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Key Elements of Policies to Address Discipline Disproportionality: A Guide for District and School Teams

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This practice guide is one of a series of guides for enhancing equity in school discipline. The guides are based on a 5-point multicomponent intervention described by McIntosh, Girvan, Horner, Smolkowski, and Sugai (2014). The 5 points include engaging instruction, School-wide PBIS as a foundation for culturally-responsive behavior support, use of disaggregated discipline data, equity policies, and reducing bias in discipline decisions. This guide addresses equity policies.

The recommendations and guides are available at:
http://www.pbis.org/school/equity-pbis.

Introduction

The purpose of this guide is to provide resources for districts and schools in developing policies and procedures to reduce racial and ethnic disproportionality in school discipline. The guide will describe and provide examples of key elements for policy and their application in schools. It also provides a process and tool for assessing aspects of policies to enhance equitable discipline.

Audience

This guide is designed primarily for use by district teams seeking to reduce racial and ethnic disproportionality in school discipline, regardless of whether they are implementing SWPBIS. It provides examples of content that could be included in board policies or district administrative rules and regulations. School teams may also use this guide in developing school-specific policies and procedures. This guide is not intended to replace legal counsel for policies required by local, state, and federal legislation.

Background

Despite a documented history of inequality and disparate student outcomes, rates of discipline disproportionality by race/ethnicity have increased over time, primarily for African American students. In 2012, African American students were over 3.5 times more likely to be suspended than their white peers, with disparities beginning at the preschool level (U.S. Department of Education Office for Civil Rights, 2014, March). Racial differences in exclusionary discipline are seen even when controlling for socioeconomic status (Anyon et al., 2014). Furthermore, some policies, such as zero-tolerance, are intended to be race-neutral but can exacerbate disparities (American Psychological Association, 2008). Given the challenge at hand and ineffectiveness of many current policies, school and district personnel could benefit from guidance in developing policies that enhance equitable outcomes for each student in their schools.

Different Levels of Policy

There are different types of policies and procedures in districts and schools. The most general policies are those formally developed and voted into place by school boards. School board policies are often brief statements of requirements (e.g., legislative mandates) and include few details about how to enact them. Following these policies, school districts may write longer, more detailed rules of administration or regulations that provide uniform guidance to school administrators and other personnel about goals set by the school board. Finally, school administrators or school leadership teams develop school-level procedures that reflect district policies and instruct school personnel on the day-to-day practices within each school. School handbooks often communicate information about these procedures to students, parents, and staff members.

The Role of Effective Policy in Enhancing Disciplinary Equity

Researchers now consider bias to come in two main forms: explicit bias and implicit bias (McIntosh, Girvan, Horner, & Smolkowski, 2014). Explicit racial bias is a form of conscious discrimination against other groups in ways that perpetuate inequities. Because explicit bias is conscious, research from other fields indicates explicit bias should be addressed directly through policy (Pettigrew & Tropp, 2006). By contrast, implicit bias is a form of unconscious and unintended discrimination that includes overreliance on stereotypes to make decisions. Because we are unaware of implicit bias in our decisions, a promising way to reduce its effects is to identify specific situations where biased decisions are more likely to occur and teach strategies aligned with our shared values for equity. The PBIS Disproportionality Data Guide in this series (McIntosh, Barnes, Morris, & Eliason, 2014) describes this process and how to use discipline data to assess which forms of bias are prevalent in discipline decisions in schools.

How Equity Policies and Procedures Could Be Effective

It is important not to assume that policies by themselves will produce desired outcomes. However, there are specific ways in which policies could set the stage for change in school practices. Policies should strive to minimize inequitable practices and set forth procedures for ongoing assessment and continuous improvement with accountability for both actions and outcomes. To use them effectively, it is worthwhile to consider the ways policies might work to achieve equity:

- **Policies could set clear priorities.** Adding a clear focus on equity as a district or school goal is one way to increase awareness and communicate that equitable discipline should be a pressing direction for all administrators and staff.

- **Policies could reduce the effects of explicit bias.** In situations of explicit (i.e., conscious) bias, effective policy is the most promising approach for reducing discrimination.
- **Policies could enable implementation of specific interventions.** By promoting and creating the structures to implement specific practices (e.g., SWPBIS), policy may support educators' use of effective practices.
- **Policies could reduce discriminatory practices.** By removing or restricting use of practices that result in disparate outcomes (e.g., zero-tolerance policies), policymakers may make outcomes more equitable.

How Equity Policies Could Be Ineffective

We also know that there are efforts that *do not work* to achieve equity:

- **Enacting policies that nobody knows about.** When educators and administrators are unaware of policies, the policies are not effective.
- **Enacting policies that don't change practice.** Without enduring change in practice, improvements in equity are not possible.
- **Policies without accountability for implementation.** If policies can be ignored, they are unlikely to lead to change.

