School Discipline
Policy and Proactive Approaches to Support Positive Behavior

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Vision

All students prepared for post-secondary pathways, careers, and civic engagement.

Mission

Transform K–12 education to a system that is centered on closing opportunity gaps and is characterized by high expectations for all students and educators. We achieve this by developing equity-based policies and supports that empower educators, families, and communities.

Values

- Ensuring Equity
- Collaboration and Service
- Achieving Excellence through Continuous Improvement
- Focus on the Whole Child

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Equity Statement

Each student, family, and community possesses strengths and cultural knowledge that benefits their peers, educators, and schools.

Ensuring educational equity:

- Goes beyond equality; it requires education leaders to examine the ways current policies and practices result in disparate outcomes for our students of color, students living in poverty, students receiving special education and English Learner services, students who identify as LGBTQ+, and highly mobile student populations.

- Requires education leaders to develop an understanding of historical contexts; engage students, families, and community representatives as partners in decision-making; and actively dismantle systemic barriers, replacing them with policies and practices that ensure all students have access to the instruction and support they need to succeed in our schools.

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Learning Objectives

Participants will learn about:

- The legal, social, and health context for changes to school discipline and restraint/isolation policies and procedures
- How adult behavior influences student behavior and systemic approaches to improving conditions for learning
- Prevention/intervention approaches to the crisis cycle, and emergency circumstances
- Due process procedures and equitable approaches to reduce racially disproportionate outcomes in decision-making processes
- Restorative, trauma-informed, collaborative approaches to foster positive relationships and improve school culture

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Legal Disclaimer

These materials constitute OSPI's interpretation of various state laws and are provided to support school districts' understanding of their obligations under these laws. The information in these materials is subject to change based on future legal and policy changes. Before taking action based on the information in these materials, please review state and federal laws and regulations or consult with legal counsel familiar with your particular circumstances. These materials are intended for informational purposes only and do not constitute legal advice.
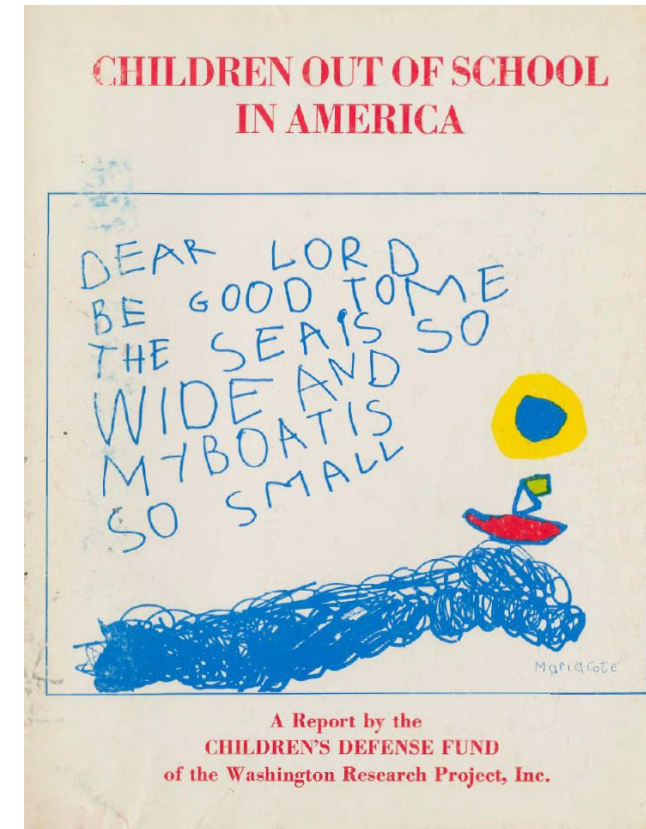
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Policy Background and Context

"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."

(Children's Defense Fund, 1974)

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.
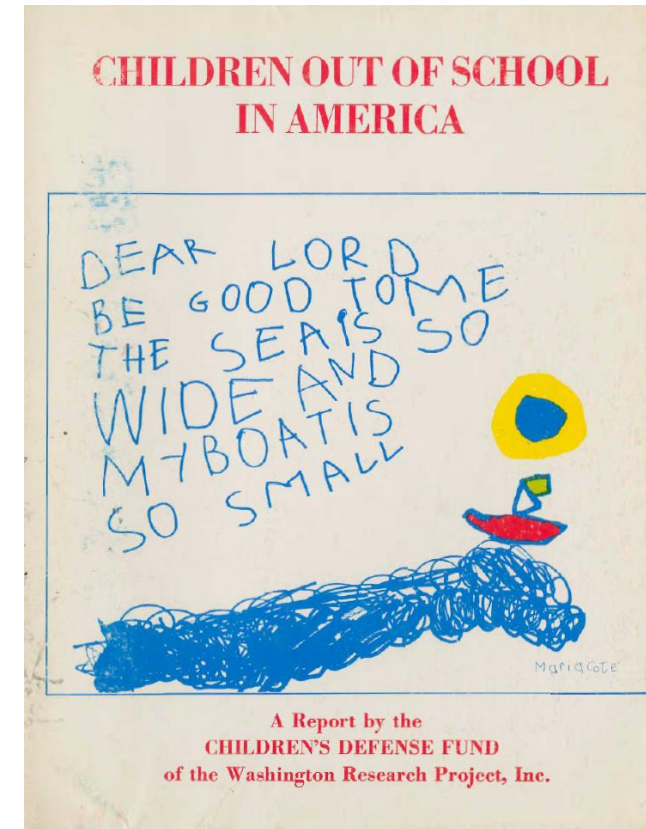
(Children's Defense Fund, 1974)

1960s–1970s Federal Laws

- Civil Rights Act of 1964

- Elementary and Secondary Education Act of 1965

- Education Amendments of 1972 (Title IX)

- Rehabilitation Act of 1973 (Section 504)

- *Goss v. Lopez* (1975)

- Individuals with Disabilities Education Act*

* Enacted as the Education for All Handicapped Children Act in 1975. Amended and renamed the Individuals with Disabilities Education Act in 1990.

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Constitutional Framework: Due Process Clause

Goss v. Lopez (1975) is a seminal Supreme Court decision establishing that students facing a suspension from school have a right to notice and hearing under the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.

The Fourteenth Amendment forbids a state from depriving any person of life, liberty, or property, without due process of law.

"Neither the **property interest** in educational benefits temporarily denied nor the **liberty interest** in reputation, which is also implicated, is so insubstantial that suspensions may constitutionally be imposed by any procedure the school chooses, no matter how arbitrary." *Goss v. Lopez*, 419 U.S. 565 at 576.

Constitutional Framework: Due Process Interests

- Property Interest: "Among other things, the State is constrained to recognize a student's legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause." *Goss v. Lopez*, 419 U.S. 565 at 574.

- Liberty Interest: "If sustained and recorded, those charges could seriously damage the students' standing with their fellow pupils and their teachers as well as interfere with later opportunities for higher education and employment. It is apparent that the claimed right of the State to determine unilaterally and without process whether that misconduct has occurred immediately collides with the requirements of the Constitution." *Goss v. Lopez*, 419 U.S. 565 at 575.

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Constitutional Framework:
Due Process Procedures

"Students facing temporary suspension have interests qualifying for protection of the Due Process Clause, and due process requires, in connection with a suspension of 10 days or less, that the student be given…"

- oral or written notice of the charges

- an explanation of the evidence

- an opportunity for the student to present their side of the story

"The Clause requires at least these rudimentary precautions against unfair or mistaken findings of misconduct and arbitrary exclusion from school." *Goss v. Lopez*, 419 U.S. 565 at 581.

"There need be no delay between the time "notice" is given and the time of the hearing. In the great majority of cases the disciplinarian may informally discuss the alleged misconduct with the student minutes after it has occurred." *Goss v. Lopez*, 419 U.S. 565 at 582.

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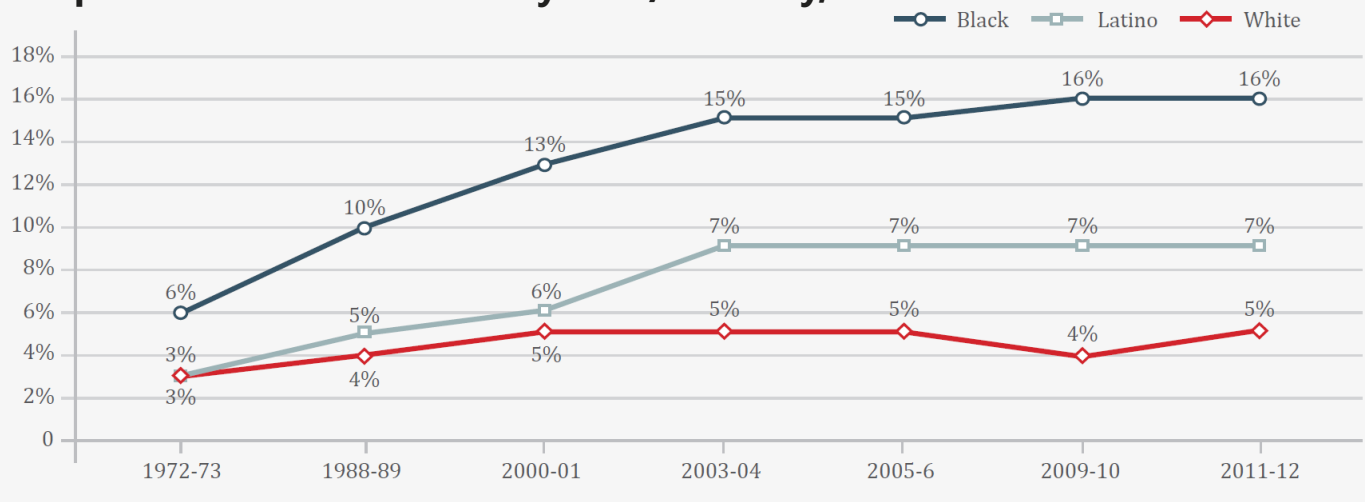**PUBLIC INSTRUCTION**

1980s–1990s Federal Laws

- Anti-Drug Abuse Act of 1986

- Anti-Drug Abuse Act of 1988

- Gun-Free Schools Act of 1994

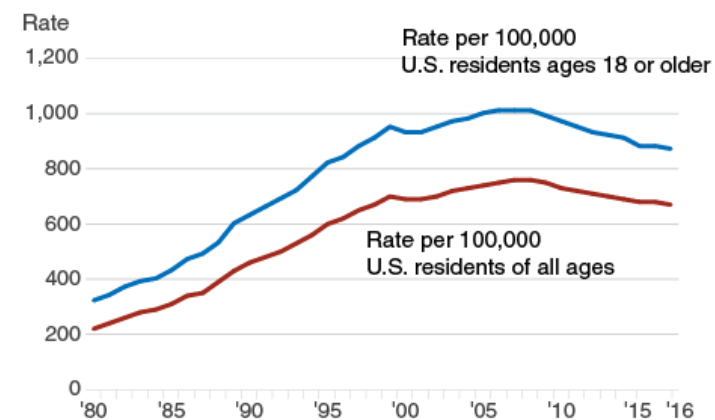- Violent Crime Control and Law Enforcement Act of 1994

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The School-to-Prison Pipeline

Suspension Rates over Time by Race/Ethnicity, K–12

Legend: Black — Latino — White

	1972-73	1988-89	2000-01	2003-04	2005-6	2009-10	2011-12
Black	6%	10%	13%	15%	15%	16%	16%
Latino	3%	5%	6%	7%	7%	7%	7%
White	3%	4%	5%	5%	5%	4%	5%

(Losen, et al., 2015, pg. 5)

Incarceration rate, 1980–2016

Rate per 100,000 U.S. residents ages 18 or older

Rate per 100,000 U.S. residents of all ages

Source: Bureau of Justice Statistics, Annual Survey of Jails, Census of Jail Inmates, and National Prisoner Statistics Program, 1980–2016; and U.S. Census Bureau, postcensal estimated resident population for January 1 of the following year, 1981–2017.

Bureau of Justice Statistics, Incarceration rate, 1980–2016 on the Internet at www.bjs.gov (visited 01/24/2019).

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The School-to-Prison Pipeline

Nationally, Black or African-American students make up 15% of the student population but are 31% of the students referred to law enforcement or subjected to school related arrests

Male Black or African-American students make up 8% of student enrollment but are 23% of the students receiving an expulsion.

(U.S. Department of Education, Office of Civil Rights, Civil Rights Data Collection 2015-16)
https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf

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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.
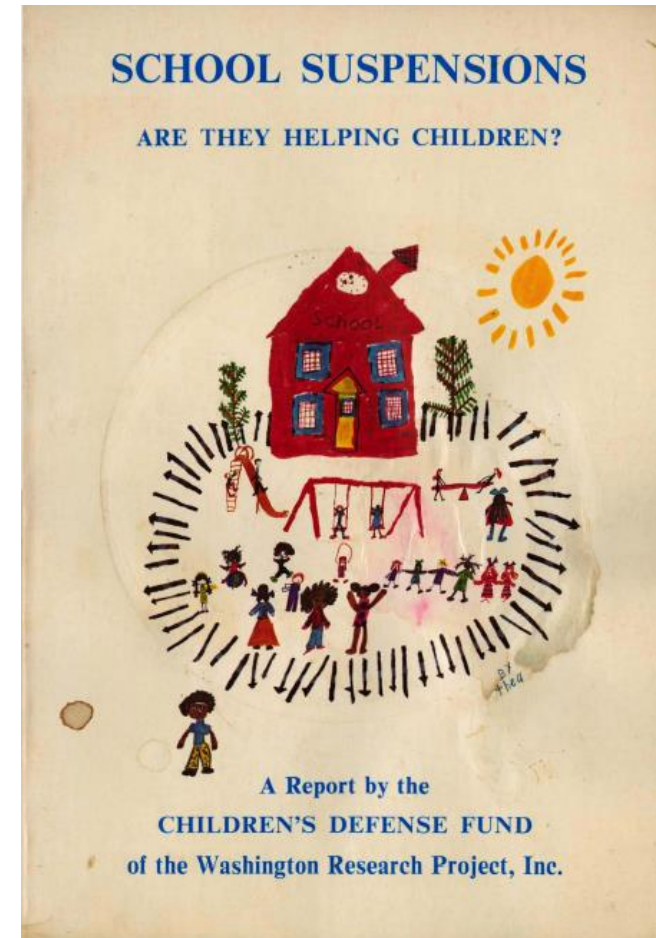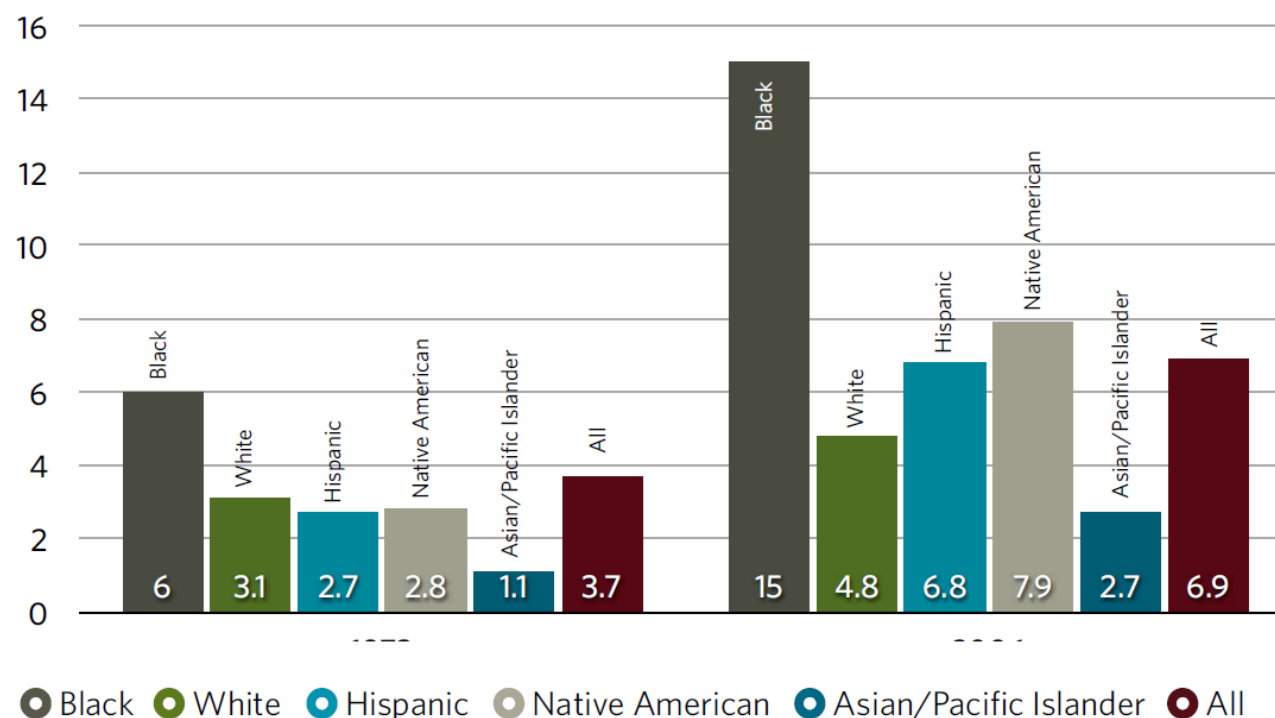

