

Equity in Student Discipline

2018 Supplemental Budget Decision Package

Agency: 350 Office of Superintendent of Public Instruction

Decision Package Code/Title: SB/Equity in Student Discipline

Budget Period: 2018 Supplemental

Budget Level: PL

Agency Recommendation Summary Text:

Across the state, students of color and students with disabilities are disproportionately impacted by the use of suspensions and expulsions—giving rise to concerns about equitable treatment, equal opportunities, and discrimination. The Superintendent requests \$236,000 for FY 2019 to fund staff at OSPI who will develop and implement a targeted technical assistance and monitoring process. This will provide districts the support they need to implement evidence-based practices to eliminate these disparities, reduce the overall use of exclusionary discipline, and maintain a safe and positive school climate. These efforts are in alignment with Washington's Every Student Succeeds Act (ESSA) consolidated plan.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001 (Program 010)	\$0	\$236,000	\$228,000	\$228,000
Total Cost	\$0	\$236,000	\$228,000	\$228,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2020
FTEs	0	1.7	1.7	1.7
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001	\$0	\$0	\$0	\$0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. A	\$0	\$111,000	\$111,000	\$111,000
Obj. B	\$0	\$64,000	\$64,000	\$64,000
Obj. E	\$0	\$32,000	\$32,000	\$32,000
Obj. G	\$0	\$21,000	\$21,000	\$21,000
Obj. J	\$0	\$8,000	\$0	\$0

Package Description:

Background:

During the 2015–16 school year, over 42,000 students were suspended or expelled in Washington. Students of color and students with disabilities were particularly—and disproportionately—affected.

Washington schools are, on average, 2.5 times more likely to suspend a student in special education than their peers.¹ While students in special education are 14.7% of our student population, they are 30.1% of all students suspended or expelled. If students with disabilities are receiving the behavior support services and discipline protections to which they're entitled under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973, these stark disparities should not exist.

¹ 7.5% of students in special education were suspended or expelled in 2015–16, compared to 3.0% of non-special education students.

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Racial disparities are even greater. For example, while African American students are only 4.7% of our student population, African American students are 10.1% of students suspended or expelled. Washington schools are, on average, 2.5 times more likely to suspend an African American student than a white student.² Research suggests that these disparities are not explained by more frequent or more serious misbehavior by students of color, and these disparities cannot be explained away by poverty.

These significant and unexplained disparities give rise to concerns that schools may have policies, procedures, or practices that have a discriminatory effect on students on the basis of race, disability, and other protected classes. Under state and federal civil rights laws,³ OSPI must ensure that no school district has policies, procedures, or practices in place that are discriminatory—or have a discriminatory effect. The U.S. Department of Education Office for Civil Rights and U.S. Department of Justice issued substantial guidance in January 2014 to clarify that the administration of discipline can result in unlawful discrimination when it has a *disparate impact* on students of any protected class (e.g., race, national origin, sex, disability).⁴

The overuse and disproportionate impact of suspensions and expulsions has tremendous costs and has potential for significant, negative educational and long-term outcomes. Research shows that suspended students are less likely to graduate on time and are more likely to be suspended again, repeat a grade, drop out of school, and become involved in the juvenile justice system.

This should be no surprise, as many students who are suspended or expelled are unsupervised during daytime hours and cannot benefit from the great teaching, positive peer interactions, and adult mentorship offered in school. Suspending students often fails to help them develop the skills and strategies they need to improve their behavior and avoid future problems.

Current Situation:

During the 2016–17 school year, the Equity and Civil Rights Office found that only 25% of the 57 districts reviewed had compliant systems in place to review disaggregated student discipline data, identify disparities, and ensure they were not the result of discrimination.⁵

The Equity and Civil Rights Office—along with a committee of internal stakeholders—is working to coordinate the agency's efforts to help schools and communities use data to identify disparities, implement practices that improve equity in discipline while keeping students in school, and protect the civil rights of each student. Given the current efforts underway—including statewide data analytics, a user-friendly and solutions-oriented website, and cross-agency collaboration on this issue—Washington is primed to be a national leader in tackling this issue.

However, OSPI has limited staffing to effectively accomplish this work, given other legal obligations and workload. While OSPI has succeeded in building a shared understanding of the problem and potential solutions, there is a lack of resources within OSPI and school districts to act.

