



Discipline Training: Administrative Procedures

Due Process Legal Framework, Other Forms of Discipline,
In-school Suspension, and Short-term Suspension

Webinar Q&A Protocols

- Please submit questions in writing through the question log
- Please keep questions related to the webinar content
- OSPI staff and guests will not be able to answer questions about specific scenarios, students, or experiences
- OSPI staff is readily available to provide technical assistance following the webinar
- There will be a 5 minute break between the presentation and Q&A portions of the webinar
- OSPI staff will review and group questions for Q&A portion



OSPI Equity Statement

Each student, family, and community possesses strengths and cultural knowledge that benefit 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.

<https://www.k12.wa.us/about-ospi/about-agency>





Discipline Training: Administrative Procedures

Due Process Legal Framework, Other Forms of Discipline,
In-school Suspension, and Short-term Suspension

Legal Disclaimer

These materials constitute OSPI's interpretation of discipline policies and procedures under chapter 28A.600 RCW and chapter 392-400 WAC 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.



Training Considerations

OSPI discipline training contains some content related to Multi-Tiered System of Supports (MTSS), Positive Behavioral Interventions and Supports (PBIS), restorative justice practices, culturally responsive teaching, family engagement, trauma-informed approaches, function-based thinking, classroom management strategies, etc.

However, effective implementation of MTSS/PBIS frameworks or any particular best practices and strategies, interventions, or approaches should include ongoing and job-embedded professional learning.

OSPI discipline training can be used to support such efforts, but the content is not comprehensive. Therefore, participants should identify areas where school and district staff could benefit from additional training and supplemental resources.



Learning Objectives

- Summarize features of the school discipline legal framework that provides due process protections for students
- Integrate best practices and strategies into district, school, and classroom discipline policies and procedures
- Describe *differential processing* and equitable approaches to reducing disproportionality in discipline
- List the conditions for using suspension and related procedures



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)



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.”

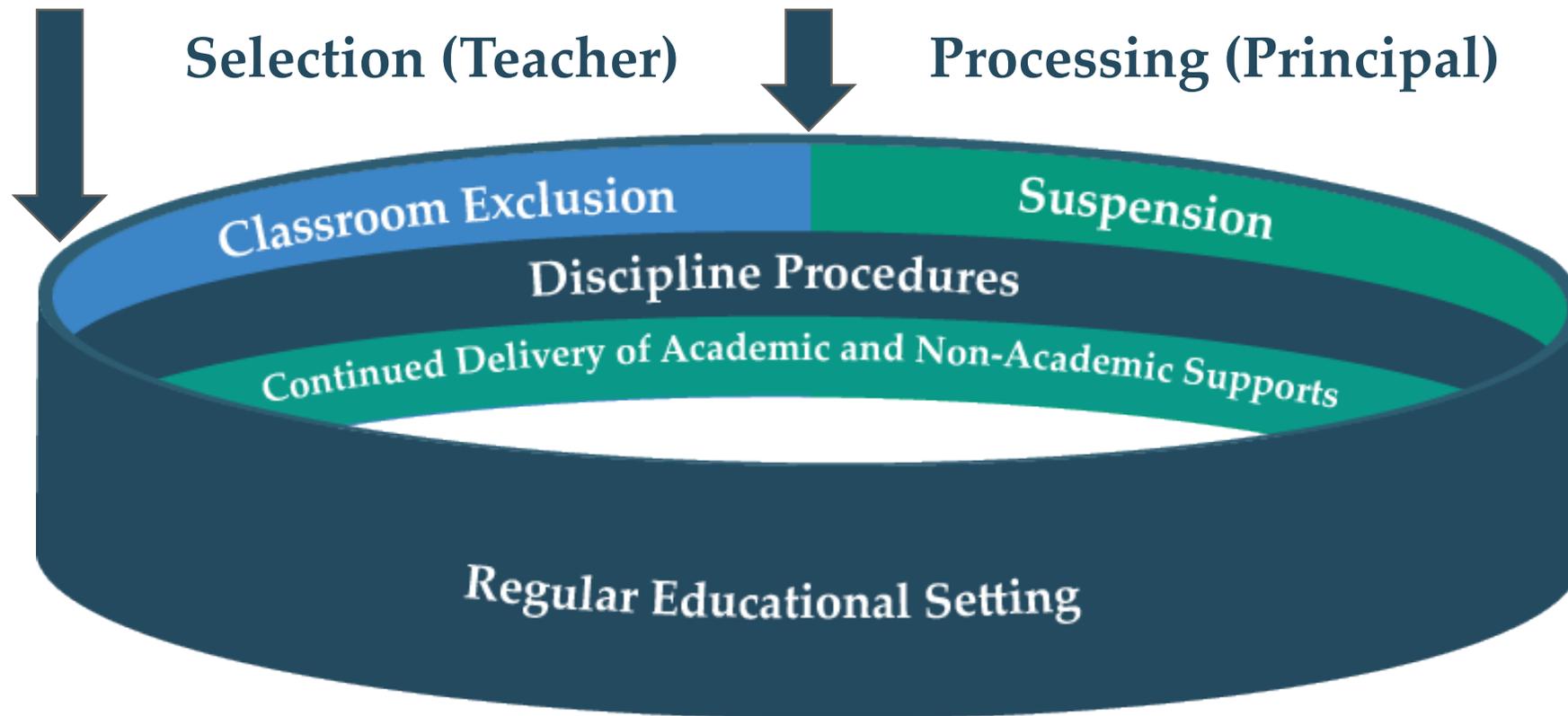
(Gregory, Skiba, & Noguera, 2010, p. 63)

- 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)



The Discipline Continuum





Due Process Legal Framework

Suspension State Definition: WAC 392-400-025(14)

Suspension means a denial of attendance in response to a behavioral violation from any subject or class, or from any full schedule of subjects or classes, but not including classroom exclusions, expulsions, or emergency expulsions.

- *In-school suspension* means a suspension in which a student is excluded from the student's regular educational setting but remains in the student's current school placement for up to ten consecutive school days
- *Short-term suspension* means a suspension in which a student is excluded from school for up to ten consecutive school days

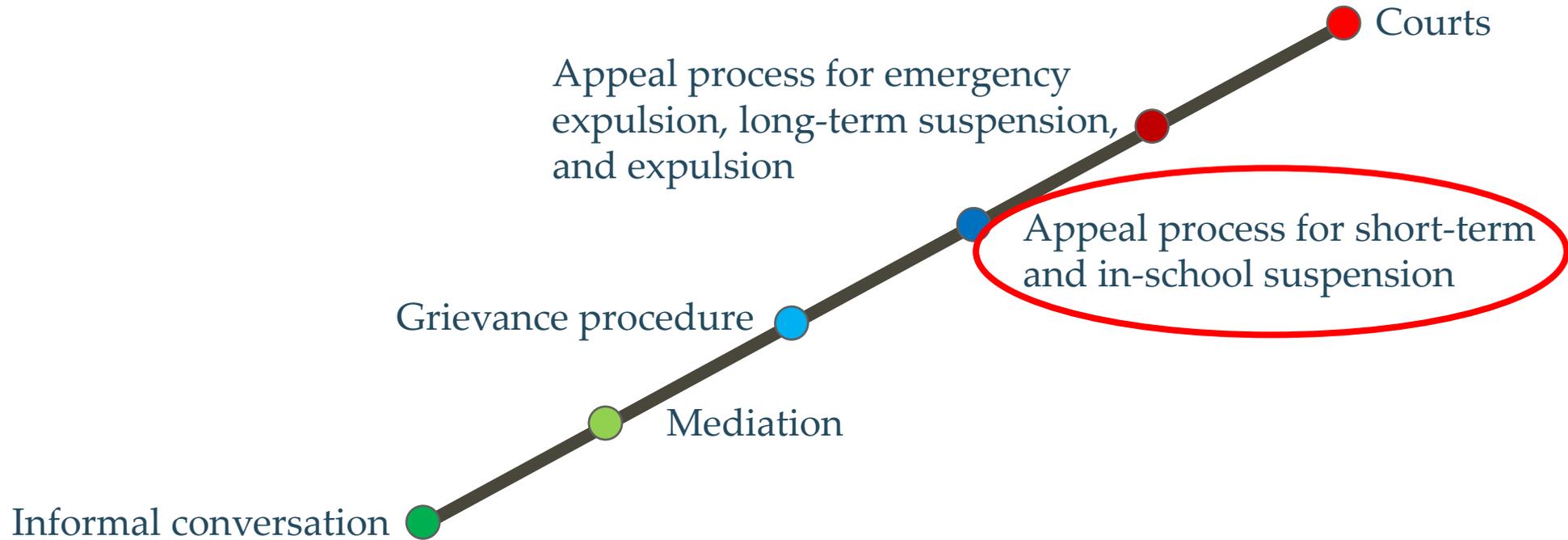


Reasons to Contest Discipline Decisions

- 1) Disagree that student committed behavioral violation and with discipline action
- 2) Agree student committed behavioral violation but disagree with discipline action
 - Concerned that discipline action was too severe
 - Concerned about impact on educational progress



Options to Contest Discipline Decisions



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.



