Disproportionate Discipline Practices, HB2192-B, and Alternatives to Exclusionary Discipline Practices

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2012-13 Enrollment

Enrollment 2012-13	American Indian/Alaskan Native (Non-Hispanic)	Asian (Non-Hispanic)	Pacific Islander (Non-Hispanic)	Black/African American (Non-Hispanic)	Hispanic/Latino	White (Non-Hispanic)	Multi-Racial (Non-Hispanic)	total
	9,577	22,215	3,741	13,969	121,372	364,792	28,048	563,714
SpEd	1,773	1,609	384	2,759	16,314	49,147	2,820	74806
GenEd	7,804	20,606	3,357	11,210	105,058	315,645	25,228	488,908
	NA/AN	Asian	PacIsle	Black	Hispanic	White	Multi-R	
GenEd%	81.50%	92.76%	89.66%	80.20%	86.56%	86.48%	89.86%	86.70%
SpEd%	18.50%	7.24%	10.34%	19.80%	13.44%	13.52%	10.14%	13.30%

Oregon Expulsion Rate 2012-13
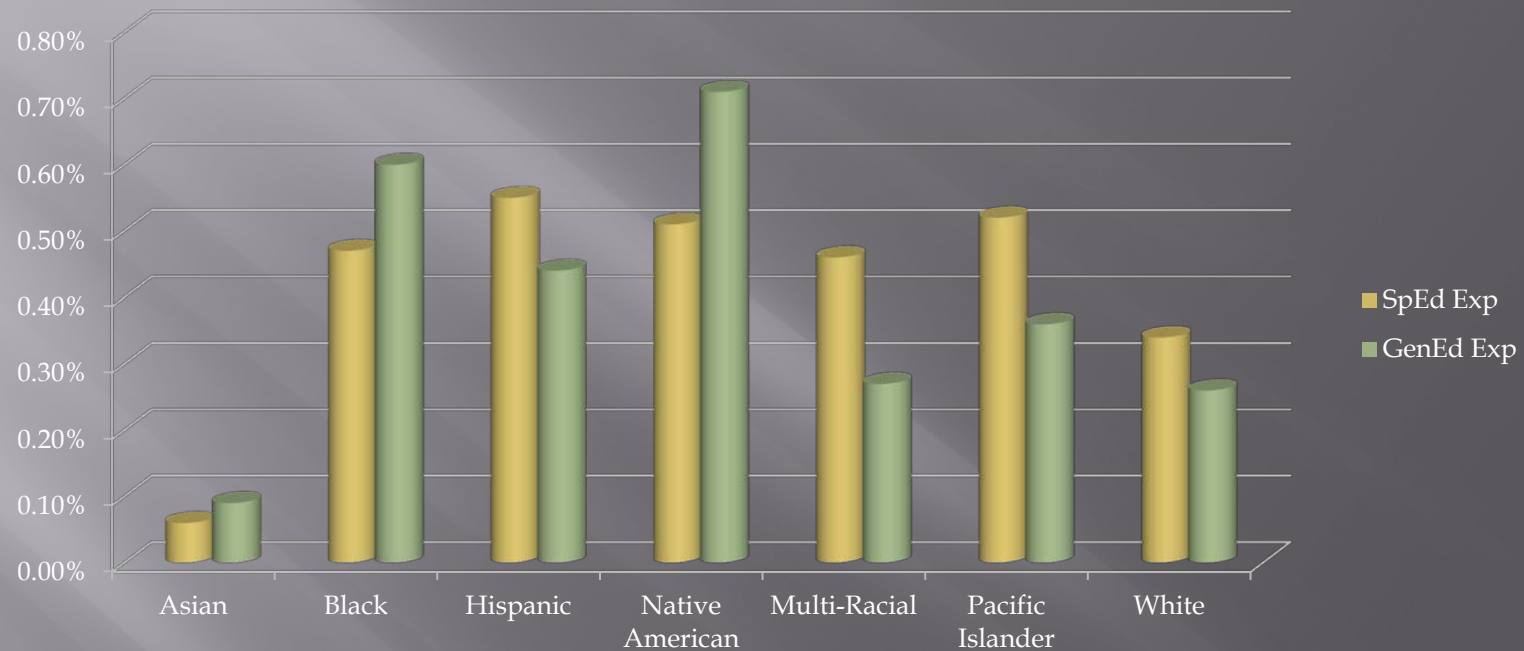
		Asian	Black	Hispanic	Native American	Multi-Racial	Pacific Islander	White
SpEd	Exp	0.06%	**0.47%**	**0.55%**	**0.51%**	**0.46%**	**0.52%**	0.34%
GenEd	Exp	0.09%	**0.60%**	**0.44%**	**0.71%**	**0.27%**	**0.36%**	0.26%