Key Elements of Effective Policy to Enhance Equity in School Discipline

Based on the limited research available, we recommend seven key elements for equity policies (and policies in general). These elements include:

1. Specific Commitment to Equity
2. Family Partnerships in Policy Development
3. Focus on Implementing Positive, Proactive Behavior Support Practices
4. Clear, Objective Discipline Procedures
5. Removal or Reduction of Exclusionary Practices
6. Graduated Discipline Systems with Instructional Alternatives to Exclusion
7. Procedures with Accountability for Equitable Student Outcomes

Table 1 — *The Seven Elements and Their Critical Features*

Key Element	Critical Features
1. Specific Commitment to Equity	• Specific language that expresses a commitment to equity (e.g., racial, cultural, ability) • Inclusion of equity in district mission statements • Explicit language related to the improvement or maintenance of equity in key documents (e.g., newsletters, proposals, school improvement plans) • Hiring preferences for equitable outcomes
2. Family Partnerships in Policy Development	• Commitment to regularly seeking and using input from a range of families • Recruiting family leaders and including them in school and district decisions • Provision of information on school and district policies and procedures • Regular evaluation of effectiveness of family engagement programs
3. Focus on Implementing Positive, Proactive Behavior Support Practices	• Adoption of behavior prevention models with instructional foci • Definition and regular teaching of positive behaviors for students and staff • Focus on creating support structures for effective implementation
4. Clear, Objective Discipline Procedures	• Rights and responsibilities for adults and students are defined • Prosocial behaviors are operationally defined • Problem behaviors are operationally defined • Clear delineations between major and minor behavior incidents
5. Removal or Reduction of Exclusionary Practices	• Clear communication that suspension or expulsion is limited to behavior incidents that pose a serious and credible threat to the safety of students and staff • Descriptions of and guidelines for using alternatives to suspension • Removal of zero-tolerance or other automatic
6. Graduated Discipline Systems with Instructional Alternatives to Exclusion	• Descriptions of the processes for determining appropriate responses to behavior incidents • Commitment to use instructional responses in place of punitive responses • Lists of possible instructional responses to student behavior • Inclusion of a process for assessing academic support needs as part of determining responses to behavior incidents
7. Procedures with Accountability for Equitable Student Outcomes	• Ongoing collection of disaggregated data • Data analysis through regular team meetings • Decision making based on data • Ongoing action planning • Regular data sharing with stakeholders

In the following sections, we provide critical features, examples, and non-examples for each of the seven elements. The examples are meant to illustrate the elements and are not recommendations for exact policy language. Additional legislation or other policies may need to be considered.

ELEMENT 1: Specific Commitment to Equity

Policies should ensure explicit language regarding equity (e.g., disciplinary, academic, access) is prominent throughout district and school policies. These specific commitments signal clear directions for the district, especially as they relate to disproportionate school discipline. They may not lead to true change by themselves, but they may serve as a focal point to enhance equity as a priority for all activities and systems within the school and district.

Critical features of a specific commitment to equity include:

- Specific language that expresses a commitment to equity (e.g., racial, cultural, ability)
- Inclusion of equity in district mission statements
- Explicit language related to the improvement or maintenance of equity in key documents (e.g., newsletters, proposals, school improvement plans)
- Hiring preferences for equitable outcomes

Examples: District Policy

Example

> At Example School District, we believe each student deserves the right to a fair and appropriate education in which her or his race, ethnicity, culture, religion, and abilities will be valued, celebrated, and used as a vehicle during academic instruction. We are dedicated to being proactive in our efforts to implement discipline practices and policies that aim to keep our students in class, receiving access to instruction, and being provided the support to succeed. Likewise, we will identify and correct practices and policies that threaten to perpetuate gaps between discipline, achievement, and access to educational opportunities that benefit students.

This example shows a district mission statement with explicit language that makes a clear point to focus on discipline disparities, which illustrates that these are comparable in importance to equity in academic achievement. This example also describes the ways in which personnel will uphold the district policy.

Non-example

> Non-example School District does not discriminate on the basis of age, race, religion, color, national origin, sex, marital or veteran status, disability, or other legally protected status in its programs, services or activities. The district shall provide equal opportunities to all individuals within its geographical boundaries.

This non-example is a standard non-discrimination clause but does not go beyond non-discrimination in addressing equity for students. These clauses are important and need to be included in district policies, but they do not identify reducing disproportionate school discipline as a priority. The policy also fails to describe how to ameliorate disparate outcomes or inequitable treatment of different groups of students.

Examples: School Procedures Reflecting District Policy

Example

> Example High School is committed to high expectations, varied and challenging experiences relevant for each student, positive and proactive discipline practices, and educational equity for all students. We are committed to identifying strengths and addressing improvements in the operations of our school through the continuous use of data as an effort to honor each component of our mission.

This example illustrates a school's mission statement with language specific to equity and the implementation of practices used to reduce discipline incidents. It also documents routine assessments of systems in the schools to make sure the mission statement is upheld.

Non-example

> The mission of Non-example Elementary School, a diverse community, is to cultivate relationships and acceptance while developing college and career ready

students. We welcome and respect students from all cultures and diverse backgrounds, and all students have a chance to succeed.

This non-example could be enhanced. Although it has terminology used in equity work, it is vague and generic. Further, it is unclear whether the focus is on developing college and career ready students, building relationships, or fostering acceptance.

ELEMENT 2: Family Partnerships in Policy Development

Heightened family participation in school decision making is associated with reduced rates of exclusionary discipline (Mukuria, 2002). Thus, an important addition in discipline policy is the inclusion of families in discipline policy development, implementation, and decision making.

