources. In some cases, district funds can be leveraged or re-purposed for school discipline reform activities. It is important to note that full scale systemic change takes three to five years to be realized. Funding protocols should be developed with this in mind. They should also contain robust mechanisms for evaluating impact and outcome. Because the school-to-prison pipeline crosses multiple sectors, a collective approach is critical.[14] This calls for leaders to work creatively to employ braided and blended funding models to leverage existing resources,

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[12] It should be noted that this metric captures lost instruction due to out of school suspension. Instruction provided during in school suspension poses its own unique challenges in terms of monitoring.

[13] Supra, note 7; *see also* OAR 581-017-0010(1)(a).

[14] The Governor's Summit to Reduce Disproportionate Minority Contact in the Juvenile Justice System has adopted the *Collective Impact Model* as a framework for driving systemic change. *See* http://www.ode.state.or.us/search/page/?id=3933

and to seek external sources of funding which could include grants from the federal government, foundations, and even the private sector.

LEGISLATION

HB 2192 contains some important and much needed requirements. The following additions could strengthen the statute even further:

- Limit suspension or expulsion of students under 12 years of age, unless: 1) the student has intentionally inflicted serious physical injury upon another student or school employee; 2) the student has: a) made threatening gestures by word or conduct, and b) possesses the means to inflict serious physical injury upon a student or school employee; or 3) when required by law.

- Require school teams comprised of those most knowledgeable of the student's needs to meet and engage in reentry planning as soon as practicable for students under 12 years of age who have been suspended.

- Provide explicit definitions of suspension as follows:

  o Out of school less than three hours=half day suspension
  o Out of school three or more hours= full day suspension

- Appropriate funds to the Oregon Department of Education for the purpose of contracting and grant making with local organizations who are equipped to do work in this area.

POLICY

House Bill 2192[15] provides important policy guidance to address the school push out problem in Oregon schools. The statute places an affirmative obligation on each Oregon school district board to adopt/revise written policy on school discipline in several areas.[16] Moreover, the statute requires districts to develop student handbooks, codes of conduct, or other documents that align with the board policy.[17]

In fall of 2014, ODE issued a numbered memorandum to all school superintendents and special education directors that summarized the statutory requirements.[18] Local school boards and school district personnel will benefit from ongoing technical assistance in developing and revising policies, handbooks, and other materials that comply with the

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[15] ORS 339.250

[16] ORS 339.250 §§2; 4-9

[17] ORS 339.250§(3)

[18] Oregon Department of Education *Executive Numbered Memo 002-2014-15-House Bill 2192-School Discipline.* Retrieved from: http://www.ode.state.or.us/news/announcements/announcement.aspx?id=10122&typeid=4

statute. There are a number of useful tools from the national literature that can serve Oregon well. A few select documents are highlighted below:

Addressing the Out-of-School Suspension Crisis: A Policy Guide for School Board Members.[19]

In 2013, The National School Boards Association (NSBA), released this policy guide to assist boards in taking an active role in school discipline reform. The document is a culmination of the work of many organizations, and recommends 10 specific action steps boards can take to effect policy that reduces exclusionary discipline.

Model Discipline Policy[20]

A policy guide released by the Advancement Project. The guide is based on actual policies from several districts across the nation that have led the movement for school discipline reform: Denver Public Schools, Baltimore City Public Schools, Los Angeles Unified Public Schools, San Francisco Unified School District, New Orleans Recovery School District, & Chicago Public Schools. A companion document, *Key Components of a Model Discipline Policy* identifies 10 elements of successful school discipline policies, and provides real life examples taken directly from exemplar district policies.

School Discipline and Academic Success: Related Parts of Maryland's Education Reform[21]

In 2009 The Maryland Board of Education began an extensive study of school pushout in the state. In 2012, the board issued a comprehensive report, which outlined the results of its study, and its plan for reform.

The Maryland Guidelines for a State Code of Discipline[22]

The Maryland Board of Education convened a working group of district representatives and other stakeholders from across Maryland to revise state guidelines, the purpose of which was to provide a framework for Maryland local school systems to use in establishing local codes of conduct and in developing new discipline-related policies. The document lays out eight philosophical principles for safe and healthy school

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[19] National School Boards Association. (2013). *Addressing the out-of-school suspension crisis: A policy guide for school board members.* Retrieved from: http://www.nsba.org/out-school-suspension-policy-guide.

[20] Advancement Project. (2013). *Model school discipline policy.* Retrieved from: http://safequalityschools.org/resources/P20.