(Children's Defense Fund, 1975)

National Discipline Data

FIGURE 1 Increasing Risk For Suspension by Race 1973, 2006

(Losen, & Skiba, 2010)

School Discipline Policy: Zero Tolerance Approaches

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, Toumbourou, Herrenkohl, McMorris, & Catalano, 2006)

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

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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)

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School 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.
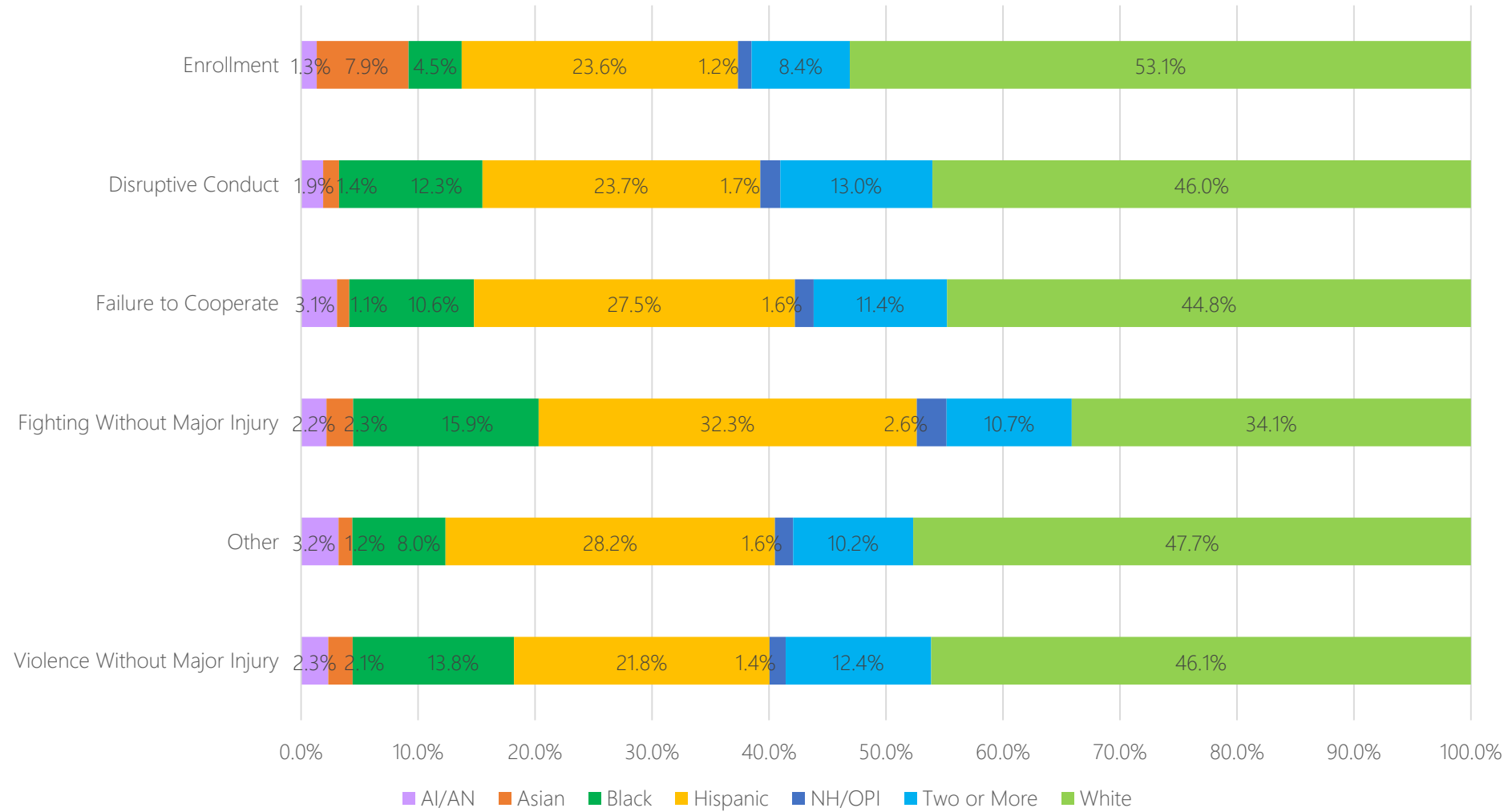
A statewide study in Texas found that:

- When a student was suspended or expelled, his or her likelihood of being involved in the juvenile justice system the subsequent year increased significantly.

- Suspension and expulsion rates among schools—even those schools with similar student compositions and campus characteristics—varied significantly.
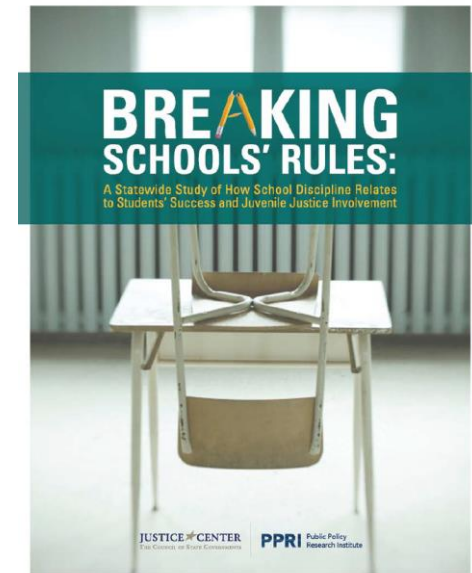
(Fabelo, et al., 2011)

WA 2018-19 Percentage Distribution of Total Out-of-School Exclusions (SS,LS,EX,EE) by Race/Ethnicity & Minor/Subjective Behavior Types

Behavior Type	AI/AN	Asian	Black	Hispanic	NH/OPI	Two or More	White
Enrollment	1.3%	7.9%	4.5%	23.6%	1.2%	8.4%	53.1%
Disruptive Conduct	1.9%	1.4%	12.3%	23.7%	1.7%	13.0%	46.0%
Failure to Cooperate	3.1%	1.1%	10.6%	27.5%	1.6%	11.4%	44.8%
Fighting Without Major Injury	2.2%	2.3%	15.9%	32.3%	2.6%	10.7%	34.1%
Other	3.2%	1.2%	8.0%	28.2%	1.6%	10.2%	47.7%
Violence Without Major Injury	2.3%	2.1%	13.8%	21.8%	1.4%	12.4%	46.1%

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Outcomes of Exclusionary Discipline

- Worse academic performance
- Lower levels of school engagement
- Greater chance of leaving school before graduating
- Increased likelihood of future involvement with the criminal justice system
- Higher levels of school violence and antisocial behavior
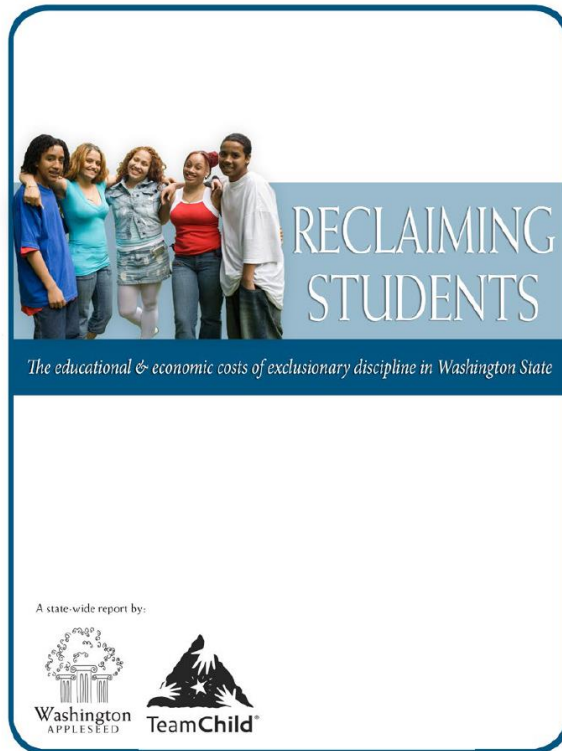
(Jones, et al, 2018)

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Creating Safe & Inclusive Learning Environments

- Replace zero-tolerance policies and the use of suspensions and expulsions for low level offenses with strategies that teach students social-emotional skills.

- Provide targeted support for educators to develop skills that foster caring teacher student relationships and commitment and bonding to school.

- Provide training on implicit bias & asset-based youth development for all teachers & administrators, school resource officers, police, juvenile court judges, & others dealing with youth.

- Develop and implement model school discipline policy and agreements that clarify when educator discipline versus law enforcement discipline is warranted, (e.g. CBA or MOU)

- Consider ways to prevent negative consequences when designing and implementing policies that increase law enforcement presence in schools.

- Create relationship-centered schools that support strong family and community engagement.

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(Cardichon & Darling-Hammond, 2019)

2012 Washington 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.
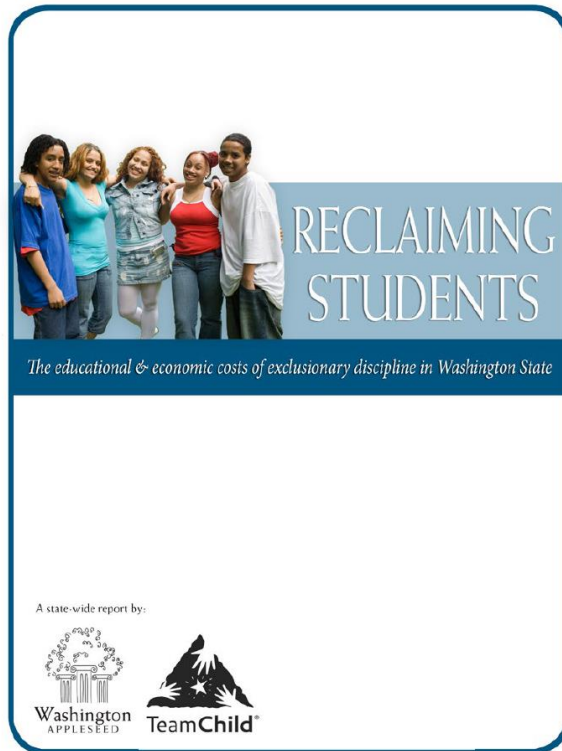
RECLAIMING STUDENTS

The educational & economic costs of exclusionary discipline in Washington State

A state-wide report by:

Washington APPLESEED   TeamChild®

(Mosehauer, McGrath, Nist, & Pilar, 2012)

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2012 Washington Report: Recommendations

RECLAIMING STUDENTS

The educational & economic costs of exclusionary discipline in Washington State

A state-wide report by:

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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, McGrath, Nist, & Pilar, 2012)

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School Discipline: Washington Laws

2013 ESSB 5946
- ✓ Time limits and due process
- ✓ Student discipline task force
- ✓ Discipline data collection
- ✓ Behavior menu of best practices

2016 4SHB 1541
- ✓ Exclusion limitations
- ✓ Educational services
- ✓ Educator cultural competency
- ✓ WA integrated student supports protocol

WASHINGTON STATE LEGISLATURE

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Restraint and Isolation: Washington Laws

2013 ESSB 1688
- ✓ Defined restraint, isolation, and restraint device
- ✓ Reporting and procedures limited to IEP and 504

2015 SHB 1240
- ✓ Definitions amended to emphasize positive supports and provide clarity
- ✓ Procedures amended to apply to all students
- ✓ Limited use to behavior that poses an imminent likelihood of serious harm
- ✓ Districts required to report data to OSPI
- ✓ OSPI required to publish data
- ✓ OSPI authorized to investigate district efforts to reduce use

WASHINGTON STATE LEGISLATURE

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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

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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."
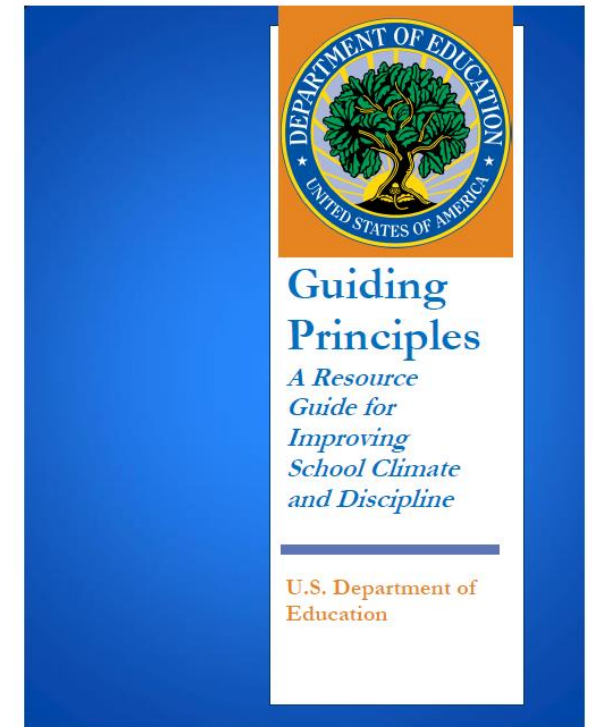
MANDATORY REPORTING ≠ MANDATORY CONSEQUENCES

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School Discipline 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.

Guiding Principles
A Resource Guide for Improving School Climate and Discipline

U.S. Department of Education

(U.S. Department of Education, 2014)

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School Discipline 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"
- "the use of aversive behavioral interventions that compromise student health and safety"

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."

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Discipline Policy Changes: 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.

