



RECLAIMING STUDENTS

The educational & economic costs of exclusionary discipline in Washington State

A state-wide report by:



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KEY TERMS

These terms are defined for the purpose of this report and are meant as a guide to provide context for the reader. Please note that these definitions may differ from those included in Washington State laws, regulations, and /or policies.

ACHIEVEMENT GAP: Disparities in academic performance and educational outcomes between different groups of students (especially as it relates to students from different ethnic and socioeconomic backgrounds). The term was recently removed from Washington State legislation and replaced with the term “opportunity gap” to reflect the impact of more subtle factors, including unequal access to education, on academic achievement.

DISCIPLINARY REMOVAL: Physical removal of a student from school as a response to behavior or a violation of a school code of conduct. The most common forms of disciplinary removal are suspension, expulsion, and emergency expulsion.

DISCIPLINED YOUTH/STUDENT: A student who has been suspended, expelled, or emergency expelled from school.

DISPROPORTIONALITY: the over- or under-representation of a particular group (e.g., socioeconomic, racial/ethnic, gender) relative to the group’s proportion of the general population.

DROPOUT: A student who leaves school permanently for any reason before completing school with a regular diploma and does not transfer to another school. A student is considered a dropout regardless of when dropping out occurs (i.e., during or between regular school terms). Youth who earn a General Educational Development (GED) certificate, but do not complete high school to earn a diploma, may be considered to have dropped out.

EDUCATIONAL OPPORTUNITY GAP: Disparities between different groups of students (especially as it relates to students from different ethnic and socioeconomic backgrounds) when pursuing education as a result of environmental factors, including unequal access to resources and support systems.

EMERGENCY EXPULSION: An immediate removal of a student from all schools, services, and programs in a district by a school district superintendent or a designee of the superintendent in emergency situations. The superintendent or designee must have good and sufficient reason to believe that the student’s presence poses an immediate and continuing danger to the student, other students, or school personnel, or presents an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion continues indefinitely until rescinded by the superintendent (or his or her designee) or until modified or reversed through a due process hearing or by appealing the decision to the school board. (See WAC 392-400-295.)

EXCLUSIONARY DISCIPLINE: A suspension, emergency expulsion, or expulsion that removes

a student from the school setting. Exclusionary discipline is often accompanied by a lack of educational services during the duration of the exclusion.

EXCLUSION: A suspension, expulsion, emergency expulsion or involuntary removal from school for discipline reasons.

EXPULSION: A removal of a student from all classes, programs, and schools in an entire school district for an indefinite period of time as a consequence of unwanted behavior or a violation of the school code of conduct. (See WAC 392-400-205.)

LONG-TERM SUSPENSION: A removal of a student that denies attendance in any school, service, or program for a stated period of time, specifically exceeding 10 consecutive school days, as a consequence for unwanted behavior or a violation of the school code of conduct. (See WAC 392-400-205.)

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (OSPI): A state agency that oversees the public education system for youth in kindergarten through 12th grade in Washington State.

RETENTION: Keeping a student in the same grade for another year. That is, not promoting the student to the next grade with his or her classmates.

SCHOOL-TO-PRISON PIPELINE: The cumulative effect of various federal, state, and local policies that are leading students away from high school completion toward criminal justice involvement.

STUDENT ENGAGEMENT: A student's psychological investment in learning, in maintaining a relationship to school and school authorities, and in seeing oneself as a student.

SUSPENSION: A denial of school attendance from any class, school, or program in the entire school district for a stated period of time. (See WAC 392-400-205.)

ZERO TOLERANCE: Any school discipline policy or practice that results in an automatic disciplinary consequence such as suspension or expulsion for any student who commits one or more listed offenses. A school discipline policy may be a zero-tolerance policy even if administrators have some discretion to modify the consequences on a case-by-case basis.

SCHOOL DISCIPLINE 101

The landscape of school discipline for students in Washington public schools is shaped by state laws, state regulations, school district policies, and administrative decisions that take place at the school building level.

STATE LAWS (AKA RCWS)

Washington State laws are contained in the Revised Code of Washington (RCWs). State laws addressing school discipline are contained in:

Chapter 28A.600 RCW Students

<http://apps.leg.wa.gov/rcw/default.aspx?cite=28a.600>

Washington State laws outline a framework for school discipline, by 1) requiring that each school district enforce rules written by the state educational agency, the Office of the Superintendent of Public Instruction (OSPI), 2) requiring that each school district adopt and provide to every student, parent, and teacher reasonable, written rules addressing student conduct, discipline and student rights, and 3) allowing districts to suspend and expel students.¹

State laws require OSPI to adopt regulations that outline the rights of students in cases of short-term suspension, long-term suspension and expulsion.² State law also emphasizes school personnel's authority to remove

disruptive students from the educational setting, while also requiring, except in emergency circumstances, the use of alternative forms of corrective action before resorting to removal from school.³

State law provides very little guidance on when to use what types of discipline but does indicate that principals “shall” consider long term suspension and expulsions for certain types of behaviors, including two or more violations of laws within a three year period addressing gang related activity and weapons possession on school grounds, among others.⁴ The only state law that requires expulsion is RCW 28A.600.420. This law is based on a federal law called the Guns Free Schools Act⁵, which requires a one year expulsion for instances of firearms on school premises. This law specifically allows the expulsion to be modified on a case-by-case basis and permits educational services to be provided to the expelled student in an alternative setting.⁶ State laws also clearly encourage alternatives to suspension, including reducing a student's removal from school if the student starts counseling or other treatment.⁷

1 RCW 28A.600.010.

2 RCW 28A.600.015 and RCW 28A.600.020.

3 RCW 28A.600.020.

4 RCW 28A.600.020.

5 20 USC § 7151.

6 RCW 28A.600.420.

7 RCW 28A.600.410.

STATE REGULATIONS (AKA WACS)

Regulations are contained in the Washington Administrative Code and provide more detail and guidance in implementing state laws. School discipline regulations providing guidance to school districts are contained in:

Chapter 392-400 WAC Pupils

<http://apps.leg.wa.gov/wac/default.aspx?cite=392-400&cite=28A.600>

The state regulations written by OSPI provide definitions for short-term suspensions, long-term suspensions, expulsions and emergency actions (such as emergency expulsions). They also outline appeal procedures and due process protections for each of these types of school discipline, including the notice schools must provide to students and parents for each type of corrective action. For long-term suspension, the regulations set limits for the use of exclusion and require districts to use progressive discipline except in cases of exceptional misconduct, which are defined for schools by school districts.⁸ In cases of expulsion, schools cannot use exclusion without first trying other forms of corrective action, unless there is good reason for the school to believe

that other types of punishment would not work.⁹ Additionally, school districts are required to adopt written rules allowing students who are long-term suspended or expelled to petition for readmission, or to ask the district to be permitted to return to school, at any time.¹⁰

SCHOOL DISTRICT POLICIES

Every school district has broad discretion to adopt policies addressing the use of school discipline, as long as the policies comply with state laws and regulations.

Many districts summarize their school district policies in a student hand book or “student rights and responsibilities” made available on the district’s website for students, parents, and others to review.

Every school district has the authority to adopt discipline policies for student behavior and consequences for misconduct. District policies may vary greatly from district to district, but they all must comply with the state laws and state regulations. School district policies also outline the process for students who are long term suspended or expelled to ask to return to school at any time (a petition for readmission). Many districts summarize their school district policies in a student hand book and make them available on the school district website for parents, advocates, and others to review.

School administrators (like principals and vice principals), teachers, and school boards handling

appeals of school discipline, all look to school district policy first to determine how a student’s behavior should be addressed and whether the student was properly removed from school if the discipline is appealed. Administrators and teachers also each have individual approaches to working with students and these approaches influence how school discipline is handled in each classroom and each school.

8 WAC 392-400-260(2).

9 WAC 392-400-275(2).

10 WAC 392-400-260 (6) and 275(2).

EXECUTIVE SUMMARY

Every year, tens of thousands of children are removed from Washington State schools through exclusionary discipline.¹¹ While some students are excluded from school for just a few days, there is a hidden subset of students who are pushed out on a long-term or indefinite basis. According to a growing body of research, these long-term and indefinite exclusions are a high-risk and high-cost approach to addressing youthful behavior: in many cases, these exclusions are a tipping point leading toward dropout, delinquency, and lifelong poverty.

Additionally, comprehensive reviews of discipline data from various cities and states around the country have revealed troubling disparities in who is affected by exclusionary discipline. Despite community concerns that the same patterns of disparity would be found in a survey of Washington's public schools, no such state-wide survey had been conducted until now. The Appleseed report team embarked on a review of Washington public schools' data and policies to learn more about the actual impact of these exclusions in our state, to shine a light on these invisible children, and to address these growing concerns.

This report focuses on the impact of state laws, state regulations, and school district policies and practices that remove students from school and prevent them from accessing educational services due to behavior or violations of school codes of conduct. We looked at the number of students long-term suspended (excluded from school for more than 10 consecutive days), emergency expelled, or expelled (excluded from school indefinitely), and what happens with those students during those periods of exclusion from school. Our key interests were to identify how schools used these practices and how they affected students in and out of school, to uncover the unforeseen costs of exclusionary discipline to individual students and the state economy, and to determine how these practices might be amended to increase access to education for Washington State students.

Through the collection of our own data, analysis of state data, and review of existing social science research, we have sought to understand the impact of these exclusions on individual educational achievement and on our collective economic picture. Like many other states, Washington schools' data reveals that students of color and low-income students disproportionately experience the impacts of suspensions and expulsions. Unlike many other states, however, Washington has no state law or regulation clearly setting forth the process by which those students can continue to receive some form of educational services during any period of exclusion.

Also, students in Washington's public schools can face indefinite exclusion from school with no certainty of an opportunity to re-engage in school at any time. In light of the links between exclusion from school and dropouts, the impact of these policies on students and schools give cause for alarm. Exclusionary discipline has an impact that goes far beyond the classroom—the educational and economic future of Washington students hangs in the balance. The numbers, the stories, and the consequences highlighted in this report reveal the urgency with which we all must act to improve educational access and outcomes for Washington's students.

11 Office of Superintendent of Public Instruction. (2011). 2009- 10 Behavior Report – Suspensions and Expulsions. Retrieved from <http://www.k12.wa.us/SafetyCenter/Behavior/pubdocs/rptBehavior0910.pdf>; Office of Superintendent of Public Instruction. (2011). 2009-10 Weapons Report – Suspensions and Expulsions. Retrieved from <http://www.k12.wa.us/SafetyCenter/Weapons/pubdocs/rptWeapons0910.pdf>.

KEY FINDINGS

The Appleseed report team requested information from all 295 school districts in the state, however, not every district could provide a response to every question posed. For example, 183 school districts could provide detailed information about the number of long-term suspensions, emergency expulsions, and expulsions, but only 177 could provide race and ethnicity information about those incidents and only 172 could provide information about free or reduced-price lunch status.¹² Analyzing each of these data segments, we were able to construct a more complete picture of the impact of exclusionary discipline policies in our state.

The data, combined with a review of the most current social science research, points to several key findings that highlight the need for action in Washington State. Those key findings include:

FINDING 1: Exclusionary discipline negatively impacted academic success and a student's relationship with the educational system.

- Higher disciplinary exclusions were associated with higher dropout rates—school districts with more than 100 incidents per 1,000 students had an average graduation rate 24% lower than school districts with fewer than 25 discipline incidents per 1,000 students.
- Exclusionary discipline caused significant loss of instructional time among Washington students—students in 183 of the state's 295 school districts missed at least 70,000 days of school due to long-term suspensions alone during the 2009-2010 school year, greatly reducing the probability of academic success for these students and increasing their risk of dropout.
- Surveyed educational stakeholders expressed concern about the message that exclusionary discipline sends to students, citing themes of alienation, low expectations, and overall disengagement in school as a result of exclusions.

FINDING 2: The vast majority of disciplined students did not receive educational services for the duration of their exclusion.

- Data from 183 school districts revealed that only 7% of students were reported to have received educational services while excluded from school.¹³
- Only 80 school districts (27% of the state total) were able to provide information about educational services used during student exclusions. Of those 80 districts, 44 could not provide specific information as to what kind of educational services were provided.
- School districts providing educational services to excluded students had an average graduation rate 10% higher than school districts that did not report providing services.

¹² For additional information on data breakdowns and methodology, please see Methodology on page 2.

¹³ This figure does not include special education qualified students. See Finding 2 on page 17 for additional information.

FINDING 3: Exclusionary discipline practices disproportionately impacted students of color and youth living in poverty.

- Data from 177 school districts show that students of color were 1.5 times more likely to be disciplined than their white peers, and that Native Hawaiian/Pacific Islanders, American Indian/Alaska Natives, and African Americans were more than twice as likely to be disciplined.
- White students were nearly twice as likely to receive educational services during exclusions than students of color.
- While low-income students made up 47% of the overall student population of reporting districts, 58% of all discipline incidents involved a low-income student.
- Students in families above the poverty line were 1.6 times more likely to receive educational services during exclusions than low-income students.

FINDING 4: Reliance on exclusionary discipline practices varied significantly from district to district, even among districts with similar demographic characteristics.

- While 32 school districts (10%) reported no incidents of exclusionary discipline in the 2009-2010 school year, 17 districts (6%) reported a number of exclusionary discipline incidents equivalent to more than 10% of their total student population.
- Variance of discipline rates per capita did not correlate to the size of the school district or the overall demographics within that district. Instead, what did vary was the way school districts defined misbehavior and the range of tools and methods used to address student behaviors in school district codes of conduct.

FINDING 5: Discipline data yielded only a partial picture of the number of students impacted by exclusionary practices each year in Washington public schools.

- Due to limitations in record keeping and reporting, it was not possible to summarize the total number of students excluded from school through disciplinary actions, the total number of discipline incidents in any given school year, or the number of days of school missed.
- Despite significant advancements in the capacity of Washington's public schools to collect and analyze data on school discipline, significant data fields have been omitted from new collection efforts that leave the picture of discipline incomplete.

In light of both the figurative and literal costs associated with exclusionary discipline, one must ask whether the benefits of suspending or expelling students justify the price, and whether viable alternatives exist. Studies of school discipline practices and the practices' impact on school safety suggest that while disciplinary exclusions may temporarily alleviate a problem, in the long run, they do not benefit either the student who is excluded or those who remain in the school.¹⁴ Most educators can tell you from personal experience that it is often the same students who are disciplined multiple times, and the data supports this: disciplined students are likely to break a school rule again and to receive multiple suspensions or expulsions. For these students, exclusionary discipline is not effective in correcting behavior and, instead, can lead to total disengagement from school.

Our schools must have tools to ensure safe and productive learning environments, just as they must have the tools to ensure that each and every child in the state is afforded an opportunity to learn—regardless of race, ethnicity, or socioeconomic status. The current practice of exclusionary discipline is an ineffective tool with costs to our children and our society. The findings of the Appleseed report team are a call to action—a call for school districts to use other tools to promote safe and productive learning environments, and for the state to provide adequate resources and training that ultimately keep students engaged in school.

RECOMMENDATIONS

All children in Washington State should receive an education as guaranteed by our state constitution. Based on our findings, we recommend that, collectively as a state, we take the following steps to ensure that all students have equitable access to public schools and that student behavior does not result in a loss of educational services.

Reduce the use of out-of-school exclusions. Adequate training, support, resources, and funding should be provided to school districts to drastically reduce reliance on out-of-school exclusions, replacing them with evidence-based and promising practices that address student behaviors while keeping students engaged in school and on track to graduation.

Require school districts to provide access to educational services during periods of exclusionary discipline. Modifications should be made to the Revised Code of Washington and the Washington Administrative Code to reflect school districts' obligation to provide access to an education that comports with the Common School Provisions, including the Basic Education Act, to students during periods of exclusionary discipline. Ensure that schools have adequate funding for the provision of these educational services.

Ensure that no student is subject to indefinite exclusion. State laws, regulations, and school district policies should require an end date for all expulsions. Emergency expulsions should be converted to some other form of discipline within 10 days. Ensure that every student is expected to re-engage in school following a period of exclusion and has assistance from the school to successfully return.

¹⁴ TeamChild. (2012). LABELED [Video file]. Retrieved from <http://www.teamchild.org/>.

Adopt and follow recommendations of the Education Opportunity Gap Oversight and Accountability Committee in order to support a reduction in the disproportionate impact of exclusionary discipline on students of color.

The state legislature should continue incorporating the recommendations made by the Education Opportunity Gap Oversight and Accountability Committee to any law, regulation, policy, and practice changes in exclusionary discipline and encourage collaborative efforts with community groups to help decrease the disproportionate rates.¹⁵

Require school districts to retrieve excluded students and re-engage them in education.

Provide sufficient resources for districts, from the moment a student is excluded, to plan for proactive retrieval and re-engagement of excluded students so that they make a successful return to school.

In order to assist in the success of these primary objectives, we also recommend that the statewide Comprehensive Education Data and Research System (CEDARS) be updated so that school districts collect—and the state can review—data showing whether students subject to discipline receive educational services while out of school and whether they return to in-school education. We recommend that statewide discipline data should include the specific behavior for which the discipline was imposed; the race, ethnicity, age, gender, and eligibility for special education; and eligibility for free or reduced-price lunch status. We also recommend that the state regularly monitor the number of students subject to discipline each year and the number of school days missed by these students as a result of school exclusion. This data should be publicly available and easily accessible on the Office of Superintendent of Public Instruction (OSPI) website for each district and school. As of the 2012-2013 school year, some of these data fields are already being tracked by school districts in the discipline file of the CEDARS.

Transforming Washington's current exclusionary discipline practices should be a collective effort. School districts need the support and collaboration of students, parents, the medical community (including pediatricians and mental health providers), juvenile justice professionals, the Department of Social and Health Services (DSHS), community agencies, advocates, and others to support and maximize the work school districts will need to do. While discipline codes and practices may vary from district to district across the state, students' access to basic educational opportunities should not. The opportunity exists for the State of Washington to fill a significant gap for tens of thousands of Washington students by ensuring that no exclusion from school is indefinite and that students have the opportunity to keep up with their education even during periods of exclusion from school.

¹⁵ Office of Superintendent of Public Instruction, Achievement Gap Oversight and Accountability Committee. (2009). *Synthesis of the recommendations from the 2008 achievement gap studies*. Retrieved from <http://www.k12.wa.us/cisl/pubdocs/Synthesis2008Recommendations.pdf>.

INTRODUCTION

Parents, teachers, school administrators, policy makers, advocates, and students all share the belief that our communities are improved when every child receives a quality education. Collectively, these groups support healthy and nurturing school environments where all students can learn and prepare for college or a career, and a healthy, productive life.

In spite of this shared vision, every seat in Safeco Field could be filled with a child who was excluded from a Washington State public school during the 2009-2010 school year.¹⁶ In fact, tens of thousands of students enter the educational limbo of long-term or indefinite exclusion each year with no clear path back to school. They are students like Maria, who was disciplined for a fight at school that arose from a family conflict; like Sarah, who missed over a year of school after making a verbal threat to another student; like Artigo, who was disciplined when a school administrator jumped to the conclusion that he was gang involved because of a sticker on his binder; like Lashon who was kicked out of school for more than a year for possession of a small amount of marijuana; and like Charlie, who had trouble controlling his anger, and, rather than being referred for help, was repeatedly kicked out of school.¹⁷

Many students subjected to school discipline in our state are not unlike Maria, Sarah, Artigo, Lashon, and Charlie—they are youth of color, they come from low-income families, they struggle with issues at home, and they fall behind when they encounter barriers to returning to school. Rather than helping them grow and learn from their behavior, school discipline has punished them by excluding them from school. With significant intervention from a parent or advocate, Maria, Sarah, Artigo, Lashon, and Charlie were all able to return to school—but other students are not as fortunate.¹⁸

While policy makers, school administrators, and parents all agree on the importance of maintaining safety and a positive learning environment, a growing body of national evidence demonstrates that exclusionary discipline practices are not effective in doing so. In fact, exclusionary discipline has been associated with a host of negative outcomes including hindering academic achievement, decreasing graduation rates, and pushing students out of school, sometimes directly into the juvenile justice system.¹⁹

16 The U.S. Department of Education requires OSPI to annually report the number of incidents in which a student was suspended or expelled for violence or drugs. According to publicly available OSPI information, there were 52,179 incidents of suspensions and expulsions in the 2009-2010 school year. Note that this figure does not represent the total number of school discipline incidents in Washington State, since suspensions and expulsions for non-violent and non-drug related behaviors are not included in the report and would make the total significantly higher. The seating capacity of Seattle's baseball stadium, Safeco Field, is 47,860.

17 These stories are based on actual TeamChild cases. Client names and other identifying information have been changed to protect client confidentiality.

18 TeamChild is not able to provide legal services to every young person who would benefit from advocacy. TeamChild serves youth in five Washington State counties. These youth are involved, or at risk of being involved, in the juvenile justice system and are generally low-income and between the ages of 12-18.

19 Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael D., Marchbanks, M. P. III, Booth, E. A. (2011). *Breaking school rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement*. Council of State Governments Justice Center and The Public Policy Research Institute, Texas A&M University. Retrieved July 2012 from <http://justicecenter.csg.org/resources/juveniles>; and Skiba, R. and Rausch, M. K. (2004). *The relationship between achievement, discipline and race: An analysis of factors predicting ISTEP scores*. Center for Evaluation and Education Policy, Indiana University. Retrieved from <http://www.iub.edu/~safeschl/ChildrenLeftBehind/pdf/2D.pdf>. Additional evidence on the negative impacts of exclusionary discipline can be found in Appendix C on page 52.

SCOPE OF THE REPORT

Washington Appleseed, TeamChild, the ACLU of Washington, and Garvey Schubert Barer came together in 2010 out of mutual concern about the negative impacts of exclusionary discipline on Washington students. Initially, this concern posed more questions than answers: while there is extensive research on the impacts of school exclusion from national and localized studies, most of the existing information is not Washington State specific. Recognizing that providing access to an education, as stated within Washington's State Constitution, is the paramount duty of the state, we set out to better understand the landscape of exclusionary discipline as it exists within this framework.

We use the term “exclusionary discipline” throughout this report to describe any suspension, emergency expulsion, or expulsion that removes a student from the school setting without the guarantee of educational services. Long-term suspensions (exclusions from school of more than 10 days) and expulsions (an indefinite exclusion from school by definition) are the primary subjects of our investigation, though we give some consideration to emergency expulsions.

This report focuses on the impact of state laws, state regulations, and school district policies and practices that remove students from school due to behavior or violations of school codes of conduct and prevent them from accessing educational services. Our investigation sought to answer these questions:

1. How many children are affected by exclusionary discipline in any given school year?
2. Who is being removed from the school setting? Do these exclusions disproportionately impact students of a particular race or socioeconomic status?
3. How does the use of exclusionary discipline vary across the state?
4. What happens to these children once they are removed from the school setting? Do they receive educational services?

While we recognize that there is a need for ongoing dialogue and transformative work on behalf of students with disabilities impacted by exclusionary discipline both locally and nationally,²⁰ this report does not put forward findings and recommendations that specifically address the experience and needs of special education students. We believe that our recommendations will help improve the educational experience of all students, but we encourage further dialogue and targeted investigative work in order to reduce the negative impacts of exclusionary discipline on students with disabilities, all of whom hold the capacity to succeed in education.

METHODOLOGY

Our investigation used both quantitative and qualitative data to address our key questions. Public records requests were sent to all 295 school district in Washington State requesting information specific to long-term

20 By “students with disabilities,” we are referring to students who are eligible or are receiving special education instruction and services under the Individuals with Disabilities Education Improvement Act or Section 504 of the Rehabilitation Act.

suspensions, emergency expulsions, and expulsions, as well as student demographic information associated with each exclusion.²¹ Additional questions were asked regarding educational services provided to students experiencing these forms of discipline. The Appleseed report team contracted with a data management company to normalize and compile the resulting information from school districts into a custom database, and this information serves as the primary source of data for the report. The report also supplements the unique data collected by the Appleseed report team with publicly available data collected by OSPI and the Civil Rights Data Collection (CRDC) of the federal Office of Civil Rights (OCR),²² as well as student policies and other information presented on school district websites.

In addition to hard data collection and analysis, our investigation included field interviews with individuals who have direct experience with exclusionary discipline, its impact on students, and its effects on the greater community. This stakeholder pool included judges from the juvenile justice system, school administrators, mental health and social service administrators, principals, and advocates. Interviews were recorded and transcribed, with selected quotes included throughout the report.²³

STUDY LIMITATIONS

While our team sent public records requests to all 295 school districts in Washington State, not every district could provide a response to every question posed. For example, some districts reported having no incidents of exclusionary discipline to both the Appleseed report team and OSPI; additional districts reported only having incidents of short-term suspension during the year surveyed and did not provide data relevant to our analysis on long-term suspensions, emergency expulsions, and expulsions; and still others were either unable to provide any information specific to long-term suspensions, emergency expulsions, or expulsions or could not provide that information in a format that could be disaggregated and included in a state-wide analysis.²⁴ Of school districts that could provide more detailed information on the categories requested, the availability and quality of data varied from district to district. For example, 177 school districts (60% of the state total) tracked the race and ethnicity of disciplined students, but only 80 school districts (27% of the state total) tracked whether educational services were utilized by excluded students.

As a result, there are variations in the number of districts included in the discussion throughout this report and these considerations are noted in each section. Due to these differences, the Appleseed report team does not recommend direct comparisons between figures discussed within the report without considering the

21 For a copy of our public records request, see Appendix B on page 51.

22 Note that publicly available information from OSPI and OCR did not always match the specific categories requested by our research team. For example, OSPI figures on suspensions and expulsions are based on incidents and only include discipline incidents involving weapons, violence or illicit drugs. In addition, the OCR data categories do not match categories tracked at the local level (for example, race and ethnicity) and OCR data from 2009-2010 for Washington State is only based on 135 school districts in Washington with more than 3,000 students (though all schools and school districts will be included in the 2010-2011 dataset).

23 For a list of stakeholders who took part in our field interviews, see Appendix A on page 50.

24 School districts could not provide this information for a number of reasons. In some instances, the number of incidents of disciplinary exclusion was too small and information was not released to protect the identity of individual students. In other instances, school districts simply did not classify discipline incidents in a reportable form and cited *Smith v. Okanogan County*, 100 Wn. App. 7, 12-14 (2000), stating that they were not required to create a new record in order to respond to a public record request.

context for each dataset. Despite fluctuations in the number of districts included in our analysis, all of the data presented does reflect the diverse compositions of Washington State school districts, including Eastern and Western Washington districts, large and small districts, and rural and urban districts. Information on which districts are included in our analysis can be found in Appendix D on page 54.

ORGANIZATION OF THE REPORT

This report presents five key findings from our team's research and a series of recommendations for addressing the challenges identified in each finding. Each section discusses a finding at length based on analysis of our qualitative and quantitative data. We have made efforts to include real stories from students around the state to bring the numbers to life and illustrate the tangible impacts of our findings. These stories are coupled with stakeholder feedback in each section.

