

The SMART Center 2020 Speaker Series



UW SMART Center 2020 Speaker Series – Dan Losen – April 29th, 2020

Helpful Resources and Presentation Links/Sources for Data and Research

Resources:

www.schooldisciplinedata.org

This website is really a web-tool with additional postings. Our new reports are posted there as well as on our UCLA website. This was created as a tool for finding data on every district in the U.S. and to compare it with others. It is maintained but the Center for Civil Rights Remedies at UCLA. We plan to update it with the federal data from 2015-16.

<https://sites.ed.gov/idea/files/dcl-on-pbis-in-ieps-08-01-2016.pdf>

This federal policy guidance letter covers many of the concerns regarding how violating the procedural protections required by the IDEA can result in a substantive failure to provide FAPE which can lead to higher suspension rates. It references possible violation of anti-discrimination laws, and provides clear guidance for best practices. OSERS Guidance, August 1, 2016: The U.S. Department of Education (Department) is committed to ensuring that all children with disabilities have meaningful access to a State's challenging academic content standards that prepare them for college and careers. Consistent with these goals, the Individuals with Disabilities Education Act (IDEA) entitles each eligible child with a disability to a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet the child's unique needs.¹ 20 U.S.C. §§1412(a)(1) and 1400(d)(1)(A). Under the IDEA, the primary vehicle for providing FAPE is through an appropriately developed individualized education program (IEP) that is based on the individual needs of the child. 34 CFR §§300.17 and 300.320-300.324. In the case of a child whose behavior impedes the child's learning or that of others, the IEP Team must consider – and, when necessary to provide FAPE, include in the IEP – the use of positive behavioral interventions and supports, and other strategies, to address that behavior. 34 CFR §§300.324(a)(2)(i) and (b)(2); and 300.320(a)(4).

<https://www.k12.wa.us/policy-funding/equity-and-civil-rights/civil-rights-guidelines-state-policy>

OSPI's Guidelines: *Preventing and Addressing Discrimination in Student Discipline* (October 19, 2019) This excellent guidance covers the same ground as the rescinded federal school discipline guidance and is very helpful for those working to address root-causes of discipline disparities.

<https://washingtonstatereportcard.ospi.k12.wa.us/ReportCard/ViewSchoolOrDistrict/103300>

OSPI has excellent discipline data, disaggregated by race and disability and it is more recent than what is available from the federal sources. Users should go to the report card for the state or for a selected district and select "diversity report" which provides the disaggregated discipline rates, which is very similar to the "risk" for suspension. It is also possible to construct "rates of lost instruction" from the data one can download under days of exclusion rates. I recommend finding the total days lost, and dividing by the census (not cumulative) enrollment data and multiplying by 100. As provided this site shows you, for each subgroup of students, the rates of lost instruction and trend lines for different duration spans but not the total. The total days lost might be available once the full data set is downloaded. One may need to import the enrollment from another part of the website. Even with the percentages falling into each range, one can estimate the total by assigning the mean of each range and then backfilling from the percentages listed under each range provided to generate the days lost.

<https://www.tcpress.com/closing-the-school-discipline-gap-9780807756133>

This is a link for purchasing the book, *Closing the School Discipline Gap* from Teachers College Press. The research presented in this volume demonstrates that disciplinary policies and practices that schools control directly

exacerbate today's profound inequities in educational opportunity and outcomes. Part I explores how suspensions flow along the lines of race, gender, and disability status. Part II examines potential remedies points to evidence-based interventions for reducing excessive and disparate out-of-school suspensions. The research presented is connected to real changes that can be made to federal, state, and district policies.

<https://www2.ed.gov/programs/osepidea/618-data/state-level-data-files/index.html>

U.S. Department of Education Section 618 Data Products: State Level Data Files

Under Part B "maintenance of effort" you'll find an excel sheet with all the district names that each state identified as significantly disproportionate along with the category of the reason, but not the details. You can also find state level data on disciplinary removals by race with disability or by type of disability.

<https://ocrdata.ed.gov/>

This website also has school discipline data at the district and the school level for every year through 2015-16 and will soon have the data for 2017-18. Many other important data pieces can be found here including total days of lost instruction, unduplicated counts of students suspended in-school; out of school; and expelled. There is a tool for comparing districts. However, there is no aggregate data on districts by grade configuration.

Additional sources with links:

U.S. Department of Justice & U.S. Department of Education. (2014). *The nondiscriminatory administration of school discipline* (Letter to colleagues). Available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>

U.S. Government Accountability Office. (2018). Discipline disparities for black students, boys, and students with disabilities. Available at <https://www.gao.gov/assets/700/690828.pdf>

Gregory, A., & Evans, K. R. (2020). *The starts and stumbles of restorative justice in education: Where do we go from here?* Boulder, CO: National Education Policy Center. Available at <http://nepc.colorado.edu/publication/Restorative-justice>

Pearman, F. A., Curran, F. C., Fisher, B., & Gardella, J. (2019). Are achievement gaps related to discipline gaps? Evidence from national data. *AERA Open*. Available at <https://doi.org/10.1177/2332858419875440>

Losen, D. J. (2018). *Disabling punishment: The need for remedies to the disparate loss of instruction experienced by black students with disabilities*. Cambridge, MA: Harvard Law School, Charles Hamilton Houston Institute for Race and Justice. Available at <https://today.law.harvard.edu/wp-content/uploads/2018/04/disabling-punishment-report-.pdf>

Rosenbaum, J. (2018). Educational and criminal justice outcomes 12 years after school suspension. *Youth & Society*. DOI: 10.1177/0044118X17752208.

Final Report of the Federal School Safety Commission, available at <https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>.

The federal School Safety Commission's report prompted this review by [Jon Valant](#) and [Michael Hansen](#), Friday, December 21, 2018 the Brookings Institute, *School Safety Commission's report uses tenuous logic to walk back guidance on school discipline* available at: <https://www.brookings.edu/blog/brown-center-chalkboard/2018/12/21/school-safety-commissions-report-uses-tenuous-logic-to-walk-back-guidance-on-school-discipline/>.

Weisburst, E., *POLICY BRIEF: Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-Term Education Outcomes*, Education Research Center, UT Austin, TX (November, 2018), available at: <https://texaserc.utexas.edu/wp-content/uploads/2018/11/21-UTA034-Brief-BPCAB-11.1.18.pdf>