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.



Constitutional Framework: Minimum Due Process Requirements

Goss v Lopez established minimum due process requirements for suspensions of up to ten days.

States and districts may establish more formal procedures:

- For suspensions exceeding ten days or for expulsions
- For suspensions of less than ten days

“We should also make it clear that we have addressed ourselves solely to the short suspension, not exceeding 10 days. Longer suspensions or expulsions for the remainder of the school term, or permanently, may require more formal procedures. Nor do we put aside the possibility that in unusual situations, although involving only a short suspension, something more than the rudimentary procedures will be required.” *Goss v. Lopez*, 419 U.S. 565 at 584.



“Before administering a short-term or in-school suspension, a school district must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations.” WAC 392-400-435(1)



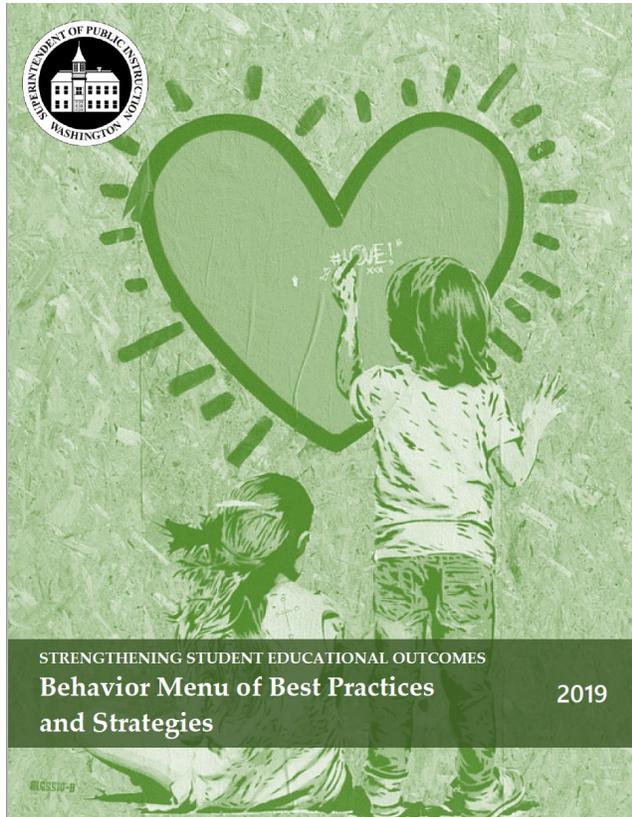
Other Forms of Discipline Definition

"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 392-400-435(1)*



Administrative Best Practices and Strategies



- Parent conference
- Confer with classroom teacher
- Increase supervision
- Restorative interventions
- Collaborative problem-solving
- Function-based thinking/assessment
- Behavior agreement



Suspension Limitations:

WAC 392-400-430 & WAC 392-400-435

- Absences and tardiness
- School year in which the behavioral violation occurred
- Grades K–4 maximum of 10 cumulative school days during any academic term
- Grades 5–12 maximum of 15 cumulative school days during any semester or 10 cumulative days during any trimester



Educational Services During Suspension: WAC 392-400-610

The educational services must enable the student to:

- Continue to participate in the general education curriculum
- Meet the educational standards established within the district
- Complete subject, grade-level, and graduation requirements

Suspension for up to five days:

- Coursework
- Access to school personnel
- Opportunity to make up work

Suspension for six to ten days:

- Additional coordination and communication



Educational Services During In-School Suspension: WAC 392-400-435(4)

When administering in-school suspension, school personnel must:

- Provide direct supervision
- Be accessible to offer educational support



Content Break

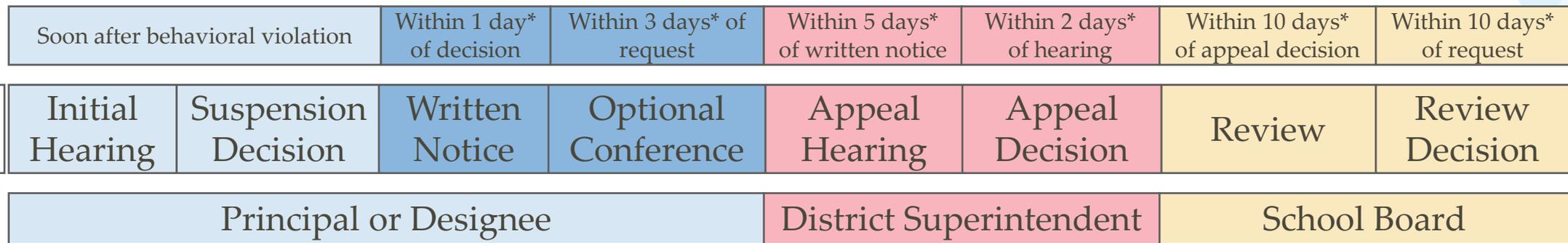
- Drink
- Think
- Digest
- Discuss
- Journal
- Kinesthetic activity





Due Process Procedures

WA Short-term and In-school Suspension Procedures



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)



Language Assistance

School districts must ensure that all communications are provided in a language the student and parents understand, which may require language assistance for students and parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.



Initial Hearing Procedures: WAC 392-400-450(1)

Before administering any suspension or expulsion, the principal or designee must conduct an informal initial hearing with the student for the purpose of hearing the student's perspective.

At the initial hearing, the principal or designee must provide the student:

- (a) Notice of the student's violation of the school district's discipline policy adopted under WAC 392-400-110;
- (b) An explanation of the evidence regarding the behavioral violation;
- (c) An explanation of the discipline that may be administered; and
- (d) An opportunity for the student to share the student's perspective and provide explanation regarding the behavioral violation.



Initial Hearing Parent Participation: WAC 392-400-450(2)

- During an initial hearing in which the school administrator is considering short-term or in-school suspension, the school administrator must provide the student an opportunity to contact their parents.
- District procedures may require additional attempts or delayed decision-making pending parent participation.



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



Initial Hearing: Decision-Making Process

Pre-decision. Before rendering a decision, in order to determine whether the suspension and the suspension length is warranted, the school administrator must consider:

- The student's individual circumstances (e.g. age, family stability, health, student eligibility categories); and
- The nature and circumstances of the behavioral violation (e.g. location, involvement of others, impact)

See WAC 392-400-430(2)



Initial Hearing: Decision-Making Process

Delayed decision. An administrator may consider delaying making a decision in order to:

- Allow parent participation
- Slow down the decision-making process to neutralize potential implicit bias
- Gather additional information and evidence



Initial Hearing: Administrative Decision

Decision. When a decision is made to suspend or expel a student, the school administrator must inform the student of the decision regarding the behavioral violation, including the date on which any suspension or expulsion will begin and end. *See* WAC 392-400-450(3)

End date. A student cannot be suspended or expelled for an indefinite or indeterminate amount of time. *See* RCW 28A.600.015(1); RCW 28A.600.020(6)



Written Notice: WAC 392-400-455

- Description of behavioral violation
- Duration and conditions of suspension
- Explanation of suspension decision and other forms of discipline attempted
- Educational services description and contact information
- Right to informal conference
- Right to appeal and information to appeal



Optional Informal Conference: WAC 392-400-460

- At the request of the student or parent
- Conference to resolve disagreement
- May agree with family on time and context
- Confer with principal and school personnel
- Opportunity to discuss other options
- Does not replace appeal or readmission process



District Appeal Process: WAC 392-400-465

- At request of the student or parent
- Opportunity to share the student's perspective and explanation
- Communication medium may be oral or written
- Appeal decision must be delivered in writing
- Superintendent may uphold, reverse, or modify suspension



School Board Review: WAC 392-400-470

- At request of the student or parent
- Communication medium may be oral or written
- School board may delegate a discipline appeal council
- Review all documentary and physical evidence, appeal records, and district's discipline policy
- May not involve persons involved in prior decisions
- Review decision must be delivered in writing
- School board may uphold, reverse, or modify suspension



Readmission Process

A suspended student may petition for readmission during any point following a suspension.