Critical features of this element include:

- Commitment to regularly seeking and using input from a range of families
- Recruiting family leaders and including them in school and district decisions
- Provision of information on school and district policies and procedures
- Regular evaluation of effectiveness of family engagement programs

Examples: District Policy

Example

Example School District believes the involvement of families in the decision-making process is vital to supporting our students' academic and social development. With that belief in mind, families are encouraged to participate in the development of discipline procedures in multiple and meaningful ways. One method is through participation on or providing input to the School-Family Task Force on Discipline, a group charged with improving our district's discipline policy as it relates to equity, consistency, and fairness. We are committed to providing families with opportunities to be involved during all stages of the discipline process, including proactive communication about behavior concerns, and a grievance procedure and due process protections for families who feel that the disciplinary response for their student was inappropriate.

Example School District clarifies how families can be involved in the development and review of and the communication about the district discipline policy.

Non-example

Parent involvement is a crucial part of our district's mission. We welcome parent involvement on district and school committees and encourage participation in school volunteer opportunities, the PTA, and in their children's classrooms when appropriate.

Non-example School District provides a vague statement about the importance of family involvement; however, it does not mention how families can take on more active roles.

Examples: School Procedures Reflecting District Policy

Example

One of our primary goals at Example School is to ensure that parents and community members have opportunities to assist and support the educational process through participation in decision making, school governance, and volunteer activities. It is our desire to include parents and community members as an integral part of our students' learning process. With that said, Example School has jointly developed with parents, students, and staff a Parent/School Compact, which outlines how parents, the entire school staff, and students will work together to ensure our school maintains a welcoming and positive learning environment that promotes student success.

> The Parent/School Compact specifies how families will be regularly informed of the disciplinary process, how Parent Teacher Organization (PTO) representatives and family partners will have opportunities for input about the disciplinary process, how all school families will be annually solicited for feedback on our school climate, behavior expectations, and disciplinary process, and how the sharing of the results of that process will be communicated to families in the language spoken in their home.

Example School has depended on their families in the development of the Parent/School Compact, which states that families will have involvement in and input about the overall disciplinary process and the school climate, and information regarding the process will be communicated in the home language.

Non-example

> The Non-example School Student Handbook is sent home at the beginning of each school year to all students and families. The handbook contains our Student Behavior Code, the Student Discipline Policy, and Parent volunteer and visitation policy. The Student Handbook will ensure that families have been informed about our school's behavior expectations, as well as our discipline policy for inappropriate behavior.

Providing all families with a handbook with information about student conduct and discipline is useful but not enough to ensure authentic family participation. This procedure does not include families in the process of developing or the review of the policy, information about how they can be involved at the school, or a schedule for or the type of communication.

ELEMENT 3: Focus on Implementing Positive, Proactive Behavior Support Practices

Time spent on discipline can be reduced when teachers and students view the school's behavior expectations as fair, and students receive behavior instruction before problem behaviors occur. Behavior instruction should focus on teaching prosocial behaviors in settings where incidents commonly occur (U.S. Department of Education, 2014). Further, positive and preventative behavior expectations are most effectively taught through systematic instruction of expected behaviors (Carter & Pool, 2012). These policies increase the likelihood that students will engage in prosocial behaviors.

Critical features of this element are:

- Adoption of behavior prevention models with instructional foci
- Definition and regular teaching of positive behaviors for students and staff
- Focus on creating support structures for effective implementation

Examples: District Policy

Example

> Example School District will implement the use of positive and proactive behavior strategies (e.g., actively teaching and reteaching expectations, student reinforcement for demonstrating expected behaviors, and school-wide recognition systems specifically for following school expectations) on all school campuses, including alternate placement settings, and district-owned facilities (e.g., performing arts center). Personnel at each

campus within the district will teach or revisit district and campus-wide expectations with students and staff at least annually. The district shall annually provide PBIS trainings for newly hired employees who have assigned contact time with students.

This example illustrates a district's detailed efforts to ensure a positive and proactive approach to addressing discipline and behavior management. Further, it outlines a plan for instruction of expectations and provision of supports for new staff, as needed.

Non-example

When a student is suspended, Non-example School District will provide the student with a remedial program to deter future offenses. This program is part of our effort to address high rates of suspension and expulsions.

This non-example attempts to provide improved outcomes for schools by addressing support for students who already have had behavior incidents. However, it is a reactive approach and does not provide proactive instruction of expected behaviors. In addition, the use of terms common in law enforcement (e.g., offenses) may signal that responses should be punitive as opposed to instructional.

Examples: School Procedures Reflecting District Policy

Example

Example High School will maintain a positive environment by providing ongoing instruction and reinforcement of appropriate social and behavior interactions within the school community. As a school, behavior expectations will be systematically taught in classrooms and in the common areas (e.g., cafeteria, gym, library) during the first two weeks of school, and again in January when students return from winter break. Throughout the school year, students will receive positive reinforcement for displaying expected behaviors and reteaching of appropriate behaviors when those expectations are not met.

This example outlines a plan for when systematic behavior instruction will occur at the school. Instruction occurs at the start of the school year and when data indicate a higher likelihood of behavior incidents.

Non-example

At Non-example Elementary School, the first few days of school will be spent building relationships within the classroom, creating a classroom climate and culture, and allowing students to get comfortable in their new environments. Faculty and staff are expected to use "teachable moments" as a way to teach appropriate behaviors when contradictory behaviors occur.

This procedure is a non-example because behavior instruction is reactionary and non-systematic. It does not describe specific strategies to use to prevent challenges.