Out of School Suspension (OSS) rate, Sped/Gen Ed, 2012-13
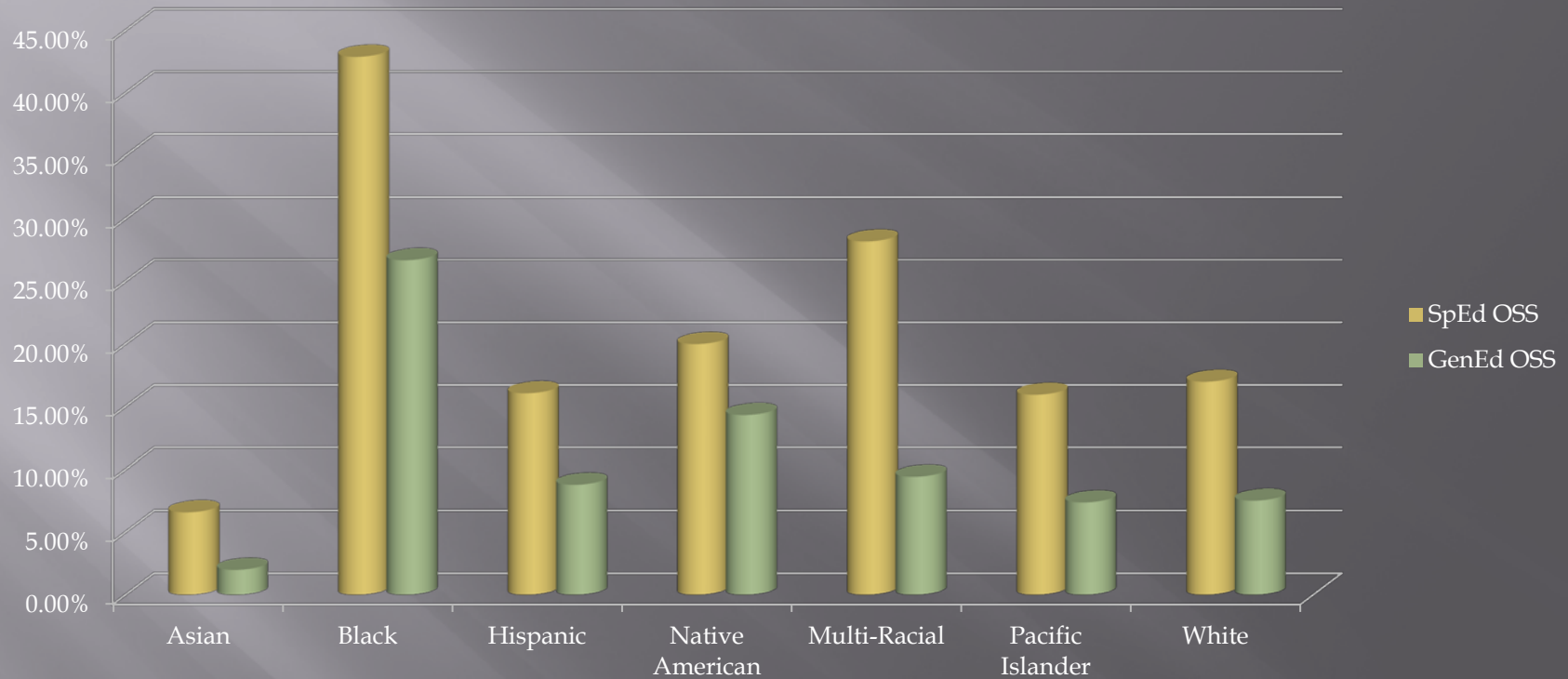
		Asian	Black	Hispanic	Native American	Multi-Racial	Pacific Islander	White
SpEd	OSS	6.60%	**42.91%**	**16.07%**	**20.00%**	**28.20%**	15.95%	16.99%
GenEd	OSS	2.00%	**26.70%**	**8.80%**	**14.33%**	**9.44%**	7.39%	7.53%

