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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. 
DATE: October 28, 2014
SUBJECT: Council of State Governments Justice Center
School Discipline Consensus Report

PURPOSE:

The purpose of this action is to have staff of the Council of State Governments Justice Center provide highlights of the report of *The School Discipline Consensus Project*.

HISTORICAL BACKGROUND:

Millions of U.S. public school students in grades K-12 are suspended or expelled in an academic school year, particularly students in middle and high school. Research demonstrates that when students are removed from the classroom as a disciplinary measure, the odds increase dramatically that they will repeat a grade, drop out, or become involved in the juvenile justice system. These negative consequences disproportionately affect children of color as well as students with special needs. Policymakers and practitioners have a growing need to identify strategies for effectively managing students' behavior and aligning schools' policies in order to support student engagement and learning, and reduce poor academic outcomes and juvenile justice contact. Although some states and local governments have taken promising steps to address these issues, decision makers and front-line practitioners lack a comprehensive, multisystem approach to making school discipline more effective.

In response, the Council of State of Governments (CSG) Justice Center launched a national consensus-building project that convened experts in fields such as school safety, behavioral health, education, juvenile justice, social services, law enforcement, and child welfare. Youth, parents, and community partners played a critical and active role in the project to develop creative solutions. The project resulted in a comprehensive report that provides implementation guidance to minimize the dependence on suspension and expulsion to manage student behaviors, improve students' academic outcomes, reduce their involvement in the juvenile justice system, and promote safe and productive learning environments.

The project is administered in coordination with the Supportive School Discipline Initiative launched by the U.S. Attorney General and the U.S. Secretary of Education in July 2011 and is supported by a public/private partnership that includes the Office of Juvenile Justice and Delinquency Prevention, NoVo Foundation, The California Endowment, and The Atlantic Philanthropies. CSG invited Maryland State Board of Education Chairwoman Dr. Charlene Dukes and MSDE staff Robert Murphy to participate on the School Discipline Consensus Project Report. MSDE has been working with the Council of State Governments over the last four years on the School Consensus Project.



EXECUTIVE SUMMARY:

The Maryland State Board of Education and Maryland State Department of Education's leadership in school discipline reform provide the context for the Council of State Governments Justice Center's presentation on *The School Discipline Consensus Report* to the Maryland State Board of Education.

The School Discipline Consensus Report offers a comprehensive overview including data, case studies, strategies, and research based practices to reduce school suspension, juvenile justice interaction, and school police. The development of the report brought together leaders from all over the country to examine school discipline policy and practice.

The report offers 60 policy recommendations to stakeholders and comports into five sections they are Conditions for Learning, Targeted Behavior Interventions, School-Justice Partnerships, Courts and Juvenile Justice, and How to Get Started. Each section offers recommendations and poses critical questions and offers practical suggestions for stakeholder reform efforts.

The CSG Justice Center would like to partner with the Maryland State Department of Education to improve reporting and analysis of student discipline data.

ACTIONS:

For information and discussion only. No action is required at this time.

LML/RAM

<http://csqjusticecenter.org/wp-content/uploads/2014/08/SDCPExecutiveSummary.pdf>

EXECUTIVE SUMMARY

The School Discipline Consensus Report:
Strategies from the Field to Keep Students Engaged
in School and Out of the Juvenile Justice System



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The School Discipline Consensus Report:

Strategies from the Field to Keep Students Engaged
in School and Out of the Juvenile Justice System

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About the Office of Juvenile Justice and Delinquency Prevention: The Office of Juvenile Justice and Delinquency Prevention, a component of the Office of Justice Programs, U.S. Department of Justice, accomplishes its mission by supporting states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. The Office of Juvenile Justice and Delinquency Prevention strives to strengthen the juvenile justice system's efforts to protect public safety, hold offenders accountable, and provide services that address the needs of youth and their families. For additional information about the Office of Juvenile Justice and Delinquency Prevention, please visit ojjdp.gov.

About the CSG Justice Center: The Council of State Governments Justice Center (CSG Justice Center) is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center provides practical, nonpartisan advice and evidence-based, consensus-driven strategies to increase public safety and strengthen communities. For additional information about the CSG Justice Center, please visit csgjusticecenter.org.

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EXECUTIVE SUMMARY

RESearch AND DATA ON SCHOOL DISCIPLINE practices are clear: millions of students are being removed from their classrooms each year, mostly in middle and high schools, and overwhelmingly for minor misconduct.¹ When suspended, these students are at a significantly higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile justice system.² A disproportionately large percentage of disciplined students are youth of color,³ students with disabilities,⁴ and youth who identify as lesbian, gay, bisexual, or transgender (LGBT).⁵

There is no question that when students commit serious offenses or pose a threat to school safety they may need to be removed from the campus or arrested. Such incidents, however, are relatively rare, and school typically remains the safest place a young person can be during the day.⁶ In schools with high rates of suspension for minor offenses, however, students and teachers often feel they are not safe or supported in their learning environment.

Trailblazing student and parent groups, advocacy organizations, researchers, professional associations, and school districts have raised the visibility of exclusionary discipline practices across the nation. In response, individual schools, districts, and state education systems have implemented research-based approaches to address student misbehavior that hold youth accountable, address victims' needs, and effectively improve both student conduct and adult responses. These approaches also help keep students engaged in classrooms and out of courtrooms.

The federal government has also put a spotlight on these issues. As part of the Supportive School Discipline Initiative, the U.S. Departments of Education and Justice issued joint guidance in January 2014 to assist public elementary and secondary schools in meeting their obligations under federal law to administer student discipline without discriminating on the basis of race, color, or national origin.*

The School Discipline Consensus Report builds on this foundation and breaks new ground by integrating some of the best thinking and innovative strategies from the fields of education, health, law enforcement, and juvenile justice. Leaders in these diverse systems agree that local and state governments must not only help schools reduce the number of students suspended, expelled, and arrested, but must also provide conditions for learning wherein all

* That guidance was accompanied by three documents—*Guiding Principles*, the *Directory of Federal School Climate and Discipline Resources*, and the *Compendium of School Discipline Laws and Regulations*—to help guide state- and locally controlled efforts to improve school climate and school discipline. See U.S. Department of Education and U.S. Department of Justice School Discipline Guidance at ed.gov/policy/gen/guid/school-discipline/index.html.

students feel safe, welcome, and supported. The central thesis of this comprehensive report is that achieving these objectives requires the combination of a positive school climate, tiered levels of behavioral interventions, and a partnership between education, police, and court officials that is dedicated to preventing youth arrests or referrals to the juvenile justice system for minor school-based offenses.

Three aspects of the report distinguish it from earlier work:

- ***It is comprehensive.*** The comprehensiveness of this report is unprecedented. It presents nearly two dozen policy statements to guide multidisciplinary approaches to meet the needs of both youth and educators while addressing student misbehavior, and 60 recommendations that explain how to implement these policies. The ideas offered throughout the report come from the field and demonstrate an appreciation of these interconnected goals: improving school climate; identifying and meeting students' behavioral health and related needs; tailoring school-police partnerships to mutual goals; and minimizing students' engagement with the juvenile justice system.
- ***It is consensus-based.*** This report reflects a consensus forged by the many professional groups with a stake in how school discipline policy is implemented. More than 100 advisors representing school administrators, teachers, behavioral health professionals, police, court leaders, probation officials, juvenile correctional administrators, parents, and youth from across the country helped to develop the recommendations and proposed collaborative processes. Approximately 600 additional practitioners, researchers, policymakers, and agents of change were consulted over the three-year project that culminated in this report.
- ***It is practical.*** The report's guidance is grounded in real-world approaches identified through extensive outreach to practitioners and policymakers serving youth. It is based on the latest research, takes into account the context in which policies and practices are developed, and provides examples of how communities are putting into effect proposed changes.

DISPARITIES IN DISCIPLINE RATES

Improving school discipline policy requires addressing the disparate impact that the current approach has on particular student populations:

- ▶ Black, Hispanic, and American Indian students are suspended at much higher rates than their White peers—sometimes at double the rate.⁷
- ▶ Twenty percent of secondary school students with disabilities were suspended in a single school year, compared to fewer than ten percent of their peers without disabilities.⁸
- ▶ LGBT youth are up to three times more likely to experience harsh disciplinary treatment than their heterosexual counterparts.⁹

Even as various jurisdictions celebrate declines in overall suspension rates, they have noted that the disparity in some cases has widened and carried forward to expulsions and arrests.¹⁰

Report recommendations do not include—or even collectively constitute—a “silver bullet” for addressing issues of bias or disproportionate impact. Nor does this report propose a sweeping mandate to address the complex underlying issues that drive disparities. At the same time, many recommendations come back to addressing the issues of race and disproportionate impact on students of color and other groups. Recognizing that students and parents alike will lack confidence in a school discipline system that is perceived to be biased or unfair, school and district officials need to hold at their respective levels difficult discussions about the disparate impact of school discipline on particular groups of students, to ensure that recommendations are carried out equitably. Quality data collection and transparent reporting to help monitor progress must support these efforts.