The appendices to this report also present valuable information, including additional data tables, more detailed information from stakeholder interviews, and profiles of districts that are meeting the challenges of rethinking exclusionary discipline in innovative and successful ways.

CONCLUSION

Exclusionary discipline has an impact that goes far beyond the classroom—the educational and economic future of Washington students hangs in the balance. In 2012, the Washington Supreme Court found that the state is failing its paramount constitutional duty to provide an education to all children.²⁵ In the wake of this decision, we are at a unique crossroad for changing the way we discipline our students and shape their lives as we consider how the state can and should fulfill its duty to provide an education to all children in the state. The numbers, the stories, and the consequences highlighted in this report reveal the urgency with which we all must act to improve educational access and outcomes for Washington's students.

²⁵ McCleary v. State of Washington, 173 Wn.2d 47 (2012).

FINDING 1

Exclusionary discipline contributed to the academic and social disengagement of students.

Student engagement is generally defined as a student's psychological investment in learning, in maintaining a relationship to school and school authorities, and in seeing oneself as a student. Like many studies across the country, our research found a correlation between the use of exclusionary discipline and student disengagement (i.e., the systematic withdrawal physically and emotionally from the school setting).

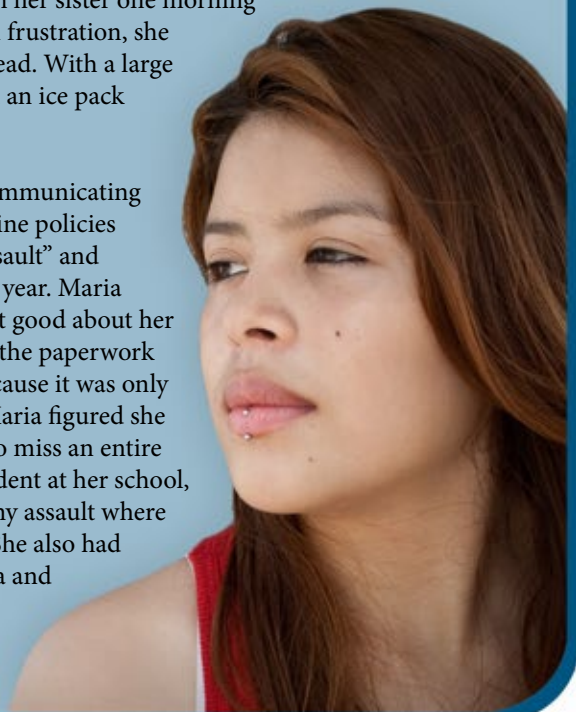
Through analysis of our own data, existing OSPI information on discipline and graduation rates, review of individual district policies, and interviews with stakeholders, we have identified relationships between the use of exclusionary discipline and lower graduation rates, reduced academic achievement, and the psychological disengagement of students.

Maria was long-term suspended and missed an entire semester of school. She and her mother, a working single parent who spoke limited English, did not understand their right to ask for a different outcome.

Maria, a 14-year-old Latina student attending school in northwestern Washington, lived with her mother and three siblings and frequently felt overwhelmed at home by all of her responsibilities. Maria's mother could only read and speak Spanish and often relied on her daughter to translate for her. She also needed Maria's help to do the shopping and to communicate with other adults such as their landlord and her mother's employer. While her mother worked a night shift, Maria helped take care of her younger siblings. Maria got upset with her sister one morning for wearing one of her sweaters to school without her permission, and, in frustration, she dropped her backpack over the school stairwell onto her sister Bianca's head. With a large swollen bump on her head, Bianca spent the day in the nurse's office with an ice pack while Maria ended up long-term suspended from her high school.

Maria knew that her home life caused her anxiety, but she had trouble communicating why she acted out to her principal. He maintained that the school discipline policies required him to long-term suspend every student who committed an "assault" and therefore had no choice but to exclude her from school for the rest of the year. Maria didn't know what to do. School was one of the only places she actually felt good about her life and where she was free to be a kid. Maria's mother didn't understand the paperwork that the school district sent home after Maria's long-term suspension, because it was only provided to them in English. Without a parent or advocate to help her, Maria figured she would just have to wait things out until next school year, causing Maria to miss an entire semester's worth of credits. To make matters worse, as a result of the incident at her school, the police arrested Maria and she was charged at juvenile court with felony assault where the court put her on probation to punish her for her behavior at school. She also had to go to truancy court because of her missed absences from school. Maria and her mother were overwhelmed.

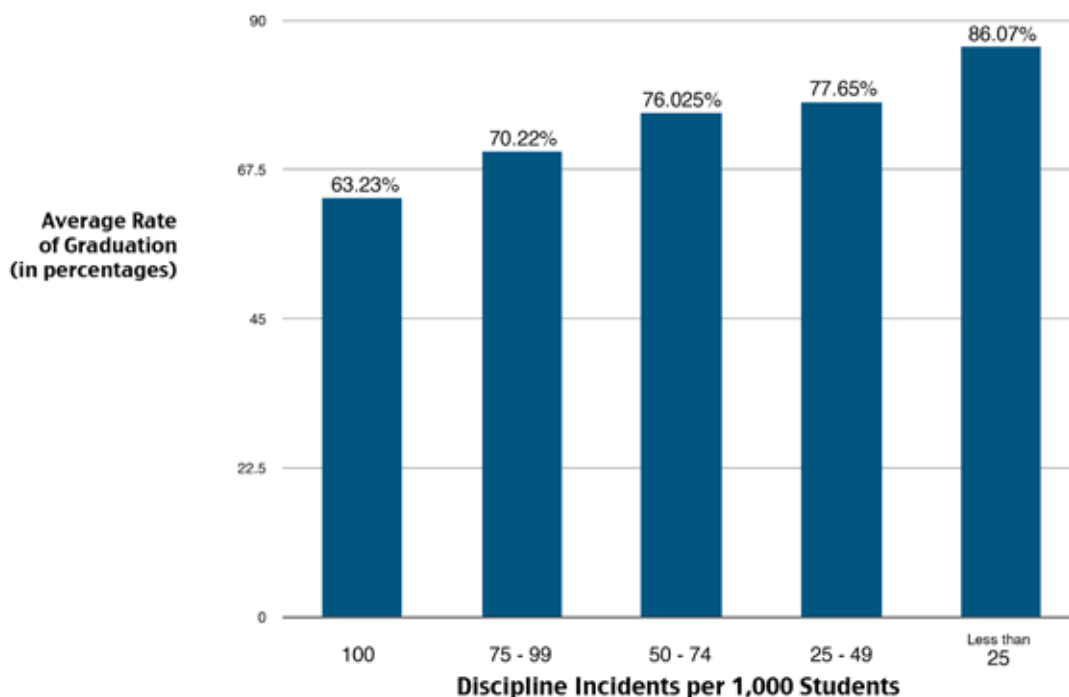
This story is based on an actual TeamChild case. Client names and other identifying information have been changed to protect client confidentiality.



1.1 Higher exclusionary discipline rates correlated to lower graduation rates.

School districts with higher exclusionary discipline rates consistently yielded lower graduation rates than schools with fewer incidents of exclusion. School districts with more than 100 incidents per 1,000 students had an average graduation rate 24% lower than school districts with fewer than 25 discipline incidents per 1,000 students.^{26 27}

Exclusionary Discipline Rates vs. Graduation Rates in Washington Schools



Data for this analysis is based on OSPI Behavior and Weapons Reports for the 2009 - 2010 school year as well as 2011 graduation rates from OSPI's School District Profiles, published at <http://www.k12.wa.us/DataAdmin/default.aspx/download>. Only school districts with 1,000 or more students were included in this analysis as districts with fewer students tended to have larger fluctuations in graduation rates year over year due to each student comprising a much higher individual percentage of the total student population.

While there are many components of exclusionary discipline that may affect these outcomes, school attendance (including the forcible lack of attendance through exclusionary discipline) has been shown to have a direct impact on a student's likelihood of graduating on time.

A coalition of groups working to improve academic success in South King County known as the Road Map

²⁶ OSPI 2009-2010 Behavior and Weapons Reports, *supra*.

²⁷ Only school districts with 1,000 or more students were included in this analysis as districts with fewer students tended to have larger fluctuations in graduation rates year over year due to each student comprising a much higher individual percentage of the total student population.

Project²⁸ recently identified key warning signs for student dropout within targeted school districts. They found that missing as few as six days of school for a student who is struggling academically triggered “early warning indicators” for dropping out.²⁹ The Road Map Project also found that receiving a single suspension or expulsion triggered these same early warning indicators.³⁰

The negative impacts of out-of-school time have also been documented in studies of other cities and states. A Baltimore study found that over 87.4% of students who dropped out had been absent for 20 days or more in the previous school year and that 74.2% of student dropouts had been absent for more than 40 days.³¹ This data suggests that just a single incident of long-term suspension (which means more than 10 days with a definite end date³²) can thrust a student into a greater statistical likelihood of dropping out. The statistical likelihood continues to grow along with discipline incidents: a Texas study found that about 10% of students disciplined once between 7th and 12th grade dropped out, but that as incidents of discipline increased, so did the likelihood of dropout—59% of students disciplined 11 times or more did not graduate from high school.³³

Data collected by the Appleseed report team revealed that exclusionary discipline practices resulted in significant out-of-school time for Washington students. Despite our state’s strict

“I think the longer a child is out of school, for whatever reason, the worse it is, the harder it’s going to be for them to come back in, because they come back in and they’re way behind,” commented **Judge Susan Hahn, Yakima County Juvenile Court**. “Sometimes they will have missed so much time that they’re told, ‘no you have to wait until a new semester starts,’ and that might be two more months, and then they’ve lost their credits, and then suddenly they’re not with their class anymore. And then suddenly the chances of them being able to graduate from a regular mainstream school, if they think they aren’t going to be able to graduate with their class, then that becomes really humiliating.”

“Pretty much the first week of freshmen year, I was emergency expelled and then again in my sophomore year. I was suspended within the first month and then, just after that, I was like ‘okay I’m seeing a pattern. I come here, I get in trouble, and then I get in trouble when I go home.’ So, I’m just not gonna go. I’d rather just get in trouble for one thing than two,” says D.B.

D.B. was in foster care between 6th grade and 10th grade and was suspended more than 20 times in middle school. He dropped out of high school in the 10th grade and obtained a GED when he was 20.

28 The Road Map Project is a community-wide effort aimed at improving education to drive dramatic improvement in student achievement from cradle to college and career in South King County and South Seattle. See www.roadmapproject.org.

29 The Road Map Project. (2012). *Baseline technical report, Version 1.2 Updated 2/17/2012*. Retrieved July 2012, from http://www.roadmapproject.org/wp-content/uploads/2012/07/Baseline_Technical_Report_v1-2.pdf

30 *Id.*

31 Mac Iver, Martha Abele. (2011). *Gradual disengagement: A portrait of the 2008-2009 dropouts in the Baltimore city schools*. Baltimore Education Research Consortium. Retrieved July 2012, from <http://baltimore-berc.org/pdfs/Gradual%20Disengagement%20Brief.pdf>

32 WAC 392-400-205

33 Fabelo, *supra*.

compulsory attendance laws³⁴ and the general belief among educators that school attendance is critical for learning, Washington students still miss thousands of school days every year due to exclusionary discipline. For example, during the 2009-2010 school year the Highline School District reported 289 incidents of long-term suspension³⁵—meaning that, in this district alone, students missed at least 3,179³⁶ days of school as a result of exclusionary discipline.³⁷

Based on information reported by 183 school districts across the state,³⁸ there were at least 6,487 incidents of long-term suspension during the 2009-2010 school year. Under Washington regulations, long-term suspensions last for more than 10 school days and have a definite end date.³⁹ Assuming that each of these long-term suspensions lasted the minimum 11 days, these incidents represent a minimum of 71,357 missed school days in just one academic year. This figure likely under-represents the amount of out-of-school time caused by long-term suspensions as not every school district was able to provide information specific to long-term suspensions. If other disciplinary actions such as short-term suspensions, emergency expulsions, and expulsions are considered, the total number of missed school days for students statewide is considerably higher.

While simply labeling these days as “missed” seems rather innocuous, there are consequences to these exclusions. The national studies previously referenced found a correlation between accumulated out-of-school time and drop-out rates, regardless of the reason for the absence. The resulting inference is that each time a school district removes a single student from school for six, 20, 40, or more days in a single year, that student is significantly more at risk of dropping out of school entirely.

In addition to these correlative relationships between discipline and dropout, there was also a direct causation in a number of instances. Of the 14,781 high school students who dropped out of school in the 2009-2010 school year, 771 specifically stated that they left school permanently because of a suspension or expulsion.⁴⁰ While this figure likely significantly under-represents the total student pool who left school for this reason—well over 8,000 student dropouts did not respond to OSPI with a reason for leaving school—the failure of Washington’s education system to carry just these 771 students to graduation has a significant economic toll.

34 Under these truancy laws, even one unexcused absence from school triggers a school district’s duty to contact the family and try to resolve the attendance problem. Two unexcused absences in a month triggers the duty to meet with the family in person and five unexcused absences in a month can trigger a referral to juvenile court, with additional unexcused absences leading to sanctions for violating a court order to attend school. See RCW 28A.225.030, RCW 28A.225 et seq.

35 Data provided to the Appleseed report team by the Highline School District in response to our public records request.

36 Long-term suspensions are defined as a removal from school for 11 or more days. See WAC 392-400-260. This figure represents the minimum number of school days missed in 289 incidents of long-term suspension (11 school days times 289 incidents of removal).

37 According to figures reported to OSPI for the 2009-2010 school year, Highline School District had an exclusionary discipline rate of 78.37 incidents per 1,000 students. This rate is higher than the statewide average, but not exceptional. For information on Highline School District, see Appendix E on page 59.

38 While information about long-term suspensions was requested from all 295 school district in the state, not all districts had incidents of long-term suspension or records in a reportable format. A total of 52 school districts reported having no incidents matching requested categories during the 2009-2010 school year. An additional 56 school districts were unable to provide the information requested. 183 school districts were able to provide information in a disaggregated form for consideration in this analysis. For additional information on which districts are included in this discussion, see Appendix D on page 54.

39 See WAC 392-400-205.

40 Office of Superintendent of Public Instruction. (2011). *Graduation and dropout statistics for Washington in 2009-10*. Retrieved from <http://www.k12.wa.us/DataAdmin/pubdocs/GradDropout/09-10/GraduationDropoutWashington2009-10.pdf>

“The most ironically tragic idea is that if a student needs help in school, is having a struggle, what we do when they act up or something comes up is we kick them out of school, we suspend them. Well, what’s the learning there? Now the student is not in school, missing more time, is more disconnected from the community. And we create this reinforcing pattern where kids get punished and then they don’t have a connection to school, and then the lack of connection makes them act out and they get punished. And so you actually condition students, I think, to quit, to drop out.” **Garth Reeves, Co-Principal, Big Picture Schools and Advisor, Restorative Justice Committee.**

The Alliance for Excellent Education, a national education advocacy organization, developed economic modeling suggesting that just 1,000 additional high school graduates from a single class would yield an average \$14 million in additional wage earnings annually in Washington State.⁴¹ These graduates could also be anticipated to “support 80 new jobs in the state, increase the gross state product by \$16 million, and pour an additional \$1.2 million annually into state coffers, all through their increased spending and investments.”⁴²

1.2 Exclusionary discipline negatively impacted academic success.

Studies have linked exclusionary discipline to lowered academic achievement.⁴³ It is no surprise that a student who misses days of school would fall behind his or her peers academically. Missed instruction time, slowed skills acquisition, and lower test scores resulting from missed class time are only part of the equation when it comes to decreased academic performance resulting from exclusionary discipline.

Some district policies surveyed actually made it impossible for a student to succeed academically if they had been long-term suspended. For example, a student handbook from Morton School District in South Central Washington outlined that, “For every two days missed from school beyond the first 10 days missed for the semester, the student’s grade will drop one letter grade. (Example: Student’s work is of “A” quality, but the student missed 12 days of school, the student receives a “B” grade).”⁴⁴ While the handbook also said that suspended students may receive assignments while out, the attendance policy suggested that a student suspended for

“If exclusionary discipline results in students dropping out, not being college ready or not graduating on time, then certainly they will have a tougher time with employment and earning a living wage.”

Anne Lee, Executive Director, TeamChild

41 Alliance for Excellent Education. (2011). *Education and the economy: boosting Washington’s economy by improving high school graduation rates*. Retrieved from http://www.all4ed.org/files/Washington_seb.pdf

42 *Id.*

43 Skiba, R. and Rausch, M. K. (2004). *The relationship between achievement, discipline and race: An analysis of factors predicting ISTEP scores*. Center for Evaluation and Education Policy, Indiana University. Retrieved from <http://www.iub.edu/~safeschl/ChildrenLeftBehind/pdf/2D.pdf>

44 Morton School District. *Morton junior/senior high school 2011-2012 student handbook*. Retrieved August 2012 from <http://www.morton.wednet.edu>

20 days could not earn a passing grade during the term of their exclusion, regardless of how much coursework they completed.

In addition to district-based policies, individual schools within districts can define their responses to student behavior. For example, Arlington High School in Northwest Washington has defined severe academic penalties associated with long-term suspension.⁴⁵ A second offense under the drug and alcohol section of their rules mandated a 90-day suspension from school that “will result in failure to complete course requirements and a loss of credits.”⁴⁶ This penalty can apply to students not directly in possession of illicit substances as well, meaning that students may be disciplined who are simply in a group where one or more individuals is in possession of a controlled substance. This discipline policy illustrates how school districts may choose to respond to alleged drug use by imposing academic failure as opposed to an opportunity to assist a student in seeking treatment or otherwise addressing the root cause of their behavior.⁴⁷

These and many other district policies illustrated a wide variety of approaches to student behavior. While Washington State regulations clearly state that academic penalty cannot be the *purpose* of school discipline,⁴⁸ some school districts have adopted policies that cause academic penalties on top of exclusion from school to be a *consequence* of disciplinary measures.

Grade level retention as a result of exclusionary discipline may also impact academic success. Students who are suspended or expelled may miss the opportunity to earn the necessary skills and academic credits to move to the next grade. While we do not have evidence specific to Washington State, the previously mentioned Texas study found that, “of all students who were suspended or expelled, 31% repeated their grade at least once. In contrast, only 5% of students with no disciplinary involvement were held back.”⁴⁹ Similarly, a systematic review of 17 studies examining factors associated with dropping out of high school prior to graduation suggests that grade retention is one of the most powerful predictors of school dropout.⁵⁰

1.3 Exclusionary discipline decreased psychological engagement.

Exclusionary discipline decreased student engagement by contributing to a sense of alienation, low educational expectations, and doubts about graduation among students.⁵¹ Emotional engagement can be further decreased as students become involved in the juvenile justice system. While objectively quantifying a student’s emotional

45 Arlington School District. *Arlington High School Handbook 2011-2012*. Retrieved August 2012 from <http://www.asd.wednet.edu/education/page/download>.

46 *Id.*

47 Note that during the 2009-2010 school year, 5,810 incidents of suspension were reported to OSPI due to illicit drugs. Per OSPI, illicit drugs are defined as “the unlawful use, cultivation, manufacture, distribution, sale, solicitation, purchase, possession, transportation, or importation of any controlled drug or narcotic substance or violation of the district drug policy.” OSPI also includes the use, possession, or distribution of any prescription or over-the-counter medication (e.g., aspirin, cough syrups, caffeine pills, nasal sprays) in the description of illicit drugs.

48 WAC 392-400-235(1).

49 Fabelo, *supra*.

50 Jimerson, S. R., Anderson, G., & Whipple, A. (2002). *Winning the battle and losing the war: Examining the relation between grade retention and dropping out of high school*. *Psychology in the Schools*, 39 (4), 441-457.

connection to school is challenging, stakeholders who took part in field interviews repeatedly flagged decreased psychological engagement as a particularly concerning impact of suspensions and expulsions:

“I think exclusionary discipline is ineffective and may send a message to the student that they aren’t valued. When students don’t feel that anyone cares, they become more disconnected, and their behavior doesn’t improve when they return from an out-of-school suspension. The traditional approach to discipline when used in a punitive manner reinforces the negative experience that kids are having within our system. If one of my students fail, I know that they feel cared for and that we are there to help pick them back up. If a student fails in an environment of rejection and isolation, they lose hope and the odds of getting them back are very low.” **Jim Sporleder, Lincoln High School Principal, Walla Walla School District.**

“I know a lot of young people who have given up and dropped out of school because they have gotten so behind or have gotten kicked out because they are labeled as a bad kid. And so they just don’t care anymore, no one has placed any expectations of them, nobody expects them to succeed, so they don’t expect themselves to succeed. I’m sure that they feel like the school has given up on them, and ‘if my school doesn’t think that I can do this, that I can be successful, that I can overcome whatever challenge I’m facing, you know, then why should I care?’” **Shelley McWain, Yakima PTA Council.**

“I think discipline, depending on how the discipline is enforced, can exacerbate all the things that are wrong with the school setting. It can alienate kids who otherwise might be engaged, make them feel like they’re not really a part of the community but are sort of being separated from it. Make them feel sort of anxious, scared. Make them view the administrators and the teachers as sort of their adversaries instead of their friends and their allies.” **Mark Niles, Dean and Professor of Law at Seattle University School of Law.**

51 C.Hammond, D. Linton, J. Smink, & S. Drew. (2007). *Dropout risk factors and exemplary programs: A technical report*. National Dropout Prevention Center. D. Linton: Communities in Schools, Inc. Retrieved August 2012 from http://www.doe.virginia.gov/support/prevention/dropout_truancy/resources/dropout_risk_factors.pdf.

“When students are treated like school isn’t their place and they’re told get out, ‘why would I want to be at some place that I’m not treated like it’s mine? I’m not welcome there.’ So to exclude a person from an institution because of their behavior, rather than embracing them and what’s going on, doesn’t really solve the problem, it treats the immediate symptom. Exclusionary discipline only makes matters worse, particularly when you have behavior that is being perpetuated because of a lack of familiarity and a feeling of being at home.” **Enrique Gonzalez, Juvenile Justice Policy Advocate, El Centro de la Raza.**

“Well, I think the biggest concern is that once kids are out of school, or pushed out of school, they feel like they don’t belong there, or they’re not going to be successful there, then they’re on the track to jail or prison, candidly.” **Honorable Frank Cuthbertson, Pierce County Superior Court Judge.**

These messages can be carried back into the classroom where many students return from exclusions less emotionally engaged in school, a compound impact of exclusion that makes these students more likely to misbehave at school again. The Massachusetts Advocacy Center found that 41% of suspensions are represented by students who repeatedly break school rules.⁵² Similarly, the Texas Breaking School Rules study found that, “students who were involved in the school disciplinary system averaged eight suspensions and/or expulsions during their middle or high school years; among this group, the median number of suspensions and expulsions was four.”⁵³

This relationship between exclusions and disengagement can be particularly troubling for students who have experienced trauma. An increasing body of evidence shows that children experiencing trauma arrive at school less engaged and less ready to learn than their peers. Massachusetts Advocates for Children and the Harvard Law School recently concluded that “childhood trauma from exposure to family violence can diminish concentration, memory, and the organizational and language abilities that children need to function well at school.”⁵⁴ The results of complex trauma can also lead children to be more at risk for delinquency due

52 Massachusetts Advocacy Center. (1986). *The way out: Student exclusion practices in Boston middle schools*. Further examples can be found in Costenbader, V., & Markson, S. (1998). *School suspension: A survey with secondary school students*. *Journal of School Psychology* 36 at 59-82. Bowditch, C. (1993). *Getting rid of troublemakers: High school disciplinary procedures and the production of dropouts*. *Social Problems* 40, at 493-507.

53 Fabelo, *supra*.

54 Cole, S. F., Greenwald O'Brien, J., et. al. (2009). *Helping traumatized children learn, A report and policy agenda*. Massachusetts Advocates for Children in collaboration with Harvard Law School. Retrieved from <http://opi.mt.gov/pdf/indianed/TeachTraumatizedKids.pdf>.

to a learned distrust and disregard for adults, rules, and laws.⁵⁵

The links between trauma, exclusionary discipline, and disengagement suggest a need for new approaches to discipline that incorporate trauma-sensitive training for teachers, better connections between schools and mental health professionals, and increased academic instruction (specifically aimed at decreasing a student's frustrations). They also suggest reconfiguring school policies to balance accountability with the need to connect children and families to community supports outside of school that can help them.⁵⁶ See Appendix E on page 59 for examples of school districts that are successfully employing these new approaches.

Students who have experienced trauma are also more likely to end up in the juvenile justice system, exacerbating their psychological and academic disengagement from the school setting.⁵⁷

The National Council of Juvenile and Family Court Judges bulletin suggests that traumatic exposure, delinquency and school failure are related, and that negative impacts of justice system involvement on school engagement may include “absences while waiting for records to transfer, a delay in specialized services, inadequate educational planning, and poor service coordination between school systems, child welfare agencies, and juvenile justice systems.”⁵⁸ Multi-state studies have also found that between 66%-95% of youth either did not return to school or dropped out after being released from juvenile justice facilities.⁵⁹

“For kids that moved around a lot, they try not to get attached to people cause they . . . they, like every time I get attached to somebody, I end up moving so—and I ain't got control over it—so let me stay, let me be a loner; and I think that's a lot of reasons why kids are angry 'cause they don't have a stable friendship with people 'cause they're moving around. There's a lot of home stuff that interferes with friendships and stuff, so I feel that's probably one of the reasons I was fighting all the time,” says D.B.

D.B. was in foster care between 6th grade and 10th grade and was suspended more than 20 times in middle school. He dropped out of high school in the 10th grade and obtained a GED when he was 20.

While the connections between childhood trauma and variables such as academic failure, justice system involvement, and exclusionary discipline can often be complex and multi-directional, the connection between

55 Buffington, K., Dierkhising, C. B., Marsh, S. C. *Ten things every juvenile court judge should know about trauma and delinquency*. Reclaiming Futures. Retrieved August 2012 from http://www.reclaimingfutures.org/sites/blog.reclaimingfutures.org/files/userfiles/10-Things-Every-Juvenile-Court-Judge-Should_.pdf.

56 Cole, *supra* at 69-75.

57 Buffington, *supra*.

The National Conference of State Legislatures also recognized that post-traumatic stress disorder is particularly prevalent among juvenile offenders.

58 *Id.* at p. 7.