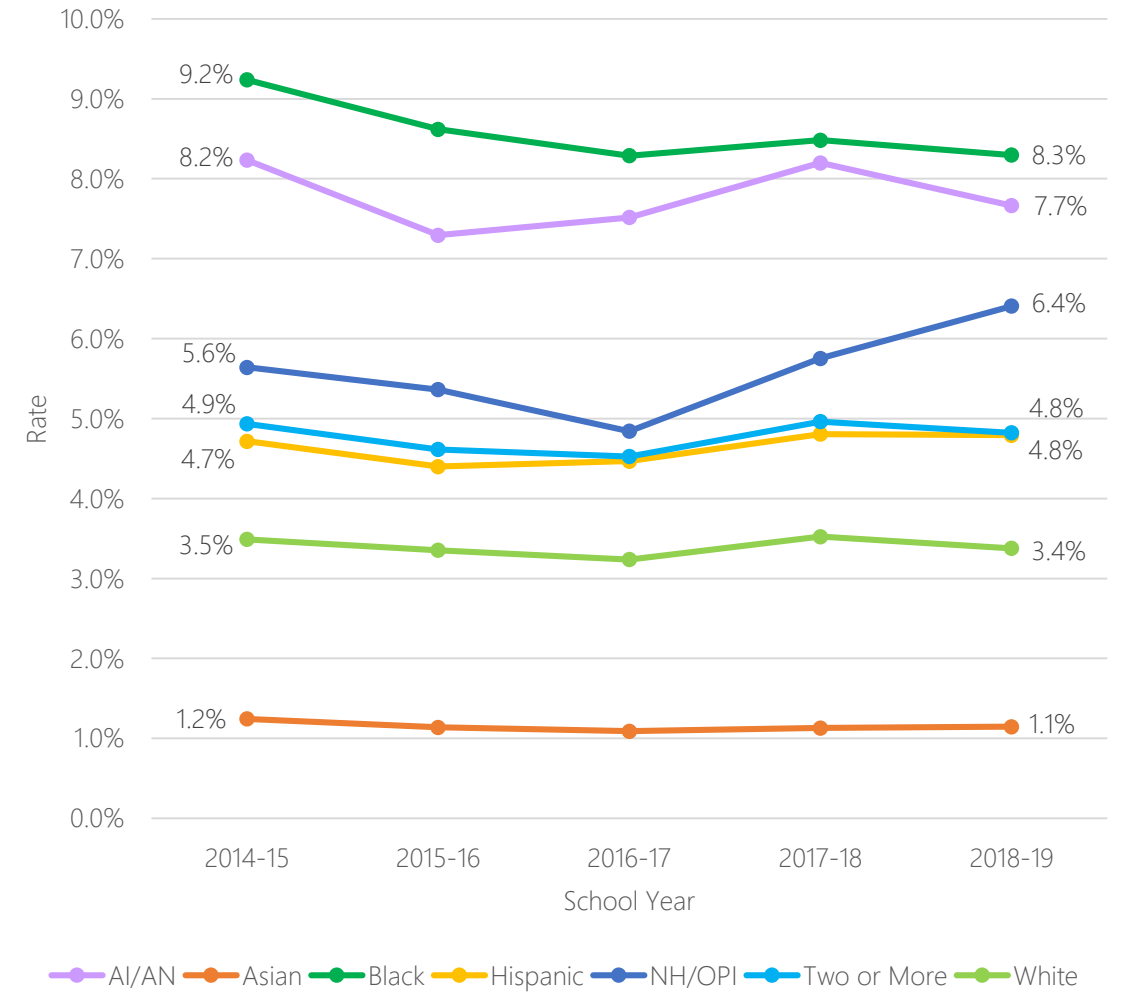3) **Reduce disparities** in the administration of student discipline.

WA Long-term Suspension and Expulsion Rates
(All Students)
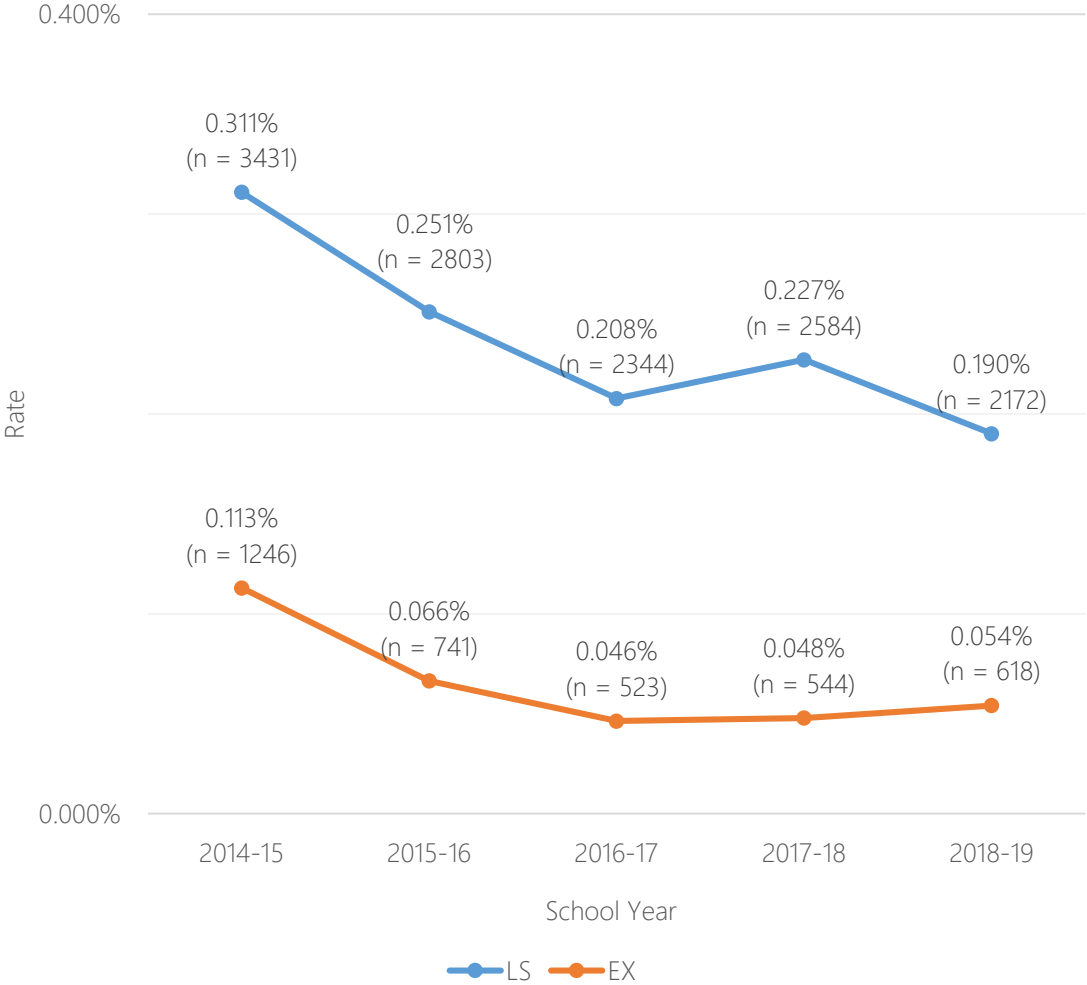
WA Out-of-School (SS,LS,EX,EE) Discipline Rate (All Students)

WA Out-of-School (SS,LS,EX,EE) Discipline Rate by Race/Ethnicity

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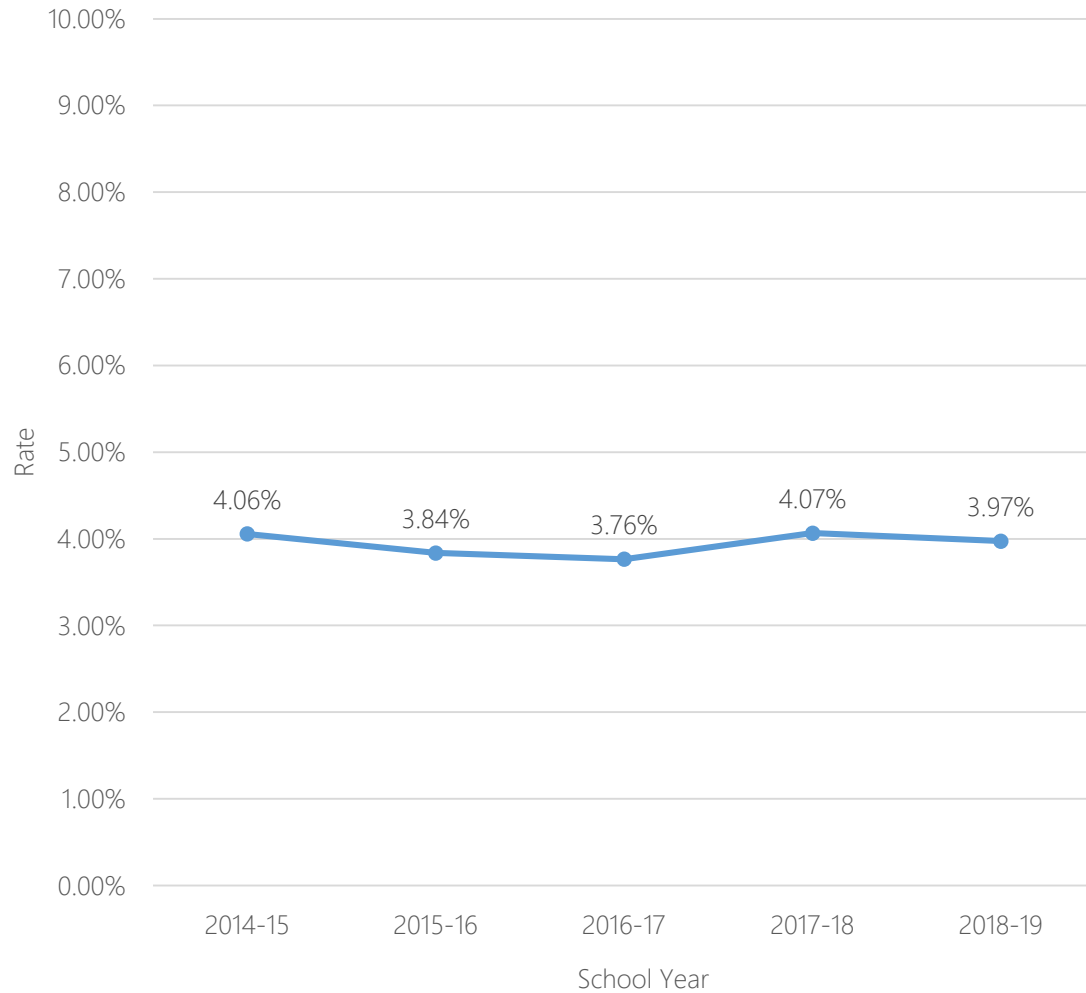
Managing Adult Responses to Student Behavior

5 Years After: The Post-Katrina Impact on Children

Children displaced by Katrina were 4.5 times more likely to have symptoms consistent with serious emotional disturbance (SED)

45% of parents that said their children were experiencing emotional or psychological problems that they did not have prior to Katrina.

52% of parents who thought their children needed professional help for these problems, but did not receive it.

Emotional, Behavioral, and Cognitive Symptoms of Stress

Affective/Emotional	Behavioral/Physical	Cognitive
Depression	Shaking/tremor	Intrusive thoughts
Agitation	Shortness of breath	Reliving past trauma
Fear	Restlessness	Confusion
Anger	Change in sleep	Decreased attention/concentration
Shock	Withdrawal	Hypervigilance
Denail	Headache	Uncertainty

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The Human Impact of Natural Disasters, Mark Norman, 2003

Children and Adolescent Reactions to Stress/Trauma

Young Children (Up to 6)	Older Children (6-10)	Adolescents (11+)
A sense of helplessness	Preoccupied talking about the event	A sense that the world is less safe
Fear	Diminished concentration	High-risk behaviors
Irritability	Sadness	Social anxiety
Seeking affection/Being clingy	Fear of recurrence	Feelings of being overwhelmed

Why Do Students Misbehave?

BIOLOGICAL	FAMILY/COMMUNITY
• Physical Health Problems	• Social/Human Problems
CLINCIAL/MENTAL HEALTH	**SCHOOL**
• Diagnosis/Pathology	• Problems caused by school environment & school culture

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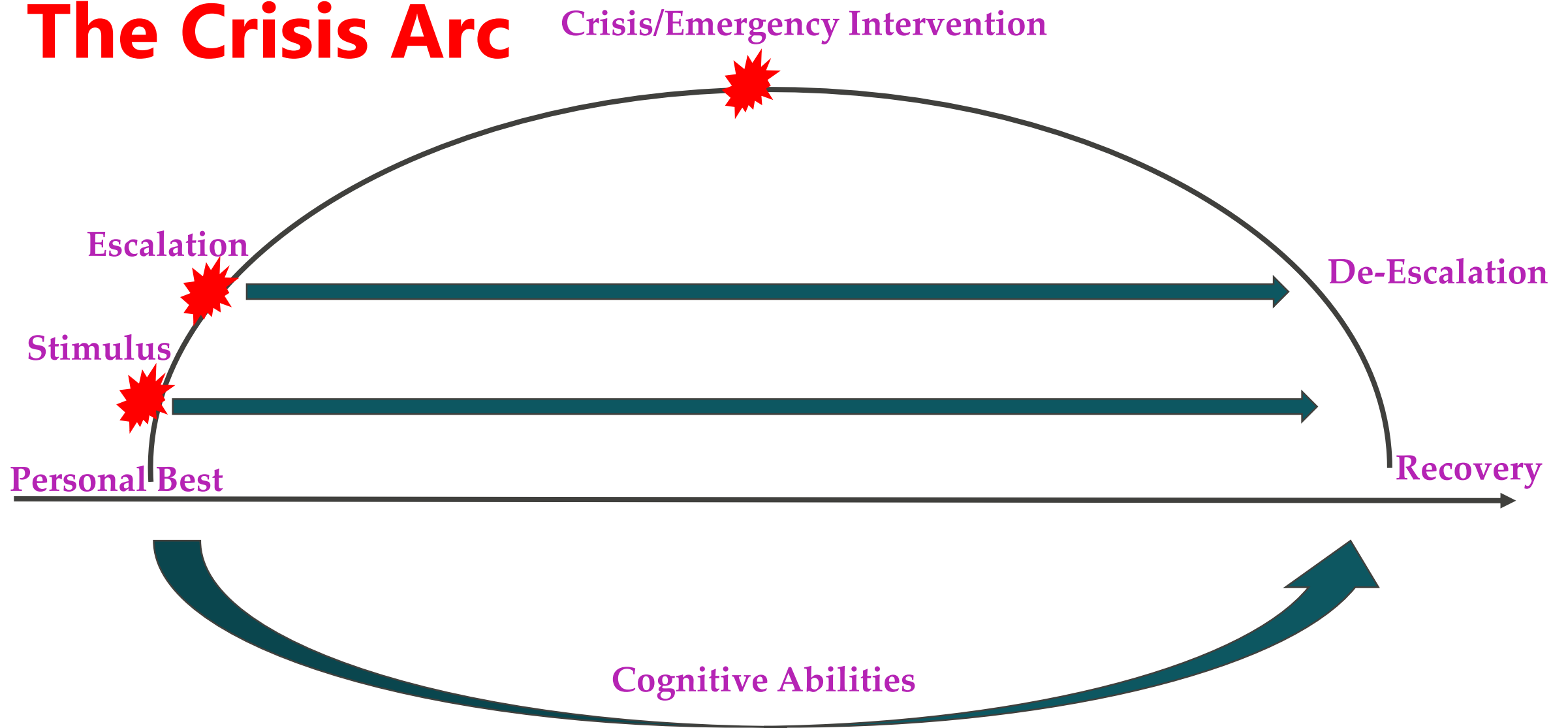
We've been having this conversation for way too long