The policy statements and supporting recommendations in this report are organized into four main chapters: Conditions for Learning, Targeted Behavioral Interventions, School-Police Partnerships, and Courts and Juvenile Justice. Additional chapters on information-sharing and data-collection issues follow.

Conditions for Learning

Overview of the Issue

The extent to which students are safe, connected, engaged, and supported in their classrooms and schools—collectively known as the “conditions for learning”—is critical to their academic and personal success. Schools that create welcoming and secure learning environments reduce the likelihood that students will misbehave, and improve educators’ ability to manage student behavior.

Background

Everyone agrees that schools should provide an environment where students and staff feel physically and emotionally safe, connected, fairly treated, and valued. Research has demonstrated that academic achievement and positive behaviors increase when these conditions for learning are in place.¹¹ Unfortunately, promoting a positive school climate often takes a back seat to educators' and administrators' efforts to address mandates to improve test scores and graduation rates, even though strong conditions for learning have been shown to help improve academic achievement. Where school leaders have not made school climate a priority, disciplinary approaches often rely heavily on the removal of students from school.

It is important to distinguish between efforts to improve school climate for students and educators that can come across as perfunctory—such as hanging student artwork on the walls, announcing teacher appreciation days, or convening monthly student assemblies—and the strategies that have been shown to improve attendance and student success, engagement, and behavior. Although educators, administrators, and the school community universally value a positive school climate, they do not always share an understanding of what it takes to achieve it.

Schools often lack the means to accurately assess their own climates, and to involve the school community in developing a vision and corrective plan. School administrators and staff need training and professional development opportunities, job-embedded supports, and feedback on their performance to carry out these plans. District codes of conduct should also reinforce steps to sustain a positive school climate, and be routinely assessed and revised to ensure progress.

Chapter Highlights and Questions Addressed

School leaders should work with staff, students, families, and other stakeholders to accurately assess a school's climate, develop a shared vision for what it should be, and design a plan to address areas in need of improvement.

- What type of data should a school use to assess its existing climate and identify areas for improvement?
- How do schools ensure that student, staff, and other stakeholders' perspectives are fully considered?
- How can it be determined whether specific groups of students are disengaged or marginalized at school?
- How should the vision for improving conditions for learning be developed and communicated among educators, parents, students, and other school community members to make certain it is embraced?
- How can school climate improvement efforts that refocus responses to student misconduct from primarily reactive approaches to prevention be integrated with a school's other planning work, including academic achievement and safety plans?

The school district code of conduct should promote positive adult and student behaviors, and it should include a graduated system of responses to student misconduct that holds youth responsible for their actions but makes clear that removal from school is a last resort.

- What options should be available to consistently apply developmentally appropriate consequences for student misconduct; redress the harm done; and provide the necessary supports to change students' problem behaviors and engage them in learning?
- How are students, their parents/guardians, and adults in the school engaged in discussions about how to improve the school code of conduct, and what steps can be taken to ensure they are invested in realizing the code's goals?

Students removed from the classroom for disciplinary reasons should continue to receive quality instruction.

- What on-campus options exist to respond to students' misconduct by addressing behavioral needs and permitting a cooling-off period?
- What measures can be taken to minimize any lost instructional time and help students removed from class keep pace with their assignments?

School administrators and educators should have professional development opportunities to gain the knowledge and skills needed to create positive conditions for learning.

- How are effective classroom management approaches integrated into the school, including how to de-escalate conflicts with students and use culturally appropriate interventions?
- How do educator preparation programs address in both coursework and clinical experiences classroom management skills and student-teacher relationship building?
- How do induction programs for new teachers incorporate training on these issues?
- What measures should be included in teacher and principal evaluations to reflect the expectation that they will help foster the conditions necessary for students to learn?

Targeted Behavioral Interventions

Overview of the Issue

Some students are repeatedly involved in their schools' discipline systems, sometimes as a result of unmet behavioral health, academic, or other needs. Behavioral interventions must be available to target the needs of students for whom a positive school climate and the right conditions for learning are not sufficient to keep them in class, to prevent their repeated involvement in the school discipline system, and to help them achieve long-term success.

Background

Millions of children have experienced a personal trauma (such as the loss of a parent) and/or exposure to violence at home or in the community, either as victims or witnesses. In addition, one in ten children has a mental illness severe enough to impair how he or she functions in school.¹² Schools must be sensitive to the needs of these youth and recognize that some students with unmet behavioral health needs and youth with disabilities, particularly those with emotional disturbances, are more likely to experience high suspension rates and lower academic achievement.¹³

As local, state, and federal leaders have increasingly focused on helping more youth stay in schools where they can succeed, a growing number of school districts are adopting “early-warning systems” (EWSs) to identify secondary school students who are chronically absent, failing particular courses, experiencing disciplinary actions, or engaging in risky behavior. Although the use of these systems is still in the beginning stages in many jurisdictions, and is primarily meant to improve graduation rates, the systems can be used to help identify youth in need of behavioral interventions (whether related to mental health issues or other underlying causes).

Whether or not schools employ EWSs, school staff often struggle to meet the needs of students they identify who would benefit from additional targeted supports and services. A school-based team, which ideally includes a counselor or other behavioral health specialist, can help determine the right set of responses when a student appears at high risk of involvement or reengagement with the discipline or juvenile justice system.

Many districts have campuses with school-based teams, although the teams typically focus primarily on academic progress and improving instruction. Schools also usually have teams or individuals who are responsible for developing individualized education programs (IEPs) for students with disabilities and complying with provisions in the Individuals with Disabilities Education Act (IDEA). Many schools, however, lack student support teams to identify and provide interventions that can help students achieve academic success and avoid disciplinary actions.

Establishing a student support team, or expanding the role of a preexisting team, to include addressing school discipline issues does not ensure that team’s success. Support team members must be provided with quality training and access to a broad array of services for students. Because schools will often lack the internal capacity to meet students’ needs, support teams should also be able to draw on a system-of-care through partnerships with various community-based organizations that can help fill gaps in services.

Even with targeted interventions and services, there are some students who will have to be removed from school for disciplinary reasons or who would benefit from being in a different learning environment altogether. There is general agreement that there should be alternative education pathways for all students who are not succeeding in traditional academic settings. There is also recognition that in many places alternative programs lack the rigor, transparency,

and quality of instruction and behavioral supports that are found in traditional schools to assist these students and prepare them for college and career.

Responding effectively to students' behavioral health and related needs to help them succeed at school and minimize involvement with the discipline or juvenile justice system requires a comprehensive approach. Ideally, schools would have a data system to match and guide interventions for students; trained staff to help oversee these services or access to community-based service providers; quality alternative education pathways; and the ability to track students' progress. In light of the limited capacity of most schools and communities, designing and implementing such a system may require long-term planning for even the most advanced school districts.

Chapter Highlights and Questions Addressed

Districts, schools, and educators should use data-driven processes to identify and support individual students who need targeted behavioral interventions, and to guide decisions about how best to allocate limited staff and resources.

- How should schools—and school districts—employ EWSs to identify students who might otherwise experience repeated involvement with the school discipline or juvenile justice system?
- How can school and district leaders and state officials also use EWS data to prioritize staff training, the allocation of resources for particular strategies, or the placement of behavioral health support staff in particular classrooms and schools with high rates of exclusionary disciplinary actions?

School leaders should understand the prevalence of students' behavioral health and related needs in each school and district, each school's capacity to address those needs, and the community resources available to supplement school services.

- How can data from behavioral health surveys, student IEPs, and school discipline systems be used to assess the type of services and supports needed to meet the behavioral health needs of students in a particular school or school district?
- How can gaps in services be identified through a behavioral health assessment, and how can schools and districts address those gaps to provide a comprehensive range of services?

Each school should have a student support team (or teams) to oversee services for youth with behavioral health and related needs.

- How do student support teams work individually and in collaboration with other school-based teams to help youth with behavioral health and related needs?
- How can student support teams use EWSs and systems that monitor the implementation of interventions to track students' progress and determine the effectiveness of services?
- How can schools develop a system-of-care approach that involves community partners to expand the range of services and interventions for students with behavioral needs?

Students removed from campus for disciplinary reasons and students not succeeding in traditional settings should be provided with a quality alternative education placement where there is continuity of instruction and needed services.

- When students are removed from school for disciplinary reasons for short periods of time, how are they engaged in off-campus instruction and provided the necessary social, emotional, and behavioral supports?
- What improvements should be made to alternative education programs so that students removed from school for disciplinary reasons, as well as students not successful in traditional education settings, receive quality instruction from qualified educators and necessary behavioral health supports?
- What mechanisms must be in place to ensure that students in alternative education programs can, when appropriate, successfully transition back to a traditional education setting?