- District policy and procedures. *See* WAC 392-400-110(1)(k)
- Requirement to allow petition. *See* WAC 392-400-430(5)(b)
- Separate from informal conference and appeal process.
See WAC 392-400-460(5)



Content Break

- Drink
- Think
- Digest
- Discuss
- Journal
- Kinesthetic activity





Procedures Knowledge Test

True or False? A school district can immediately suspend a student if the behavioral violation is not the student's first offense.

False

- School districts may not adopt zero-tolerance discipline policies and procedures that would require a mandatory suspension in response to any behavioral violation.
- Before administering a short-term or in-school suspension, the school district must first attempt one or more other forms of discipline to support the student in meeting behavioral expectations. *See WAC 392-400-435(1)*
- When deciding whether a suspension and the length of a suspension is warranted, the school district must consider the student's individual circumstances and the nature and circumstances of the behavioral violation. *See WAC 392-400-430(2)*



True or False? During an initial hearing, the principal must allow the student to share their perspective about the behavioral violation.

True

- The principal or designee must provide the student an opportunity to share the student's perspective and provide explanation regarding the behavioral violation. *See WAC 392-400-450(1)(d)*
- The principal or designee must also provide the student an opportunity to contact their parents. *See WAC 392-400-450(2)(a)*



True or False? The school district must provide written notice to the student and parents about the educational services the district will provide during the suspension.

True

- The written notice must include a description of the educational services that will be provided and the name and contact information for the school personnel who can offer support to keep the student current with assignments and course work. *See WAC 392-400-610(2)*
- The school district must also attempt to notify the student's parents regarding the behavioral violation before administering any suspension. *See WAC 392-400-455(1)*



True or False? If a student or parent requests an optional informal conference with the principal, the principal may deny the request.

False

- The request is optional for the student and parents but the conference is required for the principal or designee after receiving a request. *See WAC 392-400-460(2)*
- The principal may decide to schedule an informal conference immediately following the initial hearing—either in agreement with the student and parents or in anticipation of a request.
- The student or parent may decide to immediately appeal the suspension and the principal cannot require an informal conference. *See WAC 392-400-465*
- An informal conference with the principal does not replace the appeal hearing or readmission processes. *See WAC 392-400-460(5)*



True or False? If a student misses an appeal deadline, the student may still petition for readmission.

True

- School districts must adopt policies and procedures that allow a suspended student to petition for readmission at any time. *See WAC 392-400-110(1)(k); WAC 392-400-430(5)(b)*
- An informal conference with the principal or an appeal hearing does not replace the petition for readmission process. *See WAC 392-400-460(5)*



True or False? A school administrator cannot send a student home early, or tell a parent to keep their student home from school because of the student's behavioral violation, without first providing notice and due process for a suspension.

True

- Sending a student home early or requesting a student stay at home in response to behavioral violations is a suspension (even if the school calls it an “early dismissal” or “student pick-up” or “day off” or some other term). *See WAC 392-400-025(14)*
- Before an administrator can send a student home for a behavioral violation, they must hold an informal initial hearing with the student. *See WAC 392-400-450*



Content Break

- Drink
- Think
- Digest
- Discuss
- Journal
- Kinesthetic activity





Equitable Systems & Data-Based Decision-Making

Behavioral Violations and Implicit Bias

Implicit bias can play a role in interpreting student behaviors:

- Subjectively defined behavioral violations
- Assumptions about students' family environment or norms
- Labeling (media stereotypes, tracking, program eligibility, etc.)
- Educator over-attention (expect certain misbehavior)
- Educator under-attention (minimalize certain misbehavior)
- Cultural mismatch
- Low expectations
- Developmentally unrealistic expectations

(Bal, Schrader, Afacan, & Mawene, 2016; Bradshaw, Mitchell, O'Brennan, & Leaf, 2010; Gilliam, et al., 2016; Hatt, 2012; Morris & Perry, 2017; Smolkowski, Girvan, McIntosh, Nese, & Horner, 2016)



Vulnerable Decision Points

Contextual variables that increase the likelihood of implicit bias influencing discipline decision-making:

- **Subjective behavior** (ambiguously defined, adult-rated level of severity, etc.)
- School setting (classrooms, academic tasks, etc.)
- Time of day (stress, hunger, fatigue, etc.)
- Unfamiliar with student (in-group bias, etc.)

(McIntosh, Girvan, Horner, & Smolkowski, 2014; McIntosh & Payno, 2018; Smolkowski, Girvan, McIntosh, Nese, & Horner, 2016)



Vulnerable Decision Points

Promising strategies for neutralizing implicit bias:

- Delay decision (interrupt potential escalation and model calm behavior)
- Reframe the situation (assume student is communicating a need, etc.)
- Self-awareness (recognition of internal state and personal biases)
- Self-regulate (internal check, breathing techniques, etc.)

(McIntosh, Girvan, Horner, & Smolkowski, 2014; McIntosh & Payno, 2018; Smolkowski, Girvan, McIntosh, Nese, & Horner, 2016)



In-School Suspension: Research Findings

Research on outcomes associated with the use of ISS is not as robust as the research body on the effects of OSS, but available evidence suggests:

- ISS is associated with lower academic performance and increased likelihood of high school dropout
- Students who are black, male, of lower socioeconomic status (SES), or receiving special education services are significantly more likely to receive ISS
- ISS is not as strongly associated with poor academic achievement as OSS
- School districts implementing discipline reform may simply replace the use of OSS with ISS based on reasonable assumptions about the relative benefits compared to OSS
- ISS may have greater potential to keep students engaged in school and reduce unsupervised time out of school/delinquent activities

(Cholewa, Hull, Babcock, & Smith, 2017; Gregory, Huang, Anyon, Greer, & Downing, 2018; Noltemeyer, Ward, & Mcloughlin, 2015)