OYA - History of Expulsions and Suspensions
OYA Risk Needs Assessment – Jan. 1, 2011 – Dec. 31, 2011
Juvenile and DOC Commitments
All Youth

- (blank) 14 2%
- 1 Expulsion/Suspension 71 12%
- 2 or 3 Expulsions/Suspensions 167 27%
- 4 or 5 Expulsions/Suspensions 91 15%
- 6 or 7 Expulsions/Suspensions 28 5%
- More than 7 Expulsions/Suspensions 147 24%
- No Expulsions/Suspensions 89 15%
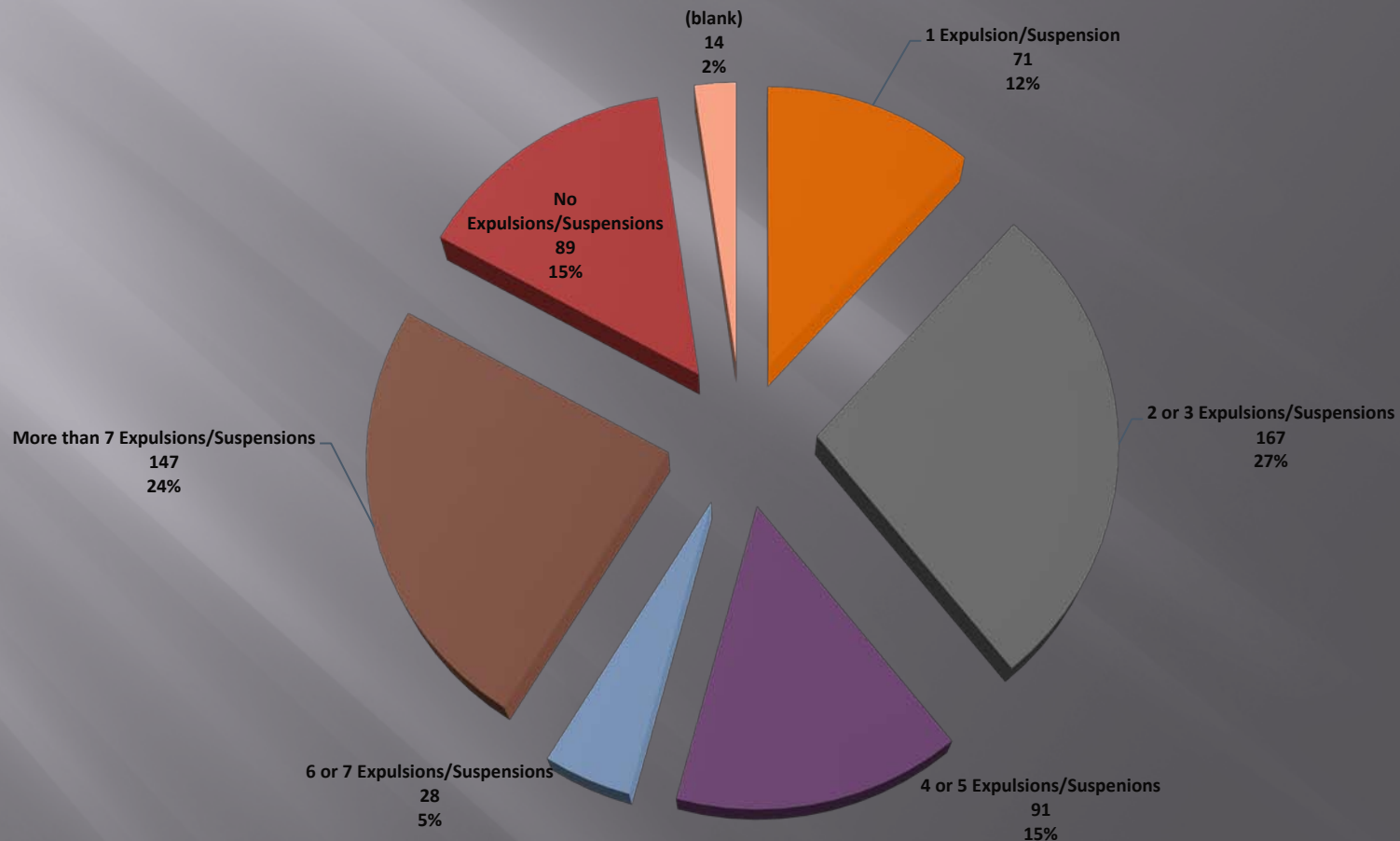
Results of our Exclusionary & Disproportionate Disciplinary Practices