School-Police Partnerships

Overview of the Issue

Although schools are generally safe places, the well-being of students and staff remains of paramount concern in every school across the nation. Elected officials, school leaders, and community stakeholders frequently look to local law enforcement to address this concern. At the same time, there has been increased scrutiny in recent years of the role of officers who serve schools, particularly how they address minor offenses committed by students, and how the presence of officers and their activities on the school campus impact the extent to which students and adults feel safe, secure, and welcome. For the relationship between a school and local law enforcement agency to be successful, police, students, parents, and school staff and leaders must employ a collaborative process to design, implement, and monitor the interface between officers and the school community.

Background

During more than six decades, police and school officials in many districts have formed strong partnerships in which officers have assumed a broad range of duties.¹⁴ How these relationships are structured varies significantly from one school district (and sometimes one school campus) to the next. In some cases, there are specially trained school-based officers who perform enforcement, educational, mentoring, and other activities.¹⁵ In other jurisdictions, off-campus patrol officers provide a variety of crime prevention services and enforcement responses to the school. The involvement of officers is often meant to complement other strategies for safe schools and efforts to encourage positive student and adult behaviors.

Even when there is an everyday law enforcement presence in the school, there are various approaches to overseeing such officers. They may be supervised by the municipal or county law enforcement agency that employs them—or by a police agency under the direct authority of a school district.

Just as concerns have grown about the number of students suspended or expelled from school, so too have concerns increased about the ticketing and arresting of students for minor offenses. In addition, added security measures and a greater police presence in some schools (as often happens following a violent school event anywhere in the country) have sometimes had the unintended consequence of causing some staff, students, and their families to feel the campus is less welcoming or less conducive to learning.¹⁶

Not every school in the nation will request, need, or be able to fund school-based officers. When the decision is made at the local level to assign officers to schools, careful thought must be given to what role the officers will play, and then police and school leaders will need to ensure that the officers are properly selected, trained, supervised, and evaluated.

The research on the impact of officers in schools is mixed and often lacks rigor. Police professionals generally agree, however, that when there is an effective school-police partnership, students will have more positive views of law enforcement, will make better decisions about risky behaviors, will be more often connected to the services they need, and arrests for minor offenses will be minimized.

Chapter Highlights and Questions Addressed

School-police partnerships should be determined locally, through a collaborative, data-driven process that engages students, parents, and other stakeholders.

- What processes should be followed to determine the best school-police partnership model for meeting the distinct needs of a school or district and the students and families it serves?
- When a school or school district is considering whether to place an officer on a particular campus, or to use a different response model, what information and data should be used to inform this decision?
- What data should be used to measure whether the school-police partnership in use is meeting its intended objectives?

Police should not be engaged in routine classroom management, and whenever possible should use alternatives to arrest for students' minor offenses that can be appropriately addressed through the school's discipline system.

- How do schools, police, and the school community determine the appropriate role for officers who are assigned to schools?
- How is information that clarifies school-based officers' roles and responsibilities communicated to school and police agency staff, and other stakeholders?
- How can school leaders ensure that staff is following policies about when to involve officers in addressing student misconduct?
- How can police ensure that officers are adhering to policies and guidance on responding to minor offenses?

School-based officers working with students should be properly selected, trained, supervised, and evaluated. Off-campus officers should be given guidance on how to respond to students and how to access alternatives to arrest.

- What criteria and process should be used to recruit officers who have the desired qualities and experiences for working with youth in school settings?
- What training should be provided for school-based officers beyond that required of all peace officers in the state?
- What supervision and oversight of school-based officers will ensure that they are effectively supported, and will monitor their progress on shared partnership goals?

School systems and law enforcement agencies should create detailed, written memorandums of understanding when placing officers on campuses and for other school-police partnerships.

- What legal issues do school-based officers and other police personnel serving schools need to address?
- What information-sharing principles, as well as safeguards for staff compliance with privacy mandates, should be outlined in a school-police partnership agreement?
- How are other aspects of the school-police partnership formalized, and how are police and school personnel educated about its provisions?

Courts and Juvenile Justice

Overview of the Issue

Although there are youth who engage in serious delinquent behavior for which referral to the juvenile justice system is appropriate, youth who commit minor offenses at school should typically not be referred to the courts. The long-term consequences for youth who make contact with the juvenile justice system include a greater likelihood of dropping out of school and future involvement with both the juvenile and adult criminal justice systems.¹⁷ When youth are under juvenile corrections' supervision, they must have uninterrupted access to high-quality learning environments; provision of supports and services that meet these students' academic and special needs; and the facilitation of their seamless return to the classroom in their communities.

Background

The number of youth in correctional facilities or in court-ordered community placements has declined dramatically over the past decade in many jurisdictions, with juvenile crime rates at record lows.¹⁸ Even in counties and states where there have been overall reductions in juvenile crime, however, leaders are working to decrease referrals to courts further—especially for minor and status offenses.* As part of these efforts, judicial leaders across the nation are increasingly

* Status offenses are acts that are only considered criminal if committed by a juvenile (e.g., running away, truancy, curfew law violations, ungovernability or incorrigibility, and underage drinking violations).

working with schools, law enforcement, and other stakeholders to keep away from their dockets cases that can be resolved through schools' discipline systems and diversion programs.¹⁹

Although juvenile justice officials in most jurisdictions strongly believe that the number of school-based referrals to the juvenile justice system can be significantly reduced, few jurisdictions can produce an accurate tally of referred cases. Without reliable data, it is more difficult to make a compelling justification for action and to establish the potential for improvement.

Even without such data, however, evidence of successful diversion programs is emerging across the country. The structure of each state's juvenile justice system is distinct, but each has multiple points at which the police, court staff, probation officers, prosecutors, defense attorneys, and service providers can collaborate to steer students referred to the courts for minor offenses to community-based programs that stress accountability and behavioral change. These juvenile justice professionals can make better decisions for each youth when they are provided with the results of a risk and needs assessment along with information from the school and other agencies serving the student to determine what services, supports, and/or community supervision are the best match. Determining under what circumstances such information should be shared and used requires extensive conversations and written agreements among various stakeholders in the juvenile justice and education systems to ensure compliance with all privacy mandates and to uphold shared principles for the use of student and staff information.

When youth are placed in secure settings, including pre-adjudication detention and longer-term residential facilities, the quality of education services varies widely and often lacks the standards and oversight found in traditional schools.²⁰ This puts these students at greater risk on their return to school for academic problems that can lead to disengagement and the kind of misbehavior that in turn puts them at risk for another arrest.²¹ The lack of coordinated transition plans for students leaving juvenile confinement makes them vulnerable to loss of academic credit, placement problems, and enrollment barriers upon reentry to school that can also contribute to recidivism.

Chapter Highlights and Questions Addressed

The frequency with which students are directed to the juvenile justice system for minor offenses at school or school-sponsored events should be routinely monitored, and guidelines and policies should minimize such referrals.

- Does data exist—and if not, how can it be assembled and analyzed—to determine the number and characteristics of students referred from schools to the juvenile justice system, as well as the types of offenses committed?
- What types of policies and guidelines should be explored to reverse trends in schools and districts where students are referred to the juvenile justice system at disproportionately high rates for minor offenses?

Whenever appropriate, students who are arrested and/or charged with minor school-based offenses should be diverted from further involvement with the juvenile justice system.

- How and in what cases can information maintained by the school be properly shared to guide courts' diversion and disposition decisions?
- When should assessment tools that are designed to determine a youth's risk of re-offending and treatment or service needs be used to inform whether and how a student moves through the court process?
- How can community-based programs and services be better utilized and expanded to meet youths' needs and minimize the need for judicial supervision while addressing the needs of any victims?

Whether in short- or long-term confinement, youth should have access to high-quality educational programming that puts them on a path toward graduation and postsecondary opportunities. Each student returning to school should have a transition plan that facilitates credit transfers and continuation of services.

- How can schools within juvenile correctional facilities attract, train, and retain high-quality educators?
- How can authorities in a correctional setting create engaging learning environments that address students' academic and special needs?
- Are state standards regarding the quality of education in public schools being effectively applied to juvenile correctional settings?
- What criteria should guide decisions regarding where a reentering youth should enroll in school?
- What can transition coordinators and/or educators do to develop an integrated service and academic plan that facilitates reentering youths' immediate enrollment, credit transfers, and successful class placements?

Getting Started

Because the recommendations in this report are comprehensive, the breadth of issues can quickly overwhelm any reader looking for a starting point to improve the approach to school discipline by a community, district, or state.

Implementing all the recommendations in the report at once is an impossible assignment. Users of the report may therefore wonder which policies or recommendations to prioritize, but the truth is there is no right or wrong place to start.