Proposed Solution:

This package would fund a program supervisor, with administrative support, to develop and implement a targeted monitoring and technical assistance program to assist school districts in eliminating discipline disparities, while helping schools maintain safe and positive school climates. In carrying out this program, the program supervisor will:

² 8.0% of black or African American students were suspended or expelled in 2015–16, compared to 3.2% of white students.

³ Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Chapters 28A.640 and 28A.642 RCW, Chapter 392-190 WAC.

⁴ The administration of discipline can result in a disparate impact when a school evenhandedly implements facially neutral policies and practices that, although not adopted with the intent to discriminate, nonetheless have an unjustified effect of discriminating against students on the basis of race, color, national origin, sex, or disability—thereby disadvantaging some students more than others. See Dear Colleague Letter, January 8, 2014, U.S. Department of Education Office for Civil Rights, www2.ed.gov/ocr/letters/colleague-201401-title-vi.pdf.

⁵ See WAC 392-190-048.

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- Identify districts with the highest levels of disproportionality in student discipline to select for monitoring and technical assistance
- Conduct on-site visits of selected school districts to identify each district's current needs and goals and assist each district on an individualized action plan
- Assist districts in building capacity to use data, analyze root causes, implement action plans to address disproportionalities in student discipline
- Assist districts in implementing evidence-based practices with fidelity, which may include assisting districts in revising district policies and practices, identifying funding for district initiatives, and providing ongoing professional development and support to personnel
- Assist districts in developing accountability measures to ensure compliance, program effectiveness, and continuous improvement
- Conduct ongoing monitoring to follow up on districts' progress toward their action plans and in reducing disproportionality
- Solicit feedback from selected districts to assist OSPI improve the technical assistance program

Above all, the program supervisor will support school districts in building or strengthening district-led, systemic approaches to improve discipline equity that is sustainable and tailored to meet the district's needs. Over time, the program supervisor will apply this targeted monitoring and technical assistance process to other equity and civil rights initiatives.

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Base Budget: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

This proposal is an expansion of the Equity and Civil Rights Office at OSPI. This office is currently staffed with a director, three program supervisors, and one administrative assistant—a total of 5.0 FTE (\$285,000 from the agency's administrative funds, and \$266,000 from a budget proviso⁶ to implement the requirements under Chapter 28A.642 RCW).

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Program Supervisor – 1 FTE @ WMS2: \$169,000 annually for compensation, goods and services, and travel.

WMS2 Program Supervisor Workload Estimate	
Activities	Minimum FTE
Program implementation: Develop and implement a targeted technical assistance and monitoring program that includes: <ul style="list-style-type: none">• Identifying districts with the highest levels of disproportionality in student discipline to select for monitoring and technical assistance• Assessing districts' readiness and willingness to benefit from the program• Conducting on-site visits of selected school districts to identify each district's current needs and goals and assist each district on an individualized action plan• Coordinating technical assistance and training with other departments, agencies, and organizations• Assisting districts in building capacity to use data, analyze root causes, and develop and implement action plans to address disproportionalities in discipline	0.6

⁶ SSB 5883 Sec. 501(5).

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WMS2 Program Supervisor Workload Estimate	
Activities	Minimum FTE
<ul style="list-style-type: none"> Assisting districts in implementing evidence-based practices with fidelity, which may include assisting districts revise policies and practices, identify funding for district initiatives, and provide ongoing professional development and support to personnel Assisting districts in developing accountability measures to ensure compliance, program effectiveness, and continuous improvement Conducting ongoing monitoring to follow up on districts' progress toward their action plans and in reducing disproportionality Soliciting feedback from selected districts to assist OSPI improve the technical assistance program <p>Over time, apply this targeted monitoring and technical assistance process to other equity and civil rights initiatives.</p>	
Outreach and coordination: <ul style="list-style-type: none"> Build partnerships with OSPI departments and external organizations who can provide support to OSPI and school districts in improving equity in student discipline. Collaborate within and across systems, including with school districts; communities; federal, state, local organizations and agencies (e.g., courts, mental health, juvenile justice, child welfare, law enforcement); higher education institutions; and researchers to understand how each system works, where they overlap, and how to plan systems of support for students. Seek grant funding to assist OSPI and districts scale up these efforts. 	0.2
Data, research, and guidance: <ul style="list-style-type: none"> Develop guidance, resources, tools, and professional development. Coordinate with OSPI's Student Information Office and Data Governance Group to improve the collection, reporting, analysis, and use of discipline data. Research and identify multi-tiered and evidence-based interventions, strategies, and practices that reduce disparities in student discipline. Manage communication and messaging. 	0.2
TOTAL	1.0

Administrative Assistant 3 – 0.7 FTE: \$59,000 annually for compensation, goods and services, and travel.

