Title I Leadership Academy
2010

Disproportionality in Education & HEA 1419

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What is Disproportionality?

Disproportionality or disproportionate representation “refers to the situation in which members of a particular race or ethnic group in the United States are represented at a percentage higher (over representation) or lower (under representation) than the percentage of the general public that the particular race or ethnic group comprises”.

IC 4-23-30.2-3

Indiana Commission on Disproportionality 2009
Indiana Disproportionality Committee

• **Vision:** Children of ALL races and ethnicities are equitably served by Indiana’s child welfare, education, juvenile justice and mental health systems.

• **Mission:** Create equality within the child welfare, education, juvenile justice and mental health systems and equalize the proportion of children of color in the child welfare, education, juvenile justice and mental health systems with their percentage of the overall population.

• **Goal:** By the end of 2007 Indiana will have developed, communicated, and initiated the implementation of a written, sustainable plan to reduce disproportional representation and disparities in outcomes for children within the child welfare, education, juvenile justice and mental health systems.
Commission on Disproportionality in Youth Services

• IDC worked with Indiana’s Legislative Service Agency to draft a bill to establish the Commission on Disproportionality in Youth Services

• P.L. 234- 2007
  Chaired by Dr. Patchner, Dean of IU School of Social Work

• Triggered other legislation impacting disproportionality – including HEA 1419.
Disproportionality in Indiana: Commission Findings

• Education: African American students are 4 times more likely than white students to be suspended out of school and over 3 times more likely to be expelled.

• Juvenile Justice: while African American youth represent only 10% of juveniles in Indiana, they compromise 39% of the youth in Indiana correctional facilities.

• Mental Health: African American youth, particularly males, are more likely to be referred to the juvenile justice system rather than the mental health system.

Commission on Disproportionality 2009
Disproportionality and Discipline

• No evidence indicates that African American students are more disruptive than other students in school, yet African American males receive disciplinary action more often than males and females of any race.

Behaviors for which Students are referred: By Race

Of 32 infractions, only 8 significant differences:

White students referred more for:
- Smoking
- Vandalism
- Leaving w/o permission
- Obscene language

Black students referred more for:
- Disrespect
- Excessive noise
- Threat
- Loitering

* No differences at office level (Skiba et al., 2002)
Outcomes of Exclusionary Discipline

• 30-50% of students suspended are repeat offenders –
  “suspension functions as a reinforcer .. Rather than as a punisher” (Tobin, Sugai & Colvin, 1996)

• Use of suspension correlates with
  - school dropout (Raffaele-Mendez; Ekstrom, 1986)
  - juvenile incarceration (state level) (Skiba et al)
School Dropout by Race 2008-2009

• During the 2008/9 school year 3,954 white, 1,065 black, and 412 Hispanic students dropped out of school in Indiana –

• Black students represent 10% of juvenile population and roughly 25% of the dropout population.
Discipline Data

• Nationally, Indiana in past years has ranked 1st in expulsions and 9th in suspensions (NCES, 2003)
## Indiana Suspension and Expulsion Data

<table>
<thead>
<tr>
<th></th>
<th>05/06</th>
<th>06/07</th>
<th>07/08</th>
<th>08/09</th>
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<tbody>
<tr>
<td>ISS</td>
<td>165,856</td>
<td>178,383</td>
<td>164,590</td>
<td>145,901</td>
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<tr>
<td>OSS</td>
<td>142,466</td>
<td>153,785</td>
<td>152,590</td>
<td>152,702</td>
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<tr>
<td>EXP</td>
<td>6,656</td>
<td>6,026</td>
<td>6,026</td>
<td>5,381</td>
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*Source: Indiana Department of Education*
2008-2009 Indiana Suspension Data: Disaggregated by Race

145,901 in-school suspensions
  88,251 white approx. 60%
  57,650 non-white approx. 40%

152,702 out-of-school suspensions
  73,629 white approx. 49%
  79,073 non-white approx. 51%

298,603 Total suspensions

(Skiba reports non-whites make up approx. 10% juvenile population in Indiana)

*Non-white students are disciplined disproportionately in Indiana.
School District Profiles
2008-2009

Evansville-Vanderburgh School Corporation:

Enrollment: 22,527
75% white  15% non-white

Duplicated Discipline Data by race:
OSS  5092  (2,688 white) (2,404 non-white)
1810 special education
South Bend Community School Corporation
Student enrollment 21,570
40% white  60% non-white
Duplicated Discipline Data:
ISS: 6,176  (1,275 white) (4,901 non-white)
OSS: 7473 (1,493 white) (5980 non-white)
2,445 OSS  special education
Fort Wayne Community Schools:
Enrollment: 31,549
53% white, 47% non-white
Duplicated Discipline Data:
ISS: 17,145  (6,280 white) (10,865 non-white)
OSS: 9,048  (3,377 white) ( 5,671 non-white)
OSS  Special Education: 3,010
Elkart Community Schools:
Enrollment 13,302
52% white 48% non-white

Duplicated Discipline Data:
ISS 6649 (2,982 white) (3,667 non-white)
OSS 3,060 (1,007 white) (2,053 non-white)
OSS Special Education: 830
Data Analysis

In school district profiles look at:

- Total population
- # of suspensions compared to total population
- Racial profile of school district
- Racial balance of suspensions
- Comparison between the districts

What do you notice?

What other data would you need to analyze to measure the impact?
Possible Explanations

If the research indicates that African American students are not more disruptive than white students – what may be some reasons for this overrepresentation of African American students receiving disciplinary exclusion?
Possible Explanations

- Lack of alternatives to suspension?
- Lack of school-wide behavioral instruction?
- Lack of cultural competency training for teachers?
- Instruction techniques more suited to white, middle class students?
- Culture of the school reflects the culture of the faculty?
- Lack of “readiness for school” insufficiently remedied in the early grades?
- Other?
What Changes Need to Take Place to Address this Problem?

At the ..

• State level?

• School community/school district/ school building level?

• Individual/group targeted level?

• Individual/ intensive level?
Discipline of Students with Disabilities

• Most studies find that students with disabilities typically represent 11%-14% of the total school population, but represent between 20% and 24% of the suspended and expelled population.

CEEP Equity Project.

Education Policy Brief Volume 4, Number 10 Fall 2006
Disciplinary Equity by Disability Category

- Students identified with an emotional disability (ED) are at high risk to be referred to the office, suspended or expelled.

  - National study on ED found that 47% of elementary/middle school, and 72.9% of high school students with ED reported being suspended or expelled.

- All studies have shown that Black students with a disability are more likely to be suspended or expelled when compared to other students with a disability.

  “Discipline, Disability, and Race: Disproportionality in Indiana Schools”
  Rausch & Skiba 2006
Disciplinary Equity by Race for Students with a Disability

- Black students with a disability more likely to receive office referrals, corporal punishment, and out-of-school suspensions, and less likely to receive milder consequences when compared to other students with a disability. McFadden et al. (1992)

- In an Indiana state report Black students made up 12% of the special education population, but accounted for 22% of students receiving at least one of the special disciplinary provisions stipulated by IDEA. Skiba et al. (2001)
Indiana Disciplinary Equity for Students with a Disability 2008-2009

Students with IEP-172,245 (17% of total students)

Suspension of students with an IEP:
In-school: 36,379
Out-of-school: 44,221
Total IEP suspensions 80,600

Total student suspensions 298,603

IEP suspensions = 27% total suspensions
Do students with Disabilities Engage in More Serious Misbehavior?

• Survey of middle and high school principals reported that students with disabilities engaged in serious misbehavior 50 incidents /1000 students compared to 15/1000 for students without disabilities   GAO (2001)

• Florida study reported students with a disability: - - much less truant and defiant
- engaged in more unacceptable physical contact

  McFadden et al (1992)

• Kansas study found no significant differences in why students in general education and those in special education were suspended/expelled

  Cooley (1995)
Responsibilities

• What is the responsibility of the school/school district when data indicates a disproportionate representation of a population (race/disability) receiving disciplinary exclusion?

• What is the responsibility of the School Improvement Team with regard to disproportionality?

• What is the responsibility of the RTI Core Team or Case Conference Committee when a student is experiencing behavioral problems?
A Beginning to the Solution?

HEA 1419

• Requires the governing body of a school corporation to develop an evidence based plan for improving behavior and discipline in the school corporation.

• Requires school corporation discipline rules to incorporate a graduated system of discipline, based on positive behavioral supports, which includes actions that may be taken in lieu of suspension or expulsion.
HEA 1419 continued..

• Requires the Department of Education to develop a master evidence-based plan for improving student behavior and discipline for use by school corporations.