In-School Suspension Considerations

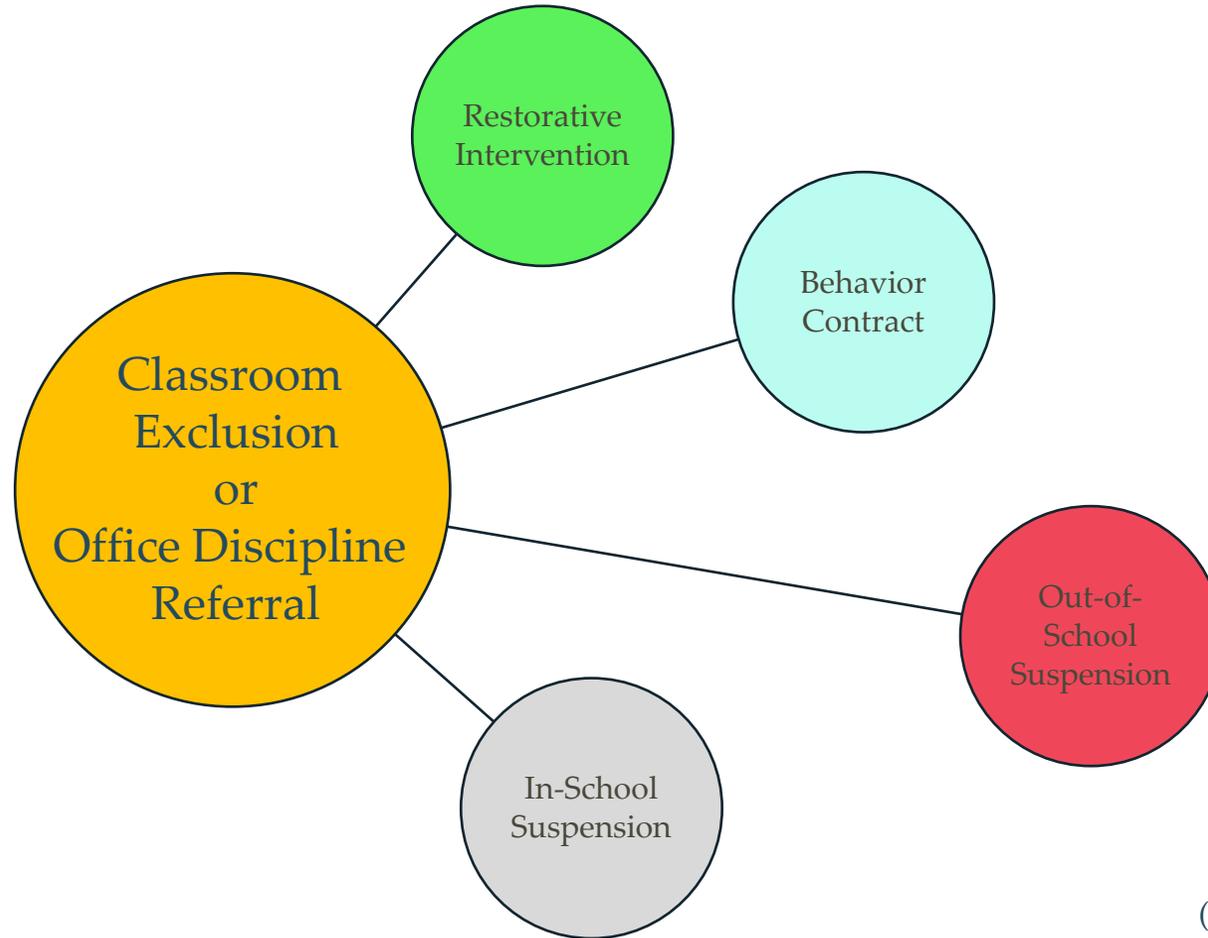
Features that may improve the likelihood of an ISS program's success include:

- Adult supervision and support
- Quality academic services (classroom assignments and instruction)
- Physical location conducive to learning and non-stigmatizing
- Integrated social-emotional and behavioral services
- Low staff-to-student ratio
- Detailed data systems and progress monitoring
- Clear entrance and exit criteria that are not punitive

(Strawhun, Peterson, Fluke, & Cathcart, 2015)



Differential Processing



Student outcomes related to administrative decisions that are made along the discipline continuum represent data points to evaluate whether differential processing may be occurring

(Anyon, et al., 2014; Gregory, Huang, Anyon, Greer, & Downing, 2018)



Reviewing Discipline Data

Washington law requires school districts to review disaggregated discipline data (by student demographics and characteristics, behavior and exclusion categories, length of exclusions, etc.):

- When developing and periodically reviewing the district's discipline policies and procedures—with the participation of school personnel, students, parents, families, and the community to:
 - a) monitor the impact of the district's discipline policies, procedures, and practices
 - b) update the district's discipline policies and procedures to improve fairness and equity in the administration of discipline. *See RCW 28A.320.211(2); WAC 392-400-110(2)*
- On at least an annual basis to identify and address disproportionalities in accordance with state civil rights laws prohibiting discrimination in Washington public schools. *See WAC 392-190-048*



Student demographics and characteristics

School districts are required to disaggregate student level data by the following student demographics and characteristics:

RCW 28A.300.042
State Discipline Law

- **Race/ethnicity**
- **Gender**
- **English learner**
- **Special education**
- **Section 504**
- Foster care
- Homeless
- Low-income
- Migrant
- Grade level

WAC 392-190-048
State Civil Rights Law



Discipline Laws and Data Considerations

4SHB 1541 (2016) Part 1: Disproportionality in Student Discipline: “**Reduce the length of time** students of color are excluded from school due to suspension and expulsion...”

ESSA Sec. 1112(b)(11) District plans must 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.”

Data considerations...

- Out of proportion, overrepresentation, high rates
- Goals, precision problem statements, legal requirements
- Measures, calculations, comparisons



Discipline Data: Identifying Disproportionality

- There are a variety of methods for calculating overrepresentation in discipline data and a universally standardized approach does not exist
- Multiple measures should be used to identify disproportionality
- Relying on a single measure can obscure or exaggerate disproportionality
- The two most common methods for identifying disproportionality in discipline data are **Risk** and **Composition**—researchers recommend using both when analyzing discipline data for disproportionality
- Caution should be exercised when making comparisons to groups with a small population (sample size) because minor changes can easily inflate or deflate disproportionality
- Disaggregated and longitudinal data is necessary to identify patterns and trends

(McIntosh, Barnes, Eliason, & Morris, 2014; Nishioka, Shigeoka, & Lolich, 2017; Osher, et al., 2015)



Discipline Data: Common Methods

Risk

What is the likelihood of a particular group experiencing a specific outcome?

What is the likelihood of a particular group experiencing a specific outcome compared to others?

Composition

What is the representation of a particular group within a specific category?

What is the difference between the particular group's representation within a specific category compared with the particular group's representation in the student population?



Risk Index

Risk Index (rate): Used to calculate the probability of a specific student group experiencing a particular outcome (e.g. what percentage of 9th grade students received one or more ODRs during the fall quarter of school)

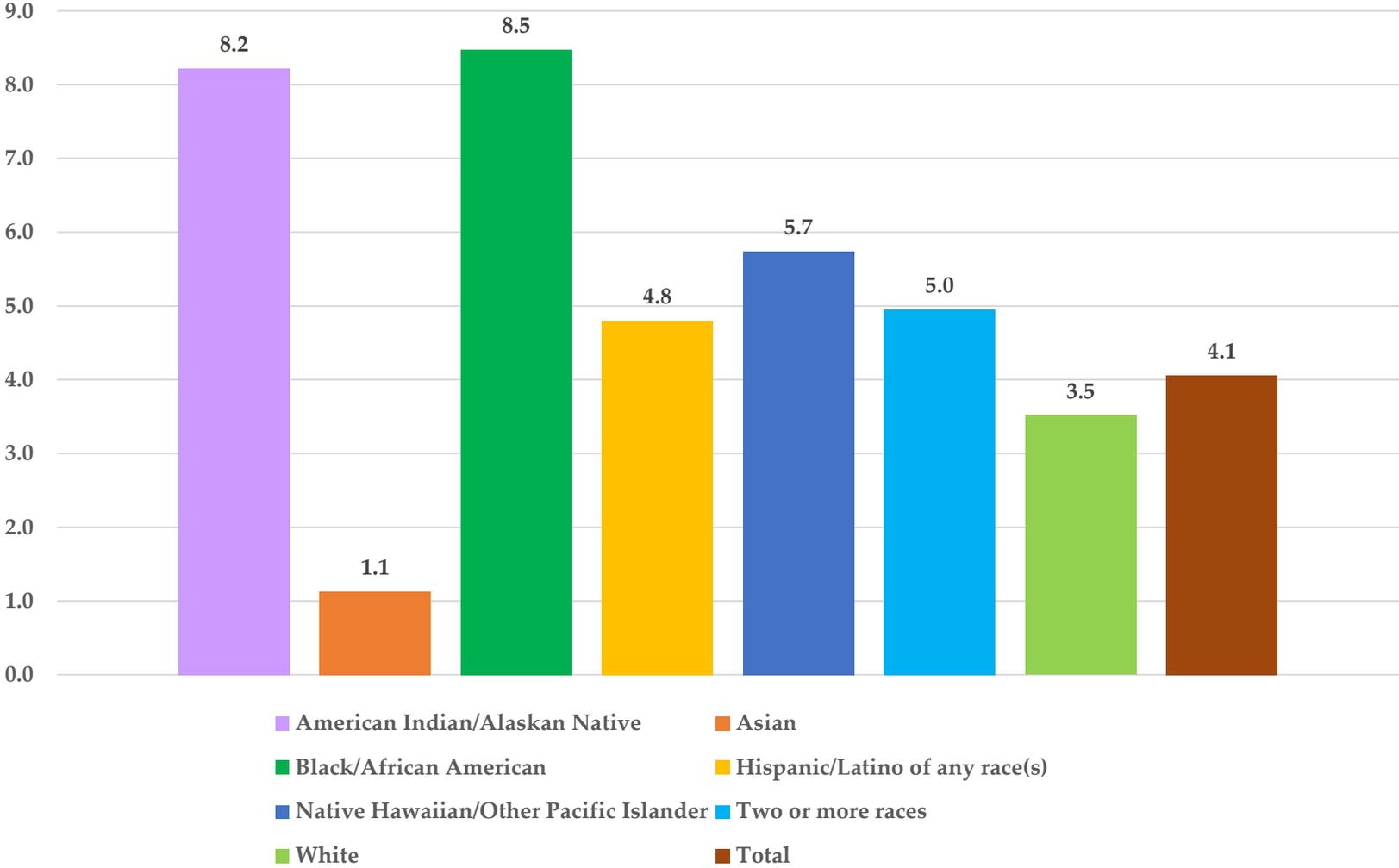
Number of Specific Students with Particular Outcome
(e.g. race/ethnicity, grade-level, gender, etc. with exclusion, behavior, missed instruction, etc.)