[21] Maryland State Board of Education. (2012). *School discipline and academic success: Related parts of Maryland's education reform.* Retrieved from: http://www.marylandpublicschools.org/msde/divisions/studentschoolsvcs/student_services_alt/student_discipline.htmlhttp://marylandpublicschools.org/msde/stateboard/Student+Discipline+and+Long+Term+Suspensions.html

[22] Maryland State Board of Education (2012). *The Maryland guidelines for a state code of discipline.* Retrieved from: *http://www.marylandpublicschools.org/msde/divisions/studentschoolsvcs/student_services_alt/student_discipline.html.*

climates, defines expectations for all stakeholders, and creates a model tiered, five-level discipline system that matches level of infraction with the recommended response.

Eliminating Excessive and Unfair Exclusionary Discipline in Schools: Policy Recommendations for Reducing Disparities[23]

The Discipline Disparities Research to Practice Collaborative, a group of 26 nationally known researchers, educators, advocates, and policy analysts spent three years conducting a series of stakeholder meetings to support a policy agenda for reform, and to increase the availability of interventions available to the field. In 2014, the collaborative released three papers that focus respectively on policy, practice, and new research. This policy brief offers policy recommendations based on best practices around the nation.

PRACTICE

There are a variety of tools and resources for school behavior management practices that offer more productive alternatives to exclusionary discipline. The literature on this topic is extensive, and an exhaustive list of practices is beyond the scope of this brief. However, included below are highlights of useful frameworks and interventions that are being employed around the nation.

Guiding Principles: A Resource guide for Improving School Climate and Discipline[24]

U.S. Department of Education Guidance document which draws from emerging research and best practices to describe three key principles and related action steps that can help guide state- and locally controlled efforts to improve school climate and school discipline.

School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged and Out of the Juvenile Justice System.[25]

The Council of State Governments Justice Center prepared this report under a grant from the U.S. Department of Justice. The report provides in depth best practice information on conditions for learning, targeted behavioral interventions, school-police partnerships, courts and juvenile justice, information sharing, and data collection.

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[23] Losen, D, Hewitt, D., & Toldson, I., (2014). *Eliminating excessive and unfair exclusionary discipline in schools: Policy recommendations for reducing disparities. Bloomington, IN: The Equity Project at Indiana University.* Retrieved from http://rtpcollaborative.indiana.edu/briefing-papers/

[24] U.S. Department of Education. (2014). *Guiding principles: A resource guide for improving school climate and discipline,* Washington, D.C.: Author.

[25] Morgan, E., Salomon, N., Plotkin, M., and Cohen, R., (2014). *The school discipline consensus report: Strategies from the field to keep students engaged in school and out of the juvenile justice system.* New York: The Council of State Governments Justice Center, 2014.

A Model Code on Education & Dignity: Presenting a Human Rights Framework for Schools[26]

The Dignity in Schools Model Code addresses school discipline through a human rights framework. The Code was developed with extensive input from families, students, community members, researchers, advocates, and practitioners across eight different states. It is organized into the following general topical areas: 1) Education; 2) Participation; 3) Dignity; 4) Freedom from Discrimination; 5) Data, Monitoring, & Accountability. Chapter three offers in depth discussion on two models for preventive and positive discipline: school-wide positive behavior interventions and supports, and restorative practices.

How Educators Can Eradicate Disparities in School Discipline: A Briefing Paper on School-Based Interventions.[27]

The Discipline Disparities Research to Practice Collaborative, a group of 26 nationally known researchers, educators, advocates, and policy analysts spent three years conducting a series of stakeholder meetings to support a policy agenda for reform, and to increase the availability of interventions available to the field. In 2014, the collaborative released three papers that focus respectively on policy, practice, and new research. This brief focuses on specific intervention strategies that districts and schools can employ to reduce exclusionary discipline. This report includes an in-depth annotated bibliography on the latest research on alternative discipline interventions and strategies including information on student-teacher relationships, implicit bias reduction, and addressing sexual orientation, income level, and gender inequities.[28]

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[26] Dignity in Schools Campaign. (2012). *A model code on education & dignity: Presenting a human rights framework for schools.* Retrieved from: http://www.dignityinschools.org/our-work/model-school-code.

[27] Gregory, A., Bell, J., & Pollock, M., (2014). *How educators can eradicate disparities in school discipline: A briefing paper on school-based interventions.* Bloomington, IN: The Equity Project at Indiana University. Retrieved from: http://rtpcollaborative.indiana.edu/briefing-papers/

[28] Williams, N., Arredondo, M. (2013). *Alternative discipline interventions and strategies.* Retrieved from: http://www.indiana.edu/~atlantic/annotated-bibliographies/