ELEMENT 4: Clear, Objective Discipline Procedures

Differences in how teachers perceive and respond to more subjective behaviors, such as disrespect and disruption, may contribute to variability in whether or how students are disciplined. For example, one teacher may find it disruptive for students to share answers without raising their hands, whereas another teacher may not. For that reason, this element addresses the importance of clearly defining what problem behaviors look like and distinctions regarding the severity of response to discipline incidents.

Critical features of this element include:

- Rights and responsibilities for adults and students are defined
- Prosocial behaviors are operationally defined
- Problem behaviors are operationally defined
- Clear delineations between major and minor behavior incidents

Examples: District Policy

Example

Policy 3.1.A: Schools within Example School District will:

1. Develop precise definitions for each common problem behavior in the school. These definitions are taught to all staff members to build consensus on what specific problem behaviors look like.
2. Define the differences between major versus minor behavior incidents. This step is critical, because many behaviors (e.g., disrupting the class, talking back to the teacher) can either be handled easily in class or be so severe that an administrator needs to be involved.
3. Train teachers on the difference between major problem behaviors, which are typically handled by an administrator, and minor problem behaviors, which are most commonly addressed by the immediate staff (e.g. teacher in the classroom).

Example School District provides a clear method for how their schools develop consistent processes and how they provide training to their teachers to reduce variability.

Non-example

Non-example School District believes in punishment that fits the crime. Therefore, we work with our schools to make sure that fair disciplinary actions are appropriately assigned in response to student offenses.

Although Non-example School District claims that they work with their schools on ensuring that disciplinary actions are fair and appropriate, the district does not describe how they will assist their schools in making these decisions.

Examples: School Procedures Reflecting District Policy

Example

The teachers and administrators at Example School have procedures for identifying and responding to behavior incidents in our building and review them formally on a regular basis. Our orientation materials and school website include definitions for the most common problem behaviors we see in our school, as well as examples of how these behaviors can range from minor, staff-managed behaviors to major, office-managed behaviors. Here is one example (from SWIS, our discipline data system):

Disruption (Minor): "Student engages in low-intensity, but inappropriate disruption, such as chatting with a peer in class with a whisper tone."

Disruption (Major): "Student engages in behavior causing an interruption in a class or activity. Disruption includes sustained loud talk, yelling, or screaming; noise with materials; horseplay or roughhousing; and/or sustained out-of-seat behavior."

In our orientation materials and on the school website, you will also find our discipline continuum, which shows some of the different strategies we use to help students get back on track before removing a student from class. At least twice per year, we provide training to our staff on using the discipline continuum for selecting appropriate and consistent responses to student behaviors.

Example School's procedures are clearly in line with the processes that Example School District specified in their policy. The school has defined problem behaviors, clarified the differences between staff-managed (minor) versus office-managed (major) behavior incidents, and mapped out a process of response procedures that graduate from proactive and instructional practices to more reactionary responses for behaviors that threaten school safety.

Non-example

At Non-example School, we work hard to ensure that students are given appropriate discipline for behavior incidents. The goal of our discipline approach is to ensure that learning for all students can continue regardless

> of the disruptions that take place in class. We rely on our teachers to use their best judgment when sending students out of class for problem behaviors and trust they are only using that strategy in response to the most severe and disruptive of behaviors.

Non-example School does not provide teachers with guidelines or support in making decisions about what forms of discipline—particularly removal from the educational environment—are used in response to discipline incidents. They do not state that any procedures or policies are in place to make such practices more consistent across teachers.

ELEMENT 5: Removal or Reduction of Exclusionary Practices

Regardless of intent, policies such as zero tolerance and three-strikes are disproportionately applied to students of color (Anyon et al., 2014). Additionally, suspension, expulsion, and other exclusionary practices are inextricably linked to increases in academic failure, dropout, and the placement of students of color within the juvenile justice system (American Academy of Pediatrics Council on School Health, 2013). As a result, policies that eliminate or reduce such practices can both enhance disciplinary equity and reduce the likelihood of future behavior incidents.

Critical features of this element include:

- Clear communication that suspension or expulsion is limited to behavior incidents that pose a serious and credible threat to the safety of students and staff
- Descriptions of and guidelines for using alternatives to suspension
- Removal of zero-tolerance or other automatic suspension procedures from all policies, except as required by state or federal law
- Restriction of exclusionary discipline for non-violent behavior incidents (e.g., suspensions for disrespect)

Examples: District Policy

Example

> Example School District is working to keep students in school with continuous access to instruction and reduce the practice of removing students from their classrooms for disciplinary reasons. Suspensions and expulsions are reserved for serious behavior incidents that pose a credible threat to the safety of our students and staff. More information on suspensions and expulsions, including the appeals process for families, can be found on the district's Student Discipline Webpage.

This example explicitly states the district's commitment to reducing the use of exclusionary practices in their schools, the rights of families to know the process by which a course of disciplinary action is taken, and includes links to further information on the district's webpage regarding their discipline policies.

Non-example

> Non-example School District holds high standards for our students and employs a Zero Tolerance Policy when it comes to issues of disruptive student behavior. The district's Zero Tolerance Policy is designed to make our schools safe and provide learning environments that are free from distraction.

This non-example specifically includes a zero tolerance policy that mandates exclusionary discipline for non-violent behavior incidents. Policies that mandate exclusionary discipline increase the likelihood that students who most need support will be excluded from school. Moreover, zero tolerance policies do not afford administrators any flexibility in addressing behaviors that may be undesirable but are not unsafe.

Examples: School Procedures Reflecting District Policy

The following examples have been selected to illustrate how school procedures can reflect district equity policies.