- Obsolete assumptions about disruptive behavior need to be debunked. There's no such thing as a naturally disruptive child. Common causes of disruption:
  - Boredom resulting from dull subjects, bad teaching and crowded classrooms.
  - Frustration of eager and learning-oriented children who are unable to get quick answers to their questions.
  - Healthy reactions to unfair treatment by adults.
  - A feeling of hopelessness when the child is unable to perform a task he thought he could master.
  - Spillover from excitement or frustration related to preceding class or events such as gym or a long exam.
- Parents and teachers must try to control it, but they will have to learn to live with it. Expelling or temporarily excluding the child will not solve the problem. It cannot be assumed that good teaching or strict discipline can solve the problem.
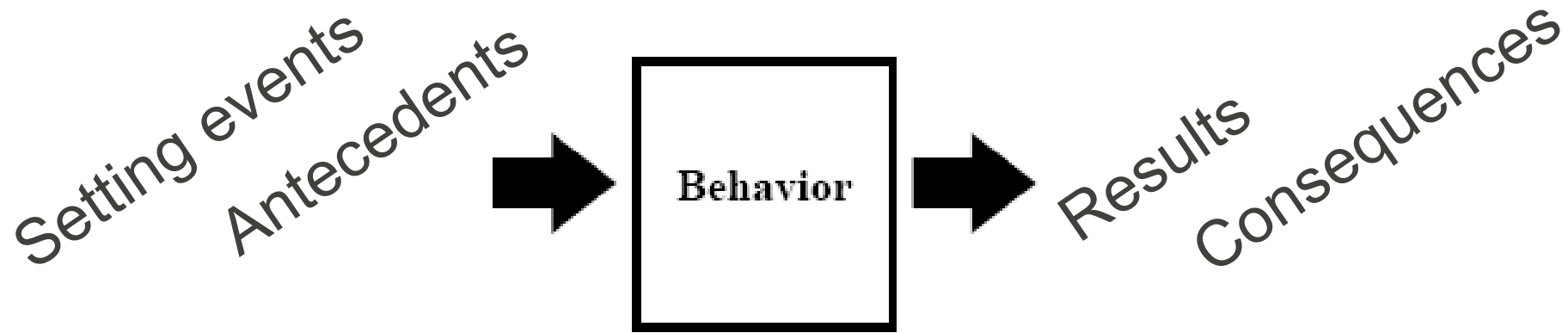
—Fritz Redl, 1975

(Redl, 1975)

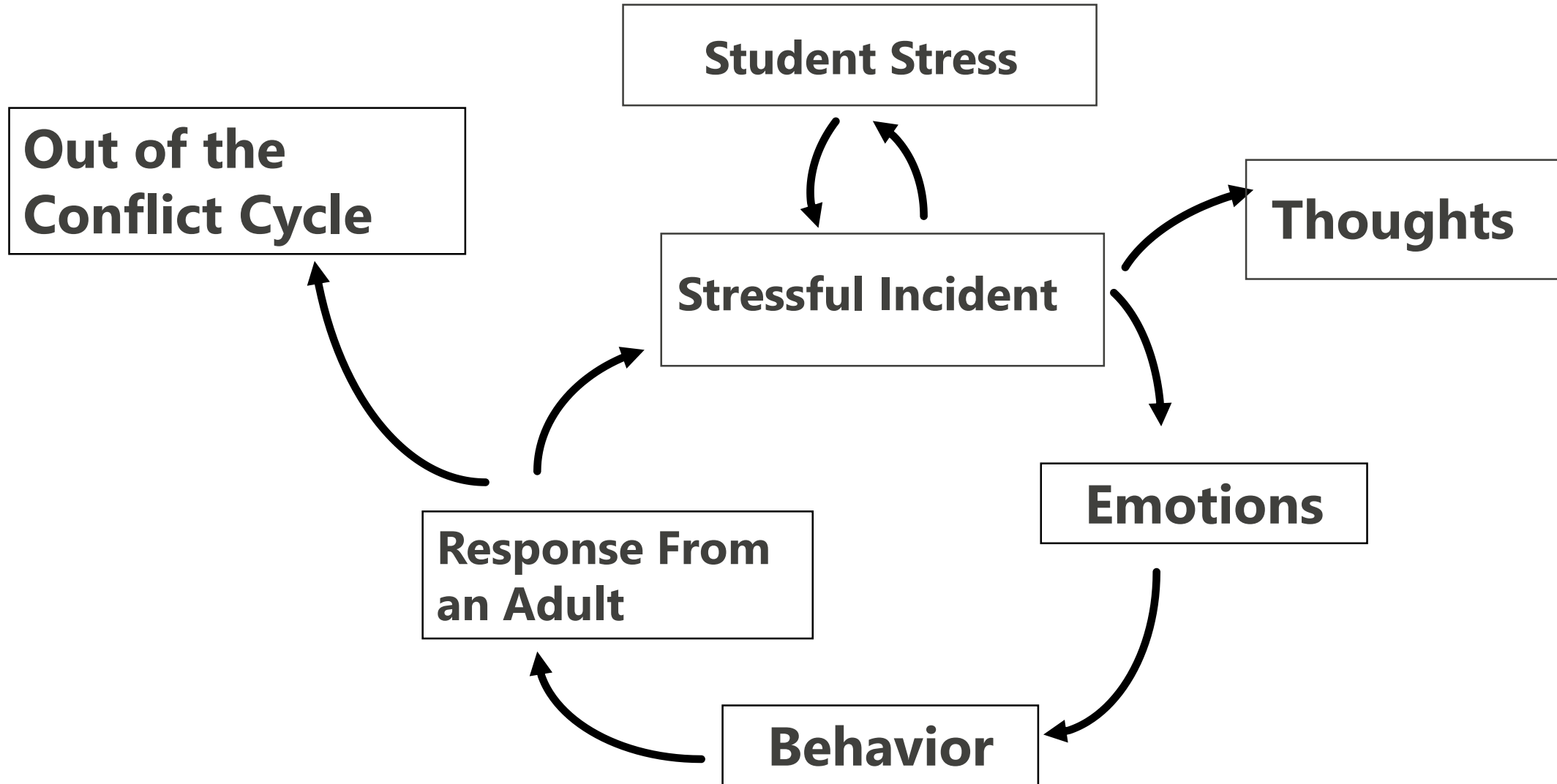Washington Office of Superintendent of
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The Crisis Arc

Crisis/Emergency Intervention

Escalation

De-Escalation

Stimulus

Personal Best

Recovery

Cognitive Abilities

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Behavior Chain

Setting events
Antecedents

➡️

Behavior

➡️

Results
Consequences

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The Repetitive Cycle

Student Stress

Stressful Incident

Thoughts

Emotions

Behavior

Response From an Adult

Out of the Conflict Cycle

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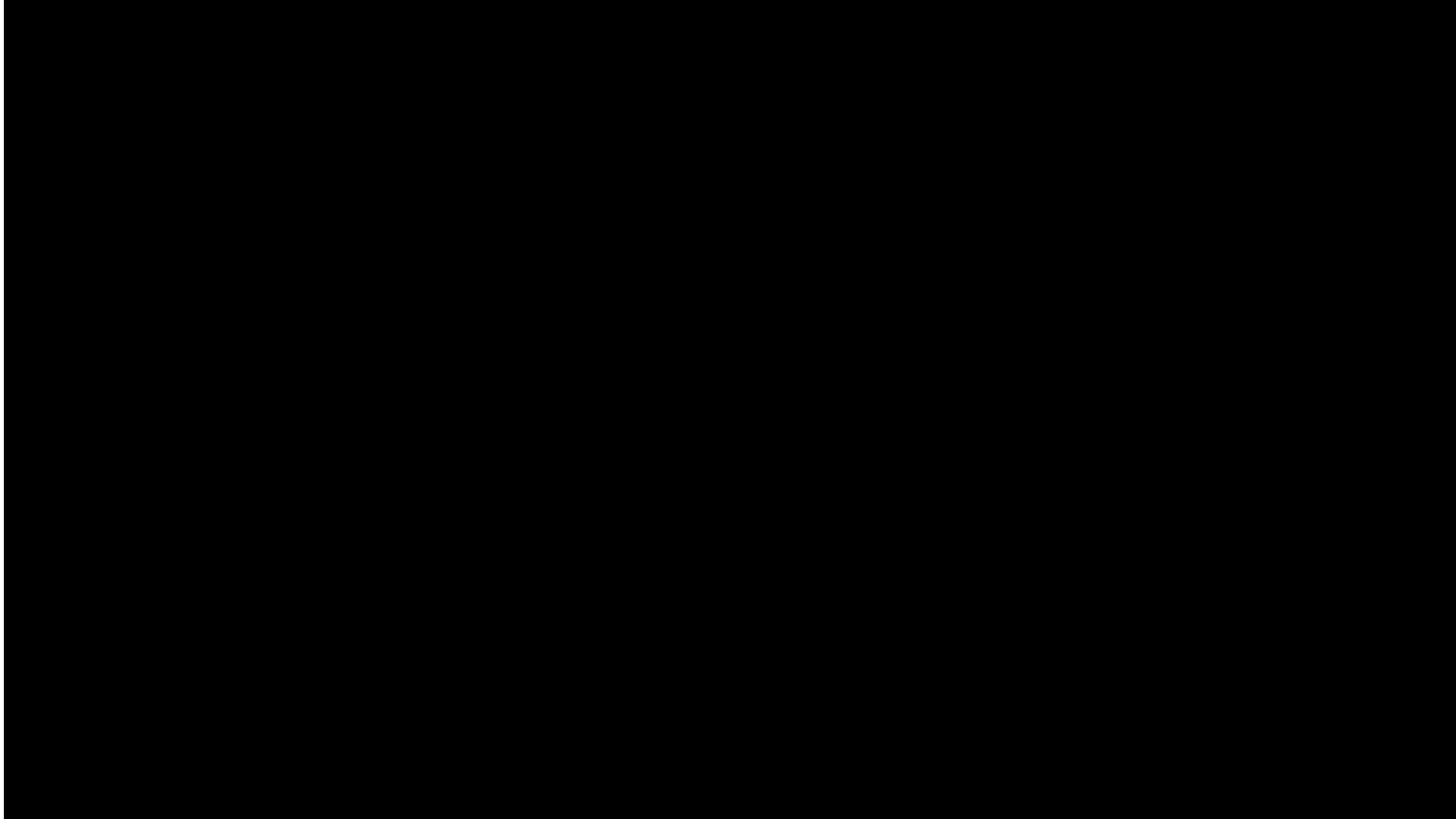(Knoster and Lapos, 1993)

Boston 24/7

Positive Behavior Support in Virtual Environments

- **Prioritize video conferencing**
  - Over audio, packets, etc.

- **Engage Parents**
  - Make sure parents understand the expectations for virtual schooling. Don't just call them to report misbehavior. Send positive notes home.

- **Provide students with behavioral feedback**
  - Make use of virtual tools that provide students with immediate behavioral feedback and reinforcement. In lieu of a purchased system, in the short term, you can simply use a spreadsheet to log the information suggested below.

Positive Behavior Support in Virtual Environments

- **Establish virtual-classroom expectations**
  Set clear and concrete expectations for your students, just as you would in a regular face-to-face classroom**. You will need to teach these expectations.** Consider sharing video clips of students engaging in appropriate virtual learning behaviors. Examples of expectations that require clear guidelines are:
  - Signing in on time for virtual class
  - Checking in at designated times
  - Attending office hours
  - Creating an appropriate home workspace
  - Logging study times
  - Participating appropriately in a virtual classroom
  - Collaborating with parents

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Positive Behavior Support in Virtual Environments

- **Foster Equity in Consequences and Accountability**
  - Students need to be aware of the positive and negative consequences of their virtual actions. Create a program that is equitable for **all** students, regardless of their home environment and resources. Keep in mind that while some students may be receiving a great deal of support others are not. Same with access to technology and other purchased items.

- **Reinforce expectations**
  - Consider establishing a token economy. Again, this can be done with something as simple as Google sheets or an Excel doc. Consider putting some longer-term rewards in place for when students return to the classroom. Be prepared to provide more social reinforcement than you typically would in the regular classroom to keep students positively engaged, especially during the first weeks of school.

Discipline Policies and Institutional Decision-Making

Research-Based Framework: Equity in School Discipline

Framework for Increasing Equity in School Discipline	
Prevention	1. Supportive Relationships 2. Bias-Aware Classrooms and Respectful School Environments 3. Academic Rigor 4. Culturally Relevant and Responsive Teaching 5. Opportunities for Learning and Correcting Behavior
Intervention	6. Data-Based Inquiry for Equity 7. Problem-Solving Approaches to Discipline 8. Inclusion of Student and Family Voice on Conflicts' Causes and Solutions 9. Reintegration of Students after Conflict or Absence
Prevention *and* Intervention	10. Multi-tiered System of Supports

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(Gregory, Skiba, & Mediratta, 2017, p. 255)

The Opportunity Gap

Discipline Gap

Achievement Gap

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(Gregory, Skiba, & Noguera, 2010; Morris & Perry, 2016; Pearman, Curran, Fisher, & Gardella, 2019)

Classroom Decision-Making

Differential Selection

"School discipline processes generally begin with an office referral, most often made by a classroom teacher." (Anyon, et al., 2014, p. 380)

- Disparities in discipline begin at the classroom level

- Primarily minor and subjective categories (e.g. defiance and disrespect), instead of major and objective categories (e.g. firearms possession)

- Racial/ethnic disparities persist even when accounting for student characteristics that include family income and likelihood of misbehavior

(Anyon, et al., 2014; Gregory, Skiba, & Noguera, 2010)

Choice Point

". . .the initial referral of a student to the principal's office for misconduct is a decision point that can raise concerns, to the extent that it entails the subjective exercise of unguided discretion in which racial biases or stereotypes may be manifested."