Recognizing that no two states are alike, every school district is different, and each school has a distinct culture and characteristics, there is no one-size-fits-all approach. If there is one takeaway

point in *The School Discipline Consensus Report* that readers must embrace, it is that successful implementation of any recommendation in the report requires the involvement of students and parents, and of individuals serving and supervising students across multiple systems.

A working group of committed individuals—whether at the school, district, or state level—should be created or expanded to include diverse perspectives and broad expertise. This group will likely have many thoughts about where the greatest opportunities and needs exist in their jurisdiction, and, consequently, what policy areas and recommendations should be prioritized. Regardless of where the working group decides to focus its attention, there must be a plan to collect and analyze relevant data to provide a baseline establishing where things stand. This information also provides a benchmark against which progress can be measured.

As the working group looks to assemble data, members should keep in mind four steps, which are explained more fully in the Data Collection and Information Sharing chapters of the report:

- 1. Determine how many students are removed from their classrooms for disciplinary reasons and identify the additional data needed to analyze these numbers thoroughly and effectively.***

Individual schools, districts, and statewide school systems should be able to report how many students have been suspended or expelled, but this information alone is not sufficient to develop a nuanced understanding of discipline trends. To support the kind of analysis needed to develop a strategic plan, the working group will need to ask for additional data and its routine collection if not readily accessible. For example, a school may track the total number of suspensions, but not report how many of these represent multiple suspensions by the same student.

The data should be, but often is not, sufficient to support an analysis to distinguish between in-school and out-of-school suspension, the duration of each suspension, and the type of misconduct that prompted the suspension or expulsion. Suspension and expulsion data collected at the school, district, or state level must be disaggregated, at minimum, by race, disability, age, gender, and type of offense.

- 2. Examine data beyond suspensions and expulsions to inform strategies for improving school climate, behavioral interventions, and partnerships between police and the school community, and for minimizing student arrests and referrals to the juvenile justice system.***

Equipped with existing information about school discipline actions, a working group will need to turn its attention to additional questions about data related to school safety and the learning environment. The group will need to know, for example, what data is available that measures school climate; assesses behavioral health needs; tracks school-based arrests and reported crimes; and monitors other student referrals to the juvenile justice system in a particular school or school system.

Establishing an objective assessment of current conditions and practices in each of these areas is essential. For example, if the working group is interested in increasing security measures at a school, it should first consider school climate survey results of how students and staff gauge their feelings of safety at school and whether security measures make them feel less welcome or more secure. Additional data such as the numbers of students arrested and/or ticketed and the numbers of calls for police service must also be monitored to ascertain what, if any, impact has been made by changes in security measures.

As the working group considers school climate, behavioral health issues, school partnerships with police, and the role of the juvenile justice system, it will become apparent that multiple data collection efforts need to be launched. There are several measures that can help make these efforts more manageable: the working group can identify a coordinator to facilitate data collection; work with school-based teams or individuals already engaged in data analysis and improvement planning; and ensure that surveys on school climate, behavioral health needs, safety, and other topics are efficiently administered. The assembled data can then help guide the working group's efforts to improve policies and practices.

3. Develop information-sharing agreements that reflect a clear understanding of privacy mandates and shared principles.

The efforts described above may involve collecting and analyzing students' education, health, juvenile justice, and other systems' information. A thicket of local, state, and federal laws and regulations protect students' privacy by controlling the release and use of that information. A working group that is assembling information from individuals and agencies serving their students will need to establish a clear understanding of what can be shared, with whom, and for what purposes.

There are still often misconceptions about what data and information can be shared within and among schools and external partners. Too often, a lack of understanding of these legal provisions leads to unnecessary barriers to sharing useful information. Although it is appropriate and necessary to protect the confidentiality of students' information, it is possible to design agreements that spell out appropriate disclosure procedures and help address perceived barriers to information sharing. These agreements may also include guiding principles such as using information in ways that reduce the stigmatization or labeling of students, advance the best interests of identified students, promote school safety, and ensure that data is secured and used only for appropriate purposes.

4. Define success and agree on how to measure it.

If a working group is truly diverse in its composition, the full membership will likely develop a shared commitment to an action plan only when they are convinced that they are working toward an approach that benefits all students in the classroom. To that end, it is important

that the working group's objective not be limited to reducing the frequency with which students are removed from the classroom for disciplinary reasons. No one wants to see misconduct and disorder increase in the classroom just to lower the school's suspension rate.

For every proposed measure of success, it is important to recognize the potential for simply trading one problem for another. Researchers are testing approaches that may ultimately help working groups better understand the dynamics among multiple measures, such as how improvements in school climate indicators are related to improvements in academic achievement or reductions in disciplinary actions.²² These approaches may provide a good starting point for working group members as they determine which outcome measures to track that define overall success. Such an approach binds stakeholders to a common set of goals and promotes the integration of efforts that otherwise might have limited effect or even work at cross-purposes.

Conclusion

The broad, bipartisan support from experts and stakeholders in the education, health, law enforcement, and juvenile justice systems involved in the development of *The School Discipline Consensus Report* makes clear that improving school discipline systems should be a priority for local, state, and federal leaders alike.

This report is a roadmap—and essential reading—for anyone who wants to make young people feel welcome, nurtured, and safe in school; anyone who is working to close the achievement gap between White students and students of color; anyone who is focused on improving high school graduation rates; and anyone whose goal is to reduce the number of youth locked up in juvenile correctional facilities for minor offenses.

The need to achieve multiple goals is reflected in the multidisciplinary nature of the report's recommendations and underscores why such a diverse national group was needed to chart changes to school discipline policies and practices. The report is designed to be a guide for officials in education, health, law enforcement, and juvenile justice, and their partners in schools and communities across the nation who are committed to using truly collaborative approaches to provide safe, engaging learning environments for all students. Together, these critical stakeholders can engage in the strategic efforts necessary to take school safety and student success efforts to new heights, ultimately keeping more students in classrooms and out of courtrooms.

To view the full report, visit csgjusticecenter.org/youth/school-discipline-consensus-report.

ENDNOTES

EXECUTIVE SUMMARY

¹ U.S. Department of Education data revealed that the national number of suspensions rose from about 1.7 million (3.7 percent of all students) in 1974 to more than 3.3 million (6.8 percent of all students) in 2006. (These numbers do not include in-school suspensions. The data represents 61 percent of public schools and 43 percent of districts.) Researchers from the UCLA Civil Rights Project estimate that well over two million middle and high school students were suspended during the 2009–10 academic year, according to their analysis of U.S. Department of Education data for districts. Suspensions increase in middle school and high school years. Skiba, R.J. and Losen, D., *Suspended Education: Urban Middle Schools in Crisis* (Los Angeles: Civil Rights Project at UCLA, 2010); Skiba, R.J. and Rausch, M.K., “Zero Tolerance, Suspension and Expulsion: Questions of Equity and Effectiveness,” in *Handbook of Classroom Management: Research, Practice, and Contemporary Issues*, eds. C.M. Everston and C.S. Weinstein (Mahwah, NJ: Routledge, 2006); Losen, D. and Martinez, T., *Out of School and Off Track: The Overuse of Suspensions in American Middle and High Schools* (Los Angeles: Civil Rights Project at UCLA, 2013). An analysis of 2011–12 data is forthcoming at this writing.

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⁷ Supra note 3.

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¹⁵ See, e.g., 42 U.S.C. § 3796dd-8 (2013); 20 U.S.C. § 7161; Canady, James, and Nease, *To Protect and Educate*; Travis, L.F. and Coon, J.K., *The Role of Law Enforcement in Public School Safety: A National Survey* (Washington, DC: National Institute of Justice, 2005).

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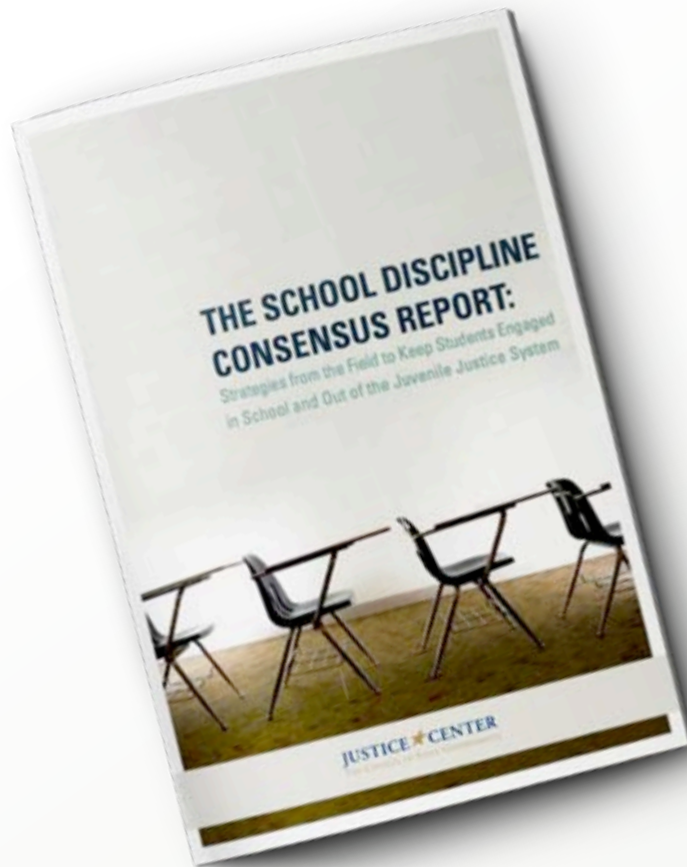
¹⁸ Between 1997 and 2011, the total number of youth detained or committed nationally dropped by 41 percent. See "Easy Access to the Census of Juveniles in Residential Placements (EZACJRP)," ojjdp.gov/ojstatbb/ezacjrp.