59 Brock, L., & Keegan, N. (2007). *Students highly at risk of dropping out: Returning to school after incarceration*. The National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At-Risk. Retrieved August 2012 from <http://www.neglected-delinquent.org/nd/resources/spotlight/spotlight200701b.asp>.

exclusionary discipline and juvenile court involvement is often considerably more direct (as implied by the term “school to prison pipeline”). Zero-tolerance policies coupled with heightened police presence in schools has led to increased student arrests on school premises and a spike in direct student referrals to the juvenile court system, often for non-criminal offenses.⁶¹ For example, OCR data requests to selected school districts in Washington showed that more than 3,000 students were expelled under zero-tolerance policies during the 2009-2010 school year, and more than 2,100 students were referred directly to law enforcement.⁶²

Washington State data supports these national trends. A 2007 analysis of juvenile offender data found that a majority of even low-risk offenders had a history of suspensions and expulsions from school, and the majority of moderate and high risk juvenile offenders were first suspended by the time they were 13 years old. Nearly two-thirds of high risk juvenile offenders were either suspended, expelled or not enrolled in school in the last school term preceding their court involvement. Based on these findings, the study concluded that getting suspended or expelled from school is a clear indicator of risk for juvenile court involvement and recommended further study on the effect of suspensions and expulsions on subsequent behavior and the effectiveness of alternative approaches to school discipline.⁶³

Another local study confirmed that school issues exacerbate a young person’s juvenile court involvement by triggering probation violations and detention.⁶⁴ In Washington State, a common condition in court orders for youth on probation is regular attendance at school.⁶⁵ Falling short of these expectations means a youth is in violation of a court order, which carries serious consequences, including up to thirty days in detention. In the juvenile probation study, school was listed as one of the more common reasons for probation violations; school related issues accounted for close to 60% of probation violations for youth on probation in urban Washington and about 45% for youth on probation in rural Washington. The most common response to these and other probation violations was detention.

For some youth who return to their communities after a period of incarceration, just the fact that they have a juvenile record sometimes triggers an emergency expulsion before they can even set foot in a school.⁶⁶ Some school districts will go as far as barring some of these youth from enrollment, despite the fact that numerous studies have demonstrated that school engagement after incarceration is an essential protective element in keeping youth from re-engaging in criminal behavior.⁶⁷

61 See Heitzag, Nancy (2009). *Education Or Incarceration: Zero Tolerance Policies And The School To Prison Pipeline*. Forum on Public Policy (2009). Retrieved from <http://forumonpublicpolicy.com/summer09/archivesummer09/heitzeg.pdf> and Cobb, H. (2009) *Separate and Unequal: The Disparate Impact of School-Based Referrals to Juvenile Court*. Harvard Civil Rights Civil Liberties Law Review, Vol 44, 581-596.

62 United States Department of Education. (2011). *Civil rights data collection: School & district search*. [Data set]. Retrieved from <http://ocrdata.ed.gov/DistrictSchoolSearch>.

63 Barnoski, R. (2007). *Suspensions and expulsions from school and juvenile court involvement*. [PowerPoint Presentation]. The Washington State Institute for Public Policy and the Washington State Center for Court Research.

64 Bechtold, J., Cauffman, E., and Monahan, K. (2011). *Are minority youths treated differently in juvenile probation?* Models for Change Knowledge Brief.

65 Washington State Courts. (2000). *Order on adjudication and disposition*. Form JU07_080. Retrieved from <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=26>.

66 TeamChild case files document this type of exclusionary experience for a number of clients.

67 JustChildren, Legal Aid Justice Center. (2004). *A summary of best practices in school reentry for incarcerated youth returning home*. Retrieved from http://www.justice4all.org/our_programs/justchildren/links.

“I have to say, like, when you start getting the spotlight on you for, like, things that you do—not in a good way but in a bad way—it’s like you try to run from it, but you can’t really run from it because people look at what you’ve done already and they keep it; and they keep it against you. Well, I ended up switching high schools because I got into some trouble my freshman year and the principal just told me that I can’t come back here ‘cause I’m bringin’ too much problems to the school,” says J.J.

J.J. dropped out of high school in the 10th grade and got his GED when he was 18 years old. He spent 18 months in a juvenile state prison, and his school district barred him from entry into any of its public high schools when he was released at the age of 16.

“Something that the school should probably do to help kids who really need it and who they think are struggling is, you know, talk to the kids. Like send someone, like from the, you know, one of the head school coordinators, or whatever, to come talk to them so they can actually understand everything that has happened. ‘Cause it’s not just like I did something bad and got kicked out, you know, and that I’m a bad person. You know, ‘cause people in school are still building their character. They’re still learning. That’s what school is for,” says R.W.

R.W. dropped out of high school in the 11th grade and completed a GED when he was 18 years old. He was expelled from school for the first time when he was in the 6th grade.

These studies suggest important links between the academic and social disengagement of students, their involvement with juvenile court (whether caused by exclusionary discipline or not) and the ensuing cycle of school failure and escalating involvement in the juvenile justice system. Instead of improving education outcomes and prospects for these young people, the education and juvenile justice systems are, often times unintentionally, driving youth deeper into the juvenile justice system and further away from their chances of graduation and post-secondary success.

Exclusionary discipline incidents that result in direct referrals to law enforcement or exclusionary discipline that triggers probation violations both come with a hard dollar, and often unnecessary, price tag. Washington State spends an average of \$160 per day per youth in state and local detention.⁶⁸ If the 2,100 students referred to law enforcement during the 2009-2010 school year were detained for five days, tax payers would be footing a \$1.7 million bill annually.⁶⁹ This does not take into account the cost of detaining youth for probation violations triggered by school discipline or the longitudinal

68 Washington State Institute for Public Policy. (2002). *The juvenile justice system in Washington state: Recommendations to improve cost-effectiveness*. Retrieved at <http://www.wsipp.wa.gov/rptfiles/WhatWorksJuv.pdf>.

WSIPP estimates that \$119.4 million is spent on state and local confinement for juvenile offenders (which translates to \$327,123.29 per day in confinement costs). Based on the estimated 2,042 offenders confined in local and state facilities, we calculate an average confinement cost of \$160.20 per day per offender.

69 Information about juvenile offenders and the average time in detention is not publicly available at this time. The five day rubric presented here is based on the experiences of TeamChild clients.

costs of youth who fail to return to school after justice system involvement.⁷⁰ Conversely, it costs an estimated \$27 to educate a child for one day in public school.⁷¹

To better understand the interplay between exclusionary discipline and juvenile court involvement and its true financial and social impact, our state will need the ability to link and analyze the relationships between juvenile court and school data. Note that the Washington State Center for Court Research recently created the Court Contact and Recidivism Database and the Educational Research Database, which can be linked to examine current trends in educational and juvenile justice data.

70 Alliance for Excellent Education. (2006). *Healthier and wealthier: Decreasing health care costs by increasing educational attainment*. Retrieved from <http://www.all4ed.org/files/HandW.pdf>.

71 Washington State Institute for Public Policy. (2011). *The economic value of learning time in K-12 schools: A summary of research evidence and an economic analysis*. Retrieved from <http://www.wsipp.wa.gov/rptfiles/11-04-2201.pdf>.

FINDING 2

The vast majority of disciplined students did not receive educational services during exclusionary discipline.

Educational services are defined within this report as any combination of opportunities that might allow a student to continue with coursework, progress with their peers, and maintain credits during a period of exclusion from school. These services may include homework, tutoring, online programs, or other kinds of supports. The Appleseed report team did not evaluate the effectiveness or adequacy of any individual educational service, but was only interested in their prevalence and usage in instances of exclusionary discipline.

Our team used public records requests to collect information from school districts across the state about the educational services used by students during exclusions. The resulting data shows that very few students have access to educational services and that, in some instances, these periods without educational services can continue indefinitely and mark the end of any access to education.⁷²

72 For the purposes of our discussion on educational services provided during periods of exclusion, our team did not consider students qualifying for special education programs. Special education students are protected by federal and state law that mandates that educational services be provided in accordance with the student's Individual Education Plan (IEP) during disciplinary exclusions. Because all Special Education students should be receiving educational services during exclusions, the number of long-term suspensions, emergency expulsions, and expulsions listed in this section only reflect students who do not qualify for Special Education programs and as such, are distinct from figures presented in other sections.



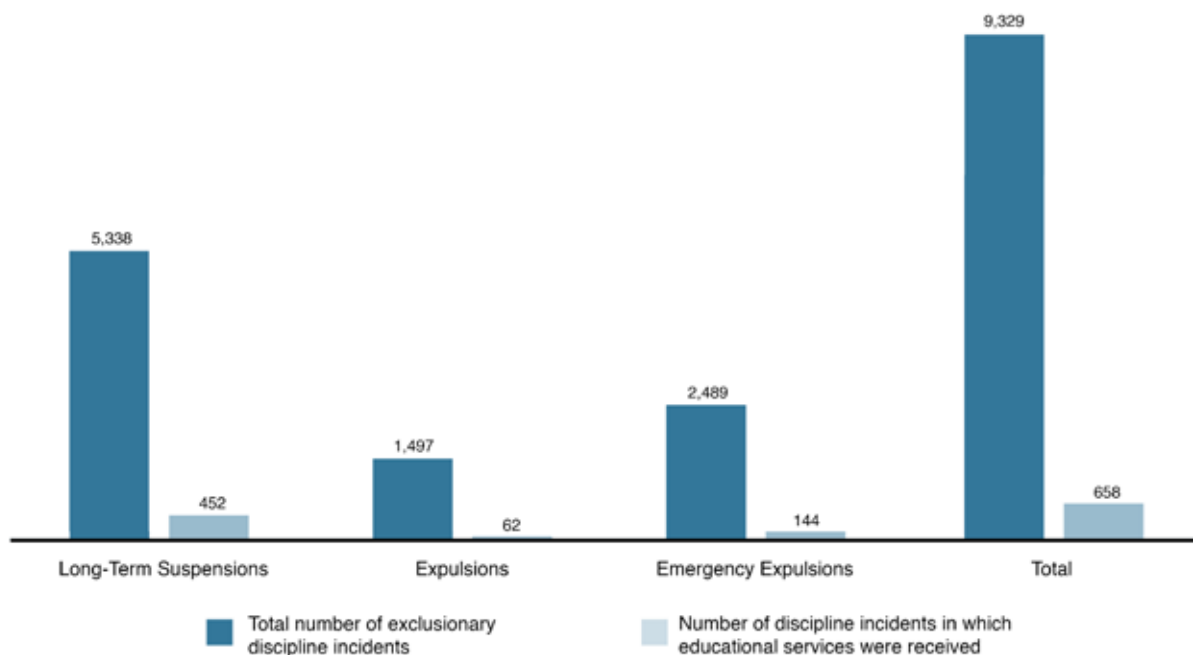
Sarah was out of school for an entire year without any educational services.

At just 14 years old, Sarah had experienced many years of family conflict and associated challenges. In fact, she started living with a family friend in Northwestern Washington when the conflict with her parents became too severe. Last year, Sarah was emergency expelled from her middle school for making a verbal threat to another student. The school later converted the disciplinary action to an expulsion without scheduling a date for her return to school. The family she was living with tried to advocate for her return to school, but they were unsuccessful. That left Sarah with no options for public education in the district where she lived and no money for private school. She was out of school for an entire year without any educational services, falling far behind her peers and missing out on the important social environment school provides.

2.1 Most students did not receive educational services during periods of exclusionary discipline.

Based on information reported from 183 districts across the state,⁷³ educational services were only provided in 7% incidents involving long-term suspension, emergency expulsion, or expulsion. Long-term suspended students were the most likely to receive educational services (school districts reported providing some kind of educational service in 8% of these incidents), while expelled students were the least likely to receive services of any kind (educational services were reportedly provided in only 4% of incidents).

Frequency of Educational Services Received During Exclusionary Discipline



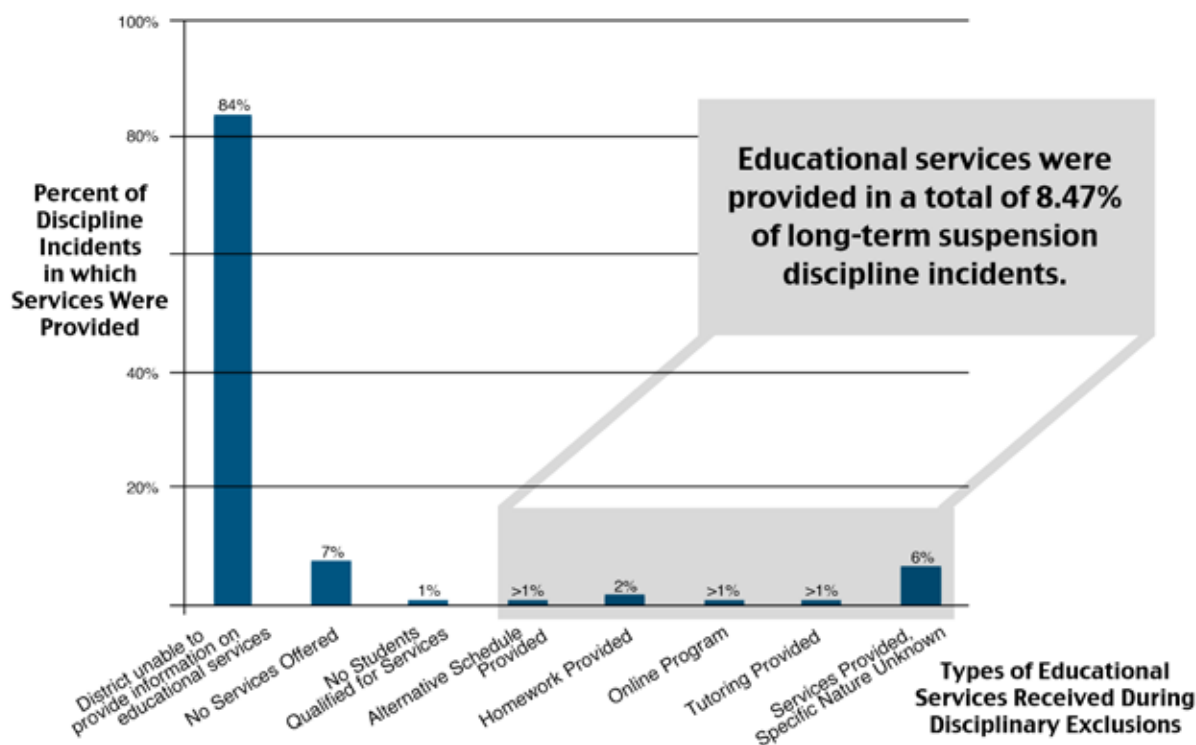
Data for this analysis is based on responses to the Appleseed report team's public record request from 183 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested. We recognize the 9,329 discipline incidents included here as a sample size of the state total. Please note the "Total" category includes 5 discipline incidents that were not specifically labeled as a long-term suspension, expulsion, or emergency expulsion.

⁷³ While information about educational services provided during periods of exclusion was requested from all 295 school district in the state, not all districts were able to provide the information requested. A total of 52 school districts reported having no incidents of exclusionary discipline matching requested categories during the 2009-2010 school year. An additional 56 school districts were unable to provide the information requested in a usable format. 183 school districts were able to provide information in a disaggregated form for consideration in this analysis. For additional information on which districts are included in this discussion, see Appendix D on page 54.

According to information reported by the school districts, 9,329 incidents of exclusionary discipline occurred in the 2009-2010 school year involving non-special education students.⁷⁴ In over 80% of these incidents, school districts were unable to provide specific information as to whether students received any educational services. Although the reasons for not being able to report this data ranged from district to district, the most commonly cited reason was that the district was not required to and therefore did not maintain these records regarding students receiving assistance. In fact, only 80 school districts in the state positively identified that any kind of educational service was provided for students who were excluded from school. For the purposes of this section, we will refer to this group of 80 districts as the “provider districts.”

The types of educational services these 80 districts provided ranged significantly. Just more than half of the provider districts (44 districts) responded that they provided services but could not identify what kind of services were provided. Of the provider districts that could identify what kind of services were provided, three districts reported offering alternative schedules to suspended or expelled students, 18 districts reported providing homework assignments, five reported offering online programs, and an additional five reported offering tutoring. The types of services used also varied by type of discipline. Districts were considerably less likely to offer definitive services in emergency expulsions and appeared least able to offer information of any kind in relation to expelled students.

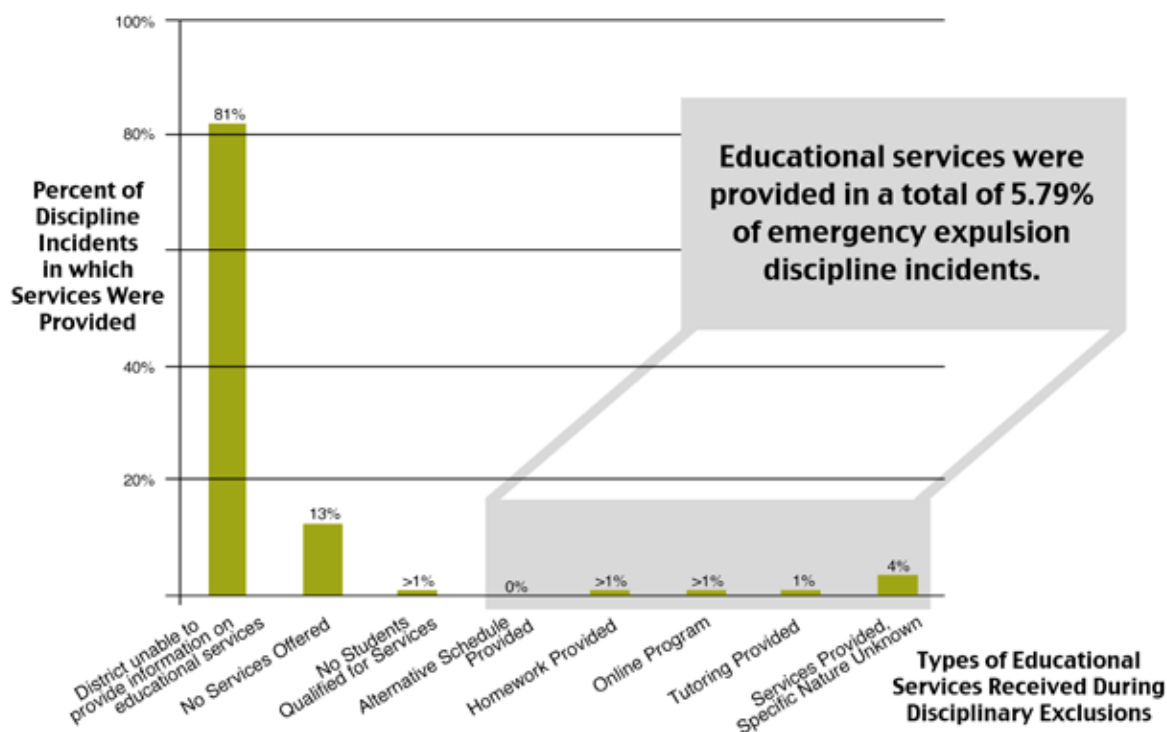
Educational Services and Long-Term Suspensions



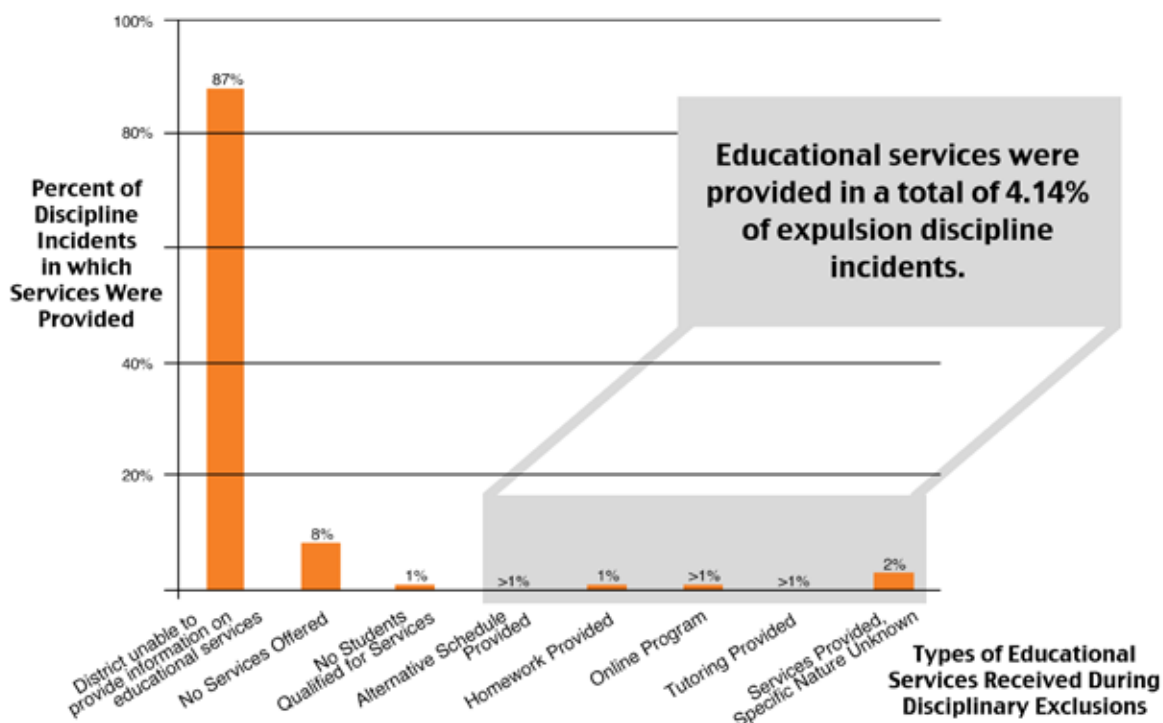
Data for this analysis is based on responses to the Appleseed report team's public record request from 183 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested. Some school districts reported no discipline incidents matching requested categories and others provided information that could not be disaggregated for statewide analysis.

74 The Appleseed report team recognizes that due to a lack of tracking and reporting systems within school districts, this number represents only a fraction of the total incidents of exclusionary discipline that occurred during the 2009-2010 school year.

Educational Services and Emergency Expulsions



Educational Services and Expulsions



Data for this analysis is based on responses to the Appleseed report team's public record request from 183 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested. Some school districts reported no discipline incidents matching requested categories and others provided information that could not be disaggregated for statewide analysis.

The public records requests also revealed that many districts were aware of instances when students were offered educational services, but did not track whether these services were actually used. Though our public record requests asked for information regarding potential costs to the student in accessing educational services during exclusion, only one school district provided information on these costs. They reported covering these costs on behalf of the student.

“I was shocked to hear that there is no duty to educate a child once they are expelled. And I just learned that maybe eight or nine months ago. To me, that was shocking. That we’re washing our hands of kids.” **Honorable Helen Halpert, King County Juvenile Court Judge.**

“In rural areas where there are no alternative programs, or community organizations, expelled and suspended kids are sent to the streets, practically. There just isn’t a place for them to go to continue their education.” **Adie Simmons, Director, Washington State Office of the Education Ombudsman.**

Our team reviewed the written discipline policies of school districts providing services in order to assess the extent to which those services were formalized components of school discipline procedures. At their most formal, district discipline policies included provisions for enrolling in an alternative school or for completing coursework during exclusionary discipline. The Pomeroy School District, for example, funded two alternative schools and has a clear path for students to be served at these institutions during long-term suspensions and some instances of emergency expulsion or expulsion. The Rainier School District provided our team with documentation of a formalized process for parents to collect assignments for their children in order to maintain academic credit. The district included information about these educational services (including an opt-in form) with the official notification of the student’s disciplinary status.

Considerably more of the provider districts reported simply allowing assignments to be picked up by a representative of the student, and did not provide any formal district-wide procedures or documentation of the possibility for students to make up work during exclusionary discipline. Most district handbooks reviewed by our team did not explicitly mention any availability of educational services for disciplined students, and it is unclear how students or their parents may be notified about educational options.

Based on the informal nature of these practices, the discretion of individual teachers and school administrators influenced the educational outcomes of students experiencing exclusionary discipline. Regardless of overall district policy, some teachers may continue providing assignments and limited educational services to students on disciplinary exclusion on their own initiative—and it is certain that those teachers and administrators have a profound impact on keeping these students engaged in the educational process.

While we were able to analyze some data about access to educational services during exclusions, a lack of more complete information limits our ability to identify gaps in educational opportunities for some student

populations, such as students living in rural areas verses those in urban environments. Filling these information gaps could shed light on the educational opportunity gaps in our state.

Both our qualitative and quantitative data revealed an alarming gap in education for Washington students. State regulations require schools to provide students who are suspended for 10 days or fewer the opportunity to make up tests and complete homework assignments. In addition, the federal Individuals with Disabilities in Education Act protects the right of eligible students with disabilities to receive educational services during periods of exclusion from school, and juveniles in detention have been guaranteed the right to education through the courts. Despite the fact that Washington State has made a unique commitment to children by declaring education as the “paramount duty” of the State in our constitution, prioritizing the provision of education to all children above all other duties,⁷⁵ and requiring all students to receive a basic education,⁷⁶ no state statute or regulation explicitly requires districts or any other entity to provide students with any education during exclusionary discipline. In fact, OSPI notes in its online School Safety Center FAQ that, “For long-term suspensions and expulsions, there is no requirement for schools to provide assignments. The decision to provide homework or not is left to the discretion of the school district.”⁷⁷

“I think there is value in continuing the education of all students. How and where, and who’s responsible becomes a bit of a challenge.” **Mike Messenger, Assistant Superintendent, East Valley School District.**

“Our laws do not make it clear who has the responsibility to ensure that expelled and suspended students receive their constitutional right to an education.” **Anne Lee, Executive Director, TeamChild.**

“The constitution says that kids are supposed to have an education—that’s our paramount duty in the State of Washington. And it doesn’t say just for kids who do everything right.” **Hon. Bobbe J. Bridge, ret., Founding President/CEO, Center for Children & Youth Justice.**

“If a school district doesn’t have alternatives for kids they expel, then I say shame on the school districts because they have a responsibility to educate kids. I understand that sometimes kids have to be expelled and there are certainly times when it’s very justified, but if we don’t have an alternative to expulsion and we don’t have any other form of education for these kids, then we have thrown them away. We put the burden on little kids to get back into school.” **Honorable Susan Hahn, Yakima County Juvenile Court Judge.**

75 See Wash. Const. art. IX, §§ 1 & 2; *Seattle School Dist. v. State*, 90 Wn.2d 476 (1978); and *McCleary v. State of Washington*, 173 Wn.2d 47 (2012).

76 RCW 28A.150.200 and RCW 28A.150.220.

77 Office of Superintendent of Public Instruction. (2012). *School safety center FAQ; Suspension and expulsion*. Retrieved from <http://www.k12.wa.us/SafetyCenter/Guidance/FAQ.aspx>.

2.2 Students who were out of school due to disciplinary exclusion experienced significant hurdles re-enrolling in school.

While data from reporting school districts showed that educational services were only provided in 7% of discipline incidents, anecdotal evidence suggested that a similarly small group of excluded students re-engage in traditional school settings without significant intervention from a parent or advocate. Maria, Sarah, Artigo, Lashon, and Charlie are all examples of young people who were removed from school for lengthy periods of time, and who were not able to successfully re-engage in school until an advocate stepped in.