Example

> For serious behavior incidents that do not require mandatory expulsion, Example Elementary School's multidisciplinary team will determine appropriate interventions in lieu of out-of-school suspension. Students who are involved in behavior incidents in this category are required to participate in activities designed to support development of prosocial skills. See our Graduated Discipline Policy for alternative responses.

This example provides a clear process and specific strategies for school staff to provide students with instruction and environmental interventions in place of suspensions.

Non-example

> When students commit non-threatening offenses, the staff will work to ensure a proper course of discipline is selected in lieu of expulsion.

This non-example does not provide a clear process for staff to select the discipline procedure or note how students receive instruction on appropriate behaviors.

ELEMENT 6: Graduated Discipline Systems with Instructional Alternatives to Exclusion

In place of exclusionary discipline practices, many school districts are implementing graduated discipline systems, reserving exclusionary discipline for the most serious behavior incidents. A system of discipline that is graduated ensures that less serious behavior incidents are met with milder, instructional responses rather than punitive consequences. Discipline policies and procedures should also include assessment of needed supports—including academics—that could prevent discipline incidents.

Critical features of this element include:

- Descriptions of the processes for determining appropriate responses to behavior incidents
- Commitment to use instructional responses in place of punitive responses
- Lists of possible instructional responses to student behavior
- Inclusion of a process for assessing academic support needs as part of determining responses to behavior incidents

Examples: District Policy

Example

> Example District believes in the use of graduated discipline to ensure severe punishments, such as exclusion from the learning environment, are reserved for credible threats to the safety of others. The goal of all discipline responses is to ensure students understand the school's behavior expectations, repair the harm caused by their choice of behavior, and identify how to prevent the problem in the future. When repeated or serious behavior incidents occur, each school's multidisciplinary team will conduct a functional behavior assessment for students to identify needs for academic and behavior support.

In addition to de-emphasizing the use of office referrals and suspensions, this example clearly articulates a range of instructional responses for various discipline incidents that focus on opportunities for the student to learn appropriate social and academic skills.

Non-example

> Our schools use a graduated discipline system in which violations of the Code of Conduct are dealt with in accordance to the frequency and severity of the offense.

Although this policy uses the term graduated discipline system, there is little guidance for schools and families regarding the types of responses and the extent to which they are instructional.

Examples: School Procedures Reflecting District Policy

Example

Example Middle School reserves suspensions and expulsions for serious behavior incidents, typically those that threaten the safety and well-being of the student, other students, or school staff. Our PBIS system and proactive teaching approach should minimize behavior incidents in the first place.

For less serious behavior incidents (see list of minor problem behaviors), staff will use strategies to prompt prosocial behavior and increase student engagement, such as:

- Positive recognition of prosocial behaviors for nearby students
- Brief redirection
- Restatement of expectations and invitation to self-correct
- Reteach classroom expectations and agreements
- Teacher proximity or visual prompt
- Provide additional support for task
- Provide a break
- Assess possible miscommunication between staff and student
- Identify potential cultural mismatches between expected and exhibited behavior

If at least two of these strategies are ineffective for improving student behavior, the immediate staff may issue the student a Minor Incident Report, and the immediate staff determines the response. Responses may include one or more of the following:

- Mini-conference with student
- Additional teaching and practice in the skill
- Reassigned seat
- Reflection sheet
- Brief time out
- Contact home

For more serious behavior incidents (see list of major problem behaviors), the student may receive a Major Incident Report, and a school administrator determines the response. Responses may include one or more of the following:

- Conference with student and administrator
- Contact home
- Time in refocus room
- Community service
- Restitution
- In-school suspension
- Out-of-school suspension

This school provides explicit examples of consequences that may be used for less severe behaviors and a commitment to ensuring students will be taught the behavior expectations proactively and in response to minor incidents. In addition, the procedures are flexible and based on student need as opposed to a specific response based on number of behavior incidents. The school's discipline procedure is also shown in a flowchart format in Appendix A.

Non-example

Our school staff uses a graduated discipline policy:

- First offense: Conference with the teacher
- Second offense: Call home
- Third offense: Detention
- Fourth and subsequent offenses: Suspension

Although this policy is "graduated" in the sense of moving from less punitive to more punitive consequences, the procedure has no flexibility to determine an appropriate response that reflects consideration of the student and the context of the incident. As such, the response may lack instructiveness, be inappropriate given the student's needs, or even reinforce problem behavior.

ELEMENT 7: Procedures with Accountability for Equitable Student Outcomes

Policies should establish and mandate an ongoing process for using data-based decision making for equity. Schools and districts can create teams that meet regularly, have ongoing action plans, and share disaggregated data on a regular cycle with administrators and stakeholders. These policies might include equity as an outcome for administrator or teacher evaluations.

Critical features of this element include:

- Ongoing collection of disaggregated data
- Data analysis through regular team meetings
- Decision making based on data
- Ongoing action planning
- Regular data sharing with stakeholders

Examples: District Policy

Example

> Example District Equity Team will meet quarterly to analyze the academic progress, attendance, and discipline of students, disaggregated by race/ethnicity, English language proficiency, gender, and special education status to inform school improvement decisions and share findings with the school board, employees, and the greater community at least annually. At each meeting, action plans will be assessed and revised contingent upon data analysis results.
>
> Each school team in the Example School District (e.g., PBIS, RtI, Leadership), shall identify at least one goal specific to enhancing equitable academic outcomes and at least one goal specific to enhancing equitable school discipline outcomes. Additionally, the team will create or revisit action plans and determine progress of their equity goals throughout the year.