divided by

Total Number of Specific Students Enrolled
(e.g. enrollment by program, classroom, school, district, state)



Out-of-School Discipline Rate by Race/Ethnicity



Risk Metrics

Risk Metrics (difference in risk): Used to evaluate the risk index for a specific student group experiencing a particular outcome relative to the risk index for a comparison group (e.g. another specific group or all other groups) experiencing the same outcome (e.g. what the likelihood is of black students receiving a classroom exclusion compared to white students or what the likelihood is of homeless students receiving lunch detention compared to all non-homeless students)

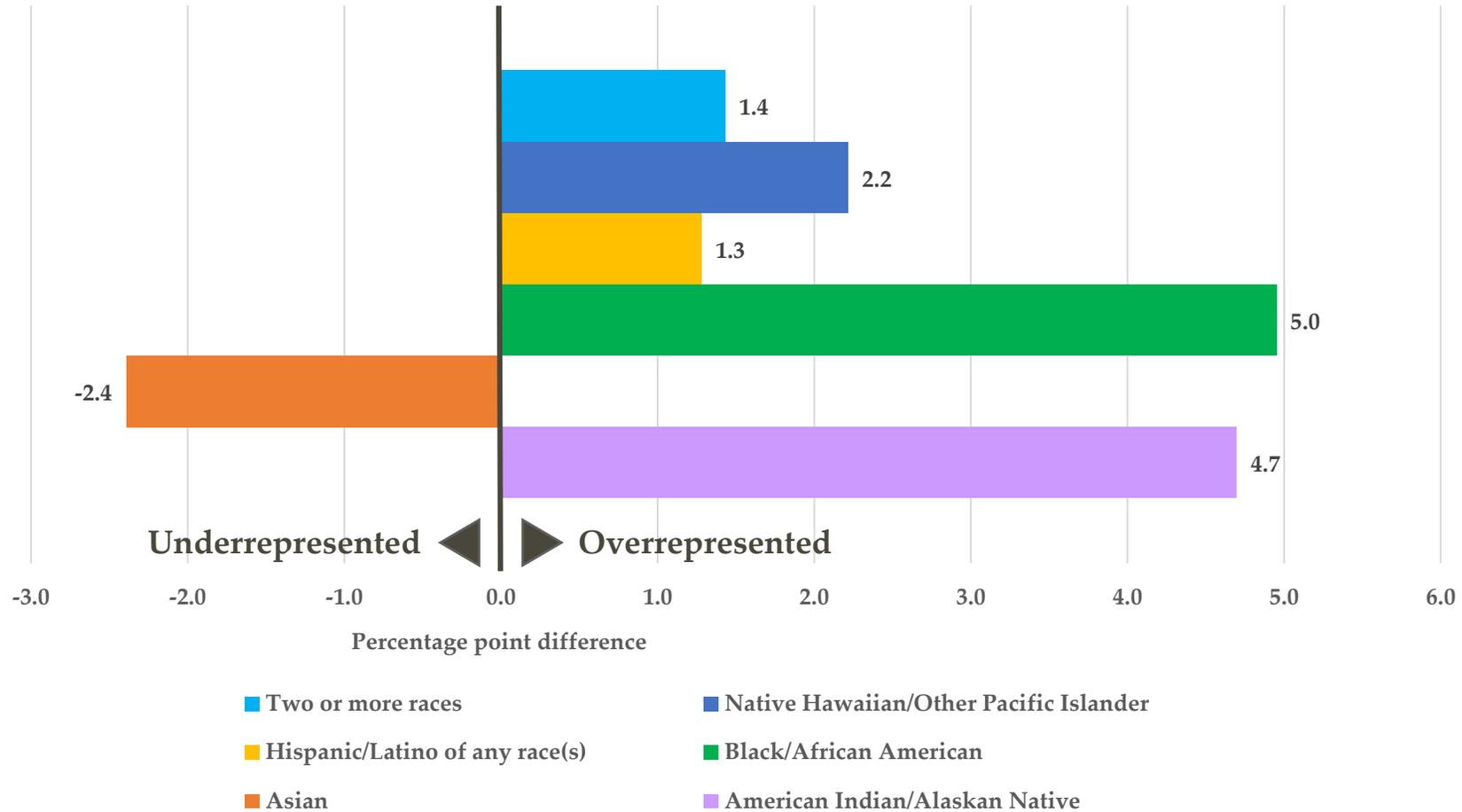
Risk Index for Specific Student Group
(e.g. black students who received a classroom exclusion)

subtracted from (risk gap) or divided by (risk ratio)

Risk Index for Comparison Group
(e.g. all non-black students or white students who received a classroom exclusion)



Risk gap comparing the rates of students who experienced one or more out-of-school exclusions by race/ethnicity with the rate among White students who experienced one or more out-of-school exclusions



Risk ratio comparing the rates of students who experienced one or more out-of-school exclusions by race/ethnicity with the rate among White students who experienced one or more out-of-school exclusions



Composition

Composition: Used to calculate the representation of a specific student group within a particular category (e.g. what proportion of all the students who were excluded from gym class were students receiving special education services)