The addition of a program supervisor in the Equity and Civil Rights Office will require an additional .7 FTE administrative assistant.

OSPI generally employs one support staff position per three program supervisors. The Equity and Civil Rights Office currently has one administrative assistant, who already supports three program supervisors and a director, which stretches the position beyond the agency standard. Additional administrative support is necessary with this decision package.

Decision Package Justification and Impacts

What specific performance outcomes does the agency expect?

OSPI expects the following intermediate outcomes as a result of this package:

1. Increase in the number of districts that have implemented multi-tiered and evidence-based interventions to reduce disparities in discipline and improve school climate;
2. Improved school climate in districts across the state; and

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3. Increased civil rights compliance related to discrimination in student discipline, including districts' obligation to review disaggregated discipline data to identify and address disparities.

OSPI's Performance Indicators will be used to gauge success, specifically:

1. Suspension/expulsion rate and disparities in student discipline by student group
2. Four-year and five-year graduation rates, including disproportionality in graduation rates
3. Attendance, including disproportionality in attendance rates
4. Overall student academic achievement and reduction of disproportionality/opportunity gaps as reflected by all other OSPI Performance Indicators

Performance Measure detail:

The agency will measure performance with the following:

1. The percentage of districts that have implemented a continuous improvement cycle to reduce disparities in student discipline that includes annual review of discipline data, root cause analysis, and intentional planning and evaluation, as measured through Consolidated Program Review.
Goal: Increase the percentage of districts in compliance with civil rights requirements related to student discipline from 25% currently, to 35% in 2018–19, 50% in 2019–20, and 70% in 2020–21
2. The percentage of students suspended or expelled
Goal: Decrease the overall suspension/expulsion rate to 3.5% or less in 2019–20, and 3.3% or less in 2020–21
3. The level of disproportionality in student discipline by student group
Goal: Reduce disproportionality in student discipline to a composition index of 1.5 or less for all student groups by 2020–21

Distinction between one-time and ongoing costs:

One-time cost of \$8,000 in FY19 for office set-up. All other costs are ongoing.

What are other important connections or impacts related to this proposal?

Impact(s) To:		Identify / Explanation
Regional/County impacts?	Yes	<p>Addressing disparities in student discipline and encouraging schools to reduce exclusionary discipline practices not only impacts students' academic achievement and reduces opportunity gaps in education, but can produce results across systems, including juvenile and criminal justice systems.</p> <p>In their January 8, 2014 guidance, the U.S. Department of Justice and the U.S. Department of Education's Office for Civil Rights stated, "The increasing use of disciplinary sanctions...creates the potential for significant, negative educational and long-term outcomes, and can contribute to what has been termed the 'school to prison pipeline.' Studies have suggested a correlation between exclusionary discipline policies and practices and an array of serious educational, economic, and social problems, including school avoidance and diminished educational engagement; decreased academic achievement; increased behavior problems; increased likelihood of dropping out; substance abuse; and involvement with juvenile justice systems."⁷</p>
Other local gov't impacts?	Yes	<p>This program will assist local school districts in effectively addressing the overuse and disproportionate impact of suspensions and expulsions. Not only will this assist districts in meeting their obligations under civil rights laws, but it can result in more</p>

⁷ Dear Colleague Letter, January 8, 2014, U.S. Department of Education Office for Civil Rights, www2.ed.gov/ocr/letters/colleague-201401-title-vi.pdf.