This example explains how both district and school teams will meet regularly to review data, specifically assess equity among different groups, and develop or revise action plans as needed. Additionally, the Example District policy clarifies how the district will communicate data results to stakeholders on a regular schedule.

Non-example

> District Policy 5.2C. The Non-example School District Administration team will meet with the board at the end of every fiscal year to examine district data and determine a plan for the following year.

This policy is a non-example because annual meetings do not allow for ongoing data analysis and the revision of ineffective action plans, practices, or policies. Additionally, there is no requirement for a plan to examine disaggregated data to assess for disparities between different groups. Last, there is limited information provided describing who will collect data and when feedback will be provided to schools.

Examples: School Procedures Reflecting District Policy

Example

> Goals: In alignment with our school's mission and district equity policy, our school leadership team's current equity goals are: (1) provide at least two professional development opportunities annually for teachers and administrators related to culturally responsive behavior support practices, (2) increase the percentage of students who have positive perceptions of our school climate to 80% across all racial/ethnic groups as measured by the annual District School Climate Survey, (3) increase family and community involvement in school activities to 80%, (4) provide at least one community

activity/field trip each semester, and (5) monitor disaggregated rates of ODRs at least quarterly and reduce risk ratios to no more than 1.25 for any group (see PBIS Disproportionality Data Guide).

This example demonstrates the use of ongoing data collection and analysis through a team-based approach. Further, the teams meet regularly and make decisions and action plans based on data.

Non-example

Non-example School will use data-based decision making when determining policies and procedures.

This is a non-example because the policy does not have a plan to assess and ensure equity in academics or discipline. Further, it is unknown whether data will be collected or reviewed regularly.

Assessing and Enacting Policies and Practices

District policies and procedures play an important role in communicating the underlying values and guidelines of a district or school's approach to discipline. Because the factors that influence school discipline policies shift over time, districts should review their policies and procedures to determine if refinement or revisions are necessary. A comprehensive review of school discipline policies requires examination of multiple sources of information, including the district's student/parent handbook, code of conduct, and board policies. Helpful reviews of school discipline policies provide a snapshot of elements that are present or absent and the types of discipline actions used by schools.

Below are examples of questions the review process could address:

Do the policies and procedures

- align with the district's vision on equity?
- address the current needs of our students, families, and communities?
- incorporate research and evidence-based practices?
- comply with current state and federal legislation?
- reflect the discipline practices used in our schools?

It is helpful to list any alternatives to suspension identified in the school policies and to note whether definitions and implementation guidelines are provided for each strategy. The review should also examine the specific behavior incidents identified in the district's discipline documents and consider whether the offense could result in discretionary or mandatory suspension or expulsion.

A Tool for Assessing Policies

The Discipline Policy and Procedures Summary (see Appendix B) is a tool that was originally developed by the Regional Educational Laboratory (REL) Northwest and the Oregon Leadership Network to review school discipline policies of selected districts, particularly as they relate to disciplinary equity. The first section is a rubric for rating district policies according to nine recommended policy components, which are closely related to the seven elements described in this guide. The second section is a form to review and consider alternatives to out-of-school suspensions.

Guidance in Enacting Policies

An important but often neglected task after adopting or revising policies is developing a plan to implement them. A recommended general set of steps is as follows:

1. **Communicate new or revised policies to others.** It is critical for anyone who is affected by policies (e.g., administrators, school personnel, families) to know about the changes and learn how they affect their usual practices.
2. **Conduct ongoing trainings.** To change practices, simply sharing guidance about them is insufficient. It is important to use regular professional development practices to support personnel in improving practices.
3. **Use action plans and fidelity tools to assess enactment.** By assessing progress in policy enact-

ment, administrators can identify next steps and hold themselves accountable for implementation.

4. **Assess whether changes result in more equitable outcomes.** Effective equity policies lead to changes in student outcomes. As such, teams can measure policy effectiveness by the extent to which student outcomes become more equitable over time.

The action plan in Appendix C includes common tasks related to policy assessment, revision, and enactment.

Conclusion

Because the issue of disproportionality in school discipline is multifaceted, there may not be one easy solution. However, direct efforts in policy are recommended to reduce ubiquitous racial and ethnic disparities (Skiba et al., 2011). Using the key elements from this guidebook, policymakers at the board, district, and school levels can adopt or revise policies to address many of the contributing factors resulting in the disparate rates of office discipline referrals, suspensions, and expulsions found among historically underrepresented groups. Further, the elements provide guidance that can potentially improve outcomes for all students.