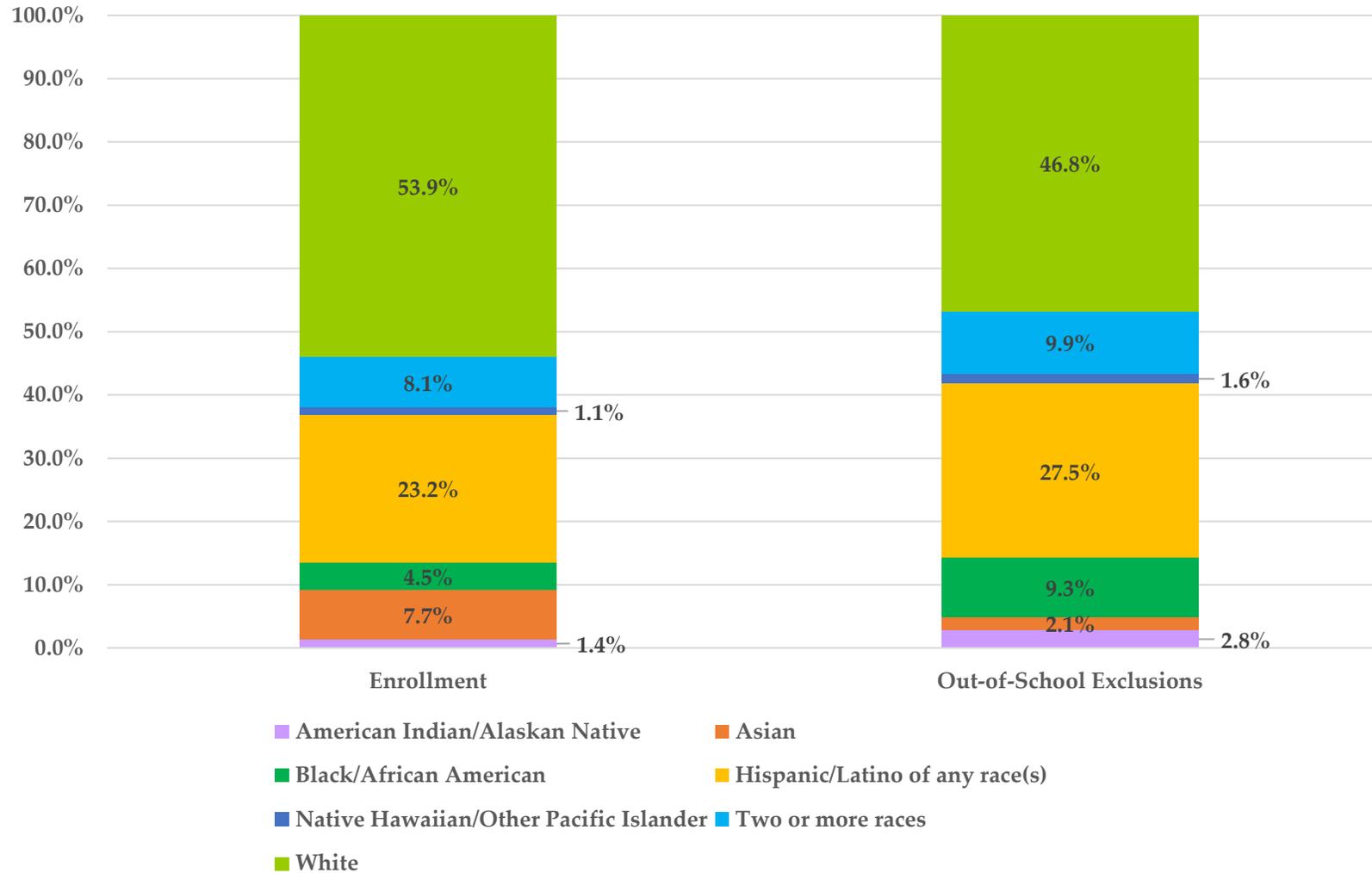
Number of Specific Students within a Particular Category
(e.g. students receiving special education services who were excluded from gym class)

divided by

Total Number of Students within that Particular Category
(e.g. all students who were excluded from gym class)



Percentage distribution of student enrollment compared to percentage distribution of students receiving one or more out-of-school exclusions



Composition Metrics

Composition Metrics: Used to evaluate the representation of a specific student group within a particular category compared to the representation of that specific group within the total student population (e.g. whether the percentage of transgender students who received a classroom exclusion is greater than the percentage of transgender students who are enrolled in the school district)

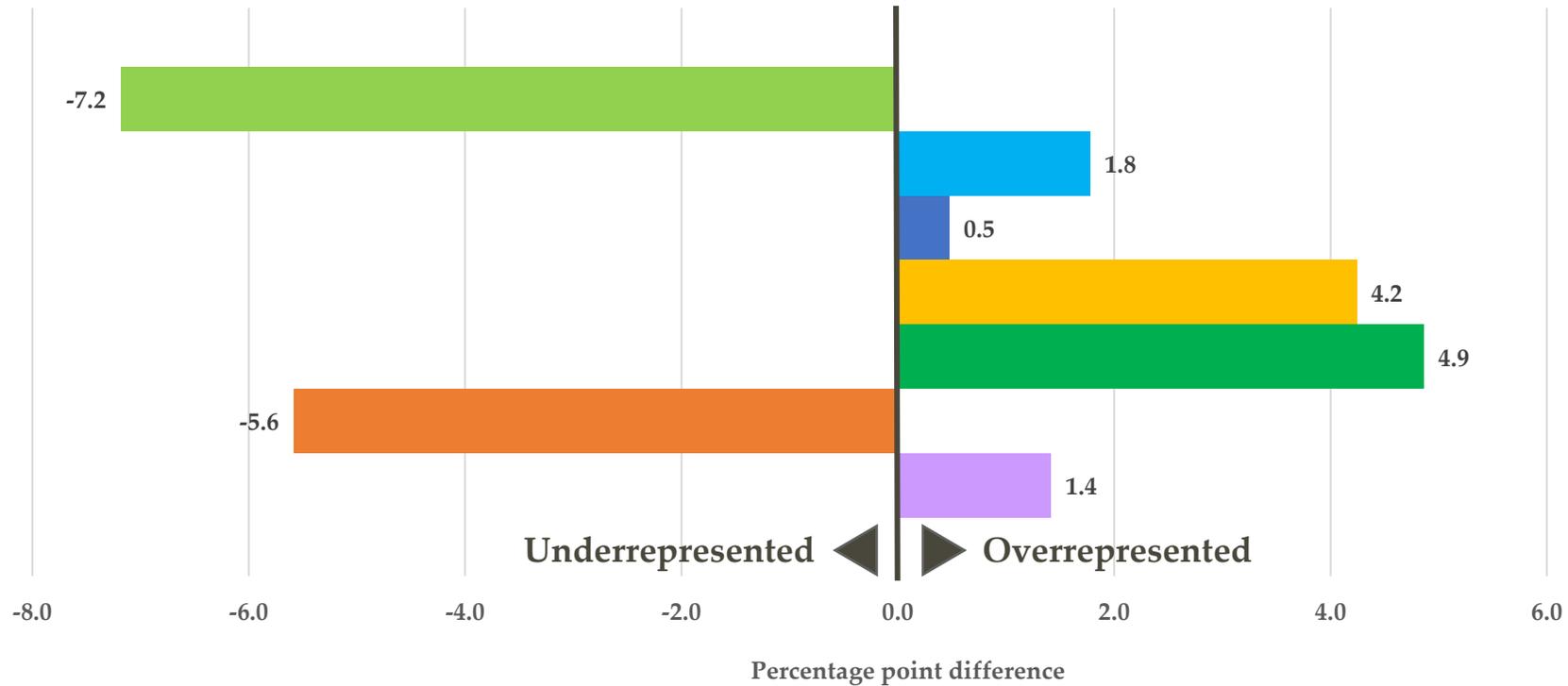
Composition of Specific Students within a Particular Category
(e.g. percentage of transgender students who received a classroom exclusion out of all students who received a classroom exclusion)

subtracted from (difference in composition) or divided by (relative difference in composition)

Composition of Specific Students within Total Student Population
(e.g. percentage of transgender students out of all enrolled students)