• This master plan must include, among other items, policies to ensure students are not inappropriately referred to juvenile justice agencies

Guidance

http://www.doe.in.gov/sservices/discipline/

• HEA 1419

• IC 20-26-5-32
  http://www.in.gov/legislative/ic/code/title20/ar26/ch5.html

• IC 20-33-8-12
  http://www.in.gov/legislative/ic/code/title20/ar33/ch8.html
<table>
<thead>
<tr>
<th>Date</th>
<th>Task</th>
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<tbody>
<tr>
<td>Fall 2009-June 1, 2010</td>
<td>Development of DOE model evidence based plan for improving discipline and behavior within schools.</td>
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<tr>
<td>June 2010 - December 2010</td>
<td>Model plan disseminated to school corporations no later than June 1, 2010. On-line training resources on state model plan and positive behavioral supports developed and made available to school corporations.</td>
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<tr>
<td>2011-2012</td>
<td>Year 1 School Corporation Plan: Implementation focusing on investigation/research and organization. School building professional development regarding implications of school corporation plan. Recommended development of school building plans.</td>
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<tr>
<td>2012-2013</td>
<td>Year 2 School Corporation Plan: Full implementation of school corporation plan, which may include ongoing positive behavioral supports training. Implementation of school building-level plans. Required data submitted annually to DOE, including school behavioral and disciplinary problems, arrests, and referrals to the juvenile justice system (IC 20-26-5-32(c)(7)).</td>
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<tr>
<td>2013-2014</td>
<td>Year 3 School Corporation Plan: Full implementation of school corporation plan. Full implementation of building level plans. Required data submitted to DOE.</td>
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Seven Key Results

The State Plan must provide guidelines to assist school districts in accomplishing the following results:

1. An improvement in safe school planning and classroom management using positive behavioral supports, parental involvement, and other effective disciplinary tools

2. An improvement in the provision of mental health services in or through schools
Results continued..

3. A review of zero tolerance policies to ensure compliance with applicable laws and that students are not inappropriately referred to juvenile justice agencies

4. An improvement in access to family strengthening programs

5. An improvement in communication, coordination, and collaboration among schools, including special education programs, parents, and juvenile justice agencies
Results continued..

6. An improvement in methods and procedures for school suspensions and referrals to alternative schools

7. Provision for the collection, review, and reporting on an annual basis of school behavioral & disciplinary problems, arrests, & referrals to the juvenile justice system, disaggregated on the basis of race and ethnicity, under guidelines for determining the existence of disproportionality in discipline or inappropriately high rates of suspension or expulsion.
School Corporation Requirement

(d) Not later than July 1, 2011, a governing body must work with parents to develop and submit to the department a plan for improving behavior and discipline in the school corporation after receiving a model plan developed by the department.
Requirement for the Department of Education

(e) The department, in collaboration with the department of child services, the division of mental health and addiction, state educational institutions, and parent organizations, shall provide assistance to a school corporation in the implementation of the school corporation’s plan to ensure that teachers and administrators receive appropriate professional development to prepare them to carry out the plan for supporting student behavior and discipline.
Requirement for Each School

(f) Each school shall annually report the information under subsection (c)(7) to the department.
Components of the State Plan

Documents provided online:
1. HEA 1419 language
2. Guidance Document
3. The State Model Plan
4. Sample School Corporation Plan Template
5. Resource document
Indiana’s Model Evidence-Based Plan for Improving Behavior and Discipline within Schools (IC 20-26-5-32) 2010

**Guideline 1**: Improve safe school planning and classroom management using positive behavior support, parental involvement, and other effective discipline tools.

**Result**: IC 20-26-5-32 A demonstrated improvement in school safety and classroom management.

**Goal(s)**: Measurable school corporation goal(s) for accomplishing the above result may be entered here. Example: A 50% improvement in school safety and classroom management as evidenced by discipline referrals and student, staff, and parent surveys.

<table>
<thead>
<tr>
<th>Strategies, Year 1</th>
<th>Person(s) Responsible</th>
<th>Completion Date</th>
<th>Baseline</th>
<th>Target</th>
<th>Actual</th>
<th>Resources &amp;/or Materials</th>
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<tr>
<td>PBS Example</td>
<td>District-level professional development coordinator</td>
<td>6/1/12</td>
<td>35%</td>
<td>95%</td>
<td>75%</td>
<td>National PBS resources</td>
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<td>Parental Involvement</td>
<td>b) Identify levels of parental involvement and develop a plan to increase identified level.</td>
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<td>Other effective disciplinary tools</td>
<td>c) Survey students, staff, and parents on school safety/climate.</td>
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<td>PBS survey, Olweus survey</td>
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<td>d) Utilizing school climate/safety survey results, implement evidence-based practices to improve school climate.</td>
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<td>Positive behavior supports; Olweus bullying prevention, etc.</td>
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**Strategies, Year 2**