» *''School to Prison' Pipeline*

» *Delinquency*

» *85% of incarcerated juveniles have been expelled from school at least once and multiple times.*

» *Substance Abuse*

» *Depression*

» *Violence, Bullying*

» *Alienation*

» *Lost Instructional Time*

» *Drop out*

HB2192-B
2013 LEGISLATIVE SESSION

School Discipline Bill,
& the end of Zero Tolerance Policies

AMENDMENTS, HB2192-B

- <u>**Section 5 (2)**</u>:
  - Each district school board adopt written policies for discipline, suspension, expulsion….including
    - (G) **assault** of school employee or another student, or
    - (H) intentional attempts, word or conduct, to place a school employee or student in **fear of imminent serious physical injury**….
    - (b) must limit use of expulsion:
    - (A) conduct that poses **threat to health or safety** of others
    - (B) when **strategies to change student conduct have been ineffective**; or
    - (C) when expulsion is required by law (GFSA).
    - (c) must consider **age, past pattern of behavior** of student prior to imposing suspension or expulsion.

Amendments continued

- (d) ...limited so
- (A) duration of expulsion may not be more than one calendar year.
- (B) duration of suspension may not b, not to exceed 10 school days.
- (e) ORS 336.010; may require student attend school during non-school hours as alternative to suspension, not to exceed 10 school days.

Amendments continued

- Section (3)….each district shall develop a student handbook, code of conduct or other document:
- (a) defines and helps create a learning environment that students respect;
- (b) defines acceptable norms of behavior and types of behavior subject to discipline.
- (c) establishes procedures to address behavior or circumstances that pose a threat to safety.
- (d) establishes system of consequences designed to correct misconduct and promote [positive] behavior within acceptable norms;
- (e) made system of consequences known to school community, students, parents, guardians, school district employees.

Amendments continued

- (4) each district school board shall adopt written polices on managing students who threaten violence or harm…and shall include all of the following:

- (a) staff reporting methods.

- (b) provisions that allow an administrator to consider and implement the following options:

- (A) immediately removing student from classroom setting who threatened to injury another person or to severely damage school property.

- (B) placing student in setting where behavior will receive immediate attention, not limited to office of principal, asst. principal, counselor, school psychologist, licensed TCSP, or licensed MH professional.

- (C) require school obtain an evaluation by licensed MH professional before allowing student to return….within 10 school days….policy to describe the circumstances under which district may enter into contracts with licensed MH professional to perform any evaluation.

- (c) require administrator to provide parent or guardian notification that describes the student's behavior and school's response.

- (d) provision for allocation of necessary funds for district to implement.

Amendments continued

- **(5) In establishing and enforcing discipline, suspension and expulsion policies, district school board shall ensure the policy:**

- **(a) protects students & school employees** from harm;

- **(b) provide opportunities for students to lean from their mistakes;**

- **(c) fosters positive learning communities;**

- **(d) keeps students in school and class;**\(e) imposes disciplinary sanctions without bias against students from a protected class (ORS 339.351);

- **(f) implements graduated set of age-appropriate responses** to misconduct that are fair, nondiscriminatory and proportionate in relation to student's conduct;

- **(g) employs a range of strategies for prevention, intervention and discipline taking into account the student's developmental capacities and proportionate to the degree of severity** of the misbehavior;

- **(h) proposes, prior to the expulsion, alternative programs of instruction, combined with counseling** for the student in the following circumstances:

Amendments continued

- <u>Circumstances:</u>
- (A) following second or subsequent occurrences of behavior within a 3-years period;
- (B)…the student's attendance pattern is so erratic that student is not benefiting from the educational program; or
- (C) when a parent or guardian applies for student's exemption from compulsory attendance (ORS 339.030(2):
    - (i) …use approaches that are effective and research-based in reducing student misbehavior, & promoting safe and productive social behavior; and
    - (j) ensure school conduct and discipline codes comply with state and federal laws concerning the education of students with disabilities.