“I was never able to go to a regular high school. I never been to a regular high school ever since I got kicked out of middle school in sixth grade—they never let me go back to high school. Schools that I’ve tried to go to wouldn’t accept me. Like that alternative school that got torn down, and the one closer to my house didn’t even accept me. I don’t see how an alternative school won’t accept me. They just didn’t give me a chance to go to any kind of school setting where I could get my regular diploma,” says R.W.

R.W. dropped out of high school in the 11th grade and completed a GED when he was 18 years old. He was expelled from school for the first time when he was in the 6th grade.

As required by state regulation, all district policies outline a process to request readmission to the district’s schools in instances of long-term suspension⁷⁸ and expulsion.⁷⁹ These policies, however, do not guarantee re-entry in the student’s original district or any other district. Additionally, districts can use prior discipline as a basis for rejecting requests for enrollment by non-resident students.⁸⁰ The regulation outlining procedures for emergency expulsions does not specifically require districts to adopt policies allowing students who are emergency expelled to petition for readmission⁸¹ but there is no barrier to students doing so.

There is no statutory requirement for school districts to contact excluded students in order to re-engage them. There is also no statutory requirement that a school district readmit a student who was previously excluded. In fact, state regulation currently includes a clause that requires school districts to un-enroll a student after 20 consecutive days of non-attendance, which includes long-term suspensions or expulsions.⁸² This means that a long-term suspended or expelled student is wiped off the radar of his or her original school. School district responses to our public records requests suggested that district administrators were frequently unaware whether excluded students returned to their original school or any other school. Because neither individual districts nor OSPI keep track of efforts made to re-engage students after periods of exclusionary discipline, it is unclear how many Washington State students face challenges returning to school.

78 WAC 392-400-260(6).

79 WAC 392-400-275(5).

80 RCW 28A.225.225.

81 WAC 392-400-295.

82 WAC 392-121-108(1), (4) and (5).

It is also unclear how many students are allowed back into school after going through a formal readmission process in their local district.⁸³

“So often, these young people don’t make their way back to school. Any length of time out can reinforce what might already be a shaky connection to school. Our state laws do not require schools or districts to proactively retrieve the students that are excluded under a disciplinary action. The readmission process that does exist in the law is very discretionary. Families and students are often unclear about what they need to gain readmission. These factors all make it difficult for students to find their way back after a disciplinary exclusion.” **Anne Lee, Executive Director of TeamChild.**

This suggests that our current understanding of the number of students who drop out as a result of exclusionary discipline is drastically under reported. Re-engaging excluded students in the educational process and helping them to finish high school is imperative if we want students to be competitive for jobs in their adult lives. In the context of re-engaging in education, it is important to note that a GED is not economically equivalent to a high school diploma, in that GED holders tend to earn less than peers who have earned a high school diploma.⁸⁴

83 For more information on the challenges of data tracking, please see Finding 5.

84 United States Census Bureau. (2012). *Educational attainment in the United States: 2009 (Population characteristics)*. Publication No. P20-566. Retrieved from <http://www.census.gov/prod/2012pubs/p20-566.pdf>.

Among all workers, higher educational attainment was generally associated with higher earnings. The median earnings ranged from about \$18,000 for workers with less than a high school degree, to over \$60,000 for those with an advanced degree. Workers with a regular high school diploma earned about \$27,000, and those with a GED earned about \$23,000.

FINDING 3

Exclusionary discipline practices disproportionately impacted students of color and youth living in poverty.

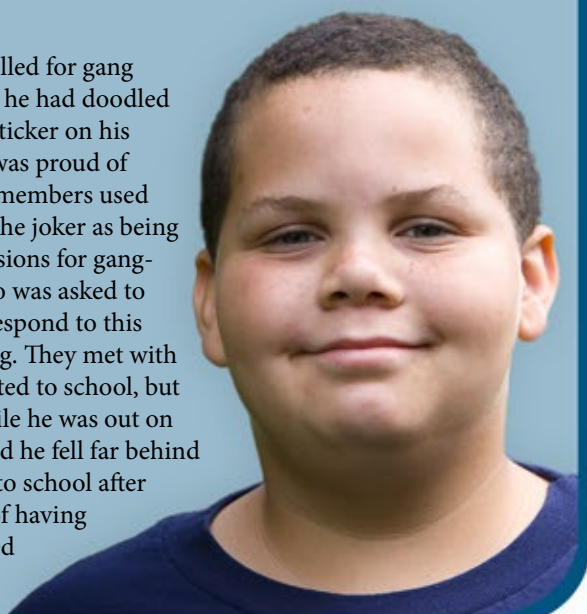
A disproportionate impact describes the result of facially neutral policies that result in a discrepancy between a group's representation in the general population and their representation within a subpopulation. In Washington State, there is evidence of disproportionality for individuals of color and those living in poverty in our criminal justice system, our juvenile justice system, and in educational achievement. In fact, the Washington State Legislature commissioned a series of reports in 2008 addressing educational opportunity gaps for students of color.⁸⁵ These reports identified ways to help schools reduce educational barriers for students of color. Because data was unavailable, however, these reports could not directly address the impact of school discipline on students of color or youth living in poverty.

Our Appleseed report team used public records requests to collect demographic information from school districts across the state for students who experienced exclusionary discipline. The resulting data shows that a disproportionate number of students experiencing exclusionary discipline in Washington State were students of color and students living in poverty. The data also shows that both of these student groups were less likely to access educational services during periods of exclusion.

85 See next page for complete citation.

Artigo lost a semester of credits when he was emergency expelled from high school for alleged gang behavior.

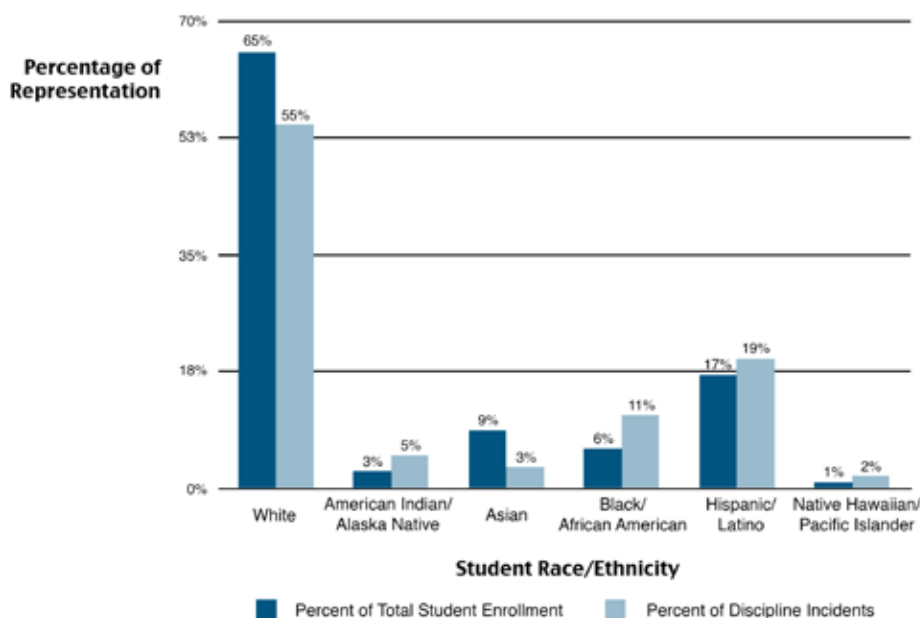
Artigo was a new freshman in high school when he was emergency expelled for gang related behavior and defacing school property. Artigo loved to draw and he had doodled a race car, a joker, and a rose on his school books. He had also placed a sticker on his notebook of the Mexican State where his parents were born because he was proud of where his family came from. The school district staff believed that gang members used this particular Mexican State to identify themselves, and also identified the joker as being a gang symbol. Based on a school rule that allowed for emergency expulsions for gang-related behavior, including dress, tagging, and making gang signs, Artigo was asked to leave the school immediately. His parents were confused about how to respond to this allegation, and Artigo didn't know how to prove that he was not in a gang. They met with the superintendent to explain everything and request that he be readmitted to school, but the district maintained that his behavior was a gang-related offense. While he was out on emergency expulsion, Artigo did not receive any educational services and he fell far behind in his first semester of high school. He was eventually allowed to return to school after signing a "gang contract," but he would now be in constant jeopardy of having his emergency expulsion re-imposed if he committed any behaviors listed in this school district document.



3.1 Students of color were over represented in incidents of exclusionary discipline.

Based on information reported by 177 school districts across the state⁸⁶, students of color were 1.5 times more likely than their white peers to experience an incident of discipline in the 2009-2010 school year. The level of disproportionality varied between groups, with Native Hawaiian/Pacific Islanders (2.56 times more likely to be disciplined), American Indian/Alaska Natives (2.29 times more likely to be disciplined), Black/African Americans (2.21 times more likely to be disciplined), and Hispanic/Latinos (1.36 times more likely to be disciplined) being overrepresented in exclusionary discipline; and Asian students (0.44 times as likely to be disciplined) being underrepresented.

Student Representation in Exclusionary Discipline



Data for this analysis is based on responses to the Appleseed report team's public record request from 177 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested. Please note that due to inconsistencies between school districts in reporting race and ethnicity, information on Multi-racial, Other and Race Not Provided categories is not included.

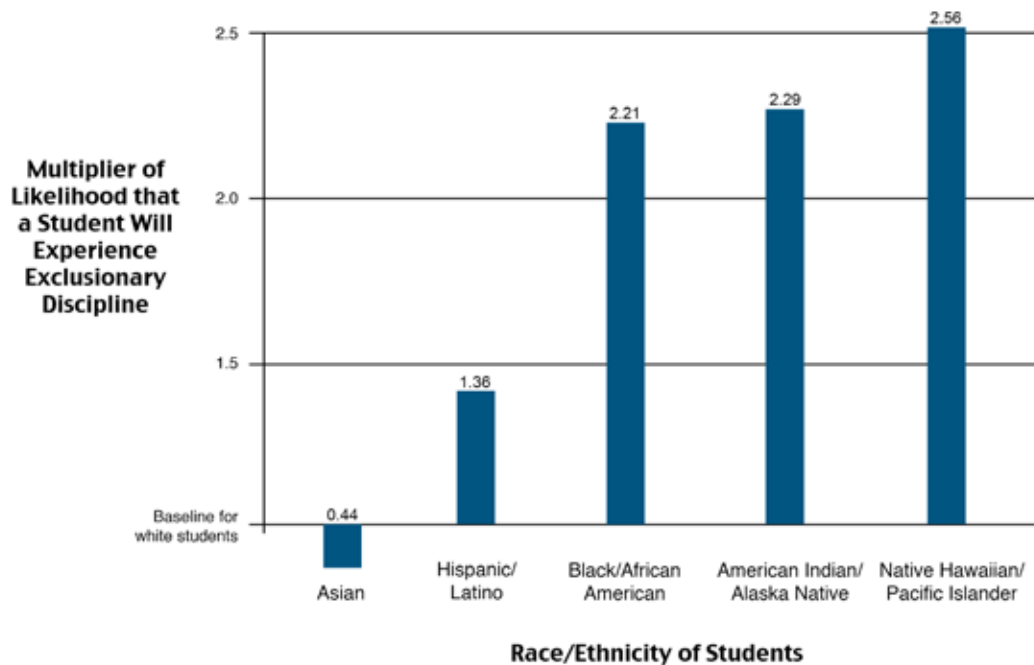
85 Office of Superintendent of Public Instruction, HB 2722 Advisory Committee with support from the Center for the Improvement of Student Learning. (2008). *The plan to close the achievement gap for African American students*. Retrieved from <http://www.k12.wa.us/cisl/pubdocs/AfrAmer%20AchGap%20Rpt%20FINAL.pdf>.

See also: Clearinghouse on Native Teaching and Learning. (2008). *From where the sun rises: Addressing the educational achievement of Native Americans in Washington State*. Retrieved from <http://www.goia.wa.gov/links-resources/nativeamericanachievementreport.pdf>; Commission on Asian Pacific American Affairs. (2008). *The state of Asian Americans & Pacific Islanders in Washington*. Retrieved from <http://www.capaa.wa.gov/documents/TheStateofAsianAmericansandPacificIslandersinWashington.pdf>; Contreras, T. E., & Stritikus, T. (2008). *Understanding opportunities to learn for Latino students in Washington*. University of Washington, College of Education. http://healthequity.wa.gov/Meetings/2009/02-05/docs/Tab07f-AAG_ExecSum_Latino.pdf.

86 While demographic information relating to exclusionary discipline incidents was requested from all 295 school district in the state, not all districts were able to provide the information requested. A total of 52 school districts reported having no incidents of exclusionary discipline matching requested categories during the 2009-2010 school year. An additional 66 school districts were unable to provide the information requested. 177 school districts were able to provide information in a disaggregated form for consideration in this analysis. For additional information on which districts are included in this discussion, see Appendix D on page 54.

Likelihood of Experiencing Exclusionary Discipline

A comparison by race/ethnicity



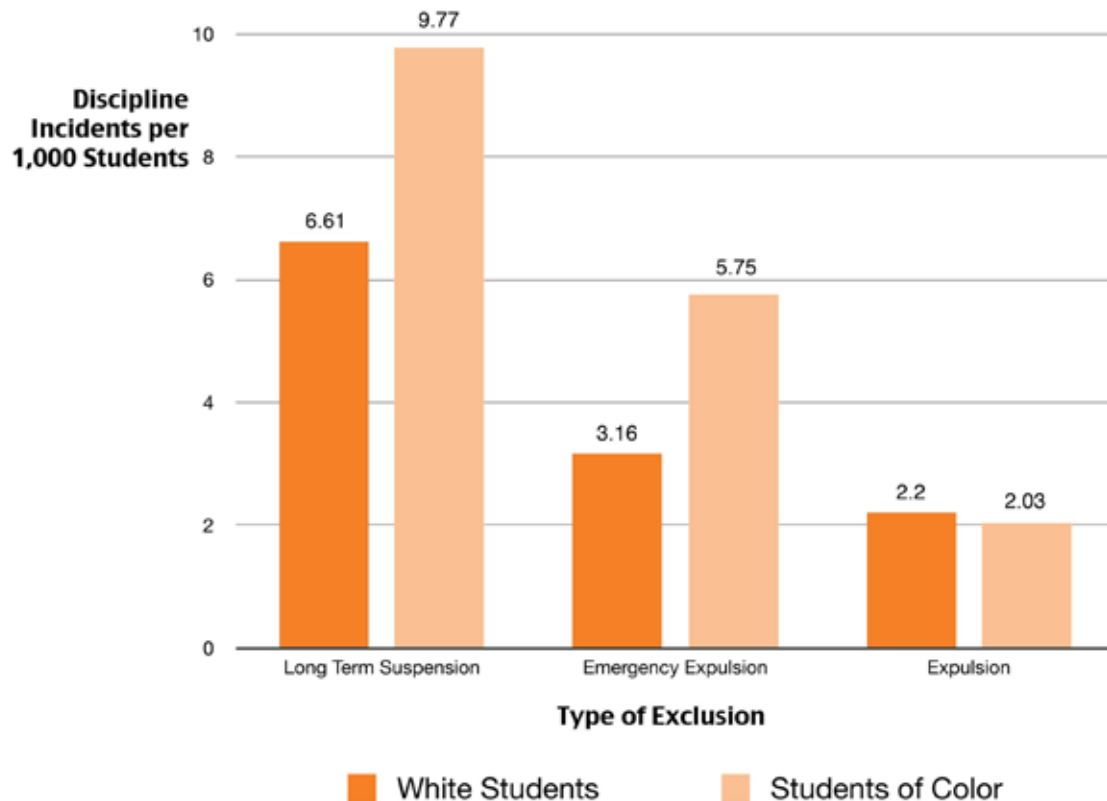
Data for this analysis is based on responses to the Appleseed report team's public record request from 177 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested because they did not track demographic information for discipline incidents. Some additional school districts reported no discipline incidents matching requested categories and others provided information that could not be disaggregated for statewide analysis.

Individual racial groups experienced different levels of disproportionality depending on the type of discipline being considered. For example, Black/African American students were 2.68 times more likely to be long-term suspended than their white peers, about twice as likely to be emergency expelled, and just as likely to be expelled as white students.

"There is clear evidence that these policies seem to be imposed on minority students at a greater rate. The other thing that is interesting to me is that some of the things kids face emergency expulsion for is questionable. One of the big ones in our public schools is defiance of authority or insubordination." **Judge Frank Cuthbertson, Pierce County Superior Court Judge.**

"It's quite clear from data nationwide that non-white kids are more likely to be kicked out for a certain attitude, or disciplined for attitude 'problems,' and white kids are suspended for committing crimes." **Judge Helen Halpert, King County Juvenile Court.**

Discipline Incident Demographics by Discipline Type

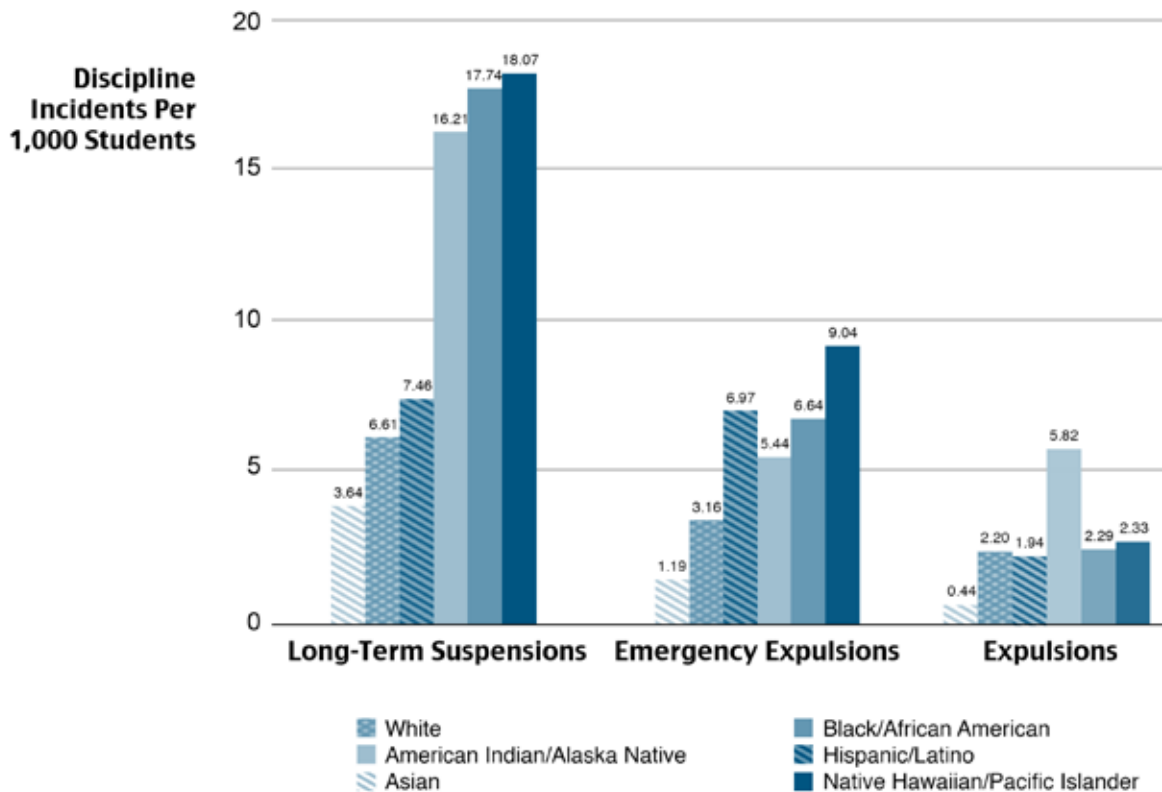


Data for this analysis is based on responses to the Appleseed report team's public record request from 177 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested.

The over-representation of certain students of color in exclusionary discipline mirrored national trends and suggest that discipline practices contribute to the education achievement gap and lower graduation rates for students of color. Energy, commitment, and hard work have been dedicated to this issue for years, and, in 2008, the Washington State Legislature heard concerns from communities of color and commissioned a series of reports investigating the interconnected systems and practices that result in disparities in student performance and graduation rates for students of color. Increasing equitable outcomes would have a marked positive impact on the state economy; economic modeling provided by the Alliance for Excellent Education found that “more than \$3.1 billion would be added to Washington’s economy by 2020 if students of color graduated at the same rates as white students.”⁸⁷ As more attention is paid to consistently tracking school discipline across the state, including by race and ethnicity, the Appleseed report team hopes that all of the concerns relayed by communities of color in the 2008 studies are heeded as we work to rectify these disparities and ensure that school discipline does not harm a student’s educational future.

⁸⁷ Alliance for Excellent Education. (2009). *State information: Potential economic impacts of improved education on Washington*. Retrieved from http://www.all4ed.org/files/Washington_econ.pdf.

Race/Ethnicity Information by Type of Discipline



Data for this analysis is based on responses to the Appleseed report team's public record request from 177 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested. Numbers are based on the 2009-2010 enrollment for each demographic group versus the number of discipline incidents for that same group.

"My sense is that school discipline is a lot like other societal issues when it comes to race and class. That a lot of times, for a combination of reasons, the way in which school discipline is enforced is very much defined or governed in large part by racial attitudes and racial presumptions that can often be subtle and difficult to define." **Mark Niles, Dean and Professor of Law at Seattle University School of Law.**

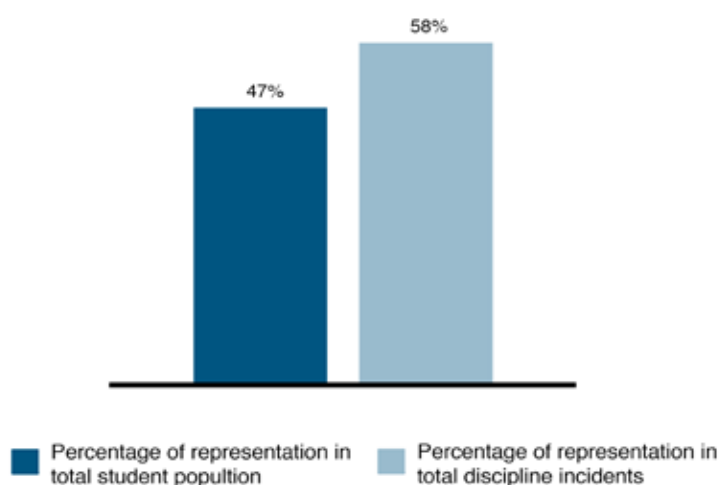
"In a lot of ways, parents and families of color have not been involved in the system because they have been products of a system that did not work for them. To some degree they can't tell their kid 'you have to go to school' and do all of these things when they themselves have not really felt that that system worked for them either." **Enrique Gonzalez, Juvenile Justice Policy Advocate, El Centro de la Raza.**

The disproportionate number of students of color represented in exclusionary discipline is important because, as previously discussed in Finding 1, exclusionary discipline has a negative impact on academic success, a student's emotional connection to school, and graduation rates. These figures point to the critical ways that exclusionary discipline contributes to the educational opportunity gap for students of color and the depressed graduation rates of this population of students. In fact, the Task Force on Race and the Criminal Justice System reported that “the academic and opportunity gaps in education” were one of the factors rooted in why more children of color make contact with the juvenile justice system.⁸⁸ The Task Force encouraged the Legislature to “[i]ncentivize the use of culturally competent, positive behavior and positive school climate approaches to school misconduct to reduce exclusionary discipline practices (suspensions and expulsions) and the use of law enforcement in schools.”⁸⁹

3.2 Low-income students were over represented in incidents of exclusionary discipline.

Students participating in the free and reduced-price meal program were overrepresented in incidents of exclusionary discipline. While comprising 47% of the total student population for reporting districts, 58% of all discipline incidents involved a low-income student.

Representation of Free/Reduced Price Lunch Qualified Students in Discipline Counts



Low-income students who do not receive special education services face unique challenges during periods of exclusions. As previously discussed, successfully re-enrolling in school after a period of disciplinary exclusion can be immensely challenging, and low-income students may have few to no educational options if they are denied readmission to their original school. While a middle class family might be able to afford to hire an attorney to assist in an appeal, afford the additional transportation costs of sending a student to a school further away, or, in more extreme circumstances, afford to move or send a child to private school, these options are difficult to come by

88 The Task Force on Race and the Criminal Justice System. (2012). *Juvenile justice and racial disproportionality: A presentation to the Washington state Supreme Court*, at page 10. Retrieved from <http://www.law.seattleu.edu/Documents/korematsu/JuvenileJustice/FINALReportJuvenileJusticePresentation.pdf>.

89 *Id.* at 16.

or simply out of reach for low-income families. Without access to free public education close to home, low-income students are more likely to not return to school after incidents of exclusion.

Youth living in poverty also rely on the public education system to deliver vital nutritional content every school day. In addition to receiving either free or reduced-price lunches (FRL), many low-income students also receive breakfast at school, meaning that 2/3 of their nutritional intake for the day is provided on school property. The 172 school districts that provided information on FRL status reported 3,594 students participating in the FRL program were long-term suspended. If each of these students received the minimum out-of-school penalty in a long-term suspension (11 days), these absences equal nearly 40,000 out-of-school days when a child might go hungry and a potential of 80,000 missed meals by students across the state in the 2009-2010 school year.

Many youth living in poverty are also students of color, compounding the negative impacts of exclusions for both groups. Based on the cross section of school districts that reported both race and ethnicity information as well as FRL status, students of color represented 35% of the student populations of districts while representing nearly 50% of FRL participating students in discipline incidents.

3.3 Students of color and low-income students were less likely to receive educational services during exclusions.

White students were nearly twice as likely (1.9) to receive educational services during exclusions than students of color. While white students accounted for 55% of discipline incidents, they accounted for 69% of the incidents in which educational services were received during exclusions. Conversely, students of color accounted for 43% of discipline incidents but only 29% of incidents when educational services were provided.