(U.S. Department of Justice and Education, Office of Civil Rights, 2014)
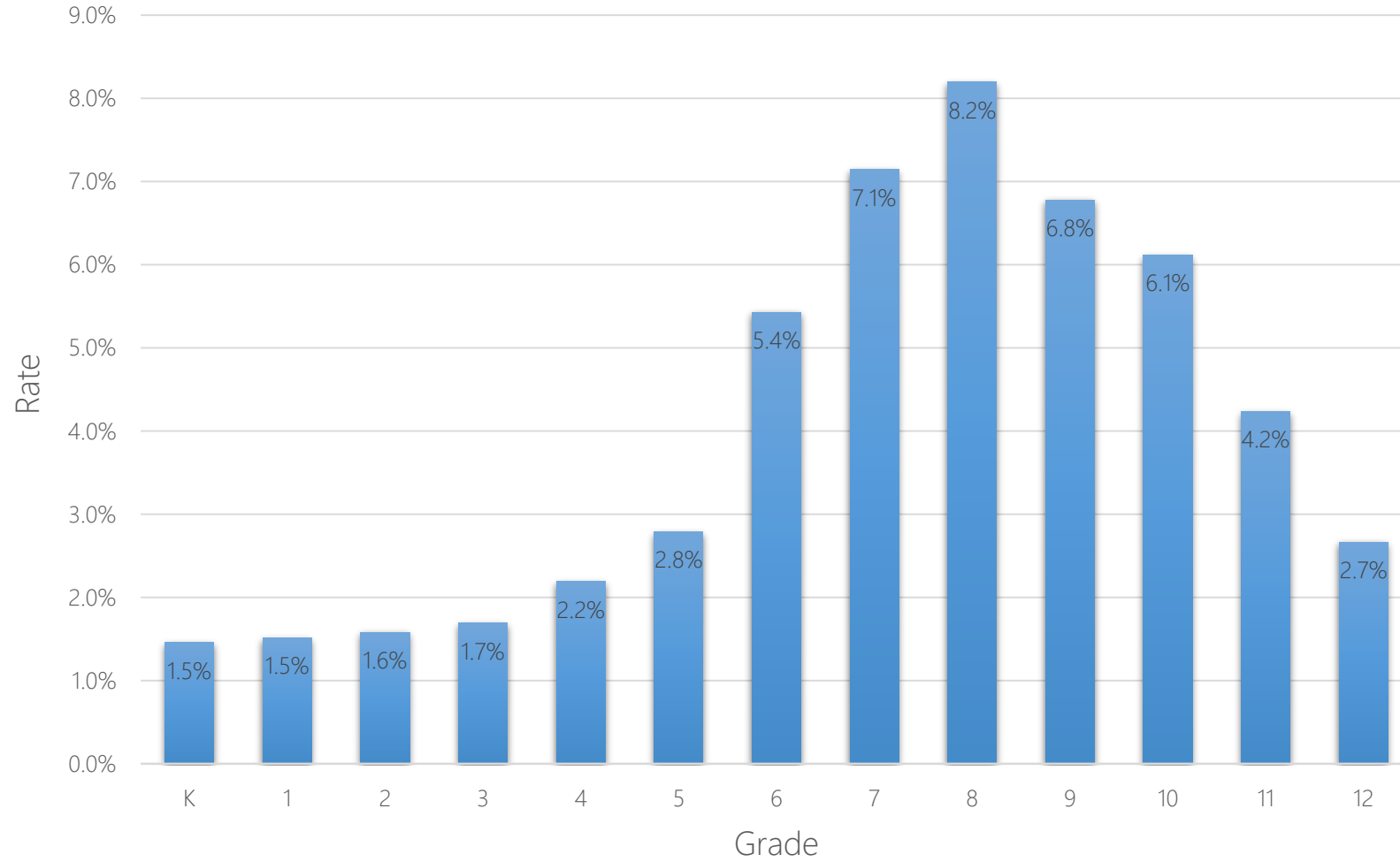
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WA 2018-19 Out-of-School (SS,LS,EX,EE) Discipline Rate by Race/Ethnicity & FRL Status

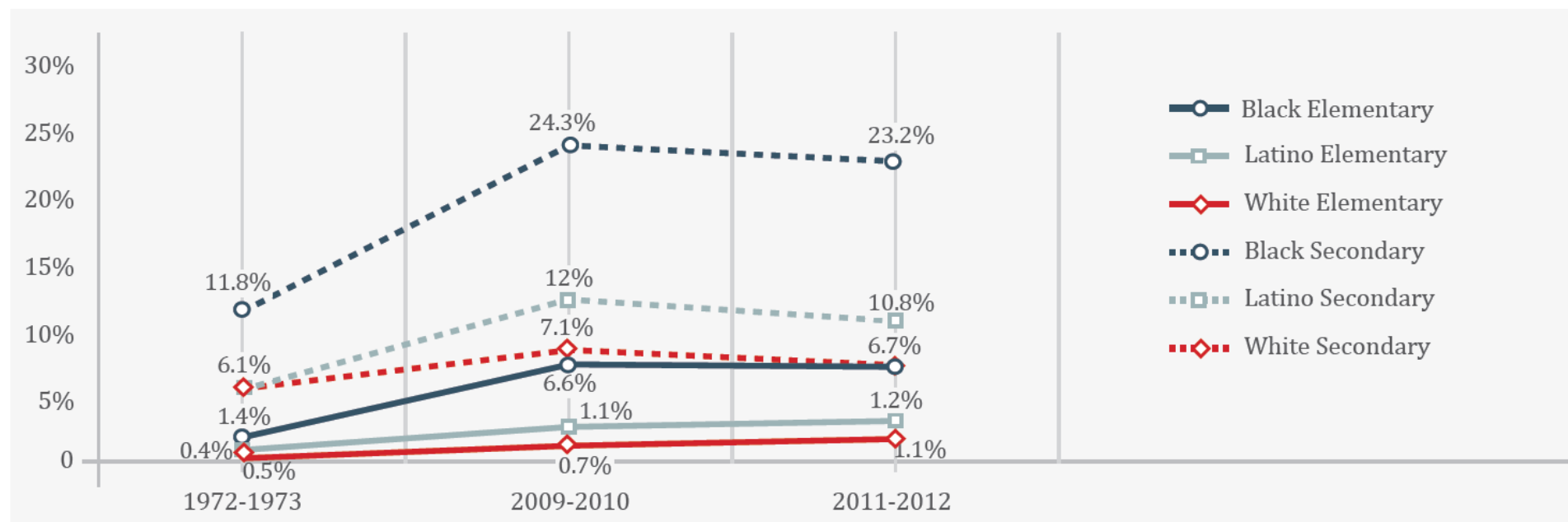Washington Office of Superintendent of
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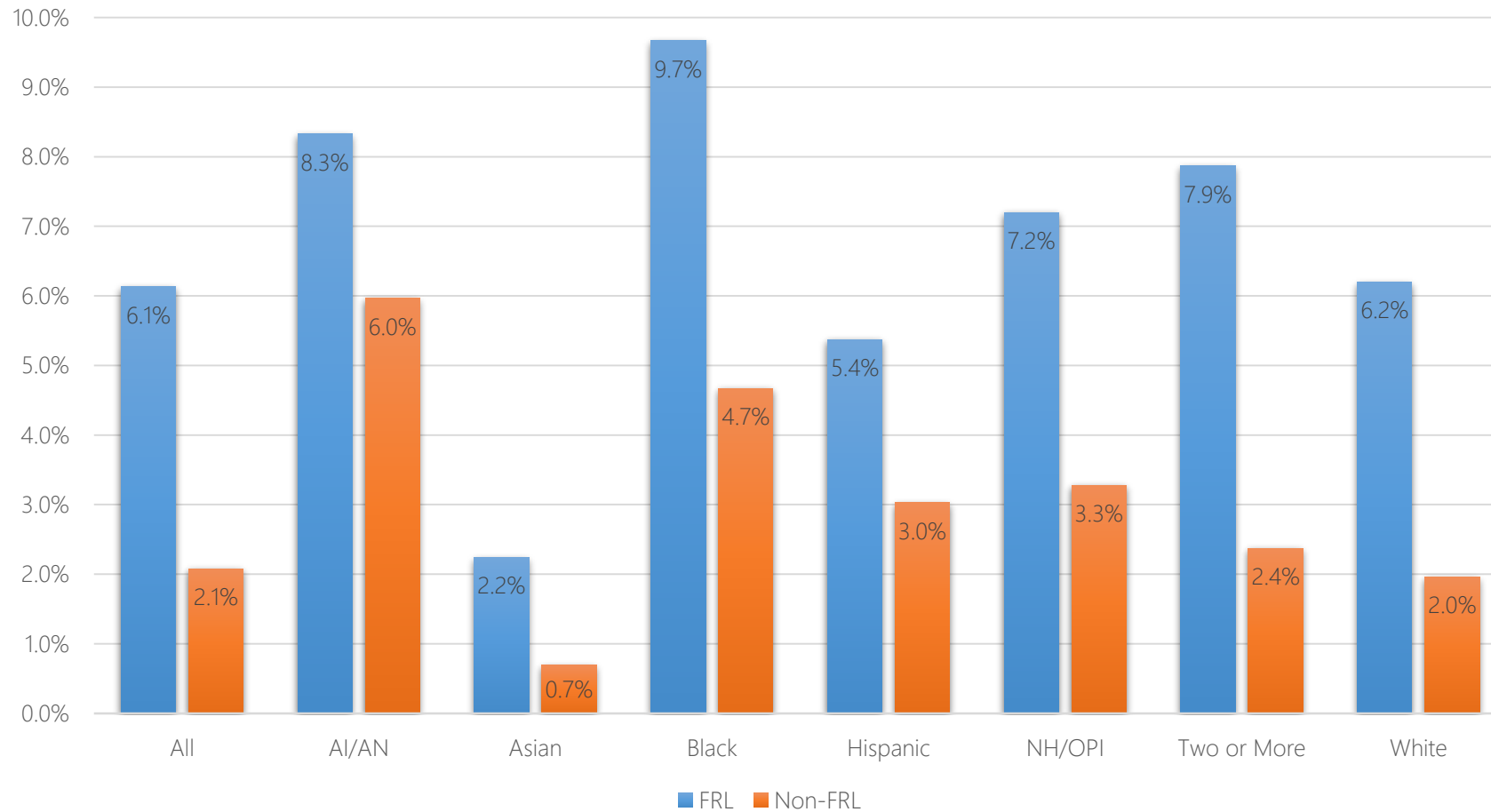
WA 2018-19 Out-of-School (SS,LS,EX,EE) Discipline Rate by Grade

Elementary/Secondary National Trends

Figure 3. Suspension Rates over Time by Race/Ethnicity: Elementary and Secondary Levels

(Losen et al., 2015, pg. 6)

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Administrative Decision-Making

Differential Processing

"There is tremendous local flexibility in the types of infractions that move forward from the classroom to the office and in the types of consequences issued by administrators." (Gregory, Skiba, & Noguera, 2010, p. 63)

- Following a classroom exclusion, school administrators are primarily responsible for deciding and assigning consequences

- Subjective discipline situations "have the greatest potential for bias in processing, as administrators' behavioral expectations – like those of teachers' and students' – are shaped by perception, culture, and context" (Anyon, et al., 2014, p. 380)
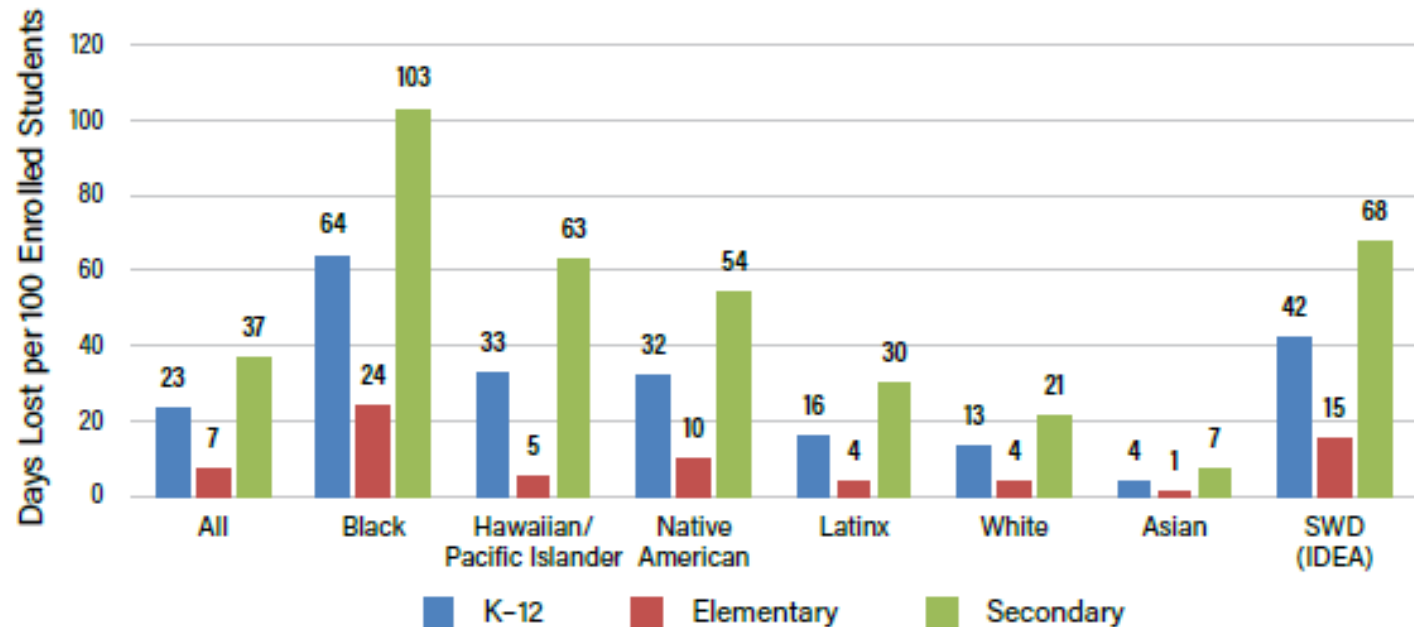
(Anyon, et al., 2014; Gregory, Skiba, & Noguera, 2010)

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Lost Instruction National Overview

"[T]he decision to suspend a student from school is among the contributors to chronic absenteeism that school districts can control."

Figure 1: National Overview (2015–16): Impact on Instruction Due to Out-of-School Suspensions by Race and, Separately, for Students With Disabilities for K–12, Elementary, and Secondary Levels

	All	Black	Hawaiian/Pacific Islander	Native American	Latinx	White	Asian	SWD (IDEA)
K–12	23	64	33	32	16	13	4	42
Elementary	7	24	5	10	4	4	1	15
Secondary	37	103	63	54	30	21	7	68

Y-axis: Days Lost per 100 Enrolled Students

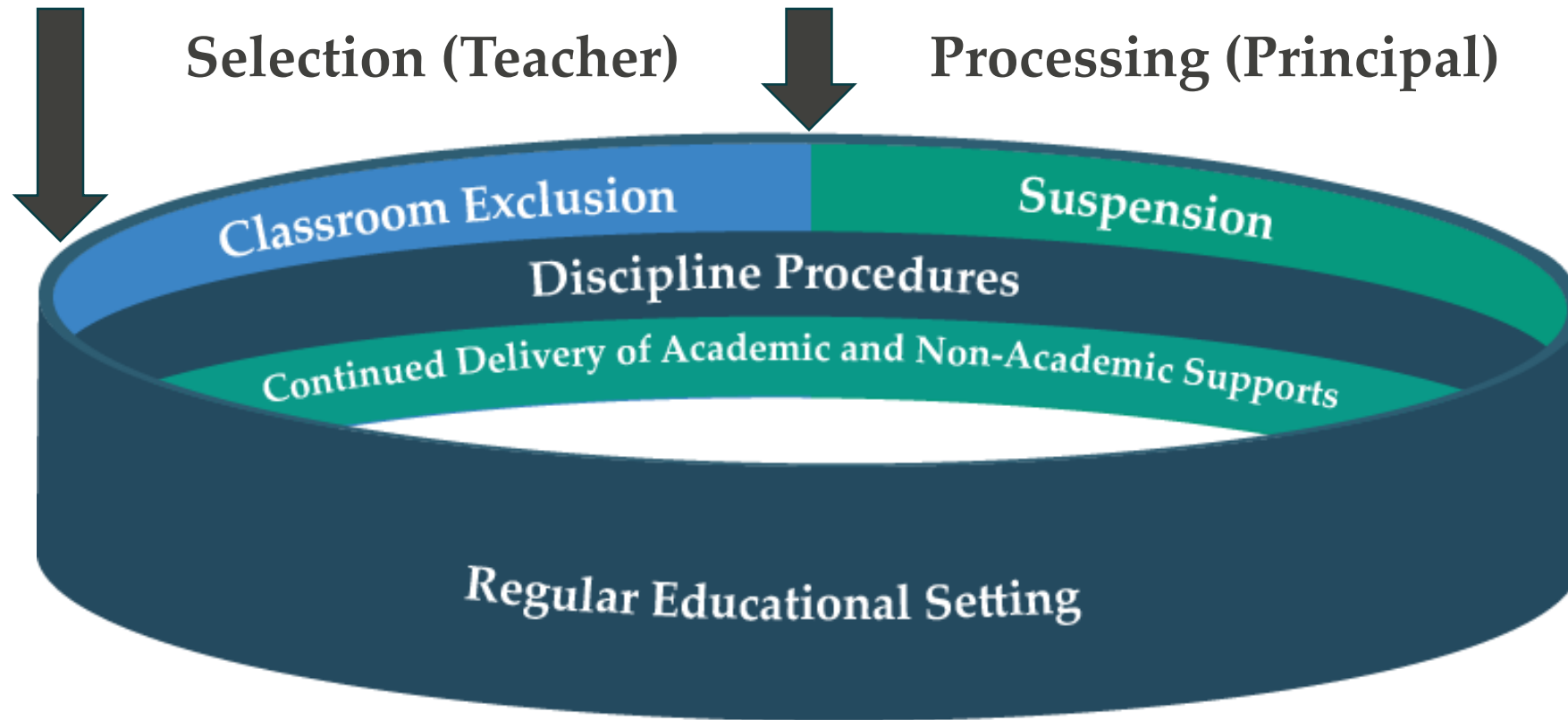SWD = students with disabilities; IDEA = Individuals With Disabilities Education Act.