Amendments continued

- (6)…must provide and disseminate information about alternative programs of instruction and/or counseling in writing to student, parent, guardian…at least once every 6 months.
- (7) each SD board must adopt written policy involving firearms (18 U.S.C. 921) including:
    - (a) require expulsion from school not less than one year for a student who:
    - (A) brought a firearm to school, school property;
    - (B) possessed, concealed or used a firearm in school, school property;
    - (C) brought, possessed, concealed or used firearm at interscholastic activity admin by voluntary organization.

Amendments continued

- (C) (b) Allow exceptions:
- (A) for courses, programs, activities approved by SD, including hunter safety courses, Reserve Officer training, firearms related courses or vocational courses.
- (B) (c) allow superintendent of SD to:
- (A) modify expulsion requirement for student on case by case basis.
- (B) propose alternative programs of instruction and instruction/counseling that are appropriate and accessible to student (provide info in writing to parents every 6 months).
  - (d) appropriate referral to law enforcement
  - (e) annual reporting to the ODE (discipline incidents collection).

Amendments continued

- (8) each SD school board adopts and disseminates written policies for use of physical force by school employee or volunteer upon a student…consistent with section 3, chapter 665, Oregon laws 2011 (Physical Restraint & Seclusion statutes).

- (section 6): Amendments to section 5 become operative July 1, 2014 (2014-15 school year).

- However, "for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage (Section 13).

Small Group Dialogue

1. **Examine your discipline practices; do you know if they are disproportionate or not?**

2. **Are your** instructional & disciplinary practices **culturally responsive, differentiated** and **flexible**?

3. How might we change our discipline practices to a **proactive, preventive and restorative approach** vs. a punitive and reactive approach?

Some Ideas

- Assess *School Climate* & Intervene accordingly.

- Set up a School-Wide Positive Discipline System (i.e. - *PBIS*) that is also culturally responsive.

- *Restorative Justice Practices (RJP)*

- Include relevant *Social-Emotional Learning (SEL) curricula* in student schedules.

School Climate & Culture

- *School climate* is created by the *attitudes, beliefs, values, and norms* that underlie the instructional practices, the level of academic achievement and school operation. 'Tone' or Feel' of the school.

- *School Culture* is the *behavior* or *"the way we do that here",* or *"the way we don't do that here",* which *underlies the core values, beliefs, attitudes, routines and procedures* of the individuals in a school community.
  - School Culture is the product of School Climate. Relationship & the quality of them at the heart of school culture.
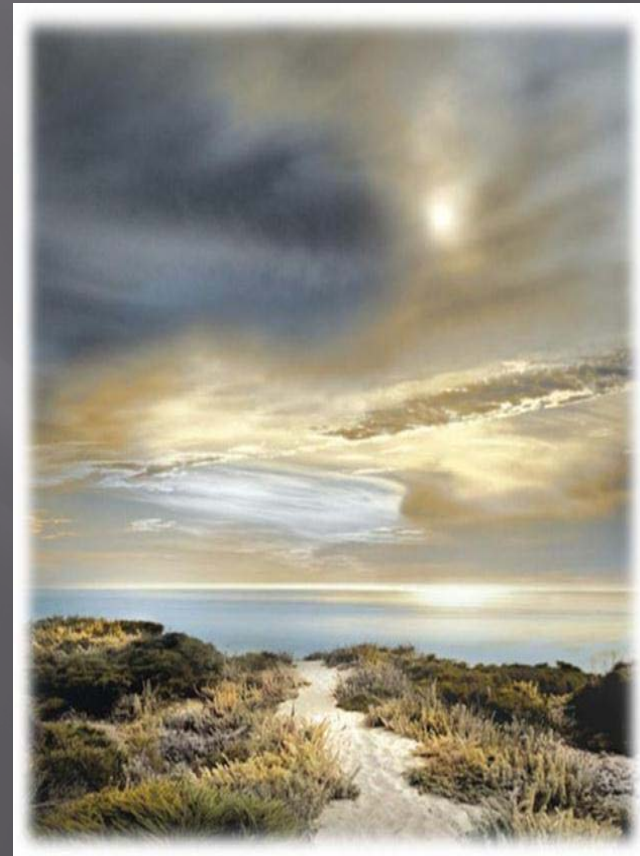
Keys to School Climate: Engagement-*Safety-Environment*

- *Engagement*:

  - *Relationships*: the quality and promotion of positive relationships amongst *school staff and students, students and students, staff and staff*.