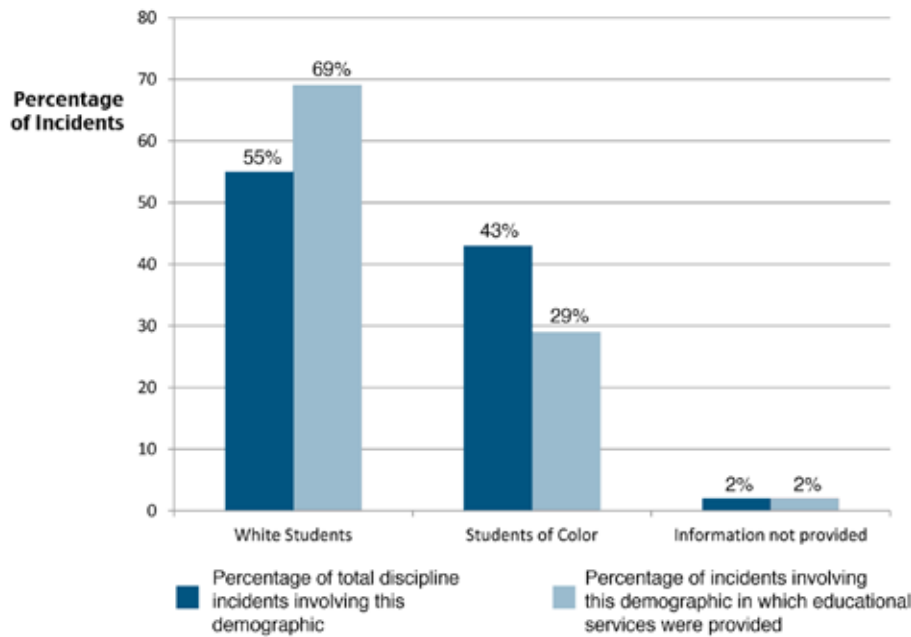
Similarly, students not receiving FRL assistance were 1.6 times more likely to receive educational services during exclusions than those qualifying for the program. Students participating in the FRL program accounted for 58% of discipline incidents, yet only 50% of those incidents in which educational services were provided. Non low-income students accounted for 36% of discipline incidents and received 49% of the educational services.

Breaking down the nature of disparities in representation of students of color and low-income students revealed that students of color tended to be concentrated in individual school districts that either were not able to provide educational information or stated that they did not provide education services to any student.

“Just because a person is poor doesn’t mean that they need more discipline. They may need more resources. They may need more options; they may need more opportunities.” **Enrique Gonzalez, Juvenile Justice Policy Advocate, El Centro de la Raza.**

Access to Education Services

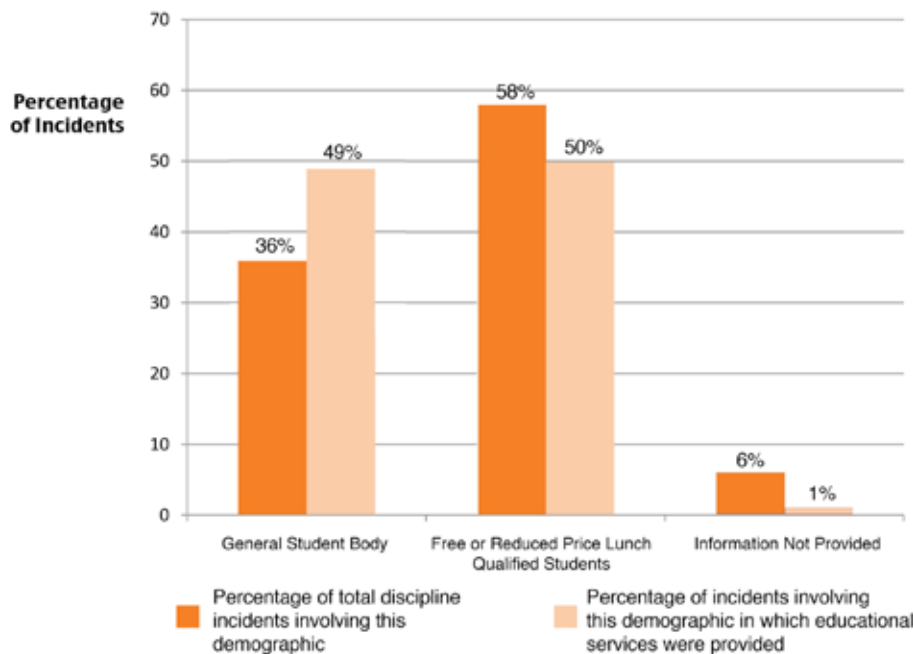
(A Comparison of white students to students of color)



Data for this analysis is based on responses to the Appleseed report team's public record request from 177 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested.

Access to Education Services

(A Comparison of free/reduced price lunch qualified students to general population)



Data for this analysis is based on responses to the Appleseed report team's public record request from 172 school districts. Though information was requested from all 295 school districts in the state, not all districts could provide the information requested.

Low-income students were simply less likely to access educational services, even when those services were provided by their district.

This combination of increased likelihood to be excluded, coupled with decreased likelihood of receiving any educational services while excluded, is a devastating illustration of the educational opportunity gap.⁹⁰ As recommended by OSPI, we need to examine “the effectiveness and unintended consequences of [school] policies and practices” and call on policymakers, leaders, and other educators to take “courageous steps” to transform policies and programs in ways to better retain students of color and low-income students in school.⁹¹

90 For more information on the education opportunity gap, refer to the Office of Superintendent of Public Instruction’s 2011 publication, *Closing Opportunity Gaps in Washington’s Public Education System: A Report by the Achievement Gap Oversight and Accountability Committee*. The publication is available at <http://www.k12.wa.us/AchievementGap/pubdocs/AgapLegReport2011.pdf>.

91 Washington State Office of the Superintendent of Public Instruction (2006). *Helping students finish school: Why students drop out and how to help them graduate* (2003, 2006), at 6. Retrieved from <http://www.k12.wa.us/research/pubdocs/dropoutreport2006.PDF>.

FINDING 4

Reliance on exclusionary discipline practices varied significantly from district to district, even among districts with similar demographic characteristics.

Exclusionary discipline is one of several tools that school districts can employ to address student behavior, and with the narrow exception of mandated exclusions for bringing a firearm to school,⁹² use of long-term suspensions and expulsions as a response to student behavior is at the discretion of school administrators within each district operating within the framework of school district policies.

OSPI data provides the most complete picture of comparable data district to district across the state. Based largely on this information, our team determined that discipline rates depended more on geography than on district demographic characteristics and that this, combined with the construction of individual district policies, had the greatest impact on the rates of exclusionary discipline.

92 RCW 28A.600.420. Even in situations involving a firearm, school district superintendents are given the authority to modify the exclusion on a case-by-case basis.



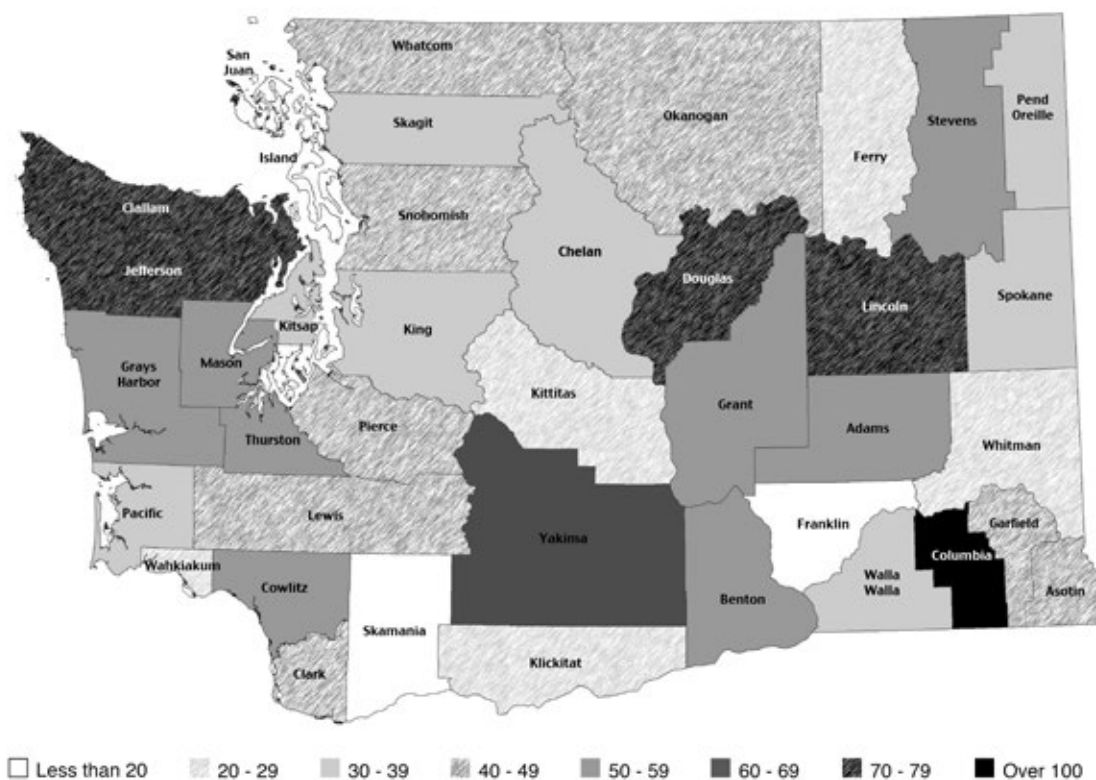
Lashon and Josh, both attending high schools in large suburban school districts located in Western Washington, experienced very different consequences for similar infractions.

Lashon, a 15-year-old 10th grader, was emergency expelled after he was caught with a small amount of marijuana. Not long after he was caught, Lashon was arrested at school, charged with a felony drug offense in juvenile court and incarcerated in his county juvenile detention facility for several days. Lashon had never been in trouble before at school or in the community. While he successfully completed a deferred disposition through juvenile court, Lashon and his parents appealed the indefinite exclusion. They also submitted five petitions asking for readmission to his school district—all of them were rejected. After missing more than a year of high school, Lashon was not on track to graduate with his class and felt rejected from his school community. Unlike Lashon, when Josh made the mistake of bringing drugs to his school, students and staff from the Restorative Justice Committee sat down with him and asked him what kind of support he needed. Together, they decided it would be a good idea for Josh to get connected to drug and alcohol counseling and for him to write a letter of apology to his school community. Josh was held accountable and learned from his mistake; but, instead of being expelled, he was supported by his peers and teachers and didn't miss out on any of his education.

4.1 Even among districts with similar demographic characteristics, exclusionary discipline rates varied widely across the state.

The rate of discipline incidents across the state, even among school districts of similar size and demographics, varied significantly from district to district. For example, while 32 school districts (10%) reported no incidents of exclusionary discipline in the 2009-2010 school year, 17 districts (6%) reported a number of exclusionary discipline incidents equivalent to more than 10% of their total student population.⁹³

Discipline Rates (per 1,000 students) by Geography



Data for this analysis is based on data from the Office of Superintendent of Public Instruction 2009-10 Behavior Report – Suspensions and Expulsions, retrieved from <http://www.k12.wa.us/SafetyCenter/Behavior/pubdocs/rptBehavior0910.pdf>; and the Office of Superintendent of Public Instruction 2009-10 Weapons Report – Suspensions and Expulsions, retrieved from <http://www.k12.wa.us/SafetyCenter/Weapons/pubdocs/rptWeapons0910.pdf>.

Even when normalizing district characteristics, these disparities persisted. For example, of the 20 school districts with between 10,000 and 20,000 students enrolled in the 2009-2010 school year, discipline rates ranged from 5.47 incidents per 1,000 students to 99.24 incidents per 1,000 students.⁹⁴

⁹³ OSPI 2009-2010 Behavior and Weapons Reports, *supra*.

⁹⁴ *Id.*

A Comparison of District Demographics (selected districts with between 10,000 - 20,000 Students)

| SCHOOL DISTRICT | INCIDENTS PER 1,000 STUDENTS | STUDENT OF COLOR ENROLLMENT (% OF STUDENT TOTAL) | TRANSITIONAL BILINGUAL ENROLLMENT (% OF STUDENT TOTAL) | SPECIAL EDUCATION ENROLLMENT (% OF STUDENT TOTAL) | FREE/REDUCED PRICE LUNCH ENROLLMENT (% OF STUDENT TOTAL) | EXPENDITURE PER STUDENT |
|-----------------|------------------------------|---|---|--|---|-------------------------|
| Clover Park | 5.47 | 56.53 | 9.81 | 14.68 | 63.90 | \$11,881 |
| Bellevue | 16.45 | 48.75 | 9.47 | 10.46 | 20.57 | \$10,013 |
| Issaquah | 21.93 | 31.69 | 3.73 | 9.12 | 8.86 | \$8,863 |
| Central Kitsap | 26.08 | 33.17 | 1.63 | 15.11 | 24.10 | \$9,899 |
| Northshore | 26.83 | 28.33 | 4.65 | 13.18 | 15.40 | \$9,458 |
| Battle Ground | 44.64 | 12.56 | 5.05 | 12.42 | 37.21 | \$8,593 |
| Marysville | 46.37 | 33.51 | 6.36 | 14.28 | 42.64 | \$9,838 |
| Richland | 47.76 | 19.33 | 2.30 | 10.79 | 29.99 | \$9,264 |
| Mukilteo | 48.37 | 48.42 | 15.69 | 12.78 | 46.21 | \$9,514 |
| Kennewick | 53.79 | 39.05 | 11.24 | 10.72 | 49.76 | \$9,438 |
| North Thurston | 54.03 | 39.91 | 3.35 | 13.36 | 38.56 | \$9,249 |
| Bellingham | 56.74 | 23.96 | 5.24 | 12.60 | 38.32 | \$9,621 |
| Everett | 60.30 | 35.73 | 9.01 | 12.31 | 35.83 | \$9,785 |
| Pasco | 62.60 | 74.23 | 34.32 | 12.67 | 71.47 | \$9,741 |
| Auburn | 70.46 | 42.48 | 11.86 | 11.84 | 48.57 | \$9,461 |
| Renton | 70.60 | 65.30 | 14.22 | 13.82 | 45.85 | \$9,760 |
| Central Valley | 70.79 | 12.86 | 1.77 | 13.37 | 38.41 | \$9,146 |
| Highline | 78.37 | 70.62 | 21.26 | 13.06 | 63.44 | \$10,327 |
| Bethel | 82.42 | 36.64 | 1.20 | 14.49 | 41.17 | \$9,386 |
| Yakima | 99.24 | 73.54 | 26.51 | 13.37 | 80.55 | \$10,866 |

Information for this chart is based on OSPI's 2009- 10 Behavior Report – Suspensions and Expulsions, retrieved from <http://www.k12.wa.us/SafetyCenter/Behavior/pubdocs/rptBehavior0910.pdf>; OSPI's 2009-10 Weapons Report – Suspensions and Expulsions, retrieved from <http://www.k12.wa.us/SafetyCenter/Weapons/pubdocs/rptWeapons0910.pdf>; and OSPI's 2010 School District Profiles, retrieved August 2012 from <http://www.k12.wa.us/dataadmin/pubdocs/SchoolDistrictProfiles.pdf>.

While the Clover Park and Auburn School Districts had many crossovers in demographic characteristics such as the number of students receiving free or reduced-price lunch, the racial/ethnic composition of the student body, percentage of students who are transitional or bilingual speakers, and average scores on state assessment tests,⁹⁵ their discipline rates were quite disparate—more than 12 times the number of exclusionary discipline incidents occurred in Auburn than occurred in Clover Park.

These differences in discipline rates were seen elsewhere across the state—districts of similar sizes and

⁹⁵ Office of Superintendent of Public Instruction. (2011). *School District Profiles*. Retrieved August 2012 from <http://www.k12.wa.us/dataadmin/pubdocs/SchoolDistrictProfiles.pdf>.

demographics often had vastly different numbers on the books in terms of suspensions and expulsions. For example, small school districts with between 100 and 500 students with low populations of students of color (less than 30% of total student population), low transitional/bi-lingual speakers (less than 1%), a low percentage of special education students (less than 15%), a majority of students above the poverty level, and a comparable district expenditure per student, still yield discipline rates that vary from zero incidents to more than 100 incidents per 1,000 students.

"I think that the research is pretty clear. Kids care when they feel successful. So how do we help kids be successful? That's the real challenge in education across the nation. How do we help kids be more successful? Does that mean more testing for kids? What does it look like? There's no silver bullet. Every school district in the state is trying to address this issue, and there is no simple answer. If there was an answer, we'd all be doing it. So there's not a one-size-fits-all approach." **Mike Messenger, Assistant Superintendent, East Valley School District.**

A Comparison of District Demographics (selected districts with between 100 - 500 Students)

| SCHOOL DISTRICT | INCIDENTS PER 1,000 STUDENTS | STUDENT OF COLOR ENROLLMENT (% OF STUDENT TOTAL) | TRANSITIONAL BILINGUAL ENROLLMENT (% OF STUDENT TOTAL) | SPECIAL EDUCATION ENROLLMENT (% OF STUDENT TOTAL) | FREE/REDUCED PRICE LUNCH ENROLLMENT (% OF STUDENT TOTAL) | EXPENDITURE PER STUDENT |
|-----------------|------------------------------|--|--|---|--|-------------------------|
| Grapeview | 0.00 | 8.68 | 0.00 | 10.63 | 36.23 | \$9,418 |
| Carbonado | 5.46 | 2.73 | 0.00 | 9.78 | 10.33 | \$11,116 |
| Curlew | 13.70 | 12.05 | 0.00 | 11.40 | 46.49 | \$12,330 |
| Southside | 48.25 | 15.79 | 0.44 | 10.22 | 40.89 | \$10,037 |
| Republic | 60.61 | 10.35 | 0.00 | 10.32 | 48.40 | \$11,070 |
| Crescent | 143.86 | 15.99 | 0.00 | 10.78 | 44.24 | \$9,780 |

Information for this chart is based on OSPI's 2009- 10 Behavior Report – Suspensions and Expulsions, retrieved from <http://www.k12.wa.us/SafetyCenter/Behavior/pubdocs/rptBehavior0910.pdf>; OSPI's 2009-10 Weapons Report – Suspensions and Expulsions, retrieved from <http://www.k12.wa.us/SafetyCenter/Weapons/pubdocs/rptWeapons0910.pdf>; and OSPI's 2010 School District Profiles, retrieved August 2012 from <http://www.k12.wa.us/dataadmin/pubdocs/SchoolDistrictProfiles.pdf>.

4.2 The definitions of disciplinary infractions and the implementation of exclusion procedures appeared to have the largest impact on discipline rates.

Similar to findings in other states, our team found that the majority of exclusionary discipline incidents were for behaviors where long-term suspension or expulsion was not mandated under state laws or regulations. Instead, individual schools and districts had interpreted certain behaviors as deserving of certain kinds of

exclusions. Reviewing the written discipline policies of school districts across the state helped complete the picture suggested by the varying rates of exclusion in different locations—that some districts (and even individual schools within those districts) simply relied more heavily on exclusionary practices than others to address the same behaviors.

The Kelso School District student conduct procedures documents, for example, listed defiance, disobedience, disruptive conduct, inappropriate displays of affection, inappropriate language, driving recklessly on school property, and 45 other behavioral infractions as a non-exhaustive list that warranted exclusionary discipline.⁹⁶ Of these behaviors, 39 had been, “judged following consultation with the ad hoc citizens’ committee to be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s), that students may be subject to a long-term suspension for a first-time offense.”⁹⁷ Conversely, the Kennewick School District had a much shorter list of only 17 unacceptable student behaviors that may warrant exclusionary discipline, and the district policy stated explicitly that, “Exceptional misconduct will not include absenteeism.”⁹⁸ While a direct causation between the policies and district discipline rates cannot be drawn, it is interesting to note that Kennewick School District reported a discipline rate 25% lower per capita than Kelso School District during the 2009-2010 school year.⁹⁹

Much like the definition of punishable offenses, the severity of discipline also varied widely from district to district or even school to school within the same district. For example, the Arlington School District student policies and procedures listed the range of corrective actions for drug and alcohol offenses to be anything from a short-term suspension through expulsion.¹⁰⁰ Arlington High School goes on to define a more rigid drug and alcohol policy, suggesting a suspension of up to a 90 days with a possible loss of academic credit for first-time offenders (though there is a possibility of abeyance if certain conditions are met), and mandating this punishment for

“I know there’s state and district policy that as an administrator will require me to suspend or expel for different things, which I don’t mind going on record as not following, frankly, a lot of the time. Although there is some leeway in the way that it’s written—often it’s written as the administrator ‘may’ rather than the administrator ‘shall’—but even if it said I shall expel a student for this or that, often I wouldn’t. So while I absolutely hate suspending or expelling students, I will do it when I think it’s dangerous to other students, but that’s only temporary to give time for things to calm down until the students are ready to work through the issues.” **Loren Demeroutis, Co-Principal, Big Picture High School.**

96 Kelso School District. (2012). *Procedure 3240P*. Retrieved from <http://www.kelso.wednet.edu/LinkClick.aspx?fileticket=bzmrHPBL1n4%3D&tabid=85&mid=689>.

97 *Id.*

98 Kennewick School District. (2002). *Procedure 3314*. Retrieved from <http://www.ksd.org/about/policies/School%20District%20Policies/3000%20-%20Students/3314-P.pdf>.

99 OSPI 2009-2010 Behavior and Weapons Reports, *supra*.

100 Arlington Public Schools No. 16. *Procedure No. 3241P, Students*. At page 5. Retrieved October 2012 from <http://www2.asd.wednet.edu/board/policies/3000/Proced%203241P%20Corrective%20Actions%20or%20Punishment.pdf>.

a second offense.¹⁰¹ In comparison, South Kitsap School District has implemented its own zero-tolerance policy that defines the possession of alcohol, drugs, or tobacco as posing “an immediate and continuing danger to the student, other students, or school personnel, or an immediate and continuing threat of substantial disruption of the educational process.”¹⁰² District policies mandate up to a long-term suspension for K-4 students and an emergency expulsion for 5-12 students and also states that law enforcement will be contacted.¹⁰³ The reality of this disparity means that a student in one school or district may be short-term suspended for as little as a single day at the discretion of school administrators, while a student in another district is excluded indefinitely and referred directly to the juvenile justice system, for the same behavior.

Based on our statewide data collection and field interviews, there was no obvious patterns across the state of school disciplinary rates, even among districts with similar demographics. Both the Washington State Legislature and OSPI have given Washington school districts broad authority to define and apply exclusionary discipline practices.¹⁰⁴ School districts, in turn, often allow individual schools within their purview to develop further individualized policies. The end result is a patchwork of punishment practices across the state that can lead to significantly different outcomes for students depending on where they live. The variations in discipline policies and discipline rates across the state illustrate that it is possible to do things differently, even within the constraints of existing resources and the current statutory framework. Our investigation revealed that some schools are already taking the first steps and implementing changes in their approaches to exclusionary discipline, and that more schools and districts can follow. See Appendix E on page 59 for examples of how individual schools and districts are redesigning school discipline and encouraging students to engage in positive behavior.

101 Arlington High School. *Student Handbook*. At page 17. Retrieved October 2012 from <http://www.asd.wednet.edu/education/page/download>.

102 South Kitsap School District. (2012). *Rights and responsibilities: A student, parent, and school personnel handbook*. Retrieved from <http://www.skitsap.wednet.edu/cms/lib/WA01000495/Centricity/Domain/128/2012-2013%20R%20%20R%20Handbook.pdf> at 4.

103 *Id.* at 12.

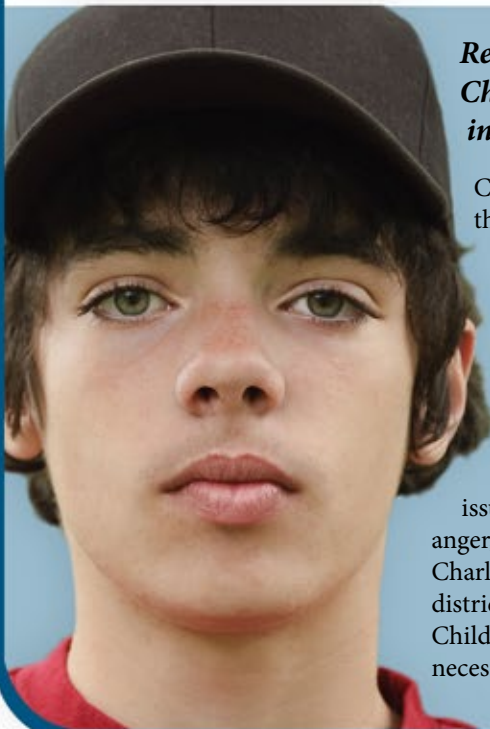
104 RCW 28A.600.010.

FINDING 5

Discipline data yielded only a partial picture of the number of students impacted by exclusionary practices each year in Washington public schools.

One of the primary questions our research set out to answer was simply, how many students are affected by exclusionary discipline each year? Unfortunately, after reviewing the results of our own data collection and data available through OSPI and OCR, we were not able to produce a specific number in response to this question. While state data collection reports more than 50,000 incidents of suspension or expulsion in the 2009-2010 school year, we believe these numbers under-represent the actual number of students excluded from school because OSPI only collects data on certain types of behaviors¹⁰⁵ and not all exclusions from school.

Our own research can only summarize the experience of excluded students in some school districts due to inconsistencies in school district data tracking. Because of these challenges, it is not currently possible to summarize the total number of students excluded from school statewide through disciplinary actions, the total number of discipline incidents in any given school year, or the number of days of school missed across the state. Despite significant advancements in the capacity of Washington's public schools to collect and analyze data on school discipline, important data fields are not included in the new collection efforts that leave the picture of discipline incomplete.



Repeated exclusions from school for challenging behavior didn't help Charlie learn to behave more appropriately or address his family's inability to afford the mental health counseling he needed.

Charlie, a student attending school in Eastern Washington, was expelled from school three times in the fourth grade for fighting with other students and hitting school staff. The school staff maintained that Charlie was a very violent child whom they feared. Although he was arrested several times because of this conduct, he was never charged due to his young age. At first, after each expulsion, Charlie and his father were able to convince the school district to let Charlie come back to school. But when he returned to school, the same behaviors emerged and the cycle continued. After the last expulsion, the school refused Charlie's and his father's request for reinstatement. The district also denied their application for readmission because Charlie could not show that he had addressed his anger issues. Charlie was willing to participate in counseling services to learn to control his anger, but his father did not have health insurance and was unable to pay for services. Charlie eventually was brought to truancy court for being out of school. The school district recommended juvenile detention time and also repeatedly threatened calling Child Protective Services against Charlie's father because they claimed he was not taking necessary steps to get him back into school.

5.1 A complete picture of the impact of exclusionary discipline in Washington State could not be drawn.

Information collected by the Appleseed report team's public records requests and data presented by OSPI and OCR, whether considered separately or combined, could not present the total number of students who were excluded during the 2009-2010 school year, the total number of disciplinary incidents in that school year, or the number of resulting school days missed as a result of exclusionary discipline.