Source: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2015–16.

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(Losen & Martinez, 2020)

The Discipline Continuum

Defining Regular Educational Setting

The particular classroom, instructional or activity *area* in which a student is provided the instructional program of basic education as required under WA law.

- Universal Design for Learning (UDL)
- Differentiated instruction
- Supplemental instruction and services
- Academic standards and rigor
- Behavioral expectations

Proactive Supports in Regular Educational Settings

- Continuum of supports for students and staff

- Screening for additional supports (academic, social-emotional, and behavioral)

- Intervention programs (push-in, pull-out, or extended learning opportunities)

- Progress monitoring to determine whether the intervention should be changed or modified

- Diagnostic data to align interventions with students' strengths and needs

- Clear entrance and exit criteria for intervention programs

- Implementation fidelity and program evaluation

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Purpose of Discipline Rules

One of the purposes of OSPI discipline regulations is to ensure that school districts in Washington:

"Administer discipline in ways that respond to the needs and strengths of students, support students in meeting behavioral expectations, and keep students in the classroom to the maximum extent possible;" *See* WAC 392-400-010(5)

Disrupt Inequitable Discipline Decision-Making Processes

Research promotes strategies for neutralizing implicit bias in discipline decision-making *(Smolkowski, Girvan, McIntosh, Nese, & Horner, 2016)*

- OSPI rules establish procedures intended to slow down discipline decision-making processes

- Educators must consider individual circumstances, context of behavior, and school safety

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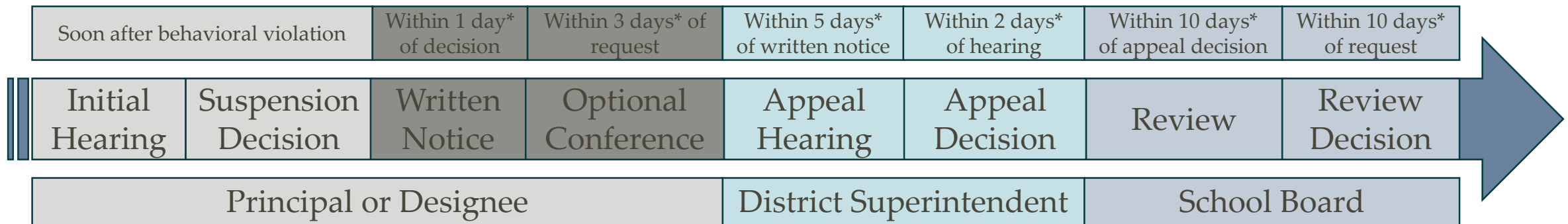**PUBLIC INSTRUCTION**

Initial Hearing: Practical Tips

Use restorative language and de-escalation techniques:

- Share the school's perspective about what happened without assigning blame

- Allow the student to share their perspective without introducing possible motivations

- Ask the student questions like "What happened?" and "What were you thinking about when...?" rather than "Why did you do that?"

- Consider whether there are other students or staff who could provide another perspective or corroborate evidence in advance of rendering a decision

- Allow the student and family an opportunity to ask questions

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WA Short-term and In-school Suspension Procedures

Soon after behavioral violation	Within 1 day* of decision	Within 3 days* of request	Within 5 days* of written notice	Within 2 days* of hearing	Within 10 days* of appeal decision	Within 10 days* of request
Initial Hearing	Suspension Decision	Written Notice	Optional Conference	Appeal Hearing	Appeal Decision	Review	Review Decision

| Principal or Designee | | | | District Superintendent | | School Board | |

WAC 392-400-430(5): [School districts must make reasonable efforts to return a suspended student to the student's regular educational setting as soon as possible.]

*Refers to "school business day" as defined under WAC 392-400-025(11)

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Engage Families, Students, and Staff in Discipline Decisions

Research highlights the benefits of inclusive decision-making processes and family engagement *(Davis, 2017; Mapp & Kuttner, 2013)*

- OSPI rules provide multiple opportunities for meaningful parent and family communication
- School districts must consult with staff, students, and families about discipline policies

Family Engagement and District Procedures

RCW 28A.600.020(3) educators "make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline"

District procedures "shall be developed with the participation of parents and the community"

"must provide for early involvement of parents in attempts to improve the student's behavior."

RCW 28A.320.211(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

Focus on the Classroom Context and Data-Informed Decision-Making

Research shows disproportionality in discipline starts at the classroom level *(Bradshaw, Mitchell, O'Brennan, & Leaf, 2010; Gregory, Huang, Anyon, Greer, & Downing, 2018; Skiba, Michael, Nardo, & Peterson, 2002)*

- OSPI rules provide procedures for classroom exclusion and using disaggregated discipline data
- School administrators and teachers must collaboratively review building discipline standards
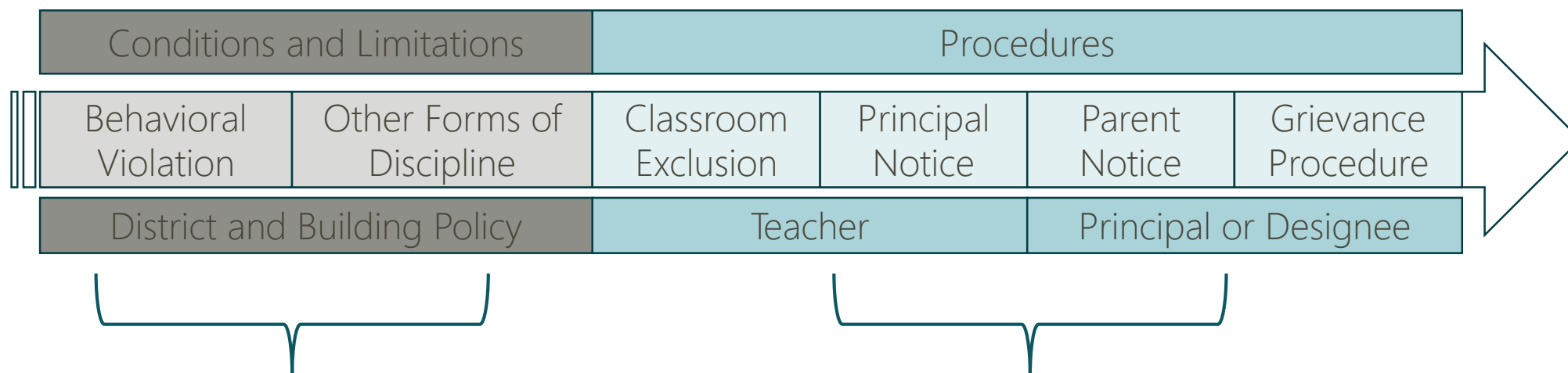
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Addressing Disproportionality in School Discipline

"To substantially narrow [Out-of-School Suspension] gaps, schools may need to prevent overrepresented groups from entering the discipline system in the first place."

(Gregory, Huang, Anyon, Greer, & Downing, 2018, p. 179)

Classroom Exclusion Procedures

Conditions and Limitations		Procedures			
Behavioral Violation	Other Forms of Discipline	Classroom Exclusion	Principal Notice	Parent Notice	Grievance Procedure
District and Building Policy		Teacher		Principal or Designee	

Process for principal and teachers to confer regarding building disciplinary standards (e.g. classroom-managed / office-managed)
RCW 28A.400.110; RCW 28A.600.020(3)

Process for principal and teacher to confer regarding the classroom exclusion and returning the student to class
RCW 28A.600.020(2)

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Behavioral Violation

WAC 392-400-025(1) "Behavioral violation" means a student's behavior that violates a school district's discipline policy adopted under WAC 392-400-110.

In accordance with WAC 392-400-100, district policies and procedures must:

(a) **Clearly state the types of behaviors** for which discipline, including suspension and expulsion, may be administered;

(b) Have a **real and substantial relationship to the lawful maintenance and operation of the school district** including, but not limited to, the preservation of the health and safety of students and employees and the preservation of an educational process that is conducive to learning;

Categorizing Behavioral Violations

Behavioral violations should be organized into *minor* and *major* categories or levels of severity with distinct procedures for responding to each:

Minor
- Handled at the classroom level
- May not result in classroom exclusion or suspension

Major
- Referred to a school administrator
- May result in an administrative decision to suspend or expel

(Green, et al., 2015)

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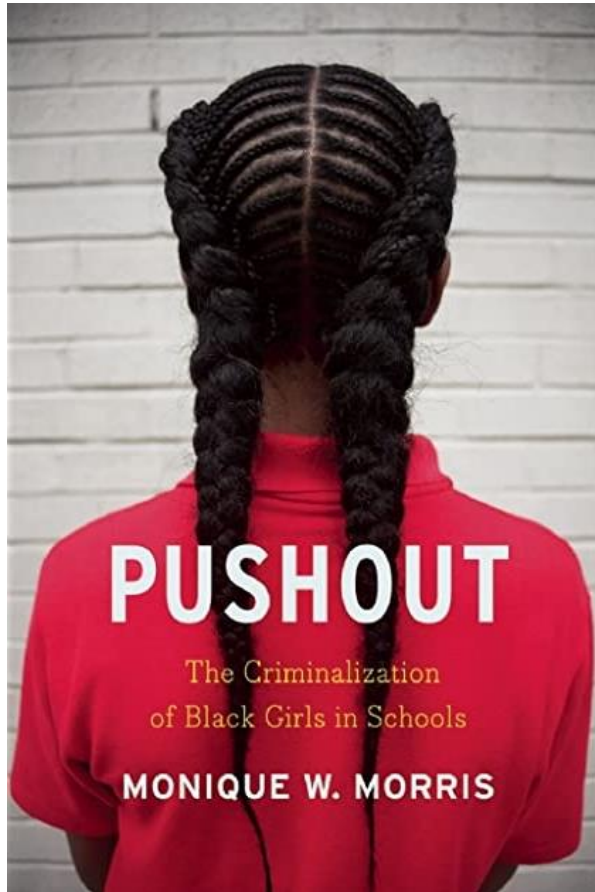**PUBLIC INSTRUCTION**

RCW 28A.320.211 & WAC 392-400-110(2)

School districts must periodically review discipline policies and procedures with the participation of school personnel, students, parents, families, and the community.

During the development and review of a district's discipline policies and procedures, the district must use disaggregated discipline data (by school, student groups, discipline types, behavior categories) to monitor the impact of the district's discipline policies, procedures, and practices as well as to update the district's discipline policies and procedures to improve fairness and equity in the administration of discipline.

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Discipline Disproportionality Example

Pushout Documentary: https://pushoutfilm.com/
PBS: https://www.pbs.org/show/pushout-criminalization-black-girls-schools/

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WA 2018-19 Out-of-School (SS,LS,EX,EE) Discipline Rate by Race/Ethnicity & Gender*

- Boys are **2.4** times more likely to be excluded from school than girls.

- Black boys are **2.3** times more likely to be excluded from school than white boys.

- Black girls are **3.0** times more likely to be excluded from school than white girls.
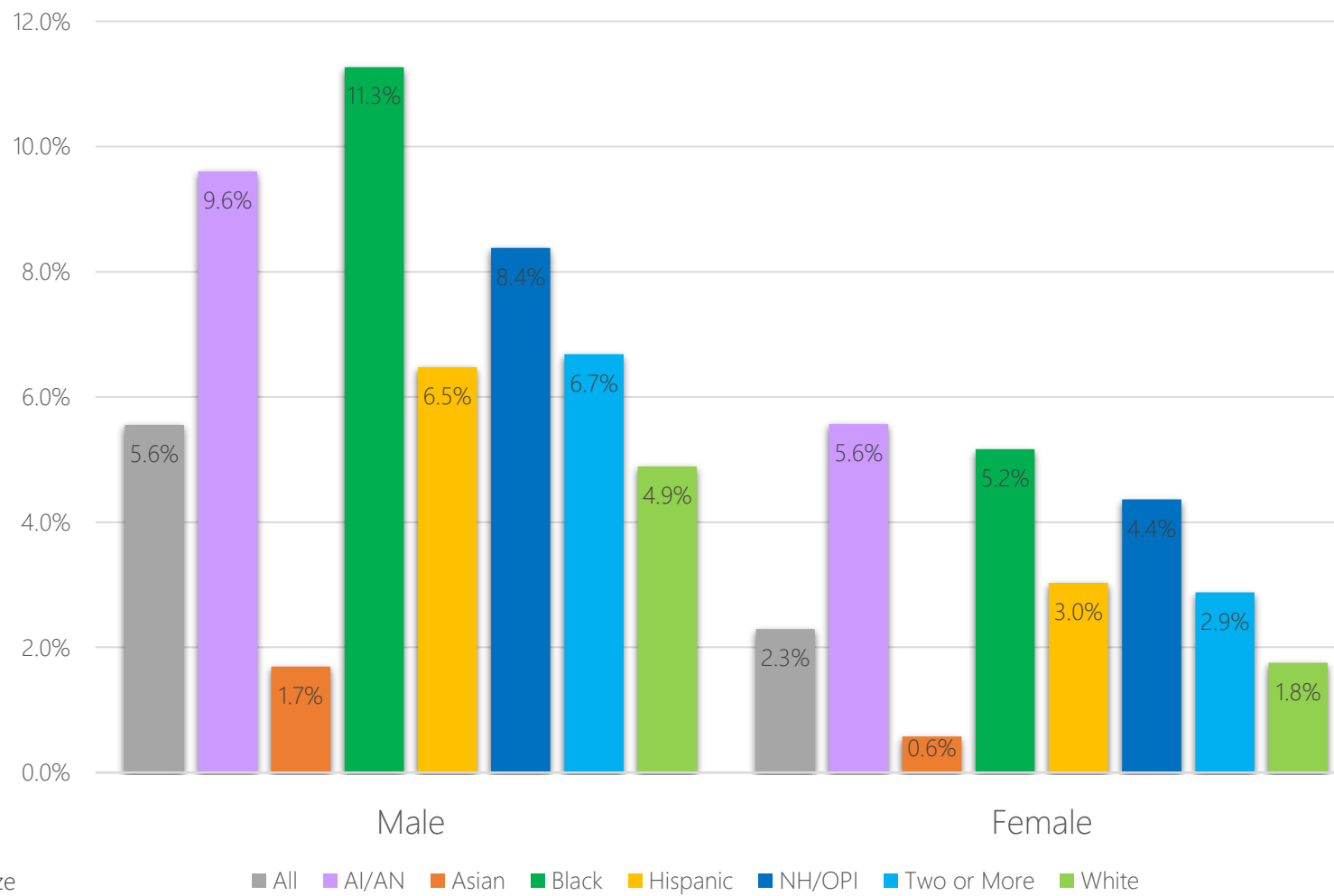
*Rates for Gender X not displayed due to small n size

Male
- All: 5.6%
- AI/AN: 9.6%
- Asian: 1.7%
- Black: 11.3%
- Hispanic: 6.5%
- NH/OPI: 8.4%
- Two or More: 6.7%
- White: 4.9%

Female
- All: 2.3%
- AI/AN: 5.6%
- Asian: 0.6%
- Black: 5.2%
- Hispanic: 3.0%
- NH/OPI: 4.4%
- Two or More: 2.9%
- White: 1.8%