  - *Respect*: treating each other with respect, support for each other that is modeled and the norm.

  - *Participation*: positive and active involvement between the parents and the schools, the community and the schools.

Engagement-Safety-Environment

- *Safety:*

  - *Emotional*: Students' perceptions of how safe they are and how comfortable they are at their school.

  - *Physical*: Students are safe or not; are they subjected to physical assault, hitting and physical abuse or not. Do students feel safe?

  - *Substance Abuse*: The *perception* and/or actual prevalence of drug and alcohol abuse amongst the students.

Engagement-Safety-Environment

- *__Environment__:*

  - *__Physical__*: Appearance of the environment; What is on the walls? -i.e. student work, pro-social messages; are staff inviting, positive, healthy?; is the environment & classrooms conducive to learning and promoting interpersonal relationships?

  - *__Academic__*: Challenging Curricula or not, incorporating the 3 R's - __Rigor,__ __Relevance__ and fosters __Relationships__.

  - __W__*__ellness__*: "the feel", general Atmosphere or Attitude of the building.   [School climate to School culture]

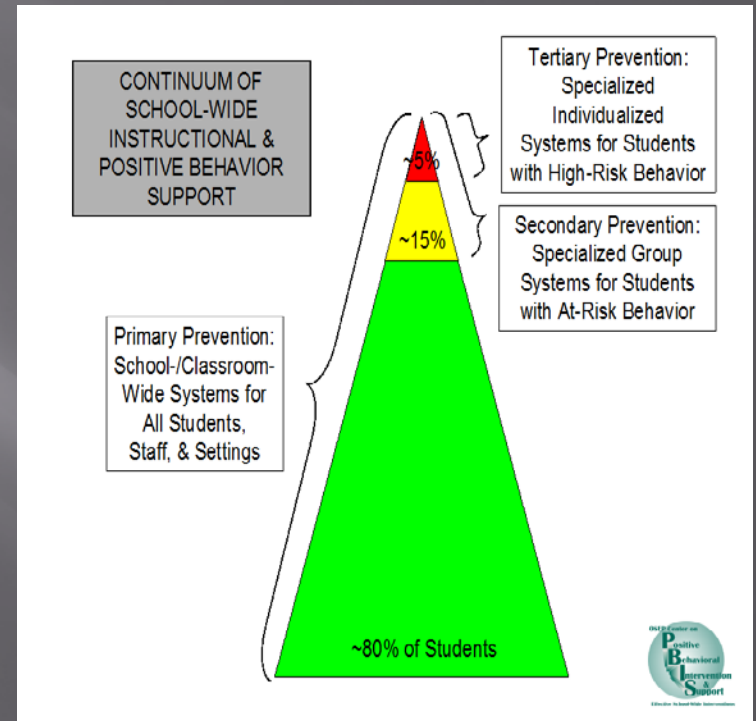 - *__Discipline__*: School-Wide __Positive__ Discipline system in place or not?

School-Wide Positive Behavior Interventions & Supports (PBIS)

- ▫ Prevention- Oriented.

- ▫ Multi-tiered Prevention & Intervention approach.

- ▫ Emphasizes Academic and Social Success.

- ▫ Data-Driven decision-making.

- ▫ Team Approach.

- ▫ Teaches adults, staff and students alike.

- ▫ *Focuses on Identifying behavior, location, time... vs. labeling the student.*
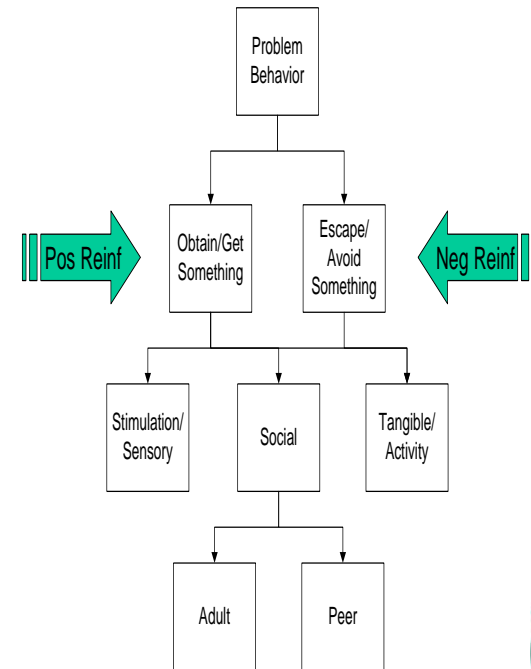
Multi-tiered System

- **Primary** – prevention focuses on **preventing development of new cases of problem behaviors** (School-wide, classroom, individual).