¹⁹ See the National Council of Juvenile and Family Court Judges' (NCJFCJ's) project to engage juvenile court judges on issues related to school discipline and juvenile justice involvement at ncjfcj.org/ncjfcj-launch-new-project-keep-kids-school-and-out-court. The project, Judicially Led Responses to Eliminate Pathways to the Juvenile Justice System (School Pathways Project), is a three-year effort (October 2012–September 2015) and is supported by OJJDP, The Atlantic Philanthropies, Open Society Foundations, and Public Welfare Foundation.

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²² See, e.g., "One-Page Research Summaries" of key findings from *Virginia Secondary School Climate Study* at curry.virginia.edu/research/projects/virginia-secondary-school-climate-study. The findings examine how schools with high levels of structure and support, as measured by Virginia's *Authoritative School Climate Survey*, have reduced bullying, student aggression toward teachers, and disciplinary infractions, and increased achievement on standardized tests.



School Discipline Consensus Report: Strategies from the Field to Keep Students Engaged in School and Out of the Juvenile Justice System

Emily Morgan, Senior Policy Analyst, Council
of State Governments Justice Center

**Presentation for Maryland State Board of
Education**

October 28, 2014

JUSTICE CENTER

THE COUNCIL OF STATE GOVERNMENTS
Collaborative Approaches to Public Safety

National **nonprofit, nonpartisan** membership association of state government officials

Represents **all three** branches of state government

Provides **practical** advice informed by **the best available evidence**



Overview

School Discipline is a Hot Topic Nationally

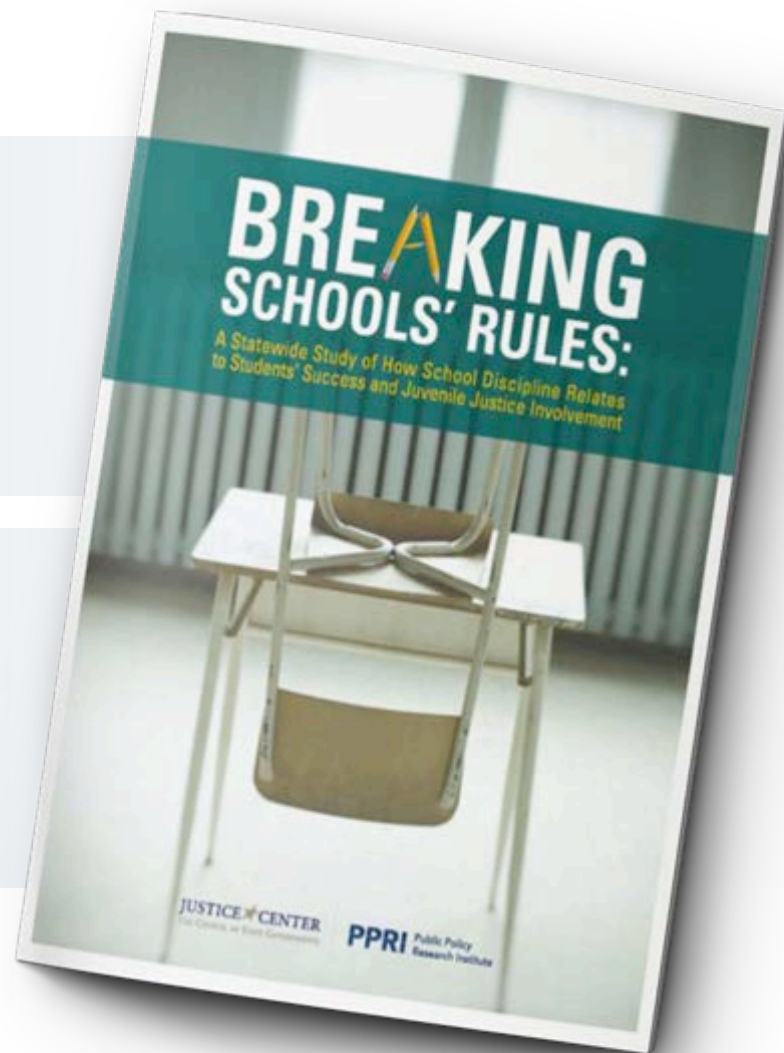
School Discipline Consensus Report
Provides Valuable Resource for the Field

Maryland as Possible National Demonstration Site

Groundbreaking Texas Study Pushed States to Scrutinize Approaches to School Discipline

Nearly **60%** of all middle and high school students experienced suspension

And **15%** of all students were disciplined 11 or more separate times



**Breaking Schools' Rules, 2011, Council of State Governments. Students were followed through grades seven through twelve.*

Realizing Top Goals Set by Policymakers Requires a Strategy to Improve School Discipline



Make young people feel welcome and supported in school



Close the achievement gap between white students and students of color



Improve high school graduation rates



Reduce the number of youth locked up in juvenile correctional facilities for minor offenses

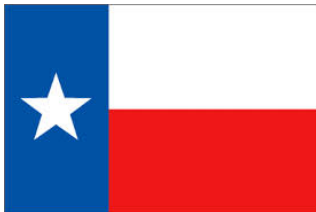
MD is Among Select States Leading the Way



California Bans Suspensions For Willful Defiance



Colorado Passes Legislation to Give More Flexibility Back to Schools and Encourage Alternatives to Suspension



Texas Passes New Law Limiting How Police Officers Can Ticket Students

Overview

School Discipline is a Hot Topic Nationally

**School Discipline Consensus Report
Provides Valuable Resource for the Field**

Maryland as Possible National Demonstration Site

The Consensus Report Breaks New Ground

Field-Driven and Practical



Consensus-Based



Comprehensive



Maryland Prominently Featured



Charlene Dukes

Maryland State Board of Education

Robert Murphy

Maryland State Department of Education

Robert Balfanz

Everyone Graduates Center, Johns Hopkins University

Jonathan Brice

Baltimore City Public Schools (formerly)



David Domenici

*Center for Educational Excellence in Alternative Settings,
University of Maryland*

Peter Leone

University of Maryland

Conditions for Learning

By creating welcoming, supportive, and secure learning environments, schools can reduce the likelihood that students will misbehave and improve educators' ability to manage student behavior.



Conditions for Learning

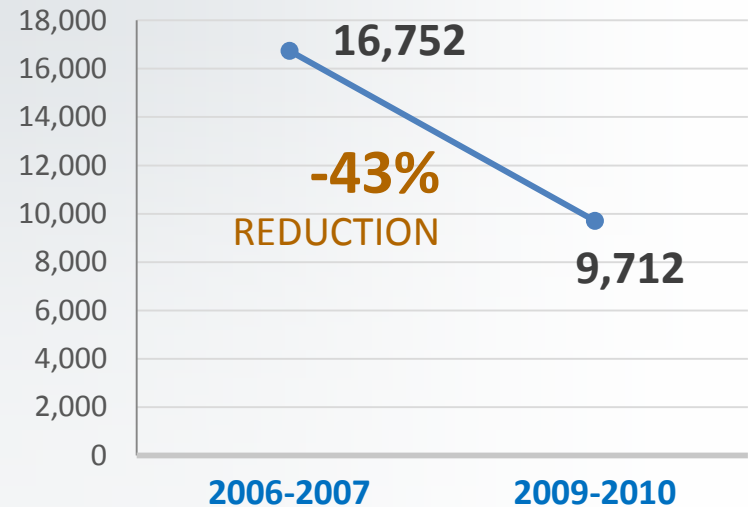
Recommendations (Examples):

- Schools should be able to measure and track school climate indicators
- Codes of conduct should emphasize expectations for students; make clear suspension is a last resort
- Graduated restorative responses should be in place
- Educators should be provided skills to improve classroom engagement

Reform in Action:

Baltimore City Public School revises code of conduct starting 2008-2009 school year

Baltimore City Public School, Out-of-School Suspensions (2006-2010)





Targeted Behavioral Interventions

Some students who are repeatedly involved in their schools' discipline systems may require additional supports and interventions including those that address unmet behavioral health, academic, or other needs.