Legend: ■ All ■ AI/AN ■ Asian ■ Black ■ Hispanic ■ NH/OPI ■ Two or More ■ White

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Adopt Positive and Instructional Approaches to Behavior

Research demonstrates restorative discipline approaches can mitigate disparities *(Gregory et al., 2016; Gregory & Ripski, 2008)*

- OSPI rules require district policies to identify best practices to support student behavior

- Educators must attempt or consider best practices before exclusionary discipline
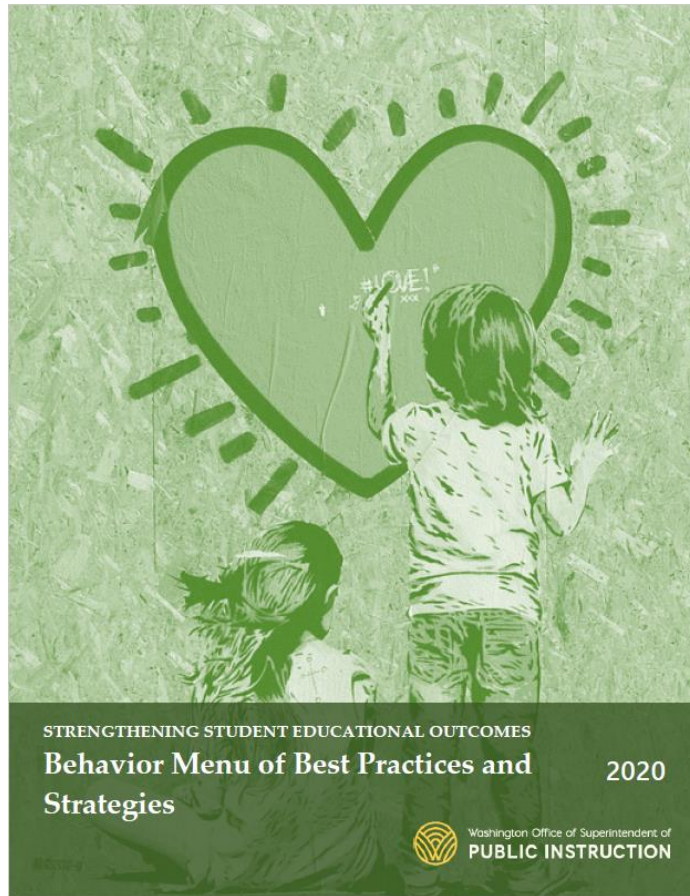
Other Forms of Discipline Definition

"Other forms of discipline" refers to actions used in response to behavioral violations, which may involve the use of **best practices and strategies** included in the state menu for behavior. *See* WAC 392-400-025(9)

- Identify other forms of discipline. *See* WAC 392-400-110(1)(e)

- Attempt other forms of discipline. *See* WAC 392-400-330(2)

Classroom Best Practices and Strategies

STRENGTHENING STUDENT EDUCATIONAL OUTCOMES
Behavior Menu of Best Practices and Strategies
2020
Washington Office of Superintendent of
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- Teach, model, and reinforce behavioral expectations
- Parent communication
- Active supervision
- Correct misbehaviors in private
- Increase opportunities to respond
- Restorative practices
- Environmental adjustments
- Collaborative problem-solving
- Function-based thinking/assessment

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Eliminate Zero-Tolerance Discipline Policies and Practices

Research finds punitive practices produce negative and racially disproportionate outcomes *(American Psychological Association, 2008; Curran, 2016; Perry & Morris, 2014)*

- OSPI rules prohibit school districts from administering mandatory exclusionary discipline

- School districts may no longer immediately suspend a student for "exceptional misconduct"

Re-entry

How can schools implement meaningful family engagement practices when returning a student to school following a period of exclusion?

School districts must:

- Make efforts to have suspended or expelled students return to an educational setting as soon as possible
- Convene a meeting to discuss a plan to reengage the student
- Engage families in a culturally sensitive and culturally responsive reengagement plan

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Emergency Circumstances

Restraint and/or Isolation is a prohibited practice.

"except* when the student's behaviors poses an imminent likelihood of serious harm to that student or another person."

* There are no exceptions for students with IEPs or ERPs.

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What is a Restraint?

- Restraint as defined in RCW 28A.600.485 means: **Physical intervention or force used to control a student**, including the use of a restraint device **to restrict a student's freedom of movement**. It does not include appropriate use of a prescribed medical, orthopedic, or therapeutic device when used as intended, such as to achieve proper body position, balance, or alignment, or to permit a student to participate in activities safely.

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What is Isolation?

- Isolation as defined in RCW 28A.600.485 means: **Restricting the student alone within a room or any other form of enclosure, from which the student may not leave**. It does not include a student's voluntary use of a quiet space for self-calming, or temporary removal of a student from his or her regular instructional area to an unlocked area for purposes of carrying out an appropriate positive behavioral intervention plan.

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Clarification

- Restraint or isolation should never be used as punishment or discipline (e.g., using restraint for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience.

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RCW 28A.600.485 (3)(b) Restraint or isolation of any student is permitted only when reasonably necessary to control *spontaneous behavior* that poses an *imminent likelihood of serious harm.*
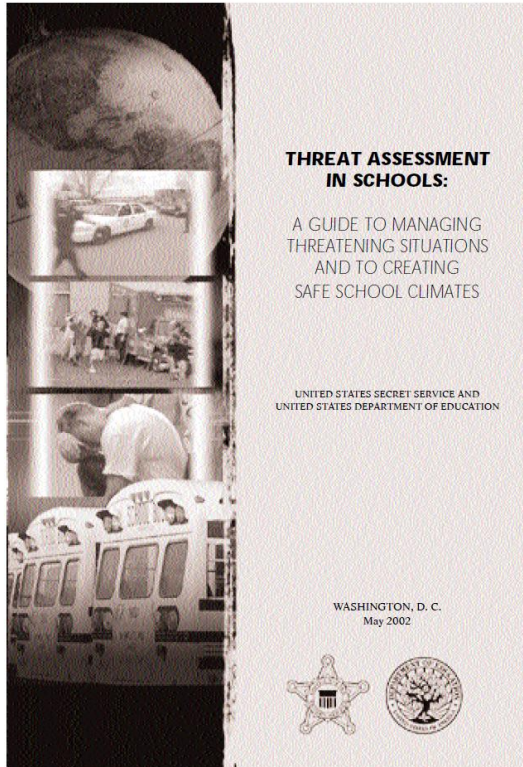
What is Serious Harm?

- RCW 70.96B.010 (22) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

- Likelihood of serious harm as defined in RCW 70.96B.010 means:

- (1) A substantial risk that:
    - (a) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide, or inflict physical harm on oneself;
    - (b) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm;
    - (c) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

- (2) The person has threatened the physical safety of another and has a history of one or more violent act

RCW 28A.600.485 (3)(b) Cont.... Restraint or isolation must be *closely monitored* to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated.

Threats of Violence and Suspension

THREAT ASSESSMENT
IN SCHOOLS:

A GUIDE TO MANAGING
THREATENING SITUATIONS
AND TO CREATING
SAFE SCHOOL CLIMATES

UNITED STATES SECRET SERVICE AND
UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D. C.
May 2002

"[S]uspension or expulsion of a student can create the risk of triggering either an immediate or a delayed violent response unless such actions are coupled with containment and support."

(Fein, et al., 2002, pgs. 64–65)

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Emergency Circumstances

- Holding a timely initial hearing is not feasible
- Legal framework based on case-by-case determinations
- Determinations are highly fact-specific
- Sufficient cause regarding school safety rather than punitive
- Context and totality of the circumstances
- Districts should work with their legal counsel if questions arise in specific cases

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Emergency Expulsion: Legal Framework

Federal Case Law "[T}here are recurring situations in which prior notice and hearing cannot be insisted upon. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases, the necessary notice and rudimentary hearing should follow as soon as practicable" *Goss v. Lopez*, 419 U.S. 565 at 582

WA State Statute "Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action." RCW 28A.600.015(3)

WA State Regulation ""Emergency expulsion" means the removal of a student from school because the student's presence poses an immediate and continuing danger to other students or school personnel, or an immediate and continuing threat of material and substantial disruption of the educational process" WAC 392-400-025(6)

Restraint/Isolation & Emergency Expulsion

Restraint/Isolation

- Emergency response entirely unrelated to discipline decision-making processes

- Prevent harm to self or others

- Separate reporting process outside of discipline

Emergency Expulsion

- Emergency response when initial notice and due process cannot be insisted upon

- Prevent harm to others

- Temporary action followed by timely discipline decision-making

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Threat Assessment & Emergency Expulsion

Threat Assessment

- Formal process to evaluate whether a threat exists and the circumstances surrounding the potential threat to develop a plan to manage or reduce the threatening or potentially threatening student behavior

- Student actions may be verbal or behavioral

- Student(s) who are the subject of a threat assessment may remain on school grounds under increased supervision

- May or may not be followed by discipline actions

Emergency Expulsion

- Emergency response when a district has sufficient cause to believe a student's presence on school grounds poses an immediate and continuing: a) danger to others; or b) threat of material and substantial disruption of the educational process

- Student actions may be verbal or behavioral

- May be followed by a threat assessment

- Requires due process and subsequent action to either administer discipline or allow the student to return to their school of placement

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Emergency Expulsion Considerations

Emergency expulsion may not be used solely for the purpose of "doing an investigation" or for conducting a threat assessment:

WSSDA 3241P

"The district may not impose an emergency expulsion solely for investigating student conduct."
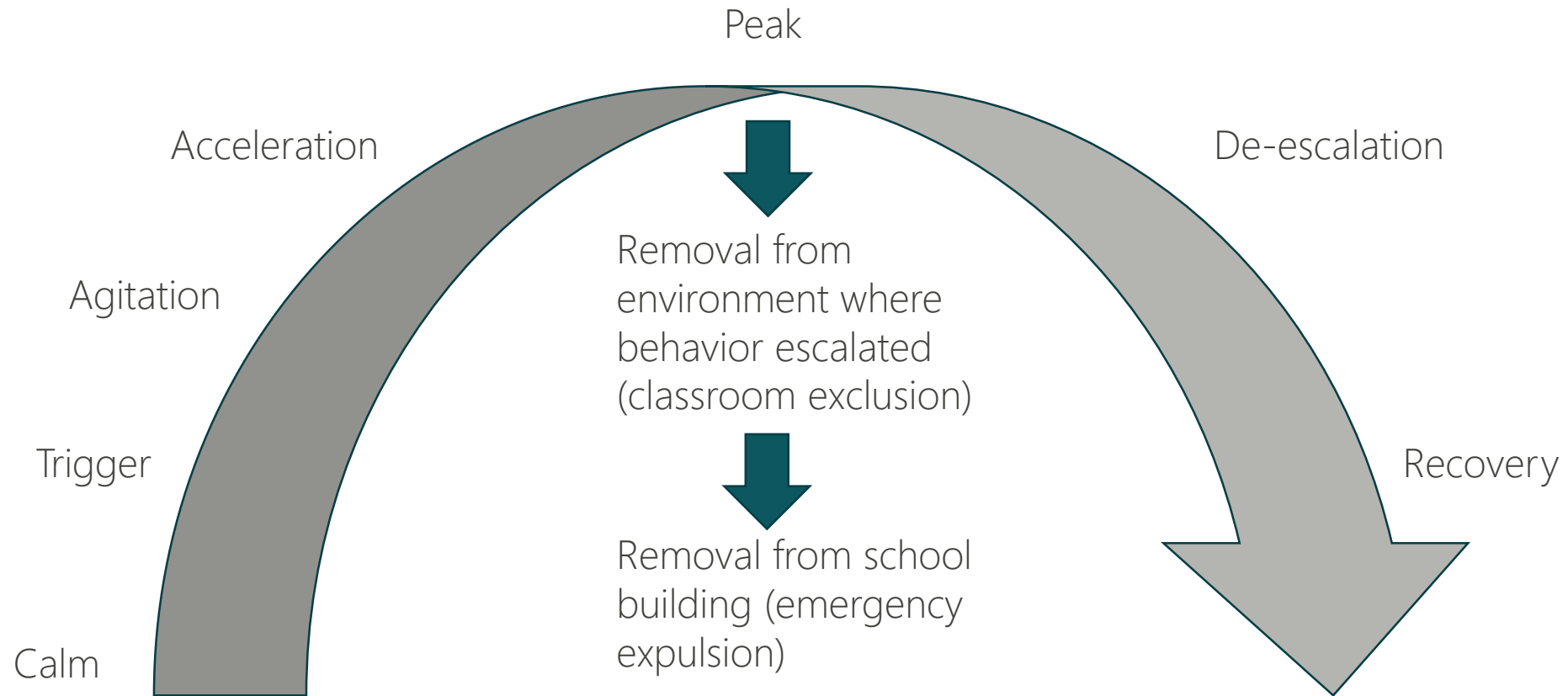
2SHB 1216 (2019)

"At a minimum, a school-based threat assessment program must: […]

(e) Prohibit suspension or expulsion based merely on threat assessment referral or performance."

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Acting-Out Cycle and Emergency Removal

Peak

Acceleration

De-escalation

Agitation

Removal from environment where behavior escalated (classroom exclusion)

Trigger

Recovery

Removal from school building (emergency expulsion)

Calm

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Emergency Expulsion "Litmus Test"

Is it possible to conduct an informal initial hearing with the student for the purpose of hearing the student's perspective?

- Notice of the behavioral violation
- Explanation of the evidence
- Explanation of potential discipline
- Opportunity for student to share perspective and explanation

If the answer is "yes" then emergency expulsion is not warranted.