Washington State's most complete publicly accessible school discipline data is the yearly Behavior and Weapons Reports required by both state and federal laws.¹⁰⁶ The OSPI district-level reports reflect the total number of incidents across certain types of discipline, such as those addressing bullying, tobacco, fighting, or the possession of weapons, but not the total number of students, or any specific information about the students affected, such as their race, ethnicity, eligibility for free or reduced-price lunch, or disability.¹⁰⁷ These reports do not reflect the full spectrum of exclusionary discipline incidents—districts have the authority to suspend or expel students

"Kids need to be in school. Kids don't graduate if they aren't in school. Our current discipline policies are outdated, unfair, and contribute to some kids not graduating. We need to know what is happening with kids and access to data is key." **Chris Korsmo, CEO, League of Education Voters.**

"I think we have a huge data gap. Many districts do collect this information individually, but you are not going to go to each of the 295 school districts to find out information. So, at the moment, there is no aggregate data regarding how many students are impacted by disciplinary actions and what happens to them. How many drop out? How many end up in Juvenile Detention? How many end up getting their GED?" **Adie Simmons, Director, Washington State Office of the Education Ombudsman.**

105 The U.S. Department of Education requires OSPI to annually report the number of students in each Washington State school district who were suspended or expelled for violence or drugs. Publicly available figures from OSPI on suspensions and expulsions are based on incidents and only include incidents involving violence or illicit drugs (including bullying, tobacco, alcohol, illicit drugs, fighting without major injury, violence without major injury, and violence with major injury). Note that fairly common school discipline incidents, such as insubordination, disruptive conduct or rule breaking, are not included in this report.

106 Pursuant to RCW 28A.320.130, the Washington State Superintendent of Public Instruction must report "all known incidents involving the possession of weapons on school premises, on transportation systems, or in areas of facilities while being used exclusively by public or private schools, in violation of RCW 9A.12.280 in the year preceding the report." Aggregate data is made available online to comply with the federal statute requiring states to make available to the public violence and drug-related offenses resulting in suspensions and expulsions in public elementary schools and public secondary schools. (Elementary Secondary Education Act, 2001, 4112(c)(3)(B)(ii); 4112(c)(3)(D)).

107 Note that an incident is defined as resulting "in the removal of one or more students from their regular school setting for at least an entire school day. A single incident may result in the suspension or expulsion of more than one student" (OSPI Bulletin No: 020-10 Washington State School Safety Center). While schools report both incidents and number of students involved in the various discipline categories, only aggregate district incidents are reported to the public.

for a much broader spectrum of behaviors than those listed in the reports.

For example, the 2009-2010 Behavior Report recorded the Othello School District as posting 219 suspensions within the designated categories of bullying, tobacco, alcohol, illicit drug, fighting without major injury, and violence with major injury. However, public records requests collected by our team also revealed additional 27 exclusions not counted in this form, including exclusions for behavior such as being rude to the teacher, graffiti, disrespecting the staff, failure to follow directions, had a prescription drug in his possession, ignoring the rules of the classroom and disruptive, unprepared for class, rude and disruptive, truant/truancy. If other districts in the state experienced a comparable number of these types of incidents, the total number of children affected by suspensions could be considerably higher than figures reported to OSPI.

A similar problem exists for tracking expulsions. The Weapons and Behavior Reports showed that this same school district had only two expulsions across all categories measured by OSPI. School discipline data also publicly available through the Civil Rights Data Collection (CRDC) of the federal OCR reported that the district had 10 expulsions for the same school year as a result of zero-tolerance policies, and the district responded to our public records request with a total of zero expulsions for the same school year.

The discrepancy in the number of reported expulsions extrapolated up to the state level. The 2009-2010 Behavior and Weapons Reports cataloging information from every district in the state listed a total of 2,268 incidents of expulsion for the categories tracked by OSPI, including bullying, tobacco, alcohol and drug related incidents, and fighting and violence. OCR data from the same year from the 135 school districts in Washington with more than 3,000 students listed 3,030 expulsions resulting from zero-tolerance policies.¹⁰⁸ OCR defined a zero-tolerance policy for the purposes of data collection as a policy that results in mandatory expulsion of any student who commits one or more specified offenses (for example, offenses involving guns, or other weapons, or violence, or similar factors, or combinations of these factors).¹⁰⁹ OCR identified over 800 more expulsions than OSPI while looking at 160 fewer school districts. It is likely that even OCR's data did not include all expulsions imposed on students since behaviors that districts decided warrant expulsion on a case-by-case basis are not included in the OCR count. The disparity in the number of expulsions reported across the state is significant because, as discussed in Finding 2, expelled students receive few, if any, educational services and face significant challenges in returning to school.

In addition to these gaps in data collection, there was another entire category of discipline not represented in either OSPI's or OCR's figures—emergency expulsions. Emergency expulsions are a special class of exclusions because they are indefinite in length, and the regulations give district administrators discretion to determine when the emergency is over.¹¹⁰ Our public records requests showed nearly 3,500 incidents of emergency expulsions from reporting districts across the state. Even this number likely under-represented the total number of students excluded through emergency expulsions—many districts contacted for this report did not provide information on emergency expulsions, citing that “state law does not require a District to create a

108 United States Department of Education, *supra*.

109 United States Department of Education. *2009-10 CRDC table layouts with definitions*. [MS Word Document]. Office for civil rights. Retrieved November 2012 from <http://www2.ed.gov/about/offices/list/ocr/data.html?src=rt>.

110 WAC 392-400-295.

record to answer a request.”¹¹¹

Counting emergency expulsions is particularly important due to the significant consequences that can accompany its use. Similar to expulsions, emergency expulsions result in an indefinite exclusion from all schools and programs in the school district and no educational services are explicitly required under state laws or regulations during periods of exclusion. The school district does not have to allege a violation of a school rule, just that school district staff have good and sufficient reasons to believe the student’s presence poses an immediate and continuing danger to the student, other students or school personnel or an immediate and continuing threat of substantial disruption to the educational process.¹¹² Mirroring the overall differences in discipline usage between districts, the treatment of emergency expulsions was quite different depending on location. Some districts, such as Yakima School District, drew bright procedural lines around the use of emergency expulsions, explaining in school district policy that,

“Emergency expulsion is used as a temporary designation after a misconduct incident to immediately avoid further danger or disruption; this makes it a benefit for deliberative and careful fact finding by school staff about the incident and about the history of the particular student(s) involved, so that best professional judgment can be used in the assignment of non-temporary discipline. The school administrator using best knowledge and professional judgment can then convert the emergency expulsion to: lifting the emergency expulsion (for a non-involved by-stander, for instance), short term or long term suspension, or expulsion. The school administrator has the power to make these changes.”

“Expulsion is used as a permanent designation that requires a student to indicate positive steps s/he has taken to improve his/her misconduct prior to the superintendent or designee’s allowing the student to return to school.”

Other districts took different approaches. Districts like North Mason assigned students a permanent discipline status and had them serve both the emergency expulsion and the other determination concurrently. Federal Way School District was clear in its School Board Policies that “[a]n emergency expulsion shall continue until rescinded by the Superintendent/designee or until modified or reversed pursuant to the hearing process set forth [in state regulations].”¹¹³

These instances can render individual students invisible to the state system. For example, if a student’s exclusion from school did not fall within the requisite categories of reporting for the Behavior or Weapons Reports, this

111 Washington Appleseed. (2011). *Official correspondence regarding public record requests*.

112 WAC 392-400-295.

113 Federal Way School District. (2012). *Administrative policies and procedures: Discipline and corrective action for student misconduct. 3241P*. Retrieved from <https://www.fwps.org/info/policies/3000/3241P.pdf>.

student's exclusion would not be included in publicly available discipline data. This same student's exclusion from school would trigger the state's automatic un-enrollment policy, meaning that he or she would be officially removed as a student registered at his/her high school.¹¹⁴ There would also be no documentation to explain why that student is no longer counted as an enrolled student or where that student went after leaving the school that excluded him or her. To state data collectors, this student would fall into a category of students who had chosen to leave school permanently for "unknown" reasons. This blind spot in data collection erroneously assumes that students are choosing to dropout rather than recognizing that many students have been pushed out without clear paths back into school. More substantive data collection would help keep these students on the radar screen of their school and potentially changed the outcome of their exclusion.

Exclusionary discipline also underscores another problem in current data collection efforts—we cannot identify how long a student is out of school for any given incident. Of the 183 school districts that could provide information specific to long-term suspensions, 6,487 incidents were reported during the 2009-2010 school year. These long-term suspensions amounted to more than 70,000 days of missed school time in one school year alone; this figure is a conservative estimate given that many long-term suspensions last more than 11 days. A similar problem exists in understanding the impact of emergency expulsions: there are no records for how long a student is out of school before the punishment is converted to a permanent condition, if it is converted at all. Finally, expulsions, by definition, have no end date and records are not kept at the district level as to which (if any) expelled students reapply and are readmitted to school.

5.2 Despite the implementation of significant improvements to data collection, significant data fields have been omitted from new collection efforts that leave the picture of discipline incomplete.

In September 2009, OSPI replaced the Core Student Record System (CSRS) with a new data collection tool called CEDARS. The Comprehensive Education Data and Research System (CEDARS) is a longitudinal data system that allows Washington's OSPI to collect, store, and report data related to students, courses, and teachers in order to meet state and federal reporting requirements.¹¹⁵ CEDARS is one of multiple data systems used by OSPI to help educators and policy makers make data-driven decisions.¹¹⁶

All 295 Washington State school districts are required to submit various data files to OSPI on a monthly basis. As of the 2012-2013 school year, two new CEDARS data files have been added: a Student Absence File and a Student Discipline File. Both of these files will be used to generate annual student absence and discipline

¹¹⁴ WAC 392-121-108(1), (4) and (5).

¹¹⁵ Office of Superintendent of Public Instruction. (2012). *Comprehensive education data and research system (CEDARS): Data manual for the 2012-2013 school year*. Retrieved from <http://www.k12.wa.us/CEDARS/pubdocs/2012-13CedarsManual.pdf#Cover>.

¹¹⁶ OSPI provides district report cards on its website and responds to specific requests from the legislature using data from CEDARS and other data systems.

reporting, as well as to meet school discipline federal reporting requirements mentioned above.

Both of these new data files have the potential to provide a more complete picture about the impact of exclusionary discipline on students. The Student Discipline File will collect the following data elements:¹¹⁷

Incident ID

Incident Date

Behavior Code (bullying, tobacco, alcohol, illicit drug, fighting without major injury, violence without major injury, violence with major injury, possession of a weapon, other)

Intervention applied (expulsion, long-term suspension, short-term suspension, interim alternative education settings, no intervention applied, other)

Number of intervention days

There are some limitations to the data. Categories outside of the federally required discipline incidents involving violence and illicit drugs are not tracked with specificity. While there is an “Other” category, the data will not include information regarding discipline assigned for commonly cited infractions such as insubordination, disruptive conduct or rule breaking. Also, because these interventions are defined as the “final,” CEDARS school discipline data will not shed any light on the use of emergency expulsions or how long they last. While the number of intervention days (defined as the consecutive number of school days the student has been expelled, suspended, or had other interventions applied) will shed some light on the impact of school discipline on loss of class time and student disengagement, other than alternative education settings, there are no data fields that capture the extent to which students receive educational services while excluded. It is unclear whether this new data collection will be made publicly available to parents, communities, and other stakeholders.

117 Office of Superintendent of Public Instruction. (2012). *Comprehensive education data and research system (CEDARS) data manual: Data manual for the 2012-2013 school year*. Retrieved from <http://www.k12.wa.us/CEDARS/pubdocs/2012-13CedarsManual.pdf#Cover>.

MOVING FORWARD

School discipline has been an evolving field for decades, undergoing swings in focus and severity through its many iterations and improvements. Washington State has already taken steps to engage in dialogue about alternative methods to better address student behaviors and to create teachable moments, intervene with resources to address the underlying needs leading to student behaviors and to create learning environments that are safe and productive for all students. However, it's time to take the next step and move beyond dialogue to action.

School districts sounded the alarm when they asked the Washington State Supreme Court to find that our State had not yet fulfilled its duty to provide all children the opportunity to receive an education. In 2012, the McCleary court heard them and agreed that the duty still needed to be fulfilled. On the heels of this historic decision, Washington is at a watershed moment in history where opportunities exist to change our public school system to better serve all students—making schools safer and more productive in the long term and producing cost savings for the state in both the short and long term. There is a growing recognition among students, parents, advocates, juvenile justice stakeholders, policy makers, and school districts that current discipline methods are resulting in poor outcomes for students and for our communities.

“Now, how long has it been since Columbine? Thirteen years or so? We need to revisit zero-tolerance policies and find other options. We have a lot of kids out there that are not receiving the education they are entitled to.”
Adie Simmons, Director, Washington State Office of the Education Ombudsman.

After two years of data collection, analysis, conversations with community stakeholders, and review of national and local research, we present the following findings and recommendations.

KEY RECOMMENDATIONS

Reduce the use of out-of-school exclusions. Adequate training, support, resources, and funding should be provided to school districts to drastically reduce reliance on out-of-school exclusions, replacing them with evidence-based and promising practices that address student behaviors while keeping students engaged in school and on track to graduation.

Require school districts to provide access to educational services during periods of exclusionary discipline. Modifications should be made to the Revised Code of Washington and the Washington Administrative Code to reflect school districts' obligation to provide access to an education that comports with the Common School Provisions, including the Basic Education Act, to students during periods of exclusionary discipline. Ensure that schools have adequate funding for the provision of these educational services.

Ensure that no student is subject to indefinite exclusion. State laws, regulations, and school district policies should require an end date for all expulsions. Emergency expulsions should be converted to some other form of discipline within 10 days. Ensure that every student is expected to re-engage in school following a period of exclusion and has assistance from the school to successfully return.

Adopt and follow recommendations of the Education Opportunity Gap Oversight and Accountability Committee in order to support a reduction in the disproportionate impact of exclusionary discipline on students of color. The state legislature should continue incorporating the recommendations made by the Education Opportunity Gap Oversight and Accountability Committee to any law, regulation, policy, and practice changes in exclusionary discipline and encourage collaborative efforts with community groups to help decrease the disproportional rates.

Require school districts to retrieve excluded students and re-engage them in education. Require districts to provide clear instructions and guidance to excluded students regarding how the exclusion will address the misbehavior, track students who are suspended and expelled, and provide sufficient resources for districts to proactively retrieve and re-engage these students so that they make a successful return to school.

In order to assist in the success of these primary objectives, we also recommend that the statewide CEDARS data system be updated so that school districts collect—and the state can review—data showing whether students subject to discipline receive educational services while out of school, and whether they successfully return to school. We recommend that statewide discipline data should include the specific behavior for which the discipline was imposed, the race, ethnicity, age, gender, eligibility for special education, and eligibility for free or reduced-price lunch status. We also recommend that the state regularly monitor the number of students subject to discipline each year and the number of school days missed by these students as a result of school exclusion. This data should be publicly available and easily accessible on the OSPI website for each district and school. As of the 2012–2013 school year, some of these data fields are already being tracked by school districts in the discipline file of CEDARS.

Transforming Washington’s exclusionary discipline practices should be a collective effort. School districts need the support and collaboration of students, parents, the medical community, including pediatricians and mental health providers, juvenile justice professionals, the Department of Social and Health Services (DSHS), community agencies, advocates, and others to support and maximize the work school districts will need to do. While discipline codes and practices may vary from district to district across the state, students’ access to basic educational opportunities should not. The opportunity exists for the State of Washington to fill a significant gap for tens of thousands of Washington students by ensuring that no exclusion from school is indefinite and that students have a chance at keeping up even during periods of exclusion from school.

CONCLUSION

Educators and community members who advocate for students are conveying an urgent need to redress the method and effects of exclusionary discipline on our children. Our research confirms that the experiences of these children are more than a series of stories. Washington State, like many other states across the country, has an ineffective system of exclusionary discipline that pushes students toward lower academic achievement, a reduced chance of graduating from high school, and an increased risk of justice system involvement. Also, like many other states, exclusionary discipline in Washington disproportionately impacts students of color and low-income students.

This report builds on the precedent of complex research across the country. Our efforts converge in determining that the status quo is not best serving our state's, or our nation's, students. While we challenge our legislature to provide more resources to address these problems, we also issue a challenge to examine our own individual practices, our own biases that can hinder progress, and our own sense of compassion that can lead the way to change.

The Appleseed project team recognizes that school safety weighs heavily on the minds of teachers and administrators who care deeply about their students, and that the implementation of exclusionary discipline is sometimes born out of the responsibility that school districts have in ensuring the safety of all students and in providing a productive learning environment for Washington's children. An open and honest dialogue about

"Having safe schools is incredibly important and we certainly don't want dangerous weapons at school or students acting out in ways that are dangerous to their peers, teachers, and school staff. But simply excluding students doesn't solve these issues. We need to take the time to look at behavior, figure out what's underlying it, and give tools and support to students and teachers to learn and grow from the experience. That's what can create safe and supportive settings." **Anne Lee, Executive Director, TeamChild.**

"[School exclusions are] frequently for the convenience of the adults, for the convenience of the school as an institution, and perhaps to avoid the prospect of liability because, what if they guess wrong? What if they don't remove the student and then something really bad happens? They are looking for the protection and preservation of the institution—understandable, but the balance is totally out of whack." **Hon. Bobbe J. Bridge, ret., Founding President/CEO, Center for Children & Youth Justice.**

"When I speak and other folks speak about education reform, we run the risk of saying we're not considerate of school safety. And I think it's a good place to say right now that I think the school district does have the responsibility to maintain student safety." **Enrique Gonzalez, Juvenile Justice Policy Advocate, El Centro de la Raza.**

school safety and the effectiveness of existing tools and practices (like exclusionary discipline) in meeting these important ends is a crucial step in the path toward change. However, safety cannot be a blanket clause that halts conversation on how to better serve Washington students while keeping them engaged in school.

We hope that the findings presented in this report spark policymakers at all levels to examine what they can do to redesign the system of which we are all a part. Just as the impacts of exclusionary discipline begin locally and add up to a statewide epidemic, the solutions to remedy the adverse effects of exclusions have many tiers and many approaches. Change can be made locally and it can be made statewide. It can be achieved with new resources and within our current constraints. It can be achieved one person at a time, or in one fell swoop. We simply know that change is imperative for the success of the next generation, and hope that this report can be a stepping stone in building that brighter future.

“If a kid were a physical threat to other children and the school, the school has an obligation to protect the other kids and the other members of the community from potential violence and from the student. I don’t think that necessarily means the kid doesn’t go to school. I think there are probably ways to protect people without expelling the kid. But that, from my perspective, would be the only possible justification for kicking a kid out.”
Mark Niles, Dean and Professor of Law at Seattle University School of Law.

“Yes, we do need to make our schools safer, but we also need to take time to find out why a student is misbehaving or not attending school—what is happening in the student’s life, what is happening to his/her family. I think these two aspects can actually co-exist in a school if we put a good system in place. We can make our schools safer and, at the same time, take care of kids and families.” **Adie Simmons, Director, Washington State Office of the Education Ombudsman.**

APPENDIX A

List of Stakeholders Participating in Field Interviews

Kim Ambrose, University of Washington

Hon. Bobbe J. Bridge, ret., Founding President/CEO, Center for Children & Youth Justice

John Clayton, Assistant Secretary, Juvenile Rehabilitation Administration

Honorable Frank Cuthbertson, Pierce County Superior Court Judge

Dr. Beverly Davis, Director of School Climate, Seattle Public Schools

Loren Demeroutis, Co-Principal, Big Picture High School

Michael Dunn, NorthEast Washington Educational Service District 101

Enrique Gonzalez, Juvenile Justice Policy Advocate, El Centro de la Raza

Honorable Susan Hahn, Yakima County Juvenile Court Judge

Honorable Helen Halpert, King County Juvenile Court Judge

Scott Hanauer, Clinical Director, Community Youth Services

Chris Korsmo, Chief Executive Officer , League of Education Voters

Anne Lee, Executive Director, TeamChild

Shelley McWain, Yakima PTA Council

Mike Messenger, Assistant Superintendent, East Valley School District

Mark Niles, Dean and Professor of Law at Seattle University School of Law

Oscar Overlund-Petros, Alumni, Ida B Wells School for Social Justice

Garth Reeves, Co-Principal, Big Picture High School and Advisor, Restorative Justice Committee

Adie Simmons, Director, Washington State Office of the Education Ombudsman

Jim Sporleder, Lincoln High School Principal, Walla Walla School District

APPENDIX B

Text of the report team's public records request

RE: Public Disclosure Act Request Basic Education to Students during periods of long-term suspension, expulsion, emergency expulsion and emergency removal

This is a request under the Public Disclosure Act, RCW 42.56. We are requesting copies of the following records. The records should be provided electronically (for example, as .pdf or native file, including metadata).¹ These requests apply to students in grades K-12 who were enrolled at any time and for any duration in _____ School District (hereinafter "The District") during the 2009-2010 school year.² The requests include records posted on the Internet. For those records, please provide the web address(es) where each such record resides or resided. This includes all web addresses, even those that are no longer in active use or are not being updated.

1. All records regarding long-term suspension (10 days or more) during the school year showing the following information:
 - A. The total number of students placed on long-term suspension.
 - B. The race, ethnicity, free or reduced-lunch status, special education status, gender and grade level of each such student.
2. All records regarding expulsions during the school year showing the following information:
 - A. The total number of students expelled.
 - B. The race, ethnicity, free or reduced-lunch status, special education status, gender and grade level of each such student.
3. All records regarding emergency expulsions and removals during the school year showing the following information:
 - A. The total number of students emergency expelled and emergency removed.
 - B. The race, ethnicity, free or reduced-lunch status, special education status, gender and grade level of each such student.
4. All records regarding students who used assistance³ in obtaining basic education⁴ while on long-term suspension, expulsion, emergency expulsion and emergency removal, with the following information:
 - A. The total number of students using the assistance.
 - B. The race, ethnicity, free or reduced-lunch status, special education status, gender and grade level of each such student.

RCW 42.56.520 requires a response within five business days. If the request will take longer than that to complete, please contact us to discuss. Likewise, if the response will exceed 50 pages, please contact us to discuss your reasonable copy costs. Finally, please contact _____ at 206-xxx-xxxx immediately if you have any questions about the scope of any or all of these requests.

1 Personal information, such as students' names, social security numbers and birth dates, may be redacted from the records.

2 If records for the 2009-2010 school year are not yet compiled or available, please use the most recent school year data available for each request.

3 "Assistance" means, but is not limited to, on-line study programs, homework help, meetings with the student, tutoring, etc.

4 "Basic education" means the opportunity to earn credits toward graduation, fulfill the EALRs, and meet the requirements of the basic education act (RCW 28A.150.200).

APPENDIX C

Background information/resources on the negative impacts of exclusionary discipline

Zero tolerance, zero evidence – An analysis of school disciplinary practices.

Skiba, R. J. (2000). Indiana Education Policy Center.
Available at <http://www.indiana.edu/~safeschl/ztze.pdf>.

Derailed! The schoolhouse to jailhouse track.

Browne, J. A. (2003). Advancement Project.

Opportunities suspended: The devastating consequences of zero tolerance and school discipline policies.

The Civil Rights Project (Harvard University) and Advancement Project. (2000).
Available at <http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/opportunities-suspended-the-devastating-consequences-of-zero-tolerance-and-school-discipline-policies/crp-opportunities-suspended-zero-tolerance-2000.pdf>

Education on lockdown: The schoolhouse to jailhouse track

Advancement Project, in partnership with Padres and Jovenes Unidos, Southwest Youth Collaborative, Children & Family Justice Center of Northwestern University School of Law. (2005).
Available at http://b3cdn.net/advancement/5351180e24cb166d02_mlbqgxlh.pdf

Test, punish, and push out: How “zero tolerance” and high-stakes testing funnel youth into the school-to-prison pipeline

Advancement Project. (2010).

First do no harm: How educators and police can work together more effectively to preserve school safety and protect vulnerable students

Wald, J. & Thurau, L. (2010). Charles Hamilton Houston Institute for Race and Justice, Harvard Law School.
Available at <http://www.modelsforchange.net/publications/261>

Attorney General Holder, Secretary Duncan Announce Effort to Respond to School-to-Prison Pipeline by Supporting Good Discipline Practices

United States Department of Justice. (2011).
Available at <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html>

Are zero tolerance policies effective in the schools?

Skiba, R. J. (2008). American Psychological Association Zero Tolerance Task Force.
Available at <http://www.apa.org/pubs/info/reports/zero-tolerance.pdf>

Parsing disciplinary disproportionality: Contributions of behavior, student, and school characteristics to suspension and expulsion

Skiba, R.J., Trachok, M., Chung, C-G., Baker, T., Hughes, R. (2012). Indiana University.
Available at <http://indiana.edu/~equity/docs/SkibaAERAParsingDisciplinaryDisproportionality.pdf>

Texas’ school-to-prison pipeline: School expulsion, the path from lockout to dropout

Texas Appleseed. (2010).
Available at http://www.texasappleseed.net/index.php?option=com_docman&task=doc_download&gid=380&Itemid=

Keep kids in school: Improving school discipline

Connecticut Appleseed Report. (2010).

Available at http://ctappleseed.org/pdfs/707/CTAppleseed_SchoolDiscipline_ExecutiveSummary.pdf

Helping traumatized children learn

Cole, S.F., et. al. (2005). Massachusetts Advocates for Children: Trauma and Learning Policy Initiative, in collaboration with Harvard Law School and The Task Force on Children Affected by Domestic Violence.