- **Secondary** – prevention **focuses on reducing number of existing problem behaviors** with efficient & rapid responses to address it.

- **Tertiary** – prevention focuses on **reducing the intensity or complexity of problem behavior** resistant to primary & secondary interventions.

CONTINUUM OF SCHOOL-WIDE INSTRUCTIONAL & POSITIVE BEHAVIOR SUPPORT

Tertiary Prevention: Specialized Individualized Systems for Students with High-Risk Behavior

~5%

Secondary Prevention: Specialized Group Systems for Students with At-Risk Behavior

~15%

Primary Prevention: School-/Classroom-Wide Systems for All Students, Staff, & Settings

~80% of Students

Functional Assessment

- **Function-based approach:**
  - **Foundation in behavioral theory, applied behavior analysis (ABA) & positive behavior support.**
  - **Attention to environmental context.**
  - **Emphasis on 'purpose' or function of behavior.**
  - **Focus on teaching behaviors.**
  - **Attention to implementers (adult behavior) & re-designing teaching, learning environments.**

Functions

Problem Behavior

Pos Reinf → Obtain/Get Something — Escape/Avoid Something ← Neg Reinf

Stimulation/ Sensory — Social — Tangible/ Activity

Adult — Peer

Restorative Justice Practices (RJP)

- Dialogue-Based Method; Philosophy

- Focus on who has been hurt?; what are their needs?

- Focus on Relationships

- Promotes Accountability

- Empowers Students

- Improves Communication

- Sense of Community, where all are part of the solution

- Improves School Climate

- Diminishes the Use of Suspension & Expulsion

PBIS & RJP

- "Culture results from messages received about what we truly value" (School Climate - values, attitudes, beliefs).
- ["School climate is at its core about healthy, positive and connected relationships."]
- School Climate is not visible; what we see is Behavior.
- RJP promotes Talking/Dialogue
- Relational; "We are Community";
- Restorative Culture
  - Partnership
  - Protection
  - Participation
    - Schiff, M, Stutzman-Amstuly, L., Alfred, R. (2013)

RJP work well with positive discipline systems (i.e. – PBIS) to promote positive relationships;

Whole School Approach;
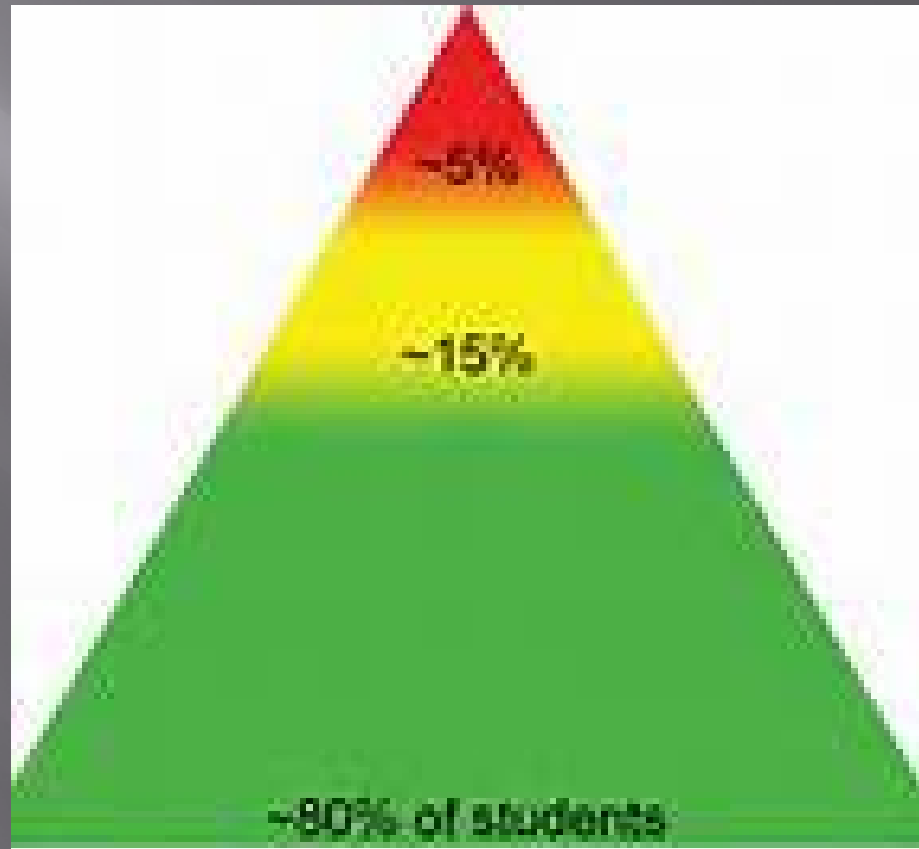
Reinforcing Expectations & Values.