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Emergency Expulsion Procedures

Soon after emergency circumstances	Within 24 hours	Within 3 days* of request	Within 1 day* of request	Within 2 days* of request	Within 1 day* of hearing	Within 5 days* of appeal decision	Within 5 days* of request
Sufficient Cause	Emergency Expulsion	Written Notice	Optional Conference	Appeal Notice	Appeal Hearing	Appeal Decision	Review	Review Decision

Principal or Designee	District Superintendent	School Board

Initial hearing and due process

*Refers to "school business day" as defined under WAC 392-400-025(11)

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Positive, Proactive, Supportive Discipline

Examples

- Teach, model, and reinforce expected behaviors
- Developing classroom procedures
- Relationship development
- Active supervision
- Behavior specific praise
- Pre-correction
- Correct misbehaviors in private
- Increase opportunities to respond
- Restorative practices
- Collaborative problem-solving
- Mentoring
- Function-based thinking/assessment

Non-Examples

- Public shaming (clip charts, color charts, public call out of misbehavior, or otherwise displaying student data publicly)
- Timeout from class instruction
- Cross-class timeouts (buddy room)
- Loss of privileges
- Staying in from recess
- Sitting in the hall
- Reflection room
- Office disciplinary referrals (ODRs)
- Restraint and isolation
- Detention (lunchtime or after-school)
- Suspension or expulsion

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COVID-19 Considerations

COVID-19 Considerations

Focus on prevention by establishing clear behavioral expectations and a continuum of instructional responses to behavioral violations that are applicable to distance learning contexts.
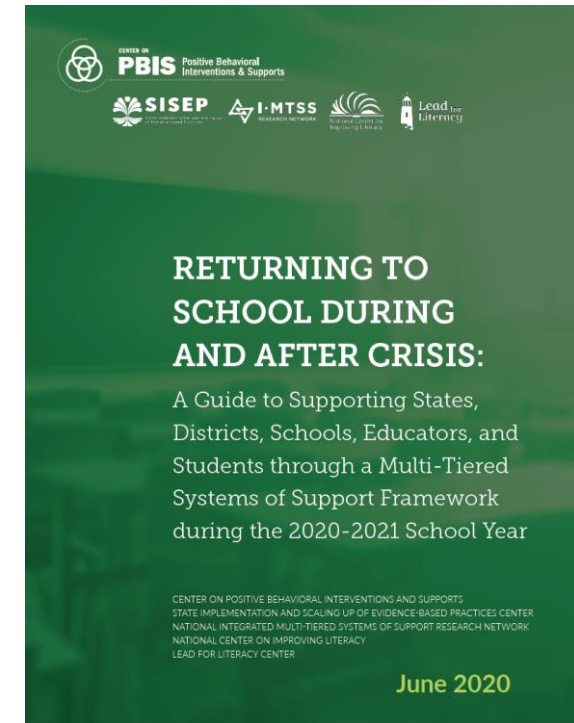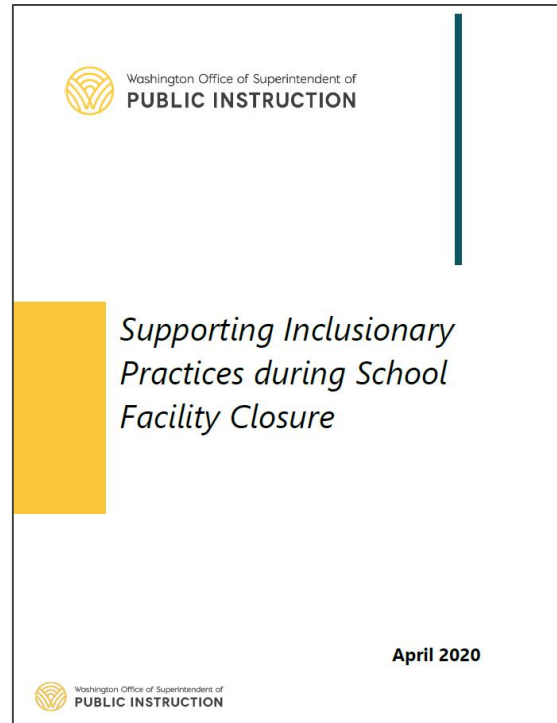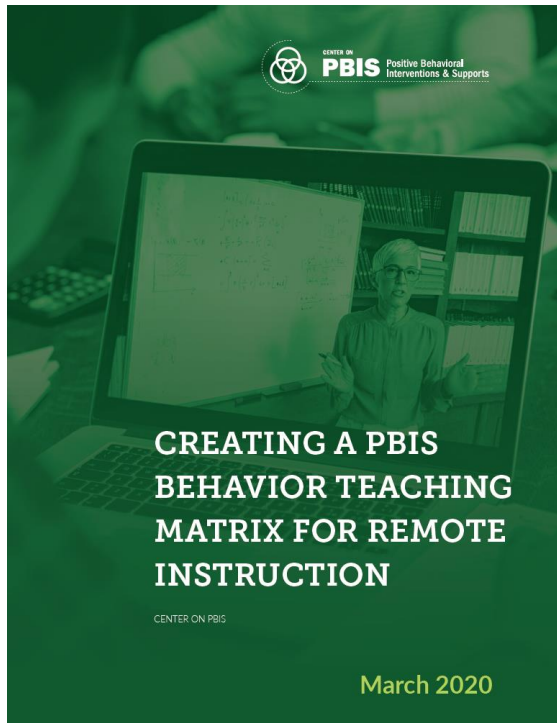
COVID-19 Considerations

When considering exclusionary responses to behavioral violations be aware that districts *may not*:

- Suspend the provision of educational services in response to behavioral violations

- Administer discipline in a manner that would prevent a student from completing subject, grade-level, or graduation requirements

WAC 392-400-115

COVID-19 Considerations

Due process and civil rights laws pertaining to discipline apply:

- Timely appeal hearings
- Grievance procedures
- Nondiscrimination
- Constitutional rights
- Educational opportunity

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COVID-19 Considerations

Noncompliance with public health mandates ≠ Behavioral violations under discipline policy

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Resources

OSPI Resources

- Student Discipline
    - Student Discipline Rules Q&A: A Technical Guide
    - Discipline Policy Updates: Substance Use and Possession
    - Student Discipline Training
- Restraint and Isolation Data Reporting
- Special Education Behavior and Discipline

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Washington State Report Card

Welcome to the Washington State Report Card!

The purpose of the Washington School Report Card is to share information about our K–12 schools. It is important for you—parents, educators, families, community members, and students—to have information to engage with your schools at the local level. You will see how students at your local school or district performed on our state test, the number of students enrolled, the race and ethnicity of the students and educators in the school community, and much more. I hope this information is empowering. - Superintendent Chris Reykdal

I want to see data for a school or school district

School or District Name:

start typing

clear   Go

... or choose from a list

What can I do here?

- See how my school is performing
- Find graduation rates
- Look up teacher qualifications
- Look up spending per student
- New Use a Glossary and list of Frequently Asked Questions
- New Find data on Kindergarten Readiness (WaKIDS)
- New Find scores from the Washington School Improvement Framework (WSIF)

Coming Soon:

- A Compare My School feature
- Information on discipline rates
- Customizable data downloads
- See more...

- Discipline Data available now!

- Out-of-school exclusion rates for past 5 school years

- District and school level

- Rates by race/ethnicity, gender, special education, English Learners, and other student characteristics

- Rates by grade-level

- Additional features will be added over time

https://washingtonstatereportcard.ospi.k12.wa.us/

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Civil Rights Guidelines State Policy

Preventing and Addressing Discrimination in Student Discipline

Guidelines for implementing Washington's Equal Educational Opportunity Laws: Chapters 28A.640 and 28A.642 RCW and Chapter 392-190 WAC

October 2019

Equity and Civil Rights Office
Office of Superintendent of Public Instruction

Office of Superintendent of Public Instruction
Chris Reykdal, State Superintendent

All students prepared for post-secondary pathways, careers, & civic engagement.

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Additional Resources

Positive Behavioral Interventions and Supports (PBIS) National Technical Assistance Center: https://www.pbis.org/

Institute of Education Sciences (IES) National Center for Education Research (NCER): https://ies.ed.gov/ncer/

National Center on Intensive Intervention (NCII): https://intensiveintervention.org/

National Center on Safe Supportive Learning Environments (NCSSLE): https://safesupportivelearning.ed.gov/

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Contact Information

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PUBLIC INSTRUCTION

References

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, 852.

Anyon, Y., Jenson, J. M., Altschul, I., Farrar, J., McQueen, J., Greer, E., Downing, B., & Simmons, J. (2014). The persistent effect of race and the promise of alternatives to suspension in school discipline outcomes. *Children and Youth Services Review*, 44, 379–386.

Bal, A., Schrader, E. M., Afacan, K., & Mawene, D. (2016). Using learning labs for culturally responsive positive behavioral interventions and supports. *Intervention in School and Clinic*, 52, 122–128.

Blood, P., & Thorsborne, M. (2005). *The challenge of culture change: Embedding restorative practice in schools*. Paper presented at the Sixth International Conference on Conferencing, Circles and other Restorative Practices: "Building a Global Alliance for Restorative Practices and Family Empowerment". Sydney, Australia, March 3-5, 2005.

Borgmeier, C. (2018). *Understanding and supporting Students with Challenging Behavior: Building Capacity in Teachers and Schools* [PowerPoint slides]. Retrieved from http://www.oregonrti.org/copy-of-resources-handouts-annual-conference-april-2018

Bradshaw, C. P., Mitchell, M. M., O'brennan, L. M., & Leaf, P. J. (2010). Multilevel exploration of factors contributing to the overrepresentation of black students in office disciplinary referrals. *Journal of Educational Psychology*, 102, 508.

Cardichon, J. & Darling-Hammond, L. (2019). Protecting students' civil rights: The federal role in school discipline. *Learning Policy Institute*.

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

Children's Defense Fund. (1975). *School Suspensions: Are They Helping Children?* Washington Research Project.

Cholewa, B., Hull, M. F., Babcock, C. R., & Smith, A. D. (2018). Predictors and academic outcomes associated with in-school suspension. *School Psychology Quarterly*, 33, 191.

Cook, C. R., Duong, M. T., McIntosh, K., Fiat, A. E., Larson, M., Pullmann, M. D., & McGinnis, J. (2018). Addressing discipline disparities for Black male students: Linking malleable root causes to feasible and effective practices. *School Psychology Review*, 47, 135-152.

Washington Office of Superintendent of
PUBLIC INSTRUCTION

References

Curran, F. C. (2016). Estimating the effect of state zero tolerance laws on exclusionary discipline, racial discipline gaps, and student behavior. *Educational Evaluation and Policy Analysis*, 38, 647–668.

Davis, C. R. (2017). " Why Are the Black Kids Being Suspended?" An Examination of a School District's Efforts to Reform a Faulty Suspension Policy Through Community Conversations. *School Community Journal*, 27, 159.

Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks III, M. P., & Booth, E. A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. Council of State Governments Justice Center.

Gilliam, W. S., Maupin, A. N., Reyes, C. R., Accavitti, M., & Shic, F. (2016). Do early educators' implicit biases regarding sex and race relate to behavior expectations and recommendations of preschool expulsions and suspensions?. *Yale Child Study Center, September*, 991–1013.

González, N., Moll, L. C., & Amanti, C. (Eds.). (2005). *Funds of knowledge: Theorizing practices in households, communities, and classrooms*. Routledge.

Green, A. L., Nese, R. N. T., McIntosh, K., Nishioka, V., Eliason, B., & Canizal Delabra, A. (2015). *Key elements of policies to address disproportionality within SWPBIS: A guide for district and school teams*. OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports.

Gregory, A., Hafen, C. A., Ruzek, E., Mikami, A. Y., Allen, J. P., & Pianta, R. C. (2016). Closing the racial discipline gap in classrooms by changing teacher practice. *School Psychology Review*, 45, 171–191.

Gregory, A., Huang, F. L., Anyon, Y., Greer, E., & Downing, B. (2018). An examination of restorative interventions and racial equity in out-of-school suspensions. *School Psychology Review*, 47, 167-182.

Gregory, A., Skiba, R. J., & Mediratta, K. (2017). Eliminating Disparities in School Discipline: A Framework for Intervention. *Review of Research in Education*, 41, 253–278.

Gregory, A., Skiba, R. J., & Noguera, P. A. (2010). The achievement gap and the discipline gap: Two sides of the same coin?. *Educational Researcher*, 39, 59–68.

References

Gregory, A., & Ripski, M. B. (2008). Adolescent trust in teachers: Implications for behavior in the high school classroom. *School Psychology Review*, 37, 337–353.

Hatt, B. (2012). Smartness as a cultural practice in schools. *American Educational Research Journal*, 49, 438-460.

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, 736-744.

Jones, E. P., Margolius, M., Rollock, M., Yan, C. T., Cole, M. L., & Zaff, J. F. (2018). Disciplined and Disconnected: How Students Experience Exclusionary Discipline in Minnesota and the Promise of Non-Exclusionary Alternatives. *America's Promise Alliance*.

Larson, K. E., Pas, E. T., Bradshaw, C. P., Rosenberg, M. S., & Day-Vines, N. L. (2018). Examining how proactive management and culturally responsive teaching relate to student behavior: Implications for measurement and practice. *School Psychology Review*, 47, 153-166.

Leverson, M., Smith, K., McIntosh, K., Rose, J., & Pinkelman, S. (2019). *PBIS Cultural Responsiveness Field Guide: Resources for trainers and coaches*. OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports.

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

Losen, D. J., Hodson, C. L., Keith, II, Michael, A., Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?*. Center for Civil Rights Remedies.

Losen, D. J., & Martinez, P. (2020). Lost opportunities: How disparate school discipline continues to drive differences in the opportunity to learn. Palo Alto, CA/Los Angeles, CA: Learning Policy Institute; Center for Civil Rights Remedies at the Civil Rights Project, UCLA.

Mapp, K.L. & Kuttner, P.J. (2013). Partners in education: A dual capacity-building framework for family-school partnerships. *SEDL*.

Metz, A., & Bartley, L. (2012). Active implementation frameworks for program success: How to use implementation science to improve outcomes for children. *Zero to Three*, 32, 11-18.

Washington Office of Superintendent of
PUBLIC INSTRUCTION

References

McIntosh, K., Barnes, A., Eliason, B., & Morris, K. (2014). *Using discipline data within SWPBIS to identify and address disproportionality: A guide for school teams*. OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports.

McIntosh, K., Girvan, E. J., Horner, R., & Smolkowski, K. (2014). Education not incarceration: A conceptual model for reducing racial and ethnic disproportionality in school discipline. *Journal of Applied Research on Children*, 5, 1–22.

McIntosh, K., & Payno, R., (2018). *Neutralizing Implicit Bias in School Discipline* [PowerPoint slides]. Retrieved from https://www.pbis.org/presentations/chicago-forum-18

Morgan, E., Salomon, N., Plotkin, M., & 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*. Council of State Governments Justice Center.

Morris, E. W., & Perry, B. L. (2016). The punishment gap: School suspension and racial disparities in achievement. *Social Problems*, 63(1), 68–86.

Morris, E. W., & Perry, B. L. (2017). Girls behaving badly? Race, gender, and subjective evaluation in the discipline of African American girls. *Sociology of Education*, 90, 127-148.

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.

Nese, R., Triplett, D., & Green, A. (2019). *Utilizing Instructional Alternatives to Exclusionary Discipline*. [PowerPoint slides]. Retrieved from https://pbis.org/conference-and-presentations/pbis-leadership-forum

Noltemeyer, A. L., Ward, R. M., & Mcloughlin, C. (2015). Relationship between school suspension and student outcomes: A meta-analysis. *School Psychology Review*, 44, 224-240.

Osher, D., Fisher, D., Amos, L., Katz, J., Dwyer, K., Duffey, T., & Colombi, G.D. (2015). *Addressing the root causes of disparities in school discipline: An educator's action planning guide*. Washington, DC: National Center on Safe Supportive Learning Environments.

Pearman, F. A., Curran, F. C., Fisher, B., & Gardella, J. (2019). Are achievement gaps related to discipline gaps? Evidence from national data. *AERA Open*, 5(4).

Washington Office of Superintendent of
PUBLIC INSTRUCTION

References

Perry, B. L., & Morris, E. W. (2014). Suspending progress: Collateral consequences of exclusionary punishment in public schools. *American Sociological Review*, 79, 1067–1087.

Skiba, R. J., Michael, R. S., Nardo, A. C., & Peterson, R. L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review*, 34, 317-342.

Skiba, R. J., Arredondo, M. I., & Rausch, M. K. (2014). New and developing research on disparities in discipline. *Bloomington, IN: The Equity Project at Indiana University*.

Smolkowski, K., Girvan, E. J., McIntosh, K., Nese, R. N., & Horner, R. H. (2016). Vulnerable decision points for disproportionate office discipline referrals: Comparisons of discipline for African American and White elementary school students. *Behavioral Disorders*, 41, 178-195.

Strawhun, J., Peterson, R. L. Fluke, S. & Cathcart, A. (2015, March). In-school Suspension Strategy Brief. Lincoln, NE: Student Engagement Project, University of Nebraska-Lincoln and the Nebraska Department of Education. http://k12engagement.unl.edu/in-school-suspension.

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

U.S. Department of Justice and Education, Office of Civil Rights (2014). Dear colleague letter on the nondiscriminatory administration of school discipline. Retrieved from https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html

Way, S. (2011). School discipline and disruptive classroom behavior: The moderating effects of student perceptions. *The Sociological Quarterly*, 52, 346–375.

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