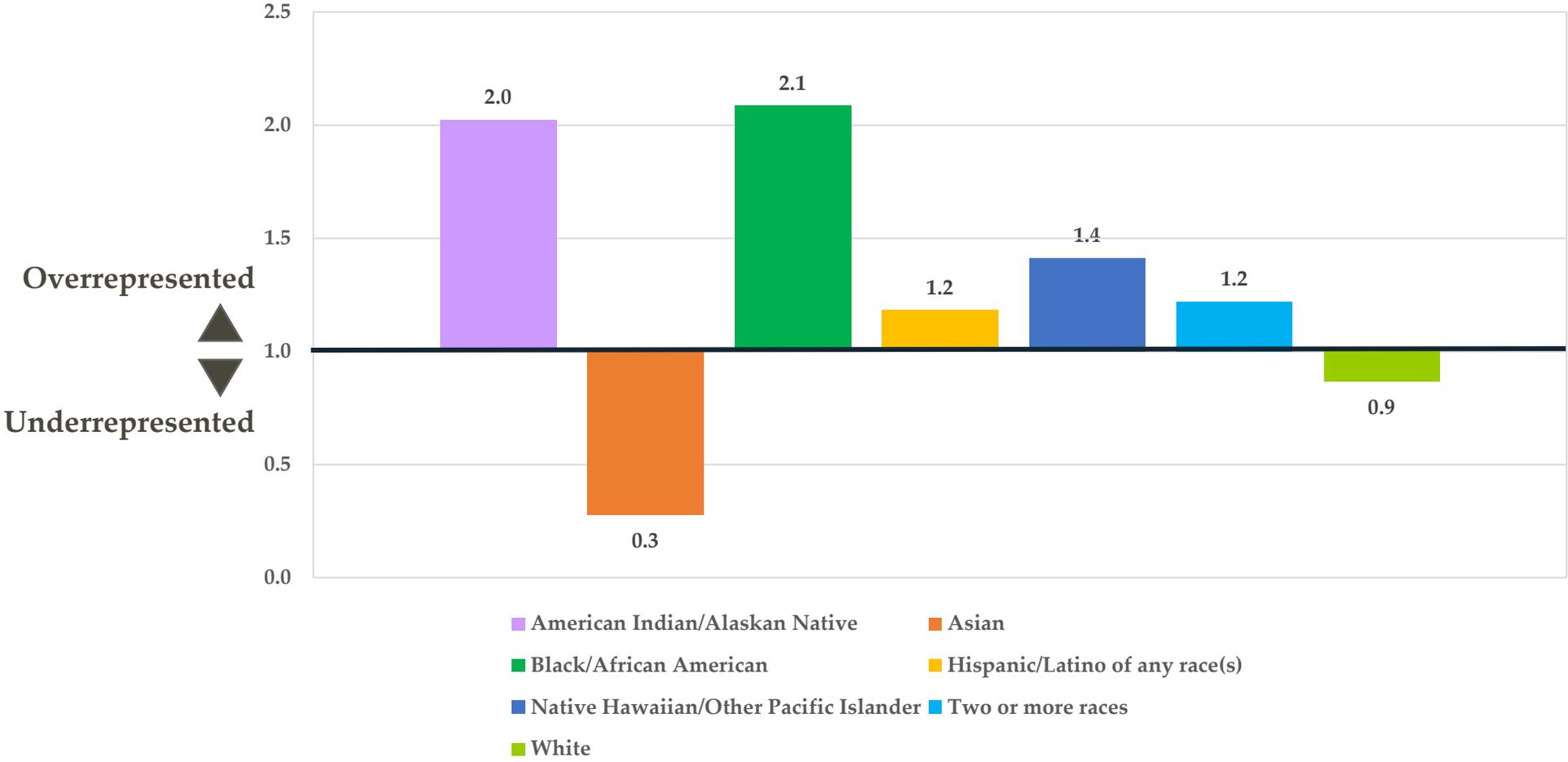
Difference in composition between the proportion of students who experienced one or more out-of-school exclusions in each racial/ethnic group and proportion of the group in the total student population



- White
- Native Hawaiian/Other Pacific Islander
- Black/African American
- American Indian/Alaskan Native
- Two or more races
- Hispanic/Latino of any race(s)
- Asian



Relative difference in composition between the proportion of students who experienced one or more out-of-school exclusions in each racial/ethnic group and proportion of the group in the total student population



Multiple Measures & Longitudinal Analysis

Group	2008			2015			Interpretation and Possible Explanations
	OSS Rate	Risk Gap	Risk Ratio	OSS Rate	Risk Gap	Risk Ratio	
Black	14%	9	2.8	6%	5	6.0	<ul style="list-style-type: none"> • Out-of-school suspension (OSS) rates decreased and risk gap narrowed, but risk ratio increased. • Risk for the comparison group decreased to a greater extent than other groups • Reductions in OSS rates were correlated with district implementation of restorative interventions. • Differential selection and processing persisted and was potentially attributed to unfair assignment of severity levels based on educator perceptions.
White (comparison group)	5%	0	1.0	1%	0	1.0	

(Gregory, Huang, Anyon, Greer, & Downing, 2018)



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)



Relational Strategies & Qualitative Data

Communicate with staff, students, families, and the community.

- Promote open and honest discussions that provide opportunities for diverse perspective-taking, relationship-building, and collaborative problem-solving
- Ensure adequate language access for all communications with culturally and linguistically diverse families
- Document, summarize, and thematically organize family communications (phone log, email, student- and parent-teacher conferences, etc.)
- Facilitate formal conversations (focus groups, restorative conferences, MTSS committees, interviews, school or community events)
- Gather survey data about perceptions of school climate, academic rigor, family engagement, etc.

(Davis, 2017; Green, et al., 2015; Osher, et al., 2015)



Discipline Disproportionality Example



<https://www.youtube.com/watch?v=g7F9XCdeOtw>



Content Break

- Drink
- Think
- Digest
- Discuss
- Journal
- Kinesthetic activity





Effective Implementation

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.



Discipline Procedures Review Strategies

Build trust with the families and the community

- Establish cultural awareness of the entire community
- Gain an understanding of histories between groups
- Listen and respond respectfully

Create spaces for engagement and collaboration

- Provide opportunities for diverse participation
- Consider transportation and language accessibility
- Promote open and honest discussion

Include school personnel

- Encourage participation from diverse viewpoints

Provide clear messaging and goals

- Provide agendas in advance and set timelines for follow-up
- Ensure consistent communication across all groups

(Davis, 2017)



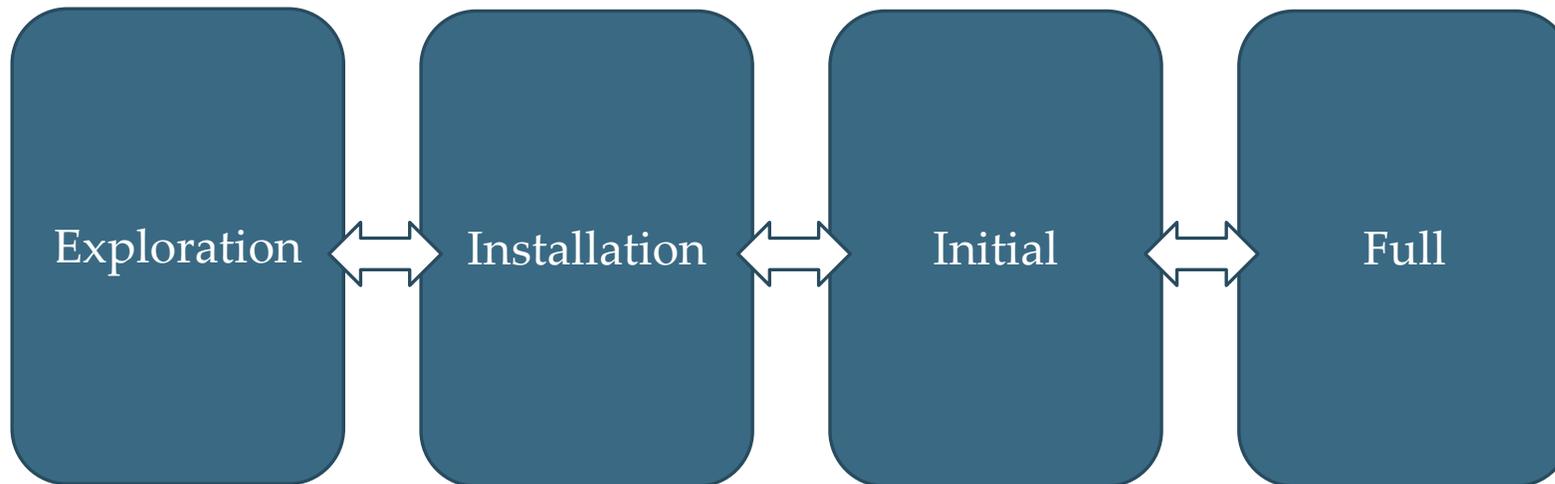
Research-Based Framework: Equity in School Discipline

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

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



Implementation Stages



“It is clear that implementation is not an event, but a process, involving multiple decisions, actions, and corrections to change the structures and conditions through which organizations and systems support and promote new program models, innovations, and initiatives.” — Metz & Bartley, 2012