Promotes Understanding of the impact that one's behavior had on another, and constructively assist the perpetrator in giving back constructively to the community.

PBIS/RJP

Tertiary/
Rebuild Relationships

Secondary/
Repair Relationships

Universal/
Re-affirm Relationships

Models of RJP

- Communicate Care & Peaceable Schools
- Conflict Resolution
- "Kindness Curriculum"
- Differentiated Instruction & Disciplinary Practices
- Flexible Policies; void Zero Tolerance
- Circles (Class & Community)
- Reintegrate following Exclusion
- Truancy Mediation

Social-Emotional Curricula

- **The *success of evidence-based SEL programs and school-wide programming depends on high-quality implementation within the context of district-wide and school-wide approaches.***
  - **Devaney et al., 2006; CASEL, 2013**

Many school-based SEL programs involve the delivery of *classroom curricula designed to promote social-emotional competencies in developmentally and culturally appropriate ways* (Collaborative for Academic, Social, and Emotional Learning [CASEL]).

Why SEL?

Current findings document the benefits of SEL programs:

- **11% gain in academic achievement, K-12.**
- **Significant positive effects on targeted social-emotional competencies and attitudes about self, others, and school.**
- **Enhanced students' behavioral adjustment in the form of the following:**
  - **Increased pro-social behaviors**
  - **Reduced conduct and internalizing problems, and**
  - **Improved academic performance on achievement tests and grades.**
    - **(Weisberg, et.al., 2011)**

Resources

http://www.ode.state.or.us/initiatives/idea/blueprint.doc

https://www.pbis.org/common/pbisresources/tools/SET_Manual_02282012.pdf

http://www.edutopia.org/blog/improving-class-climate-improves-class-climate-maurice-elias

www.pbis.org

http://www.samhsa.gov/ebpwebguide/appendixB.asp

http://casel.org/guide/framework/sel-program-descriptions/

http://www.edweek.org/ew/articles/2013/03/27/26climate.h32.html?tkn=RTBFqFT15w82z8NRHU4VjMki%2BhmIHeTKSnJS&cmp=clp-ecseclips

http://www.schoolclimate.org/publications/documents/SchoolClimatePracticeBriefs-2013.pdf

http://www.leg.state.or.us/13reg/measpdf/hb2100.dir/hb2192.b.pdf

http://www.ode.state.or.us/apps/Navigation/Navigation.Web/default.aspx#/Discipline

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Weisberg, Roger P., Schellenger, Kristen B., Durlak, Joseph A., Dymnicki, Allison B., Taylor, Rebecca D. (2011). The Impact of Enhancing Students' Social-Emotional Learning: A Meta-Analysis of School-Based Universal Interventions. *Child Development:* 82(1), 405-432.

Schiff, Mara, Stutzman-Amstuly, Lorraine, Alfred, Rita R. "Restorative Justice and the School to Prison Pipeline", March 20, 2013 Webinar, hosted by STTAC.

Bazelon, E. (2013). Sticks and Stones: Defeating the Culture of Bullying and Rediscovering the Power of Character and Empathy. New York, NY: Random House.

Singleton, G.E., Linton, C. (2006). Courageous Conversations About Race: A Field Guide for Achieving Equity in Schools. Thousand Oaks, CA : Corwin Press.

Q & A