| Strategies, Year 3 | |
|--------------------||
Sample Template

**Result:** A demonstrated improvement in school safety and classroom management.

**Goal(s):**

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Resources

- Attendance
- Classroom Management
- Community/School Partnerships
- Data Collection, Review, and Reporting
- Disciplinary Tools
- Family Strengthening
- Juvenile Justice: Inappropriate Referral
- Mental Health Services
- Parental Involvement
- Positive Behavioral Supports
- Safe School Planning
- Zero Tolerance
Additional Supports

• Webpage- http://www.doe.in.gov/sservices/discipline/

• Webinar to come

• Power point

• Indiana Resource Network (IRN) grant funding – including PBS resources and supports http://www.doe.in.gov/exceptional/speced/welcome.html
Challenges to Successful Implementation

1. A needed paradigm shift from some current punitive, exclusionary, graduated discipline plans based on the belief that it is the family’s responsibility to teach “behavior” and the school’s responsibility to provide reactive disciplinary “consequences” to students who break school rules.

2. Motivation to change when schools are overwhelmed with requirements to excel academically – but have few requirements to meet “behavioral” standards.

3. The capacity and funding of financially strapped schools to provide the time and training necessary for successful implementation.
Possible Solutions

Providing the rationale:

• Recognition that:
  - teaching the school culture cannot be achieved alone by parents and the community
  - it is the role of the school to teach, acknowledge, and reinforce school expectations in the same manner as academics would be taught

• and that it is important to
  - acknowledge students who quickly grasp the concepts – while assessing and re-teaching those who don’t
  - with consequences and safety being part of, but not all of, the equation and that -
  - ultimately the goal is to teach children self-discipline not conformity to rules
Solutions continued

• Requiring accountability from schools to assess discipline data from the perspective of disproportionality – and requiring schools to work with the community to develop a “community council” to address the needs of its youth and prevent students from beginning the path to being excluded from society.
Solutions continued..

• Positive Behavioral Supports
  – evidence-based
  – achieves positive behavioral outcomes – thereby improving school climate and student engagement.

• Decision-making framework that reflects the concepts of RTI
Multiple Tiers Implemented Through Progress Monitoring and Formative Evaluation (Sugai, Horner, & Gresham, 2002)

Enter a School-Wide Systems for Student Success

**Academic Systems**

- **Intensive, Individual Interventions**
  - Individual and Small Groups
  - Intense, Prolonged Intervention

- **Targeted Group Interventions**
  - Some students (at-risk)
  - Standard protocol reading interventions

- **Universal Interventions**
  - Effective Academic Instruction

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**Behavioral Systems**

- **Intensive, Individual Interventions**
  - Individual and Small Groups
  - Intense, Prolonged Interventions

- **Targeted Small Group or Individual Interventions**
  - Some students (at-risk)
  - Targeted Individual Behavior
  - Interventions

- **Universal Interventions**
  - School-wide positive Behavior
  - Effective classroom and Behavior management

Daniel J. Reschly, Delaware Dept. of Education

Multiple Tiers Implemented Through Progress Monitoring and Formative Evaluation (Sugai, Horner, & Gresham, 2002)
Solutions continued..

Funding:

• The DOE received federal grant money to provide PBS training through an educational service center
  – awarded to Dr. Russ Skiba’s group at IU’s Equity Project

• Professional development will be provided to the most needy school corporations and to those corporations who will eventually serve as model sites. Universal PBS resources will be available online.
Final Thoughts

• What might your role be during the establishment of the school corporation plan?

• What might your role be in the implementation of this plan at the school level?
QUESTIONS/ COMMENTS/ SUGGESTIONS?
Resources

• HEA 1419 Website http://www.doe.in.gov/serVICES/discipline/index.html


• M. Karega Rausch & Russell Skiba. Discipline, Disability, and Race: Disproportionality in Indiana Schools. CEEP Center for Evaluation & Education Policy: Education Policy Brief Volume 4, Number 10, Fall 2006 http://www.eric.ed.gov/ERICWebPortal/custom/portlets/recordDetails/detailmini.jsp?_nfpb=true&%26ERICExtSearch_SearchValue_0=ED495751&ERICExtSearch_SearchValue_1=ED495751


• The Equity Project publications: Indiana University http://ceep.indiana.edu/equity/