Implementation Iterative Processes

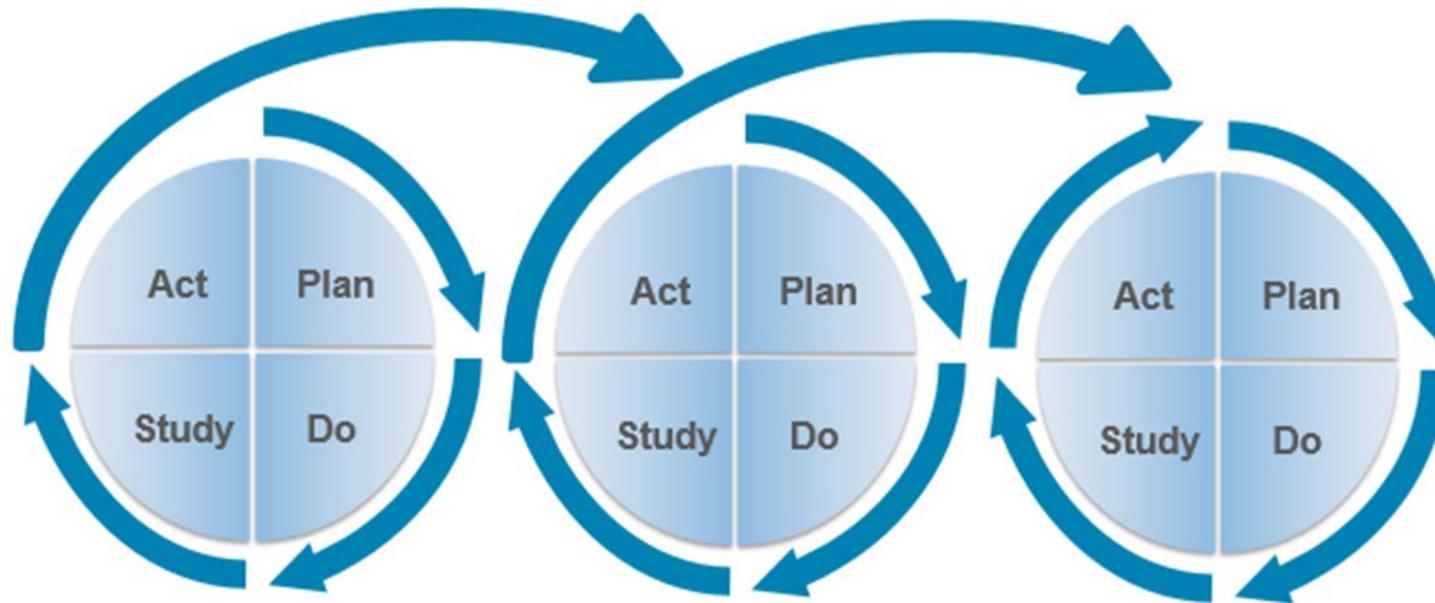
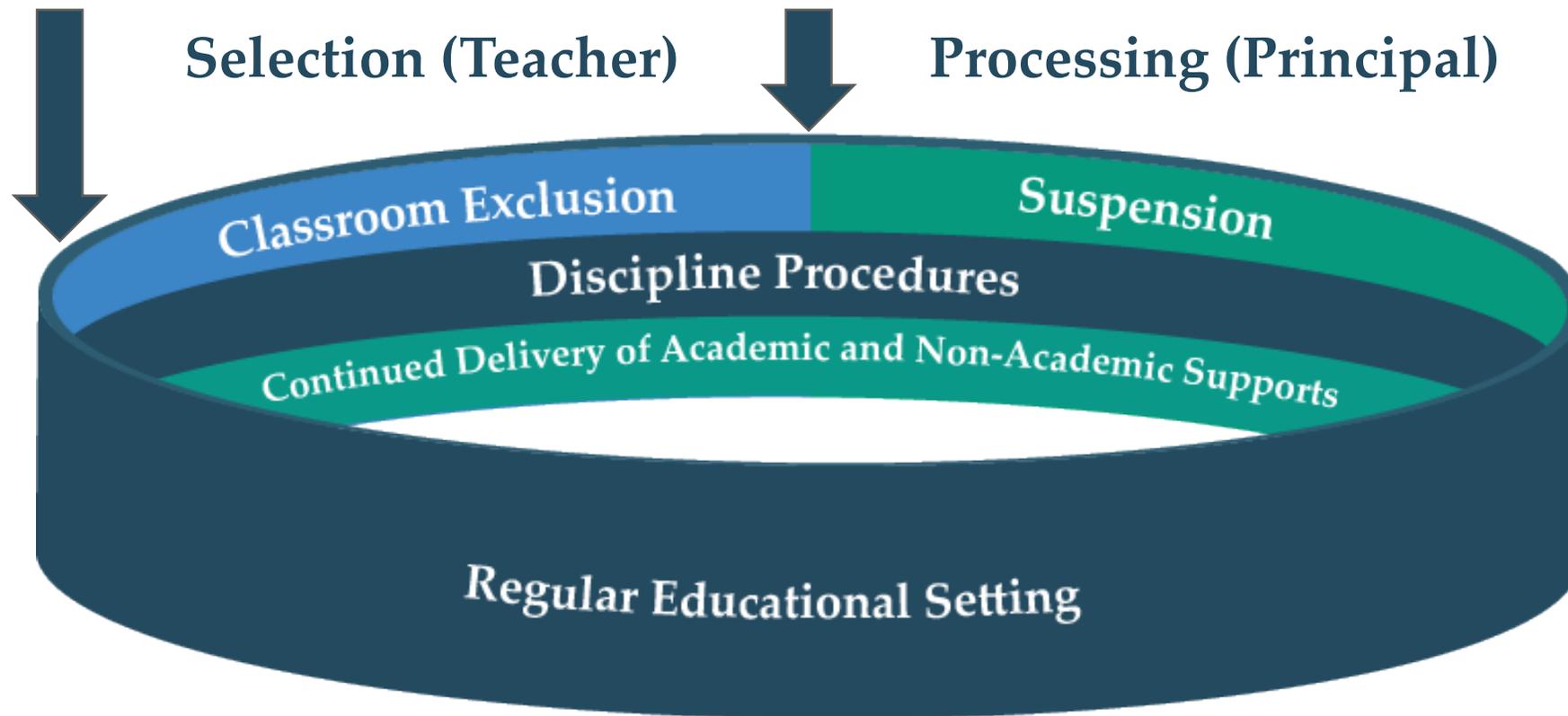


Image from sisep.fpg.unc.edu CC BY-NC-ND



The Discipline Continuum



References

- 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.
- 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.
- 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.
- 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.
- 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.
- 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., 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., 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.
- Hatt, B. (2012). Smartness as a cultural practice in schools. *American Educational Research Journal*, 49, 438-460.
- 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.
- 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>
- 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.
- Nishioka, V., Shigeoka, S., & Lolich, E.. (2017). *School discipline data indicators: A guide for districts and schools* (REL 2017-240). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Northwest. Retrieved from <http://ies.ed.gov/ncee/edlabs>.
- 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.



References

- 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.
- 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>.





Except where otherwise noted, this work by [Office of Superintendent of Public Instruction](#) is licensed under a [Creative Commons Attribution 4.0 International License](#).

All logos and trademarks are property of their respective owners.

This presentation may contain or reference links to websites operated by third parties. These links are provided for your convenience only and do not constitute or imply any affiliation, endorsement, sponsorship, approval, verification, or monitoring by OSPI of any product, service, or content offered on the third party websites. In no event will OSPI be responsible for the information or content in linked third party websites or for your use of or inability to use such websites. Please confirm the license status of any third-party resources and understand their terms of use before reusing them.

The information contained in this presentation and power point is an overview of student discipline requirements. The presentation is not intended as legal advice. The state regulations that implement student discipline statutes under Chapter 28A.600 RCW are located under Chapter 392-400 WAC. Outside resources are not intended to be an endorsement of any service or product. District personnel should always review their district's procedures and review questions with their administrative staff.

Content Break

- Drink
- Think
- Digest
- Discuss
- Journal
- Kinesthetic activity



Webinar Q&A Protocols

- Please submit questions in writing through the question log
- Please keep questions related to the webinar content
- OSPI staff and guests will not be able to answer questions about specific scenarios, students, or experiences
- OSPI staff is readily available to provide technical assistance following the webinar



Questions?

Joshua Lynch, Program Supervisor, Student Discipline,
Behavior & Readiness to Learn
Office of Superintendent of Public Instruction

email: joshua.lynch@k12.wa.us

