

Guide to Item 14.5

Equity in Student Discipline

Legal Background

At least annually, LEAs must review disaggregated student discipline data at each building to identify disproportionalities based on sex, race, EL-status, and disability (special education and Section 504) to ensure the LEA does not discriminate in the administration of discipline. At a minimum, the review must include suspensions (both in-school, short-term, and long-term), expulsions, and emergency expulsions.

OSPI Resources and Tools

[Data Review and Root Cause Analysis](#)— step-by-step guide for annual proportionality review.

If the review identifies a substantial disproportionality based on sex, race, EL-status, or disability, the LEA must take prompt action to ensure it is not the result of discrimination.

Legal authority: Title IX, [34 C.F.R. Sec.106.36](#); Section 504, [34 C.F.R. Sec.104.34](#); Title VI, [34 C.F.R. Sec.100.3](#); RCW [28A.640.010](#); RCW [28A.642.010](#); and WAC [392-190-048](#).

Description of the Review Process (14.5.A)

Evidence to Provide

- A. A description of the process the LEA uses to annually review disaggregated student discipline data at each building to identify and address substantial disproportionalities based on sex, race, EL status, special education status, and Section 504 status. At a minimum, the description must include:
1. When the review occurs.
 2. Who is involved in the reviews.
 3. How the reviews are documented.
 4. What data is reviewed.
 5. How the LEA or building determines whether substantial disproportionalities exist.



Tips for Program Review (14.5.A)

- **Make sure the LEA responds to each of the prompts included in Item 14.4.A.** Doing so will help ensure the LEA's process is aligned with the legal requirements and it will help OSPI to contextualize the implementation evidence provided for Items 14.4.B & C.
- **At a minimum, the LEA must include the following categories of removals**, if imposed in a particular building: Suspensions (including in-school suspensions), expulsions, and emergency removals (emergency expulsions). However, even if not required, LEAs may also find it informative to review other types of discipline referrals and types of behavioral violations, especially when determining the root causes of disproportionalities.

Evidence of Implementation (14.5.B)

Evidence to Provide

For 14.5.B, please select any two elementary schools, two middle/junior high schools, two high schools, and two online or ALE programs (where applicable).

- B. Evidence of implementation of the LEA's process to annually review student discipline data at each building for the 2024–25 or 2025–26 school year. Evidence must include at least the following:
 1. Disaggregated student discipline data reviewed.
 2. A narrative, report, or meeting minutes that demonstrate how the LEA or building analyzed the data to identify substantial disproportionalities.
 3. A list of identified substantial disproportionalities.

Tips for Program Review (14.5.B)

- **Make sure to include responsive evidence** for each of the three numbered prompts in the request. Please also check to make sure that the evidence submitted for is sufficiently detailed to show what data was reviewed *and* how the LEA/building determined whether substantial disproportionalities were found.
- **Consider reviewing [Appendix B](#) in OSPI's *Preventing and Addressing Discrimination in Student Discipline* (2019).** Although the approach it describes is not required, it offers a step-by-step guide for one way an LEA could conduct its review.
- **Student discipline data must be reviewed for each *building*** (*i.e.*, not the LEA as a whole), and then disaggregated by sex, race, EL status, and disability (special education and Section 504).
- **OSPI does not have a specific measure for what constitutes a "substantial" disproportionality.** Instead, the LEA should base its determination on multiple factors, including the school size; the size of the student group; whether the specific student

group represents a high or low percentage of the student population; the total number of students who participate in the course or program; and the relative rates or composition that students in a specific student group represent among students who are enrolled in the course or program.

- **For smaller LEAs, it may be useful to compare and analyze multiple years of data** together to identify possible trends of over- or under-represented student groups.

Evidence of Analysis (14.5.C)

Evidence to Provide

For 14.5.C, please submit evidence from the same schools that were used for 14.4.B. If no substantial disproportionalities were identified, please mark 14.5.C as N/A.

- C. If substantial disproportionalities were identified, evidence that the LEA or building is addressing each substantial disproportionality to ensure it is not the result of discrimination. Evidence must include the following:
 1. A narrative, report, or meeting minutes that demonstrate the LEA or building's analysis to determine the causes of substantial disproportionalities (i.e., root cause analysis).
 2. The LEA or building's plan to address each substantial disproportionality to ensure it is not the result of discrimination (e.g., reviews of student discipline policies, procedures, and practices, and implementation of evidence-based practices reasonably calculated to address the root causes..

Tips for Program Review (14.5.C)

- **If any substantial disproportionalities were identified**, the LEA must provide evidence (i.e., work product or documentation of some sort) showing that the LEA or building analyzed disparities to determine the root causes and whether the substantial disproportionalities were the result of bias or discrimination.
- **Plans to address substantial disproportionalities** should be informed by and intended to address the suspected root causes of the disproportionality.

Learn More About Equity in Student Discipline

- [WAC 392-190-048](#) Access to Course Offerings—Student Discipline and Corrective Action.
- OSPI Guidelines: [Preventing & Addressing Discrimination in Student Discipline](#) (2019). See pages 14-18 (annual review) and Appendix B (step-by-step guide to annual review).
- OSPI [Equity in Student Discipline](#) website (tools and resources)
- National Center on Safe and Supportive Learning Environments: [Planning Guide and Toolkit: Addressing the Root Causes of Disparities in School Discipline](#)
- U.S. Department of Education, Office for Civil Rights (OCR): [Guidance and Resources: School Climate and Discipline](#)