“The hope is that through a discipline process, you can guide a kid and change their behavior. But discipline typically doesn’t change the behavior of kids at all. It just removes them from the situation. I don’t know that there is a significant change in attitude or belief system on the part of the kid, when the kid gets suspended from school.” **Mike Messenger, Assistant Superintendent, East Valley School District.**

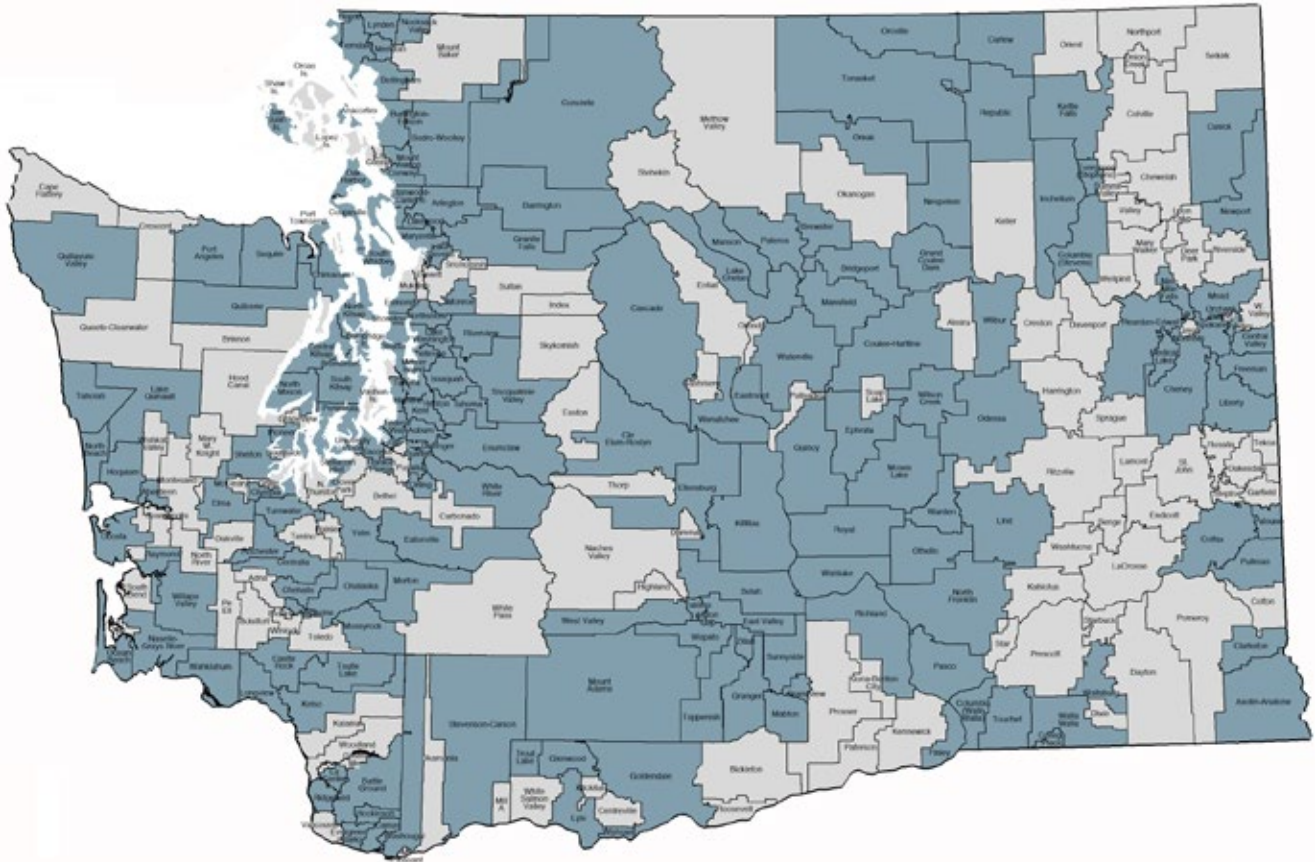
“I think that at the end of the day, discipline should be about correcting behavior. It shouldn’t just be about punishment but rather about how to learn, so you can make more productive choices and decisions. I’m probably one who believes that people can learn from a transgression and make more productive choices. But they need support and help in order to do that and simply throwing them out of school may not be the most successful way to approach it.” **Michael Dunn, NorthEast Washington Educational Service District 101.**

“I think exclusionary behavior is horrendous. I think sometimes you have to get people away from the situation to let them calm down or to get some time to think about an individualized approach, but casting people out, or taking them out of communities, or telling them there is something wrong with them—I think it only adds to the negative effects. I think it also has effects on people that are part of the community that aren’t directly involved with the situation in the first place. When students grow up thinking it’s natural that some people are going to get kicked out or do badly, I think that negatively affects the way those students think about humanity and the way they value people and themselves.” **Loren Demeroutis, Co-Principal, Big Picture High School.**

APPENDIX D

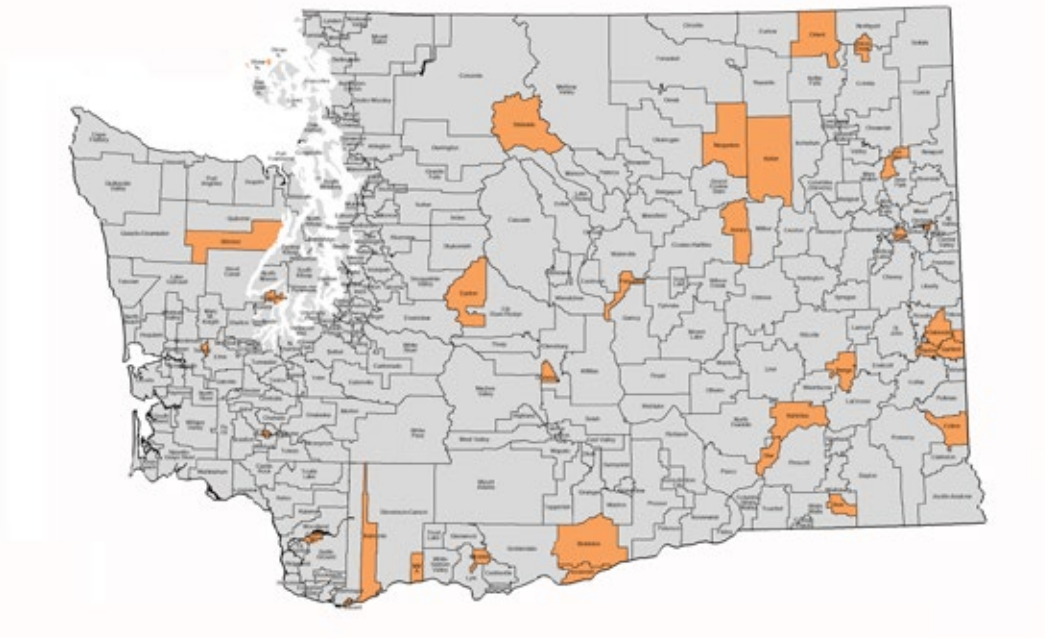
School Districts included in data analysis: REPORTING DISTRICTS

183 school districts across the state provided usable information in analysing long-term suspensions, emergency expulsions, and expulsions. Those districts included the following:



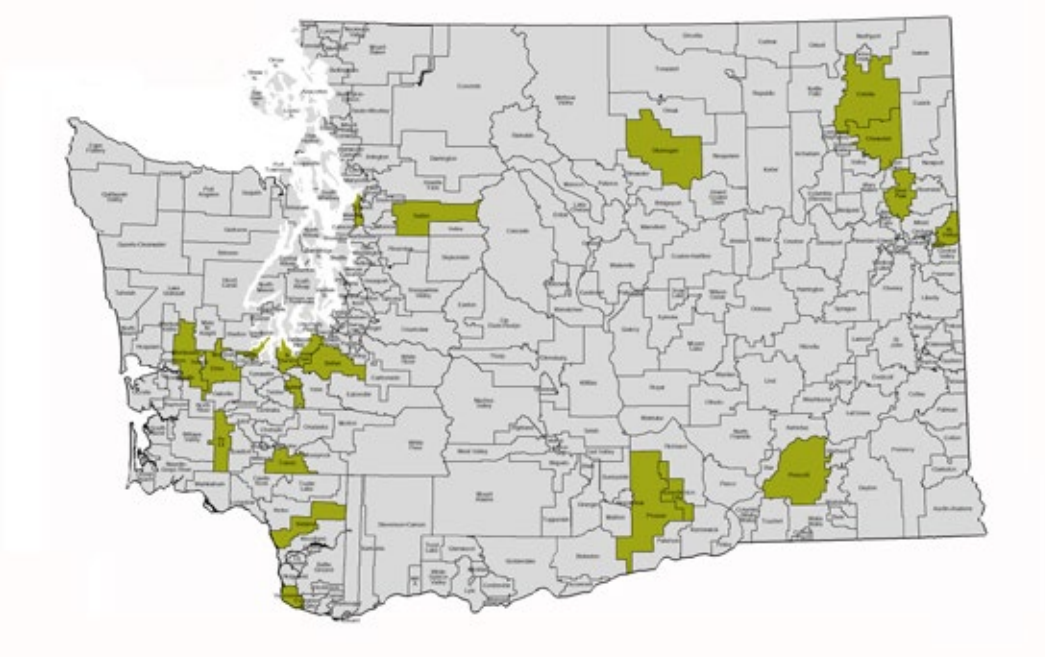
Aberdeen School District, Anacortes School District, Arlington School District, Asotin-Anatone School District, Auburn School District, Bainbridge Island School District, Battle Ground School District, Bellevue School District, Bellingham School District, Blaine School District, Bremerton School District, Brewster School District, Bridgeport School District, Burlington-Edison School District, Camas School District, Cascade School District, Castle Rock School District, Central Kitsap School District, Central Valley School District, Centralia School District, Chehalis School District, Cheney School District, Chimacum School District, Clarkston School District, Cle Elum-Roslyn School District, Colfax School District, College Place School District, Columbia (Stevens) School District, Columbia (Walla Walla) School District, Concrete School District, Conway School District, Coulee-Hartline School District, Coupeville School District, Curlew School District, Cusick School District, Darrington School District, Dieringer School District, East Valley School District (Spokane), East Valley School District (Yakima), Eastmont School District, Eatonville School District, Edmonds School District, Ellensburg School District, Elma School District, Enumclaw School District, Ephrata School District, Evergreen School District (Clark), Evergreen School District (Stevens), Federal Way School District, Ferndale School District, Fife School District, Finley School District, Franklin Pierce School District, Freeman School District, Glenwood School District, Goldendale School District, Grand Coulee Dam School District, Grandview School District, Granger School District, Granite Falls School District, Highline School District, Hockinson School District, Hoquiam School District, Inchelium School District, Issaquah School District, Kelso School District, Kent School District, Kettle Falls School District, Kittitas School District, La Center School District, Lake Chelan School District, Lake Quinalt School District, Lake Stevens School District, Lake Washington School District, Lakewood School District, Liberty School District, Lind School District, Longview School District, Lyle School District, Lynden School District, Mabton School District, Mansfield School District, Manson School District, Marysville School District, Mead School District, Medical Lake School District, Mercer Island School District, Meridian School District, Monroe School District, Morton School District, Moses Lake School District, Mossyrock School District, Mount Adams School District, Mount Vernon School District, Napavine School District, Naselle-Grays River Valley School District, Nespelem School District, Newport School District, Nine Mile Falls School District, Nooksack Valley School District, North Beach School District, North Franklin School District, North Kitsap School District, North Mason School District, Northshore School District, Oak Harbor School District, Ocean Beach School District, Ocosta School District, Odessa School District, Olympia School District, Omak School District, Onalaska School District, Oroville School District, Orting School District, Othello School District, Palouse School District, Pasco School District, Pateros School District, Peninsula School District, Pioneer School District, Port Angeles School District, Port Townsend School District, Pullman School District, Puyallup School District, Quilcene School District, Quillayute Valley School District, Quincy School District, Raymond School District, Reardan-Edwall School District, Renton School District, Republic School District, Richland School District, Ridgfield School District, Riverside School District, Riverview School District, Rochester School District, Royal School District, San Juan Island School District, Seattle Public Schools, Sedro-Woolley School District, Selah School District, Sequim School District, Shelton School District, Shoreline School District, Snoqualmie Valley School District, South Kitsap School District, South Whidbey School District, Spokane School District, Stanwood-Camano School District, Steilacoom Hist. School District, Stevenson-Carson School District, Sumner School District, Sunnyside School District, Tacoma School District, Taholah School District, Tahoma School District, Tonasket School District, Toppenish School District, Touchet School District, Toutle Lake School District, Trout Lake School District, Tukwila School District, Tumwater School District, University Place School District, Wahiakum School District, Wahluke School District, Waitsburg School District, Walla Walla Public Schools, Wapato School District, Warden School District, Washougal School District, Waterville School District, Wellpinit School District, Wenatchee School District, West Valley School District (Yakima), White River School District, Wilbur School District, Willapa Valley School District, Wilson Creek School District, Wishram School District, Yakima School District, Yelm School District, Zillah School District

32 school districts across the state reported having no incidents of long-term suspensions, emergency expulsions, and expulsions during the 2009-2010 school year. Those districts included the following:



Almira School District, Benge School District, Bickleton School District, Brinnon School District, Colton School District, Dixie School District, Easton School District, Evaline School District, Garfield School District, Grapeview School District, Great Northern School District, Green Mountain School District, Kahlotus School District, Keller School District, Klickitat School District, Loon Lake School District, Mill A School District, Mount Pleasant School District, Oakesdale School District, Onion Creek School District, Orchard Prairie School District, Orient School District, Palisades School District, Roosevelt School District, Satsop School District, Shaw Island School District, Skamania School District, Star School District, Stehekin School District, Steptoe School District

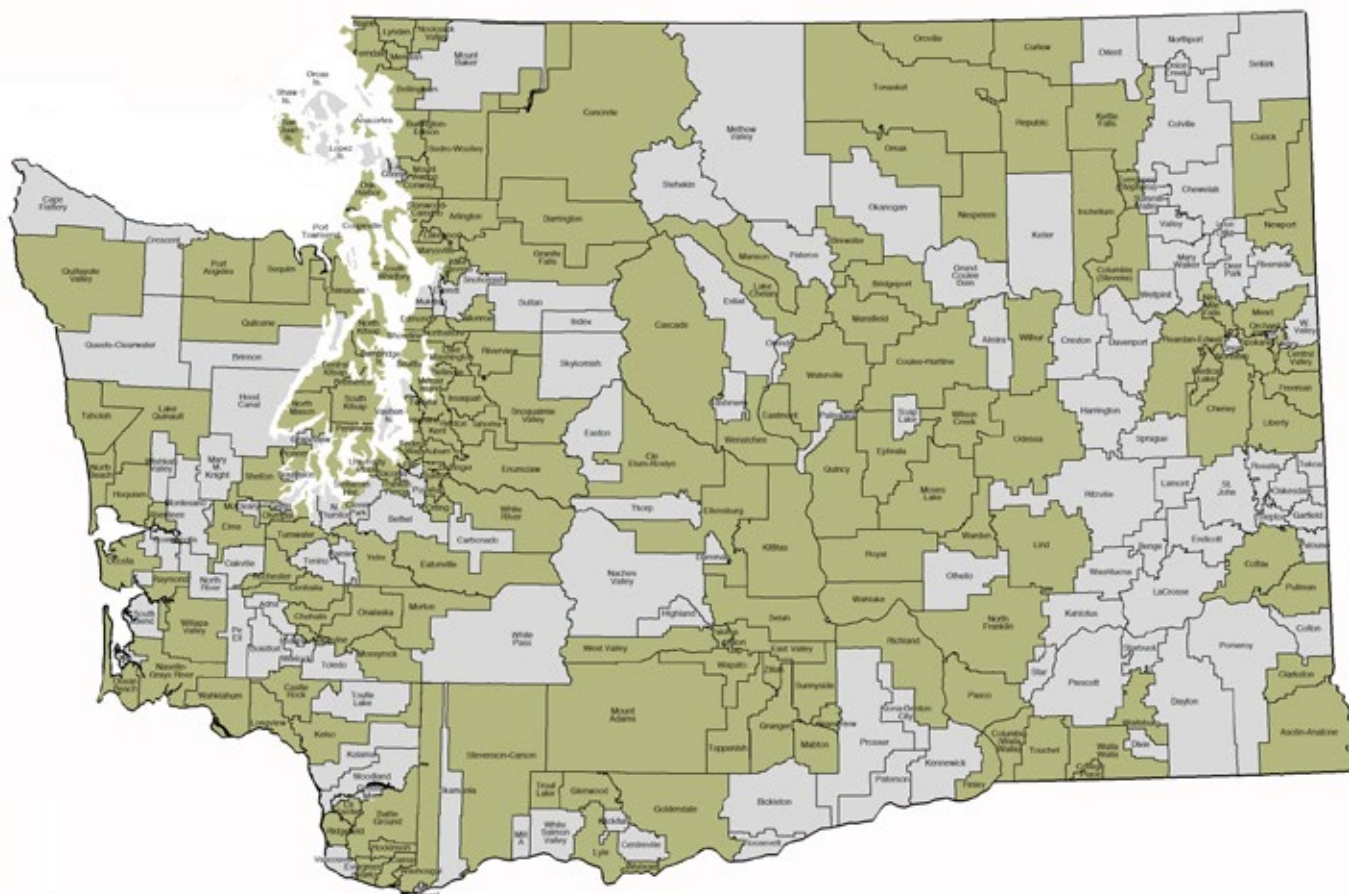
An additional 22 school districts provided narrative information that could not be disaggregated and included in a statewide analysis. Those districts included the following:



Bethel, Chewelah, Clover Park, Colville, Deer Park, Elma, Everett, Griffin, Kalama, Kiona-Benton, Montesano, North Thurston, Okanogan, Palouse/Garfield, Pe Ell, Prescott, Prosser, Rainier, Sultan, Toledo, Vancouver, West Valley (Spokane)

School Districts included in data analysis: RACE & ETHNICITY

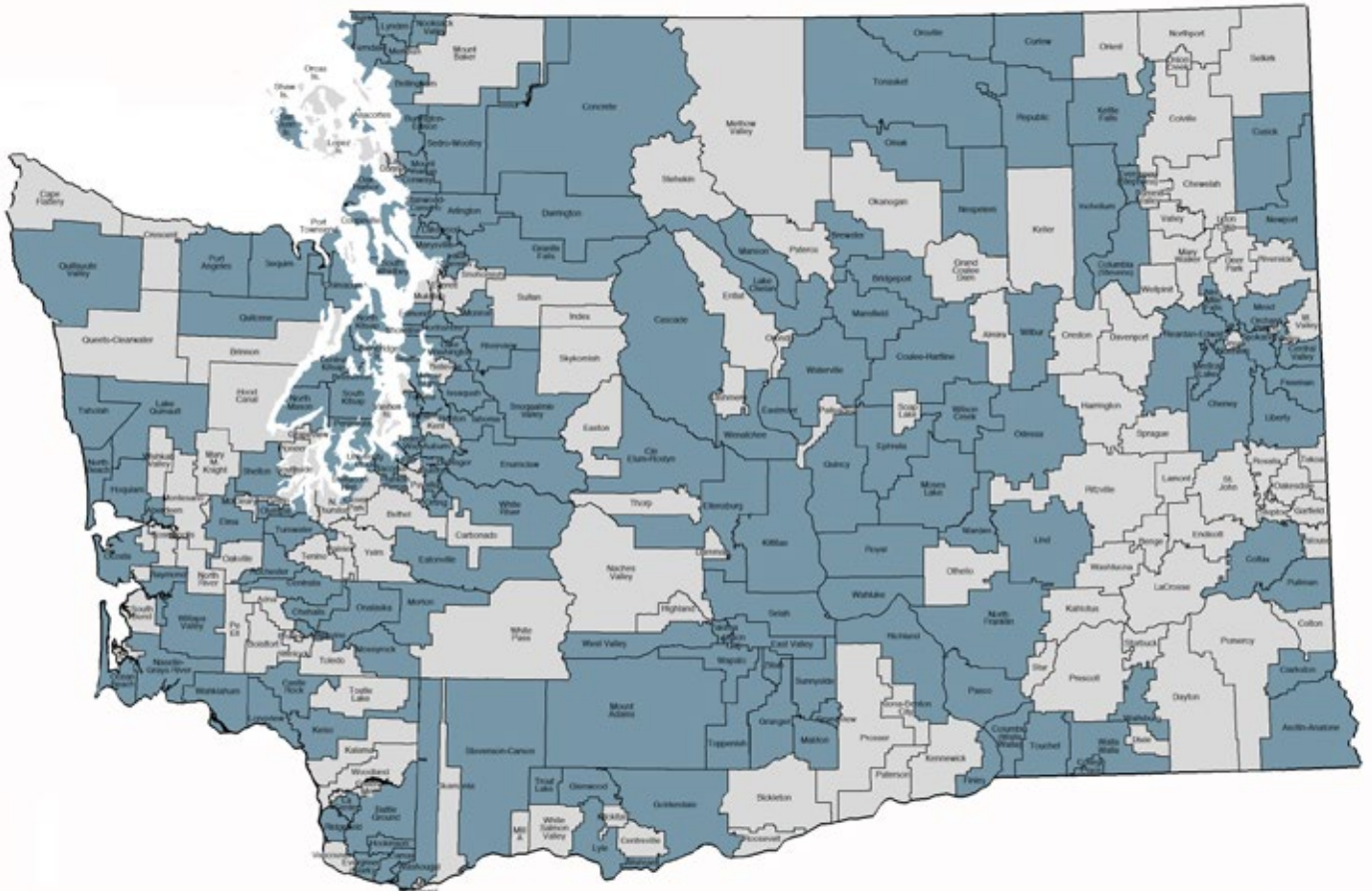
177 school districts across the state provided usable information regarding the race or ethnicity of students involved in exclusionary discipline incidents. Those districts included the following:



Aberdeen School District, Anacortes School District, Arlington School District, Asotin-Anatone School District, Auburn School District, Bainbridge Island School District, Battle Ground School District, Bellevue School District, Bellingham School District, Blaine School District, Bremerton School District, Brewster School District, Bridgeport School District, Burlington-Edison School District, Camas School District, Cascade School District, Castle Rock School District, Central Kitsap School District, Central Valley School District, Centralia School District, Chehalis School District, Cheney School District, Chimacum School District, Clarkston School District, Cle Elum-Roslyn School District, Colfax School District, College Place School District, Columbia (Stevens) School District, Columbia (Walla Walla) School District, Concrete School District, Conway School District, Coulee-Hartline School District, Coupeville School District, Curlew School District, Cusick School District, Darrington School District, Dieringer School District, East Valley School District (Spokane), East Valley School District (Yakima), Eastmont School District, Eatonville School District, Edmonds School District, Ellensburg School District, Elma School District, Enumclaw School District, Ephrata School District, Evergreen School District (Clark), Evergreen School District (Stevens), Federal Way School District, Ferndale School District, Fife School District, Finley School District, Franklin Pierce School District, Freeman School District, Glenwood School District, Goldendale School District, Grandview School District, Granger School District, Granite Falls School District, Highline School District, Hockinson School District, Hoquiam School District, Inchellium School District, Issaquah School District, Kelso School District, Kent School District, Kettle Falls School District, Kittitas School District, La Center School District, Lake Chelan School District, Lake Quinalt School District, Lake Stevens School District, Lake Washington School District, Lakewood School District, Liberty School District, Lind School District, Longview School District, Lyle School District, Lynden School District, Mabton School District, Mansfield School District, Manson School District, Marysville School District, Mead School District, Medical Lake School District, Mercer Island School District, Meridian School District, Monroe School District, Morton School District, Moses Lake School District, Mossyrock School District, Mount Adams School District, Mount Vernon School District, Napavine School District, Naselle-Grays River Valley School District, Nespelem School District, Newport School District, Nine Mile Falls School District, Nooksack Valley School District, North Beach School District, North Franklin School District, North Kitsap School District, North Mason School District, Northshore School District, Oak Harbor School District, Ocean Beach School District, Ocosta School District, Odessa School District, Olympia School District, Omak School District, Onalaska School District, Oroville School District, Orting School District, Pasco School District, Peninsula School District, Pioneer School District, Port Angeles School District, Port Townsend School District, Pullman School District, Puyallup School District, Quilcene School District, Quincy School District, Raymond School District, Reardan-Edwall School District, Renton School District, Republic School District, Richland School District, Ridgefield School District, Riverside School District, Riverview School District, Rochester School District, Royal School District, San Juan Island School District, Seattle Public Schools, Sedro-Woolley School District, Selah School District, Sequim School District, Shelton School District, Shoreline School District, Snoqualmie Valley School District, South Kitsap School District, South Whidbey School District, Spokane School District, Stanwood-Camano School District, Steilacoom Hist. School District, Stevenson-Carson School District, Sumner School District, Sunnyside School District, Tacoma School District, Taholah School District, Tahoma School District, Tonasket School District, Toppenish School District, Touchet School District, Trout Lake School District, Tukwila School District, Tumwater School District, University Place School District, Wahkiakum School District, Wahiuke School District, Waitsburg School District, Walla Walla Public Schools, Wapato School District, Warden School District, Washougal School District, Waterville School District, Wellpinit School District, Wenatchee School District, West Valley School District (Yakima), White River School District, Wilbur School District, Willapa Valley School District, Wilson Creek School District, Wishram School District, Yakima School District, Yelm School District, Zillah School District, Nespelem School District

School Districts included in data analysis: FREE & REDUCED-PRICE LUNCH STATUS

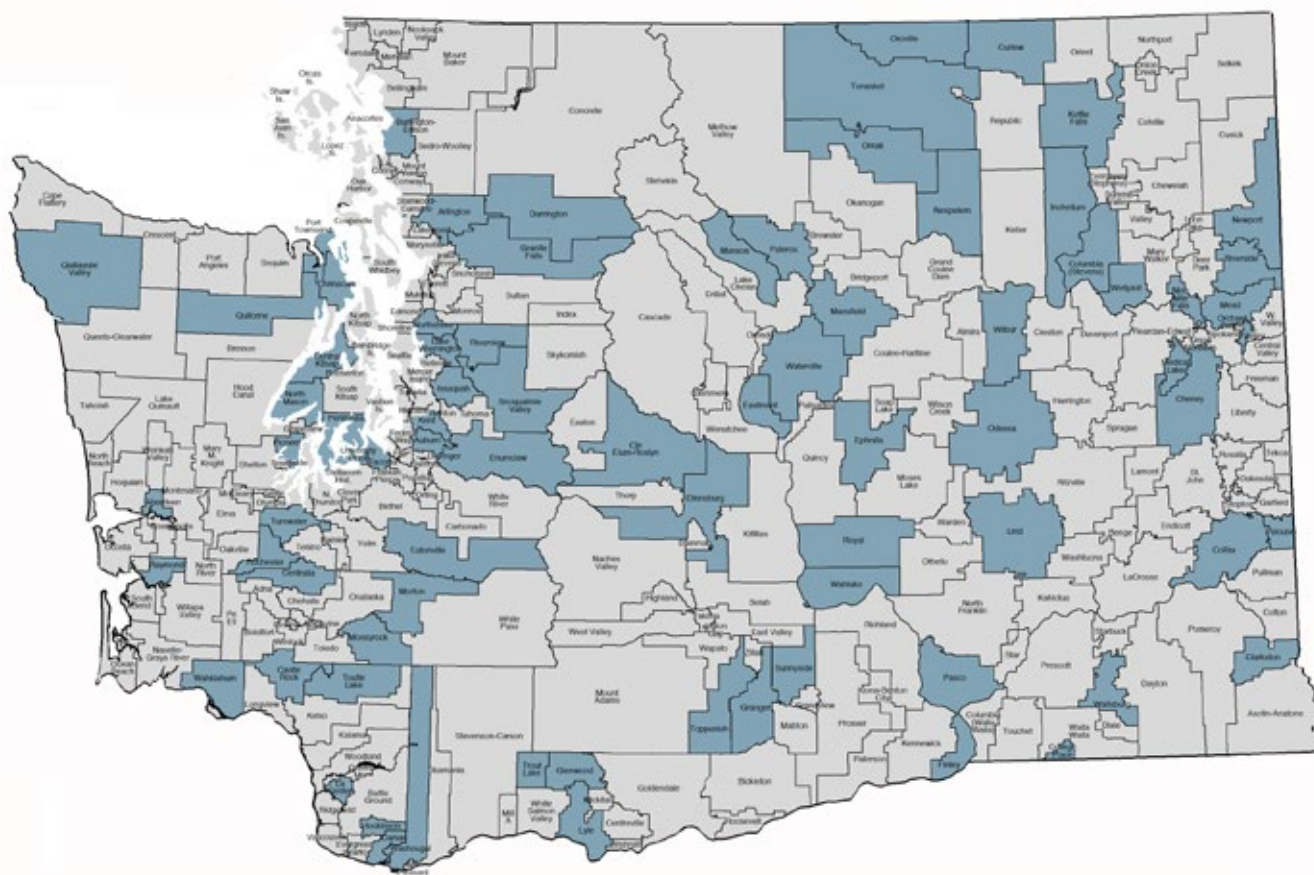
172 school districts across the state provided usable information regarding free and reduced-price lunch status of students involved in exclusionary discipline incidents. Those districts included the following:



Aberdeen School District, Anacortes School District, Arlington School District, Asotin-Anatone School District, Auburn School District, Bainbridge Island School District, Battle Ground School District, Bellingham School District, Blaine School District, Bremerton School District, Brewster School District, Bridgeport School District, Burlington-Edison School District, Camas School District, Cascade School District, Castle Rock School District, Central Kitsap School District, Central Valley School District, Centralia School District, Chehalis School District, Cheney School District, Chimacum School District, Clarkston School District, Cle Elum-Roslyn School District, Colfax School District, College Place School District, Columbia (Stevens) School District, Columbia (Walla Walla) School District, Concrete School District, Conway School District, Coulee-Hartline School District, Coupeville School District, Curlew School District, Cusick School District, Darrington School District, Dieringer School District, East Valley School District (Spokane), East Valley School District (Yakima), Eastmont School District, Eatonville School District, Edmonds School District, Ellensburg School District, Elma School District, Enumclaw School District, Ephrata School District, Evergreen School District (Clark), Evergreen School District (Stevens), Federal Way School District, Ferndale School District, Fife School District, Finley School District, Franklin Pierce School District, Freeman School District, Glenwood School District, Goldendale School District, Grandview School District, Granger School District, Granite Falls School District, Highline School District, Hockinson School District, Hoquiam School District, Inchelium School District, Issaquah School District, Kelso School District, Kettle Falls School District, Kittitas School District, La Center School District, Lake Chelan School District, Lake Quinalt School District, Lake Stevens School District, Lake Washington School District, Lakewood School District, Liberty School District, Lind School District, Longview School District, Lyle School District, Lynden School District, Mabton School District, Mansfield School District, Manson School District, Marysville School District, Mead School District, Medical Lake School District, Mercer Island School District, Meridian School District, Monroe School District, Morton School District, Moses Lake School District, Mossyrock School District, Mount Adams School District, Mount Vernon School District, Napavine School District, Naselle-Grays River Valley School District, Nespelem School District, Newport School District, Nine Mile Falls School District, Nooksack Valley School District, North Beach School District, North Franklin School District, North Kitsap School District, North Mason School District, Northshore School District, Oak Harbor School District, Ocean Beach School District, Ocosta School District, Odessa School District, Olympia School District, Omak School District, Onalaska School District, Oroville School District, Orting School District, Pasco School District, Peninsula School District, Port Angeles School District, Port Townsend School District, Pullman School District, Puyallup School District, Quilcene School District, Quillayute Valley School District, Quincy School District, Raymond School District, Reardan-Edwall School District, Renton School District, Republic School District, Richland School District, Ridgefield School District, Riverside School District, Riverview School District, Rochester School District, Royal School District, San Juan Island School District, Seattle Public Schools, Sedro-Woolley School District, Selah School District, Sequim School District, Shelton School District, Shoreline School District, Snoqualmie Valley School District, South Kitsap School District, South Whidbey School District, Spokane School District, Stanwood-Camano School District, Steilacoom Hist. School District, Stevenson-Carson School District, Sumner School District, Sunnyside School District, Tacoma School District, Taholah School District, Tahoma School District, Tonasket School District, Toppenish School District, Touchet School District, Trout Lake School District, Tukwila School District, Tumwater School District, University Place School District, Wahiakum School District, Wahluke School District, Wapato School District, Warden School District, Washougal School District, Waterville School District, Wellpinit School District, Wenatchee School District, West Valley School District (Yakima), White River School District, Wilbur School District, Willapa Valley School District, Wilson Creek School District, Wishram School District, Yakima School District, Zillah School District, Nespelem School District

School Districts included in data analysis: REPORTED PROVIDING EDUCATIONAL SERVICES

80 school districts across the state reported providing educational services to students during periods of discipline. Those districts included the following:



Aberdeen School District, Arlington School District, Auburn School District, Burlington-Edison School District, Camas School District, Castle Rock School District, Central Kitsap School District, Chehalis School District, Cheney School District, Chimacum School District, Clarkston School District, Cle Elum-Roslyn School District, Colfax School District, College Place School District, Columbia (Stevens) School District, Coulee-Hartline School District, Curlew School District, Darrington School District, East Valley School District (Spokane), Eastmont School District, Eatonville School District, Ellensburg School District, Enumclaw School District, Ephrata School District, Finley School District, Glenwood School District, Granger School District, Granite Falls School District, Hockinson School District, Inchelium School District, Issaquah School District, Kent School District, Kettle Falls School District, La Center School District, Lake Washington School District, Lind School District, Lyle School District, Mansfield School District, Manson School District, Mead School District, Medical Lake School District, Morton School District, Mossyrock School District, Nespelem School District, Newport School District, Nine Mile Falls School District, North Mason School District, Northshore School District, Odessa School District, Omak School District, Oroville School District, Palouse School District, Pasco School District, Pateros School District, Peninsula School District, Pioneer School District, Port Townsend School District, Quilcene School District, Quillayute Valley School District, Raymond School District, Riverside School District, Riverview School District, Rochester School District, Royal School District, Snoqualmie Valley School District, Sunnyside School District, Tacoma School District, Tonasket School District, Toppenish School District, Toutle Lake School District, Trout Lake School District, Tumwater School District, University Place School District, Wahiakum School District, Wahluke School District, Waitsburg School District, Washougal School District, Waterville School District, Wellpinit School District, Wilbur School District

APPENDIX E

District Examples: Innovative Strategies

Change is possible. There may not be a silver bullet in school discipline reform and there may not be limitless resources, but around the state districts are choosing a different path and making strides in changing current school discipline practices, resulting in increased opportunities for student success. While the disparities in definitions and implementation of discipline policies illustrate some negative outcomes from the lack of a cohesive statewide approach to exclusions, it is important to highlight some of the innovations achieved by districts that are committed to changing school discipline practices. Some districts have sought out grant funding or innovative approaches for utilizing existing school resources to change disciplinary practices dramatically.

These examples illustrate how such districts have seen positive changes in school climate and in the success of individual students.

“In education, we feel like we are building a plane and flying it all at the same time. We don’t have all of the answers, but we are trying to keep it from crashing into any mountains along the way. It’s a real challenge. It’s difficult, at best.” **Mike Messenger, Assistant Superintendent, East Valley School District.**

“I think, as a society, we should do more for our schools so they can do a better job. Our teachers are so poorly paid, the classes are so huge, the legislature isn’t funding the schools adequately even though the Supreme Court says they have to. You know, it’s really a crime against society and it’s not fair to blame the schools for it. Somehow, we haven’t prioritized correctly how important effective functioning schools are—and we’re paying for it, and our kids are paying for it.” **Honorable Susan Hahn, Yakima County Juvenile Court Judge.**

“I actually completely understand why, from a school’s perspective, getting rid of troublesome kids seems like a good idea—it makes it easier for the kids who want to learn and can make the environment safer for the other kids and teachers. So I understand that. But I see what happens to those kids when they’re not in school. I think maybe that’s the disconnect. I don’t mean to be insensitive to what it’s like to be running a big high school that’s underfunded with huge class sizes, and I can understand why, from a school’s perspective, getting rid of the kids who are acting out can seem like a logical thing to do. However, I think from society’s perspective, it’s a terrible thing to do.” **Honorable Helen Halpert, King County Juvenile Court Judge.**

Highline School District Big Picture High School

For more information, visit: <http://www.bigpicture.org/2008/09/highline-bp-high-school/>

The mission of Highline Big Picture High School (BPHS) is to use internships and rigorous, interest-based projects to immerse students in work they are passionate about in order to develop the skills, habits, and knowledge to succeed in higher education, overcome obstacles to their well-being, and contribute positively to their communities. It is part of a larger network of small schools that have adopted the Big Picture Learning design, which is based on a personalized and student-centered environment that offers students innovative and experiential curriculum.

In addition to their interest-based projects, students at BPHS are also learning to contribute positively to their community by adopting a restorative justice approach to school discipline. Like their school, it is student-centered and based on knowing students and understanding what's going on with them. As Garth Reeves, advisor for the Restorative Justice Committee at BPHS explains, punitive discipline doesn't work. "No one ever takes the time to figure out what's working or not working, you've just broken a rule, so you're suspended or expelled and then the real root issue never gets dealt with. So it just creates this pattern where a student is conditioned to be disconnected from school."

How are students and staff doing things differently at BPHS? "It's not the discipline policy that is different," explains Garth. "We still suspend and expel students, but we don't have as many of those violations because we know students and we build relationships with them." Loren Demeroutis, Vice Principal at BPHS, adds: "While I absolutely hate suspending or expelling students, I will do it when I think it's dangerous to other students." Highlighting a specific example, Loren explained that "we didn't just suspend him and say good luck, work out your issues on your own. We connected this student with counseling services, met with his family several times, stayed in touch with him over the summer because it was near the end of the year. We put a lot of work into it, but I still think it was the right thing to do."

Samantha, a student at BPHS and a prior youth law and policy intern at TeamChild, serves on the Restorative Justice Committee. When a fellow student made the mistake of bringing drugs to school twice, the committee met with him. Instead of expelling him, committee members worked with the student to get connected to drug and alcohol counseling and asked the student to apologize to his school community. The student was held accountable and learned from his mistake. But he was also supported by his peers and teachers, and didn't miss out on any of his education. This incident itself was an important educational moment.

How do these school discipline experiences stand out? As Loren explains, they involve a lot of discussion, a lot of healing—they are transformative because they honor and empower all the people involved. "If students grow up thinking it's natural that some people are going to get kicked out or do badly, I think that has negative effects on how those students think about humanity and the way they value people and themselves."

El Centro de la Raza

Content contributed by Enrique Gonzalez, Juvenile Justice Policy Advocate, El Centro de la Raza. For more information, visit: <http://www.elcentrodelaraza.com/index.htm> and <http://www.seattleschools.org/modules/cms/pages.phtml?sessionid=&pageid=260523>

El Centro de la Raza is a non-profit agency that serves as a voice for Seattle's and King County's Latino community and advocates on behalf of our people and works to achieve social justice. Among the 33 various programs and services that El Centro offers is the Juvenile Justice Policy and Advocacy program. This program strives to improve outcomes for youth at risk of entering or who are already involved in the juvenile justice system by reducing their risk of entry or deeper involvement. It also seeks to prevent truant behavior by connecting youth with re-engagement tools and resources.

El Centro focuses its Juvenile Justice Policy and Advocacy program on several important areas, including youth contact with police, advocating with the public schools regarding working with Latino students and their parents in a culturally appropriate manner, generating interest in academics and future career/higher education opportunities, and applying a different approach toward discipline.

The program works closely with Seattle Public Schools and has leaned greatly on the relationships that have been developed to identify areas of improvement and provide strategies to better serve youth. The work of El Centro de la Raza in advocating with Seattle Public Schools has resulted in the creation of two advisory committees within Seattle Public Schools. These are the Positive Climate and Discipline Advisory Committee and the Equity and Race Advisory Committee. These two advisory committees were created to address many of the issues that El Centro do la Raza uncovered through outreach with the Latino community.

In seeking to understand some of the root causes of why students disengage from school, El Centro came to find that the discipline process is broken and not adequately serving young people. Pending the work of these new committees that were created, El Centro de la Raza took their findings to the Superintendent and requested that a moratorium be placed on school suspensions given that there seemed to be so many problems with discipline as well as disproportionate numbers of youth of color being removed from schools. At the time they met with Dr. Susan Enfield who respectfully declined their request but understood and agreed with its intent. She pointed out that it was not practical to implement a moratorium at that time. However, she and others within Seattle Public Schools committed to moving the dialogue forward with recommendations on changes that need to be made. This work continues today.

The Positive Behavior Interventions Supports Framework

Content contributed by Lori Lynass, Ed.D., Northwest PBIS Network. For more information visit: www.pbisnetwork.org or <http://www.k12.wa.us/LearningTeachingSupport/PBIS.aspx>

Incorporating policy efforts and evidence-based practices from the fields of education and mental health, the positive behavior interventions supports (PBIS) model has emerged as a prevention and early intervention framework for addressing students' challenging behaviors. PBIS uses all staff within a school to teach and encourage expected behavior of ALL students and improve the learning environment of that school.

The PBIS model consists of three tiers of support. Tier One provides universal supports, which include establishing, teaching, and reinforcing schoolwide expectations for desired social behavior for all students (Lynass, Tsai, Richmand & Cheney, 2012). Tier One supports at each school are typically developed and monitored by a school leadership team comprised of six to 10 representative staff. Tier Two provides group-based, targeted services to students who are unresponsive to Tier One. For students unresponsive to Tier Two, Tier Three supports include individualized services where the function of behavior is assessed and subsequent behavior intervention plans and wraparound services are designed (Horner, Sugai, Todd, & Lewis-Palmer, 2005; Sugai & Horner, 2002). The SWPBS model focuses on four elements: practices, systems, data, and outcomes (Sugai & Horner, 2002) that support each tier of implementation.

The PBIS model has produced many positive outcomes, including reductions in office discipline referrals, decreases in problem behavior (Horner et al., 2009; Netzel & Eber, 2003), and improved social culture measured by student and staff assessments of school climate and satisfaction (Carr et al., 2002; Lewis, Powers, Kelk, & Newcomer, 2002). Increased satisfaction and decreased problem behavior allows schools to focus more time on academics, which leads to increases in academic performance (Cheney, Blum, & Walker, 2004; Horner et al., 2009). To date, more than 425 schools in Washington have implemented PBIS.

Local Examples of PBIS Implementation Results:

Peter G. Schmidt Elementary, Tumwater School District, a PBIS school since the 2007–2008 school year

Principal Jack Arend reports, “When we started this journey during the 2006–2007 school year, we had 1200+ office discipline referrals. Since our implementation of the PBIS program, each year we see a significant reduction in our ODRs. This last year (2011–2012) we had 316 ODRs. We have a school of 610 students. Our implementation of PBIS has allowed our school community to speak the same language of behavior expectations. Our staff sincerely believes our “All Students, All Staff, All Places, All The Time” mantra that we speak often. Staff are happier, students are more relaxed, and there is more learning that happens every day because children are in the classroom and not waiting to be seen by the principal! We have been a PBIS school of distinction through the ESD 113 and have had many different districts come and look at our PBIS efforts and programs.”

Lakeridge Elementary, Renton School District, is in its second year of implementing PBIS

Alisa Vinson, Vice-Principal, reports, “PBIS has impacted our school in the following ways: 1. Clear expectations and common language for school-wide (Tier 1) behavior; 2. Students are more engaged in learning and less time is spent out of class problem-solving behavior issues; 3. Teachers and staff feel more supported and equipped to handle behavior issues quickly and efficiently; and 4. Students understand the discipline process of escalating consequences, which encourages students to make better choices.”

Vice Principal Vinson went on to say, “We wanted to focus our efforts on reductions in office referrals in the targeted areas of Defiance/Disrespect; Physical Aggression and Harassment/Bullying. Our results after the first year of implementation showed the following: Defiance/Disrespect: a 46% reduction in referrals, Physical Aggression: a 62% reduction in referrals, Harassment/Bullying: a 58% reduction in referrals.”

River Ridge High School, North Thurston Public Schools, has implemented PBIS since 2010.

The PBIS Coordinator Leslie Vanleishout states, “We call our program the HAWK WAY ALL DAY. We began roll out Tier 1 in February 2010 with two full days of six lessons each day—total of 12 lessons on the behavior expectations and behavior matrix. We also developed Tier 2 and Tier 3 teams to work on interventions for our struggling students. Between 2010–2011 and 2011–2012, we have reduced our office referrals by 22%.

“PBIS has created clear expectations for students and teachers. Teachers know that they must have clear expectations for students within their classroom. This leads to rewarding the student in positive ways when they meet those expectations. This has in turn caused higher expectations on the part of students for teachers and teachers for students. Due to PBIS there has been a marked increase in staff satisfaction that corresponds to the marked decrease in student office discipline referrals. The role of the PBIS Coordinator is vital to the smooth running of the Tier 1 level of PBIS. Without a strong Tier 1 this system loses its validity. The positive reinforcements to students and staff, the evaluation of data, facilitating meetings, and seeking research-based Tier 2 intervention are part of the coordination. In addition, making authentic community connections within and outside of the school has created a much broader support base not only for PBIS, but for the entire school environment.”

Sound Discipline

Content contributed by Dr. Jody McVittie, Executive Director, Sound Discipline. For more information, visit <http://www.sounddiscipline.org/>.

Sound Discipline teaches people to do the right thing, even when no one is looking. Using a research-based, experiential, and culturally responsive approach, Sound Discipline helps families, schools, and communities eliminate race bias in discipline and foster academic excellence, citizenship, equity, and democracy. The three-year school-wide Sound Discipline program integrates social-emotional learning, strengths-based discipline

and data collection/review to build a powerful learning community that cultivates a climate to support academic excellence. In the past three years, Sound Discipline has trained four schools in Washington State on this model with great success.

Sound Discipline works to address the root causes of challenging classroom and school behavior and find alternatives to out-of-school suspensions (and thereby increase learning time) by taking a systems approach that teaches social/emotional skills and uses data to inform decisions. This data has shown that, without exception, the students with the most challenging behavior patterns (indicated by frequent office referrals, suspension, and consumption of administrative time) are students who have experienced trauma. This informs Sound Discipline's unique approach to discipline and behavior management.

Sound Discipline's practices are based on solid research that demonstrates significant impacts from programs to enhance social-emotional learning. (Durlak, J et al. Child Development V82(1) 405-432. 2011). Sound Discipline's interventions have been effective in both school and after-school settings and for students with and without behavioral and emotional problems. We have seen success for racially and ethnically diverse students from urban, rural, and suburban settings across the K-12 grade range.

We are able to improve students' social-emotional skills, attitudes about self and others, connection to school, and positive social behavior; and reduce conduct problems and emotional distress.

As with any program, results and rates of climate and culture change within the school vary depending on implementation. In one of the schools Sound Discipline worked with in 2007, that school was able to see an overall decrease in discipline referrals of 42%, with the number of students with six or more referrals per years dropping by over 60%. This was in a school with 76% of the student population eligible for free or reduced-price lunch, 23% of students eligible for English Language Learners (ELL), and the majority of the students were racial minority populations. In that same school, student attendance improved 21% over 4 years of work with Sound Discipline.

Another Washington State school that Sound Discipline worked with in 2009 saw a 57% reduction in major discipline referrals in three years. The number of students with six or more referrals decreased from 75 to 3. This school's population included 48% eligible for free or reduced-price lunch, 18% eligible for ELL, 12% Latino, 20% black, 29% Asian, and 28% white.

The third school Sound Discipline worked with starting in 2009 saw an overall 39% decrease in the average discipline referral rate per month in the first two years. This school had 410 students, 40% of whom were eligible for free and reduced-price lunch, 17% ELL, 39% white students, and 59% students of color. The fourth school saw their total discipline referrals decrease by 50% in the first year, with a 44% reduction in the number of students with six or more referrals for discipline.

Walla Walla School District—Reducing Reliance on Out-of-School Suspensions for Vulnerable Students in an Alternative Program

For more information, visit: <http://www.wwps.org/schools/lincoln.htm>.

Lincoln High School in Walla Walla has adopted an innovative and highly effective approach to school discipline that, in most cases, utilizes in-school suspensions to address student behaviors rather than excluding students from school. Formerly, Lincoln was used by Washington State as a dumping ground for kids with behavioral problems. The principal of this school, Jim Sporleder, inspired by what he had learned about ACEs and childhood trauma, decided to abandon exclusionary discipline as his first line of response to misbehavior and instead adopt a discipline policy of compassion and understanding. ACEs refers to “adverse childhood experiences,” including childhood abuse, neglect, and exposure to other traumatic stressors. The short- and long-term consequences of childhood exposure to adverse experiences include a multitude of health and social problems.¹ A major study undertaken by Centers for Disease Control and Prevention has examined the long-term consequences of adverse childhood experiences and has led to a rich body of research and literature addressing the impact of these experiences on children and adults.

Principal Sporleder describes this shift in his approach to school discipline by focusing on asking different questions. “I think we have to get to the point where we start saying ‘wow, what’s going on, this doesn’t sound like you’ or ‘you look super stressed to me today, what’s up?’ And just simple questions like that . . . kids are telling us, and that’s the piece that has blown me away is how it seems simple; you have to be in the right frame of mind, and you have to have your values and your beliefs solid on what the research is telling us about kids that have been dealing with the toxic stress. But when you start to ask them the questions...I’ve had kids over and over and this has been consistent, they’ll start talking to me, they’ll start telling me what’s going on with their life. And they’ll say it had nothing to do with the teacher. And they’ll say the teacher didn’t deserve that. They’ll on their own apologize to the teacher. And they’re more than willing to go up and do the consequence of in-school suspension versus out of school.”

The shift at Lincoln High School from more traditional disciplinary approaches to one based on compassion and understanding has resulted in a significantly lower reliance on out-of-school exclusions to address student behaviors. In fact, from the 2009-2010 to the 2010-2011 school year during which the new discipline procedures were implemented, there was an 85% reduction in out-of-school suspensions and expulsions.²

Principal Sporleder’s shift to use disciplinary techniques that address the underlying causes of student behaviors go hand in hand with teacher training and with a health clinic that operates right next to the school and operates five days a week from 10:00 a.m. to 2:00 p.m.. Medical treatment was provided to 175 of the school’s 200 students during the 2010-2011 school year.³

1 Centers for Disease Control and Prevention. Adverse childhood experiences (ACE) study. Retrieved from <http://www.cdc.gov/ace/findings.htm>.

2 ACES Too High. (2012). Lincoln High School in Walla Walla, WA, tries new approach to school discipline — suspensions drop 85%. Retrieved from <http://acesotoohigh.com/2012/04/23/lincoln-high-school-in-walla-walla-wa-tries-new-approach-to-school-discipline-expulsions-drop-85/>.

3 *Id.*

“I have a staff now that tells the kids how much they care about them. Who demonstrates on a day-to-day basis how much they care about them. Who, when a kid blows up, takes them out to the hall, and says hey, ‘looks like you’re having a rough time, how can I help you?’ or ‘do you need a time out now so you can get yourself back together?’ We have become their family. And our kids have reflected back that Lincoln is their family,” says Sporleder.

The numbers at Lincoln High School in Walla Walla illustrate that the importance of compassionate administrators can not be underestimated and that districts can, with commitment and leadership, find new ways to address student behaviors while better addressing their social and emotional needs.

APPENDIX F

Reflections on Transforming School Discipline

Our team asked stakeholders what they would change if they could change one thing about school discipline in Washington State.

“I would structure it completely differently. I would focus on early warning indicators and social and emotional interventions and supports for students and families.” **Adie Simmons, Director, Washington State Office of the Education Ombudsman.**

“I think that the only basis for any exclusionary decision would be some demonstrated and otherwise unavoidable risk that the student posed physically or otherwise to other students or staff or faculty at the school. For me, the threat would have to be demonstrated and imminent and not unduly speculative. It would have to be, not ‘oh, we are afraid this might happen,’ but it would have to be a situation where the kid had done something or was on the verge of doing something that really had the potential to hurt somebody else. Even in that setting, I would think that suspension or expulsion should be the last course of action, not the first. In an ideal world, it would be great if there was rule that said you can’t kick the kid out at all. This would require that schools, if they have a problem with a kid, to figure out a way to manage the problem in a way that would allow the student to continue his or her education while avoiding any undue risk to the rest of the community.” **Mark Niles, Dean and Professor of Law at Seattle University School of Law.**

“Place a moratorium on school suspensions that are not related to school safety. And that in-school suspension be an intervention of resources and questions that are asked as opposed to just sitting in a classroom and not being part of the whole.” **Enrique Gonzalez, Juvenile Justice Policy Advocate, El Centro de la Raza.**

“That we start looking at the cause of the problem versus reacting to the infraction. I think we have to get to the cause so that we can then seek support or interventions to help and encourage the student. Using simple questions provides insight and opportunities to problem solve and teach other ways that the student may have handled the situation. Simple questions such as: ‘wow, what’s going on, this doesn’t sound like you’ or ‘you look super stressed to me today, what’s up.’ When the student sees that you care and that you want to help them, this begins a pattern for them to start improving their behavior, learning about their triggers, learning other options, and developing a positive relationship that has an impact on their growth. At the end of the conversation is where you present the consequence for the behavior. If you follow these procedures, the student will not question the consequences, they will be in a position of accepting responsibility. You’ll see the change.” **Jim Sporleder, Lincoln High School Principal, Walla Walla School District.**

“Zero tolerance, if appropriate at all, should be reserved for the most serious of behaviors—behaviors that create a clear and present danger to the school community. A 90-day suspension is the equivalent of expulsion, in terms of the child’s future educational progress, and should not be permitted.” **Honorable Helen Halpert, King County Juvenile Court Judge.**

“No death penalty. Some of these emergency expulsions, you’re gone for the rest of the year. Which I think is what they call the death penalty. So it would be no death penalty. I would at least time limit it.” **Honorable Frank Cuthbertson, Pierce County Superior Court Judge.**

“I would move us away from, or further away from just solely a punishment approach to more of a corrective action or educational approach when we deal with discipline circumstances.” **Michael Dunn, Northeast Washington Educational Service District 101.**

“More relevant curriculum. I think that would make discipline a non-issue.” **Loren Demeroutis, Co-Principal, Big Picture High School.**

"I wish that schools had the resources to choose discipline that changed student behavior." **Mike Messenger, Assistant Superintendant, East Valley School District.**

"I think a model shift of discipline that trains teachers and supports teachers and principals and administrators about the kind of discipline that actually is effective and does work and will keep kids in school." **Scott Hanauer, Clinical Director, Community Youth Services.**

"That no child would ever be excluded from schools without a detailed plan for reentry and some alternatives for education while the child is not within the school system they've been kicked out of." **Honorable Susan Hahn, Yakima County Juvenile Court Judge.**

"I think I would make it so that there were no out-of-school suspension unless it's a violent crime. We need to find alternatives to out-of-school suspension unless it's something violent." **Shelley McWain, Yakima PTA Council.**

"Prohibit out-of-school suspensions unless there is an imminent threat to safety." **Hon. Bobbe J. Bridge, ret., Founding President/CEO, Center for Children & Youth Justice.**

"The idea that everyone who is working with a student is invested in knowing that student and understanding what's going on with them." **Garth Reeves, Co-Principal, Big Picture Schools and Advisor, Restorative Justice Committee.**



RECLAIMING STUDENTS

The educational & economic costs of exclusionary discipline in Washington State

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