



Addressing Disproportionate Exclusionary Discipline

All students deserve a safe and supportive learning environment. In too many schools and classrooms across the country, students of color as well as students with disabilities are disproportionately the target of exclusionary discipline practices, taking students out of the classroom and denying them access to instruction and school-based supports and services. This practice further exacerbates systemic inequities because students subject to exclusionary discipline practices are on average less likely to graduate high school.¹

A school's discipline practices can reflect the school's climate and culture, as well as students' and teachers' social and emotional health. Districts have an important role to play in balancing the safety of students and educators while providing alternatives to disciplinary practices that perpetuate the school-to-prison pipeline and lead to students dropping out of or disengaging from school. ESSA requires transparency around this issue and provides funding opportunities for schools and districts to develop alternatives to exclusionary discipline practices.



What's the Opportunity?

In an effort to advance equity, the Every Student Succeeds Act (ESSA) provides federal funds to assist states and districts in meeting the needs of traditionally underserved students, including students of color, students from low-income families, English learners, students with disabilities, and students who are homeless or in foster care. In exchange for robust data reporting, increased transparency, and a commitment to improve underperforming schools, ESSA provides states and districts with the financial flexibility to use federal ESSA funds on a wide range of actions.

Traditionally, district leaders have limited federal funds to expenditures that clearly met federal compliance requirements, such as funding additional academic interventions, due to concerns about triggering federal audits or oversight. While the law's requirement to ensure that federal funds supplement, and do not supplant, state and local funds remains, district and school leaders

¹ Richard V. Reeves and Nathan Joo, *Comeback Kids: School Suspension and High School Graduation*, The Brookings Institution, October 2015, <https://www.brookings.edu/research/comeback-kids-school-suspension-and-high-school-graduation/>.

are no longer bound by accounting restrictions that required to them to make cumbersome financial demonstrations.¹

As a result, district and school leaders now possess greater latitude to invest ESSA funds in ways they think are most likely to benefit underserved students, including aligning their use of ESSA funds with the district's existing strategic priorities.

This guide is intended to help district leaders disrupt the compliance mindset and inertia that have characterized traditional implementation of federal grants and leverage federal funding and programs in service of a more equitable education system.



Overcoming Potential Barriers to Equity

- Integrating issues of school climate, culture, and discipline across strategies, offices, and funding streams and ensuring these efforts are not siloed.
- Understanding and addressing the implicit bias of adults in schools and central offices.
- Reallocating funding from school resource officers and other law enforcement personnel to counselors, social workers, and school psychologists who may be better positioned to address the root causes behind challenging student behaviors.
- Addressing concerns about school safety without relying on exclusionary discipline.



Example: Broward County Focuses on Students' PROMISE

Shortly after arriving to Broward County Public Schools (BCPS) in 2011, Superintendent Robert Runcie began to analyze the district's performance data. He found an unusually high number of student arrests, suspensions, and expulsions—so much so that BCPS ranked highest in suspensions out of all 67 districts in Florida. Superintendent Runcie quickly organized the Eliminating the School House to Jail House Pipeline Committee that included representatives from the state attorney's office, the public defender's office, the local NAACP chapter, juvenile judges, local law enforcement, elected officials, social service agencies, parent advisory groups, and teachers. This committee met for one year, analyzing BCPS' discipline data and identifying a number of nonviolent, misdemeanor offenses in the district's code of student conduct that would lead to exclusionary discipline.

The committee recommended revisions to the code of student conduct so that interventions relied less on out-of-school suspensions and expulsions and

instead moved behavioral issues into a “continuum of support.” BCPS leaders also developed the PROMISE (Preventing Recidivism through Opportunities, Mentoring, Interventions, Support, and Education) Program, which coordinated social service workers, school counselors, and family counselors to offer short or long-term support as needed. BCPS also expanded its support for educators, expanded the roles for mental health support staff, and offered additional training for new and experienced staff on classroom management and behavioral interventions.

These changes have resulted in impressive outcomes:

Student arrests ↓ 67%

1 out of 67 → 60 out of 67

BCPS now ranks 60th out of 67 school districts in Florida in their rates of exclusionary discipline.

Behavioral referrals ↓ more than 30%

Out-of-school suspension rates ↓ 25%

90 % of PROMISE participants had no discipline offenses

90% of students who participate in PROMISE had no discipline offenses after completion of the program.²



What Should I Look for in My State Context?