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Impact(s) To:		Identify / Explanation
		positive school climates for all students, lower drop-out rates, and increase academic achievement.
Tribal gov't impacts?	Yes	The impacts discussed above for counties and local government apply to tribal governments, as OSPI can also implement this program with tribal compact schools.
Other state agency impacts?	Yes	See above (regional/county impacts and other local government impacts).
Responds to specific task force, report, mandate or exec order?	Yes	<p>The Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) has, for several years, recommended actions to reduce disproportionality in student discipline. As described in the EOGOAC's 2017 Annual Report: "Since its inception, the EOGOAC has sought to create culturally competent school discipline policies with the intention of reducing these persistent disproportionalities... Young people who drop out of high school, many of whom have experienced suspension or expulsion, are more than eight times as likely to be incarcerated as those who graduate. The school-to-prison pipeline refers to school policies and practices that push students out of classrooms and into the juvenile and/or criminal justice system. One study found that, of incarcerated youth in a state facility, 80% had been suspended and 50% had been expelled from school prior to incarceration. In Washington, students of color (especially African American and American Indian/Alaska Native males) are suspended and expelled at a much higher rate than their White peers... In effect, students of color are at a greater risk of falling victim to the school-to-prison pipeline."⁸</p> <p>Similarly, the Student Discipline Task Force identified racial disproportionality as a serious concern in its final report, and recommended that school districts review their data for disproportionate practices and implement practices that (1) create positive climates and focus on prevention; (2) develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors; and (3) ensure fairness, equity, and continuous improvement.⁹</p>
Does request contain a compensation change?	No	
Does request require a change to a collective bargaining agreement?	No	
Facility/workplace needs or impacts?	No	
Capital Budget Impacts?	No	

⁸ Closing the Opportunity Gap in Washington's Public Education System, 2017 Annual Report by the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC), www.k12.wa.us/Workgroups/EOGOAC/pubdocs/EOGOAC2017AnnualReport.pdf.

⁹ Student Discipline Task Force Final Report, 2013–14.

www.k12.wa.us/studentdiscipline/pubdocs/StudentDisciplineTaskForceFinalReport2015.PDF.

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Impact(s) To:		Identify / Explanation
Is change required to existing statutes, rules or contracts?	No	
Is the request related to or a result of litigation?	No	
Is the request related to Puget Sound recovery?	No	
Identify other important connections		This package strengthens the agency's—as well as individual district's—civil rights compliance. Working with schools to change discipline practices demonstrates OSPI's commitment to this issue, and reduces districts' liability.

Please provide a detailed discussion of connections/impacts identified above.

See above.

What alternatives were explored by the agency and why was this option chosen?

The only alternative is to conduct this work with current staffing levels, which would limit the depth of services we could provide and the number of schools we could assist. This would divert significant time and resources from other essential responsibilities, including civil rights monitoring and enforcement. The only sustainable and effective way to tackle the overdependence on suspensions and eliminate disparities is by dedicating the necessary resources to support schools in changing their practices.

What are the consequences of not funding this request?

Without additional funding, the Equity and Civil Rights Office is not able to meet this need. The Equity and Civil Rights Office is already stretched with the existing responsibility to monitor civil rights compliance, investigate complaints, and provide professional development, training, and assistance related to other high-liability and high-impact areas, including accommodations and services for students with disabilities, discriminatory and sexual harassment, services for limited-English proficient students and families, protections for transgender students, sex equity in athletics, etc. While this office monitors school districts for civil rights compliance related to student discipline, it does not have the capacity to provide districts the support they need to implement effective strategies to reduce disproportionality in student discipline.

If this package is not funded, OSPI—as well as individual districts—may face litigation or civil rights complaints for failing to address the impact of discipline practices on students of color and students with disabilities. This could jeopardize OSPI's federal funding. Other major consequences include the continued disproportionate exclusion of students of color and students with disabilities due to discipline practices, thereby limiting opportunity for academic achievement and leading to stagnation in graduation rates.

How has or can the agency address the issue or need in its current appropriation level?

The agency plans to pilot a discipline equity technical assistance process during the 2017-18 school year with two school districts. Scaling the program up statewide, however, will require additional resources.

Other supporting materials:


For more information about Equity in Student Discipline, including best practices, legal requirements, and data, visit OSPI's website at: www.k12.wa.us/StudentDiscipline/Equity/default.aspx.

Activity Inventory:

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Activity Inventory Item	Prog	Staffing			Operating Expenditures		
		FY 2018	FY 2019	Avg	FY 2018	FY 2019	Total
A019	010	0	\$236,000	\$118,000	\$0	\$236,000	\$236,000
Total Activities		0	\$236,000	\$118,000	\$0	\$236,000	\$236,000

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

☒ No 

☐ Yes Continue to IT Addendum below and follow the directions on the bottom of the addendum to meet requirements for OCIO review.)