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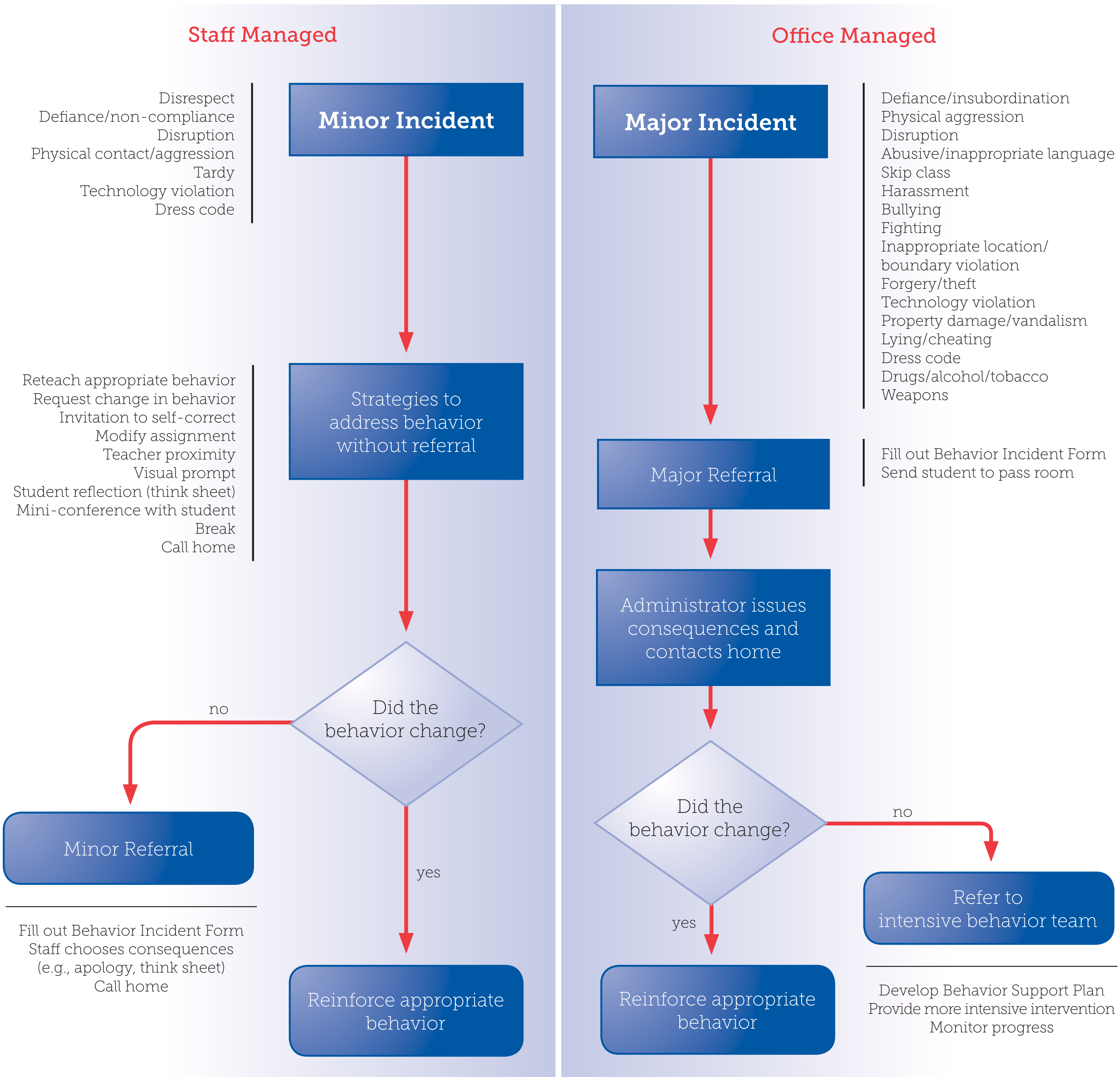
Appendix A

Sample "Staff-managed vs. Office-managed" behavior flowchart



Appendix B

Discipline Policies and Procedures Summary

District policies and procedures play an important role in communicating the underlying values and guidelinesof a district's approach to school discipline. The Discipline Policy and Procedures Summary (DPPS) is a self- study resource designed to help districts summarize the information contained in their discipline policies and procedures. It is not intended to rate the effectiveness of current discipline policies or practices. Instead, the summary should be used in conjunction with other sources of information to refine the district's discipline policies and practices. We hope this tool will stimulate meaningful discussions among district personnel and key stakeholders on the policies that guide discipline decisions.

How the DPPS is organized

The DPPS has two sections. The first section summarizes the presence or absence of information about the following components associated with low suspension rates, especially for students of color:

1. Eliminating disproportionate use of exclusionary discipline is a district priority
2. Prevention is a primary focus of the district's discipline approach
3. Parents have meaningful involvement in development and implementation of the district's discipline policies
4. Policies and procedures reference use of disaggregated discipline data to monitor exclusionary discipline
5. Academic penalties for disciplinary concerns are minimized
6. Policies apply to misconduct at school activities or events that directly influences school functioning only
7. District procedures outline a graduated set of discipline responses that focuses on early intervention and student support
8. Discipline approach limits use of exclusionary discipline and includes alternatives to suspension
9. Procedures address behaviors that pose a serious and credible threat to the safety of students and staff

The second section is a planning tool for district teams to identify alternatives to out-of-school suspension and whether a definition and implementation guidelines are provided for each strategy.

Please email Vicki Nishioka at Vicki.Nishioka@educationnorthwest.org or call 503.275.9498 if you have questions or would like more information about our work on school discipline and equity.