All states were required to submit state ESSA plans to the US Department of Education (USDOE), so district leaders interested in addressing disproportionate exclusionary discipline should familiarize themselves with the relevant aspects of their state plan³ related to this equity priority. Questions that districts can ask about their state plans and of their broader state context include:

² *Reforming Discipline in Broward County Public Schools: Changing the Process and Changing the Outcomes*, The School Superintendents Association and the Children’s Defense Fund, 2015, http://www.aasa.org/uploadedFiles/Childrens_Programs/School_Discipline_NEW_2015/BrowardProfile.pdf.

³ All state plans submitted to the US Department of Education are available here: <https://www2.ed.gov/admins/lead/account/stateplan17/statesubmission.html>

- What state policies or initiatives already exist to address exclusionary discipline?
- Are there resources or technical assistance opportunities available from my state to reduce reliance on exclusionary discipline?
- How is my state defining discipline terms for data collection and public reporting (e.g., what is the definition of in-school suspension, out-of-school suspension, school-related arrests, referrals to law enforcement, etc.?)
 - While these data previously were included in data collection for the Office of Civil Rights (OCR), they were not reported at the school level and were not required to be included on school and district report cards. ESSA requires reporting at the school and district levels, so states will need to set definitions.



Turning ESSA’s Requirements into Opportunities

This table summarizes ESSA requirements for districts and provides illustrative examples of how district leaders could move beyond meeting ESSA’s requirements to using the law to drive their strategic priorities. Each box includes a reference to the related ESSA statutory provision found in the ESSA Provisions section of this brief (see p. 6) so that district leaders are able to validate any actions that they take to address disproportionate exclusionary discipline practices.

	WHAT DOES ESSA REQUIRE DISTRICTS TO DO?	HOW COULD DISTRICT LEADERS BUILD ON ESSA REQUIREMENTS?
REPORTING AND DATA ANALYSIS 	<p>ESSA requires states and school districts to produce report cards that include a variety of data points in aggregate and by subgroup, including information on:</p> <ul style="list-style-type: none"> • in-school suspensions • out-of-school suspensions • expulsions • school-related arrests and referrals to law enforcementⁱⁱ <p>Report cards also must include data on school climate and culture measures.ⁱⁱⁱ</p>	<p>District leaders can also capture data on which specific disciplinary infractions or misbehaviors are most closely linked to exclusionary discipline practices. Additionally, district leaders can cross-analyze culture/climate data with discipline data to identify and address school climate issues that could lead to a decline in exclusionary discipline.</p>
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	WHAT DOES ESSA REQUIRE DISTRICTS TO DO?	HOW COULD DISTRICT LEADERS BUILD ON ESSA REQUIREMENTS?
SET PRIORITIES AND MAKE DECISIONS 	Districts must conduct needs assessments for schools that are identified for comprehensive support and improvement. ^{iv}	District leaders should include questions in needs assessments that will illuminate exclusionary discipline issues. For example, how many students are subject to exclusionary discipline practices? How many students have been suspended or expelled more than once? What infractions are most likely to lead to certain suspensions and/or expulsions?
	To be eligible for Title I, districts must support efforts to reduce the overuse of discipline practices that remove students from the classroom. ^v	District leaders can identify alternative solutions to exclusionary discipline and train teachers and school leaders to properly implement these initiatives.
	Districts must use some of their local Title IV funds to “foster safe, healthy, supportive, and drug-free environments.” ^{vi}	District leaders can define healthy and supportive environments to include those that do not rely on exclusionary discipline practices or those that use alternative practices like restorative justice.

Using Flexible Funding

This table provides illustrative examples of the ways that district leaders can use ESSA funding to move toward addressing disproportionate exclusionary discipline. The examples below are meant to elicit creative thinking about braiding funds to accomplish this equity initiative; they are not exhaustive.

OPPORTUNITY

Help teachers develop positive student behaviors	TITLE I Use funds for PBIS or other tiered behavior models to address and prevent behaviors that can lead to exclusionary discipline ^{vii}
	TITLE II Provide PD to teachers on how to implement tiered behavior models and understand how to support students with disabilities ^{viii}
	TITLE IV Provide PD to teachers on issues related to school culture and climate ^{ix}

OPPORTUNITY

<p>Improve working conditions</p>	<p>TITLE II Improve teacher working conditions by analyzing and acting on teacher surveys, which can help to illuminate school climate issues*</p> <p>TITLE IV Improve student supports and conditions for student learning^{xi}</p>
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Resources