Targeted Behavioral Interventions

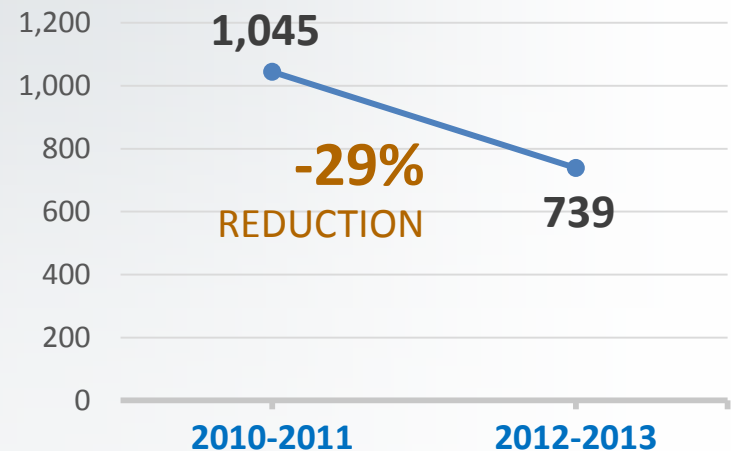
Recommendations (Examples):

- Districts, schools, and educators should collect data that identifies and supports students with behavioral health needs
- Student support teams and community partnerships should be at every school to oversee behavioral challenges and review early warning data
- Students removed from school for disciplinary reasons should be placed in quality alternative educational settings

Reform in Action:

Austin Independent School District EWS used with student-support teams

**Austin Independent School District,
Citations Issued (2011-2013)**



School-Police Partnerships

Working collaboratively, schools and local law enforcement can ensure schools are safe and that students are not arrested for minor misconduct.



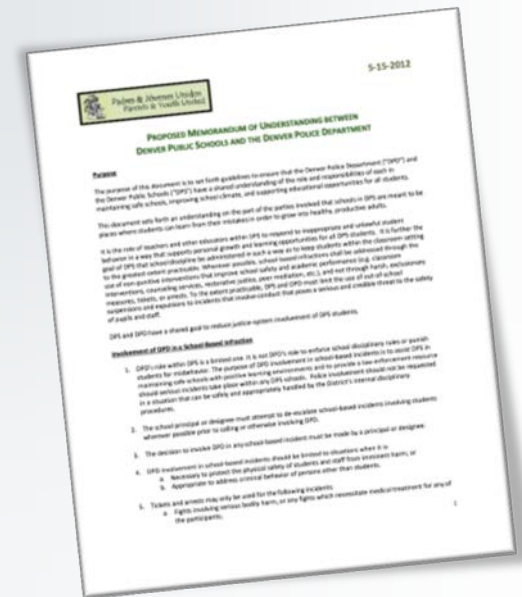
School-Police Partnerships

Recommendations (Examples):

- School-based officers should be properly selected, trained, supervised, and evaluated; off-campus officers should be trained on alternatives to arrest
- Police should not engage in routine classroom management and should rely on the school's disciplinary system to address minor offenses
- School systems and law enforcement agencies should create detailed memorandums of understanding

Reform in Action:

Denver Public Schools and Denver Police Department signed a memorandum of understanding in 2013





Courts and Juvenile Justice

Recognizing the negative long-term consequences of involvement in the juvenile justice system, every effort should be made to keep students in school and out of court, particularly through diversion of students who commit minor school-based offenses.

Courts and Juvenile Justice

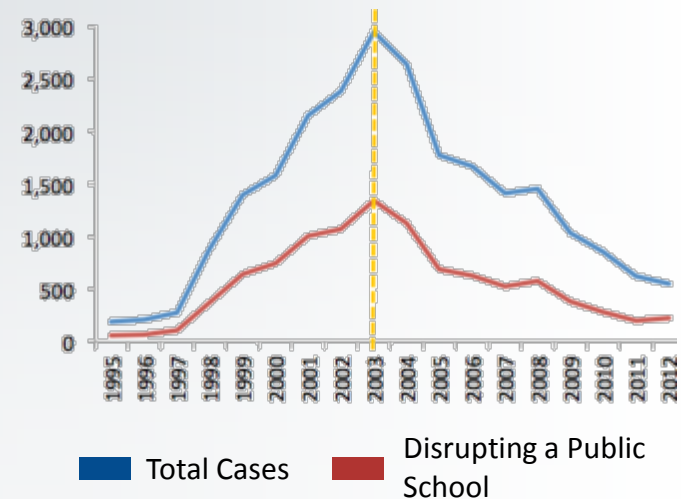
Recommendations (Examples):

- School districts and local juvenile justice systems should share a common understanding of how many students schools refer each year to the juvenile justice system and for what offenses
- Determine how, and under what circumstances, information regarding a student's risk of re-offending and his/her education record should be shared to improve diversion opportunities
- Youth in juvenile corrections should receive educational opportunities that meet the same standards of community schools

Reform in Action:

The Clayton County, GA, Juvenile Justice Collaborative established clear protocols for referring discipline cases to court in 2003

School-Related Offenses, Clayton County, GA (1995-2012)



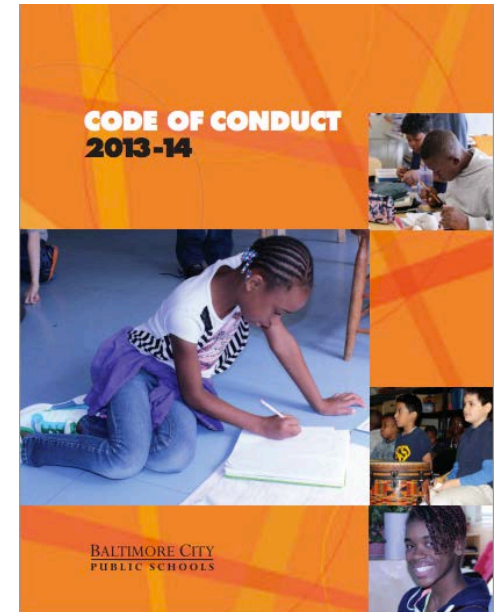
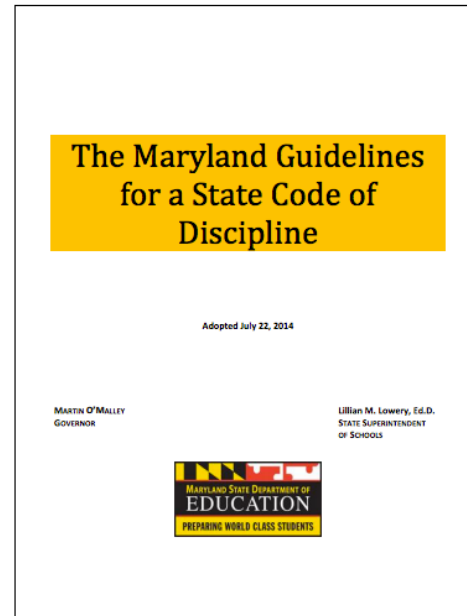
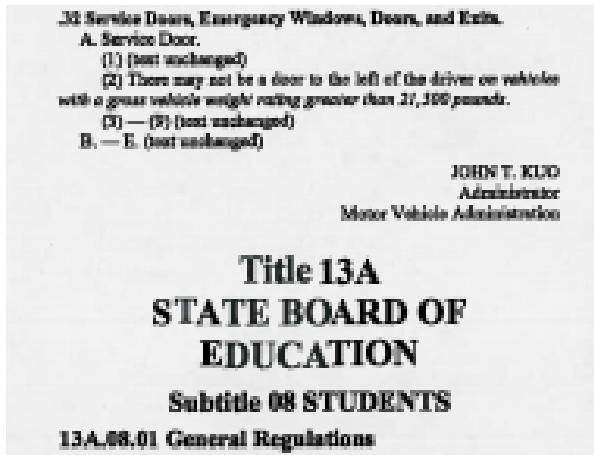
Overview

School Discipline is a Hot Topic Nationally

**School Discipline Consensus Report
Provides Valuable Resource for the Field**

**Maryland as Possible National
Demonstration Site**

MD Efforts on School Discipline Gaining National Visibility



**School Board Approves
New Discipline
Regulations**

**MSDE Releases
Discipline Guidelines**

**Baltimore Develops
Model Code of
Conduct**

MD is a Leader in Collecting and Publicly Reporting Discipline Data

Recommended Collection AND Reporting of School Discipline Data	MD Collects	MD Publicly Reports
Total Count of In-School Suspensions, Out-of-School Suspensions, and Expulsions	✓	✓
Incident Data Disaggregated by Race/Ethnicity, Gender, Disability Status, and Offense Type	✓	✓
# of Students Suspended Annually (unduplicated counts)	✓	✓