Directions: *Review the indicators for each component. Indicate the degree to which your district's policies, code of conduct, student/parent handbook, or other documents describe the indicator and implementation guidelines. Record the documents used in your review and key discussion points including strengths, areas of concern, and recommendations to improve the current policies and procedures.*

Component 1 **Eliminating disproportionate use of exclusionary discipline is a district priority**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Equity is identified as a district priority in the mission statement and/or school improvement plan				
b. Elimination of discipline disparities is identified as a district priority in the mission statement and/or school improvement plan				
c. District mandates that discipline actions are imposed without bias for students who have been historically underserved				
d. District uses disaggregated data to monitor exclusionary discipline among different student groups				

Comments and information sources:

education northwest

Discipline Policies and Procedures Summary

Component 2 **Prevention is a primary focus of the district's discipline approach**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Expectations of students are stated in a positive way				
b. Rights of students are stated in a positive way				
c. Privileges and/or positive acknowledgment systems that recognize respectful and/or responsible behavior are in place				
d. Social-emotional learning skills to promote positive interactions and prevent interpersonal conflict are taught (e.g., culturally responsive ways to talk with others, problem solving, and conflict resolution)				
e. Discipline approach includes prevention and early intervention strategies				
f. Discipline approach includes research- based practices to promote student attendance and engagement in school				

Comments and information sources:

education northwest *Discipline Policies and Procedures Summary*

Component 3 **Parents have meaningful involvement in development and implementation of the district's discipline policies**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Parents may participate in development of discipline procedures in multiple ways				
b. Parents receive early notification about behavior concerns before the student is suspended/expelled				
c. Parents have opportunities to be involved during all stages of the discipline process				
d. Grievance procedures and due process protections are available to students and parents				

Comments and information sources:

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Component 4 **Policies and procedures reference use of disaggregated discipline data to monitor exclusionary discipline**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Districts use disaggregated data to monitor exclusionary discipline and inform district improvement decisions				
b. Schools use disaggregated data to monitor exclusionary discipline and inform school improvement decisions				

Comments and information sources:

education northwest *Discipline Policies and Procedures Summary*

Component 5 **Academic penalties for disciplinary concerns are minimized**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Policy prohibits issuing academic penalties for disciplinary concerns				
b. Students can earn academic credit for assignments missed during exclusion from school				

Comments and information sources:

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Component 6 **Policies apply to misconduct at school activities or events that directly influences school functioning only**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Policies applies to school activities that are off school grounds				
b. Policies prohibits assigning discipline consequences for incidents that do not directly influence school functioning				

Comments and information sources:

Discipline Policies and Procedures Summary

Component 7 **District procedures outline a graduated set of discipline responses that focus on early intervention and student support**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Procedures outline progressive levels of punitive discipline action				
b. Procedures outline levels of support and interventions based on the student's individual needs				
c. Response to specific discipline incidents considers the student's age, individual needs, discipline history, and circumstances of the discipline incident				
d. Data are used to track progress and adjust interventions as needed to ensure individual student success				

Comments and information sources:

Discipline Policies and Procedures Summary

Component 8 **Discipline approach limits use of exclusionary discipline and includes alternatives to suspension**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Suspension or expulsion are limited to behaviors that pose a serious and credible threat to the safety of students and staff				
b. Suspensions are limited to not more than 10 days				
c. Expulsions are limited to not more than one academic year				
d. Procedures include descriptions of alternatives to suspension				
e. Procedures include guidelines for using alternatives to suspension				

Comments and information sources:

Component 9 **Procedures address behaviors that pose a serious and credible threat to the safety of students and staff**	Few or no statements support the component	Some statements support the component; the district provides resource information, but its use is optional	Statements describe the component as part of the discipline approach, but guidelines for implementation are unclear	Statements describe the component as part of the district's discipline approach and provide clear guidelines for implementation
a. Procedures call for immediate action to ensure the safety of the student and others				
b. Procedures ensure the student has immediate and adequate supervision and support				
c. Parent/guardian is notified, in writing, of the student's behavior and the school's response				
d. Discipline incident is reviewed by a multidisciplinary team and student receives appropriate assessments (e.g., functional behavioral assessment, mental health assessment)				
e. Behavior support plan is developed and implemented, and includes prevention, early intervention, and crisis response strategies				

Comments and information sources:

education northwest *Discipline Policies and Procedures Summary*

Alternatives to out-of-school suspension strategies

Directions: *Review the following list of alternatives to out-of-school suspension strategies. For each strategy, mark "yes" if your district's policies, code of conduct, student/parent handbook, or other documents define the strategy or provides implementation guidelines. Mark "no" if the documents do not provide this information. If no, consider adding the strategy as a possible behavior incident response.*

Strategy	Definition	Implementation guidelines	Source and comments
Conference with parent/guardian and/or student			
Additional social skills instruction			
Problem solving (e.g., restorative chat, circle)			
Behavior support plan			
Restriction from extracurricular activities			
Connection to mentor			
Restitution			
Break or reflection room			
In-school suspension			
Lunch or after-school detention			
Athletics restrictions			
Community service			
Alcohol/drug assessment			
Other:			
Other:			
Other:			

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Appendix C

Action Planning for Establishing Effective Policies

Key Element	Critical Features	Who	When
1. Assess current policies • Use policy assessment tools (see Appendix B) • Seek feedback from students, families, and community members			
2. Adopt/revise policies to include recommended elements • Specific commitment to equity • Family partnerships in policy development • Positive, proactive behavior support practices • Clear, objective discipline procedures • Removal or reduction of exclusionary practices • Graduated discipline systems with instructional alternatives to exclusion • Procedures with accountability for equitable student outcomes			
3. Implement policies • Inform faculty and staff • Train faculty and staff			
4. Evaluate effectiveness • Collect data • Assess progress • Identify policies for further revision			