- U.S. Department of Education
 - o School Climate Surveys
<https://safesupportivelearning.ed.gov/edscls/administration>
 - o Quick Guide on Making School Climate Improvements
https://safesupportivelearning.ed.gov/sites/default/files/NCSSLE_SCIRP_Quick-Guide508.pdf
 - o School Discipline Data Indicators: A Guide for Districts and Schools
https://ies.ed.gov/ncee/edlabs/regions/northwest/pdf/REL_2017240.pdf
 - o Analyzing Student-Level Disciplinary Data: A Guide for Districts
<https://files.eric.ed.gov/fulltext/ED573337.pdf>
- REL West, WestEd, and Institute for Education Sciences, School Climate Improvement Toolkit
<https://www.wested.org/wp-content/uploads/2017/03/resource-school-climate-improvement-toolkit.pdf>
- PBIS Resources for Equity
<http://www.pbis.org/school/equity-pbis>



ESSA Provisions

This table provides statutory references for district leaders so that they can draw upon ESSA to validate district changes that promote addressing disproportionate exclusionary discipline service of equity.

<p>ESSA STATUTORY LANGUAGE</p>	
<p>i</p>	<p>A special rule within ESSA’s supplement, not supplant provision changes the financial accounting methodology as follows:</p>

	<p>(1) In general.—A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.</p> <p>(2) Compliance.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part.</p> <p>(3) Special rule.—No local educational agency shall be required to—</p> <ul style="list-style-type: none"> (A) identify that an individual cost or service supported under this part is supplemental; or (B) provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1)." [Sec. 1118(b)(1)-(3)].
ii	<p>Each SEA and LEA must submit information to the Office of Civil Rights on "measures of school quality, climate, and safety, including rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism (including both excused and unexcused absences), incidences of violence, including bullying and harassment" [Sec. 1111(h)(1)(C)(viii)].</p>
iii	<p>The state report card requirements outlined in Sec. 1111(h)(1)(C) also apply to districts, which must report on "not less than one indicator of school quality or student success" as identified in the state's accountability system [Sec. 1111(c)(4)(B)(v)(I)]. These indicators may include measures of student engagement, school climate and safety, or other relevant areas.</p>
iv	<p>For all schools that the state identifies as needing comprehensive support and intervention (CSI) in a district, the district must work with "stakeholders (including principals and other school leaders, teachers, and parents)" to develop a plan that:</p> <ul style="list-style-type: none"> (ii) includes evidence-based interventions; (iii) is based on a school-level needs assessment; (iv) identifies resource inequities, which may include a review of local educational agency and school-level budgeting, to be addressed through implementation of such comprehensive support and improvement plan;

	<p>(v) is approved by the school, local educational agency, and State educational agency; and</p> <p>(vi) upon approval and implementation, is monitored and periodically reviewed by the State educational agency.” [Sec. 1111(d)(1)(B)(ii)-(vi)]</p>
v	To be eligible for Title I, districts must “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 each of the subgroup of students” [Sec. 1112(b)(11)].
vi	School districts must use a portion of their Title IV-A funds to “foster safe, healthy, supportive, and drug-free environments that support student academic achievement” [Sec. 4108(2)].
vii	Schools implementing schoolwide programs can use Title I funds for activities like “counseling, school-based mental health programs, specialized instructional support services, mentoring services, and other strategies to improve students’ skills outside the academic subject areas” [Sec. 1114(b)(7)(iii)(I)] and “implementation of a schoolwide tiered model to prevent and address problem behavior, and early intervening services, coordinated with similar activities and services carried out under the Individuals with Disabilities Education Act” [Sec. 1114(b)(7)(iii)(III)].
viii	District leaders can use Title II funds for “developing programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities, and English learners, which may include the use of multi-tier systems of support and positive behavioral intervention and supports, so that such children with disabilities and English learners can meet the challenging State academic standards” [Sec. 2103(b)(3)(F)].
ix	District leaders can use Title IV-A funds to support safe and healthy schools by providing training for school personnel on issues including “(i) suicide prevention; (ii) effective and trauma-informed practices in classroom management; (iii) crisis management and conflict resolution techniques;” and “(vii) bullying and harassment prevention” [Sec. 4108(5)(D)(i)-(vii)].
x	District leaders can use Title II funds for “developing feedback mechanisms to improve school working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback” [Sec. 2103(b)(3)(N)].

xi	Districts can use Title IV-A funds for a variety of uses that can help to improve school culture and climate and address underlying causes of challenging behaviors, including programs to develop relationships and communication skills [Sec. 4108 (C)(ii)], prevent bullying [Sec. 4108 (C)(iii)], provide mentoring and counseling programs [Sec. 4108(5)(C)(v)] as well as school-based mental health services [Sec. 4108(5)(B)(i)-(ii)].
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