Opportunity Exist to Improve Packaging of Data

Maryland Public School Suspensions By School and Major Offense Category Out-of-School Suspensions and Expulsions 2012 - 2013



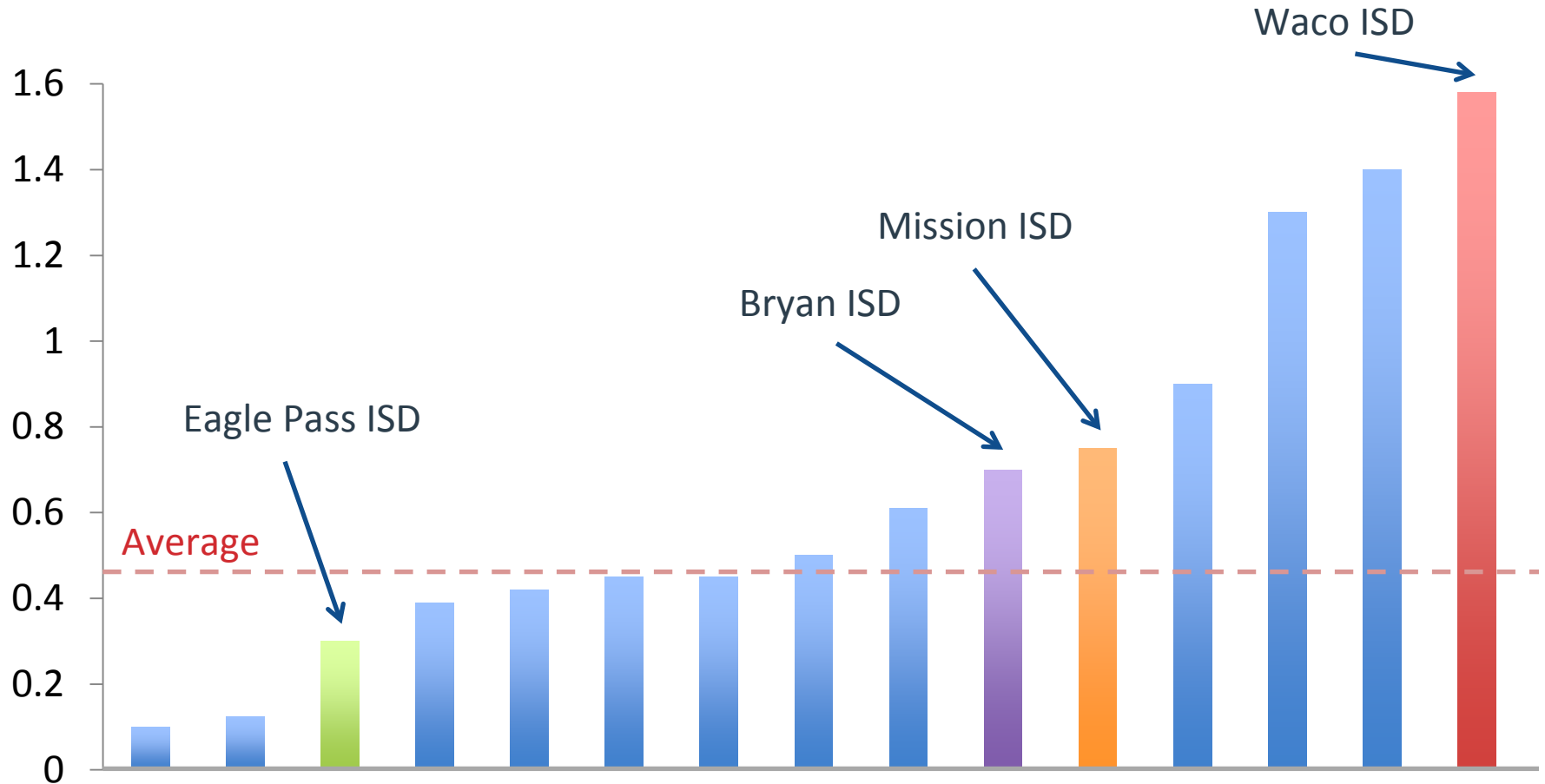
Maryland State Department of
EDUCATION
Division of Curriculum, Assessment, and Accountability
300 West Baltimore Street
Baltimore, MD 21201-2006
(410) 767-0070

MSDE0004 10/2013

School No.	Description of Data	Total	Attendance ^A	Dangerous Substances	Weapons	Attack/ Threats/ Fighting	Arson/ Fire/ Explosives	Sex Offenses	Disrespect/ Insubordination/ Disruption	Other
	Black or African American	33	0	0	0	20	0	2	11	0
	White	44	0	0	3	29	0	1	11	0
	Hispanic	1	0	0	0	1	0	0	0	0
	Two or More Races	7	0	0	0	2	0	0	5	0
	Students with Disabilities	36	0	0	3	24	0	1	8	0
2403	All Students	5	0	0	1	2	0	1	1	0
	Male	5	0	0	1	2	0	1	1	0
	Black or African American	1	0	0	0	1	0	0	0	0
	White	2	0	0	1	1	0	0	0	0
	Hispanic	2	0	0	0	0	0	1	1	0
	Students with Disabilities	2	0	0	0	0	0	1	1	0
0211	All Students	199	0	2	10	101	7	5	69	5
	Male	140	0	2	7	69	6	5	48	3
	Female	59	0	0	3	32	1	0	21	2
	American Indian or Alaska Native	2	0	0	0	0	0	1	1	0
	Asian	5	0	0	1	3	0	0	1	0
	Black or African American	97	0	0	6	49	2	1	37	2
	White	40	0	2	1	20	1	1	14	1
	Hispanic	38	0	0	2	18	1	2	13	2
	Two or More Races	17	0	0	0	11	3	0	3	0
	Students with Disabilities	74	0	2	1	39	2	4	24	2
0714	All Students	40	0	1	0	22	0	0	15	2
	Male	35	0	1	0	17	0	0	15	2
	Female	5	0	0	0	5	0	0	0	0
	Black or African American	1	0	0	0	1	0	0	0	0
	White	37	0	1	0	21	0	0	13	2
	Hispanic	2	0	0	0	0	0	0	2	0

Potential for District-to-District Comparison

Total Discipline Reports per Total Students of Texas School Districts
(School Year 2010)



Wisconsin Dashboard Model



District View

School
[Show Schools](#)

District
Madison Metropolitan

[Change school or district](#)

[District Home Page](#)

[Hide Numbers](#)

[Read about the data](#)

[Scatterplot](#)

[Glossary](#)

[Download Options](#)

What percentage of students were suspended or expelled?

Year: [2012-13](#) • [2011-12](#) • [2010-11](#) • [2009-10](#) • [2008-09](#) • [2007-08](#) • [2006-07](#) • [2005-06](#) • [2004-05](#) • [2003-04](#) • [2002-03](#) • [2001-02](#) • [2000-01](#) • [1999-00](#) • [1998-99](#)

School Type: [All Types](#) • [Elem](#) • [Mid/Jr Hi](#) • [High](#) • [El/Sec](#) • [District Summary](#)

Show:

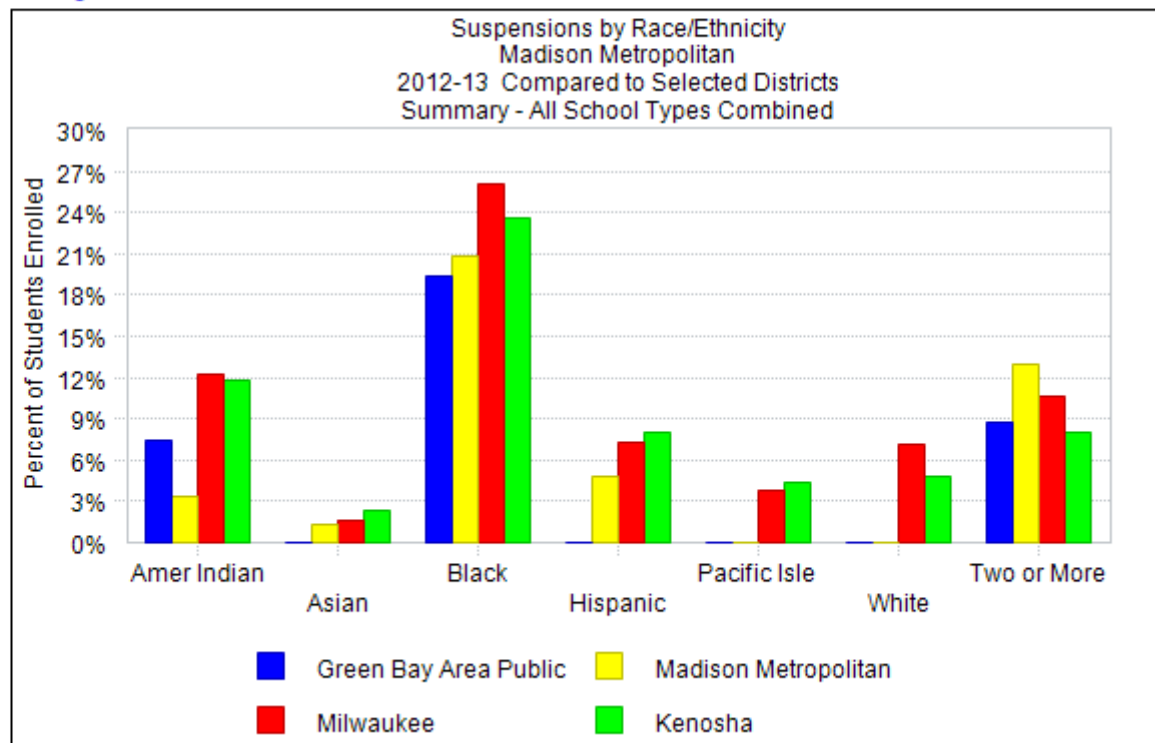
[Suspensions](#) • [Expulsions](#)

View By: [All Students](#) • [Gender](#) • [Race/Ethnicity](#) • [Grade](#) • [Disability](#) • [Economic Status](#) • [English Proficiency](#)

Compare [Prior Years](#) • [State](#) • [Selected Districts](#) • [Current District Data](#)

To:

[Change selected districts](#)



Tracking Indicators Beyond Suspensions

syracuse.com

Disruptions in Syracuse schools spur debate over discipline, suspensions



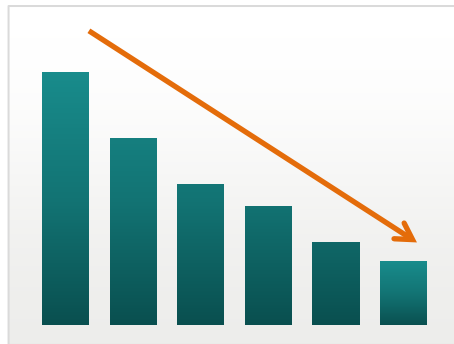
DPS kids get away with death threats, fights and more, teachers say

The Florida Times-Union

Discipline in Duval's public schools: Are students really behaving better?

Examining Discipline, Climate, and Other Measures

Suspensions

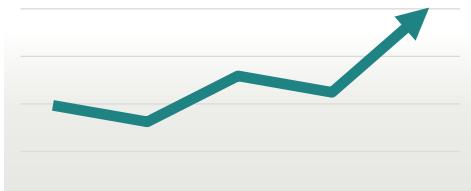


Do students feel **safer** in school?

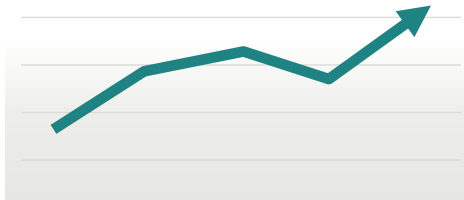
Do students feel **welcome** in school?

Do students feel more **supported** and **positioned to succeed**?

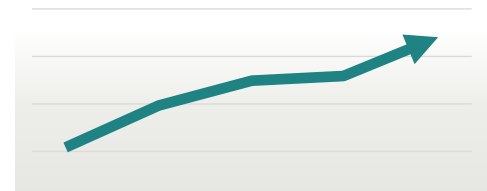
Attendance



Academic Achievement



School Safety



MD Collects Some School Climate Data

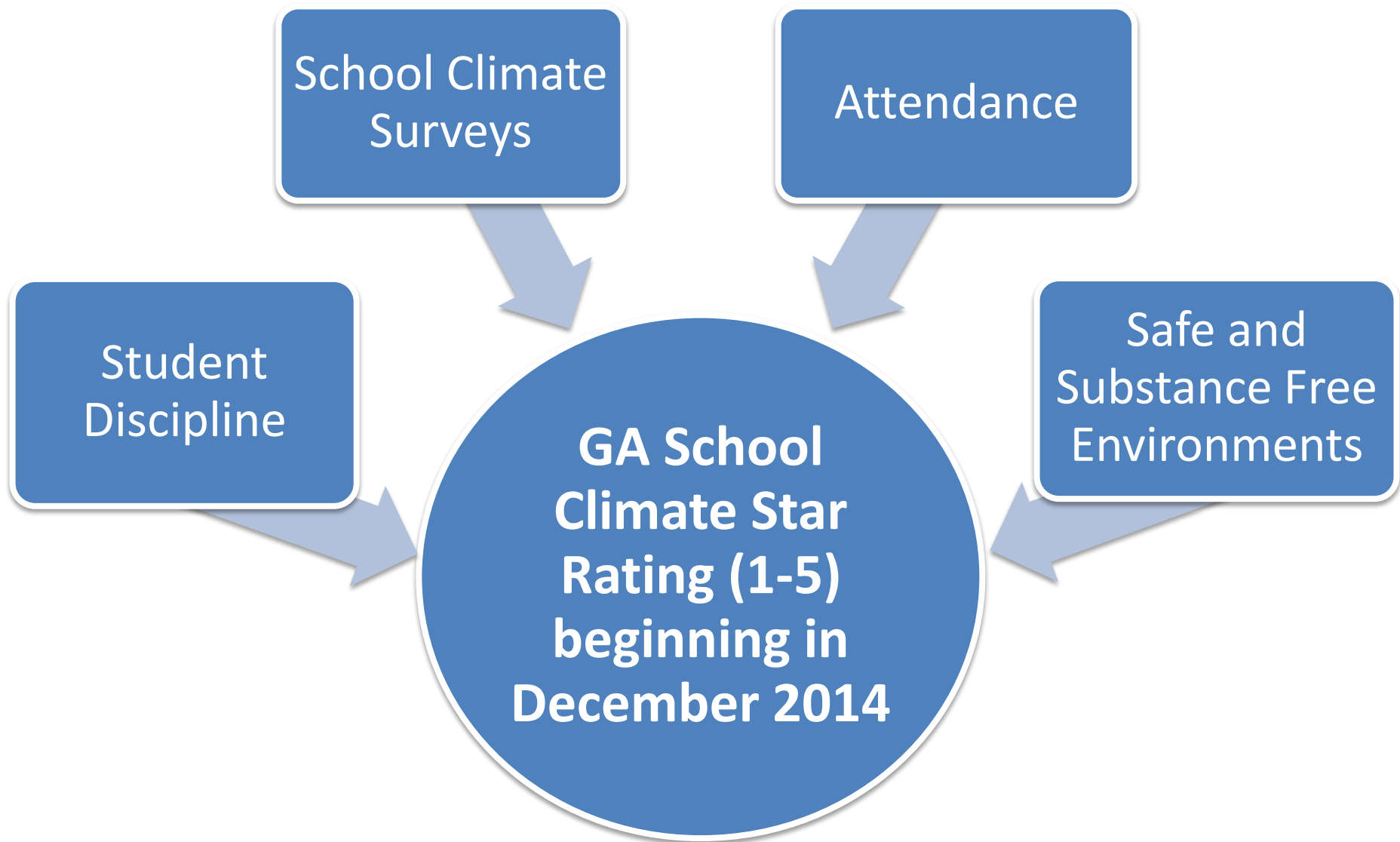
Data Currently Collected

- Annual web-based surveys (sample of students, parents, and staff)
- Each participating campus given School Climate Profile Score based on:
 - Survey results
 - OSS and Truancy Data
- Scores are made publicly available

Limitations

- Unclear if survey is a validated instrument
- Data provided for only a sample of campuses
- No additional information posted beyond Overall Climate Profile Scores

Example of Comprehensive School Climate Data Collection in GA



GA CCRPI Reporting



DRAFT

Dr. John D. Barge, State School Superintendent
"Making Education Work for All Georgians"

College and Career Ready Performance Index (CCRPI) CCRPI Scoring Sheet: High School

District: Central School District

School: George Washington High School

Overall CCRPI Score

TBD

Achievement Score	Achievement Gap Closure Score	Progress Score	Factors for Success Score	Financial Efficiency Rating	School Climate Rating
TBD	TBD	TBD	TBD	★ ★ ★ ☆ ☆	★ ★ ★ ☆ ☆

Maryland Potential to Become a National Model

- How can MD track school climate in a more systematic way?
- How can school discipline and school climate data be better packaged and presented to the Board and other state policymakers?
- How will this information be used?

Thank You

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For more information, contact Emily Morgan (emorgan@csg.org)



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