



## Supportive School Discipline Initiative

In summer 2011, Education Secretary Duncan and Attorney General Holder announced the launch of a collaborative project – the Supportive School Discipline Initiative (Initiative) – between the U.S. Departments of Education (ED) and Justice (DOJ) to support the use of school discipline practices that foster safe, supportive, and productive learning environments while keeping students in school.<sup>1</sup> The announcement came shortly following the release of the Council of State Government’s groundbreaking study of nearly one million Texas students, *Breaking Schools’ Rules*,<sup>2</sup> which highlighted a number of significant findings regarding one state’s school discipline practices, including:

- Nearly six in ten public school students studied were suspended or expelled at least once between their seventh- and twelfth-grade school years.
- Students involved in the school disciplinary system averaged 8 suspensions and/or expulsions during their middle or high school years, while 15 percent of involved students were disciplined 11 or more separate times.
- Controlling for campus and individual student characteristics, students who were suspended or expelled for a discretionary violation were nearly three times as likely to be in contact with the juvenile justice system the following year.
- African-American students had a 31 percent higher likelihood of a school discretionary discipline action, compared to white and Hispanic students, and nearly three-quarters of the students who qualified for special education services were suspended or expelled at least once.

Since its establishment, the role of the Initiative has been to coordinate federal actions to provide schools with effective alternatives to exclusionary discipline while encouraging new emphasis on reducing disproportionality for students of color and students with disabilities. This brief outlines the successes and achievements of both Departments in collaboration with other federal agencies and private entities. The majority of these achievements align with four guiding strategies for this federal effort – building consensus; investing in research and data collection; issuing guidance; and building awareness, capacity, and leadership. Beyond these four core strategies, ED and DOJ have also worked to embed strategies for improving school climate and school discipline policy and practice into various existing grant programs.

### Building Consensus for National Action

The cornerstone of the Supportive School Discipline Initiative is the School Discipline Consensus Project, managed by the Council of State Governments. DOJ has awarded \$840,000 to the Council of State

Governments to initiate the Project, officially launched in October 2012, a sum matched by philanthropic collaborators. The two federal agencies have worked in collaboration with the Atlantic Philanthropies, the California Endowment, Novo Foundation, and others to support the Council of State Governments to conduct a process to develop consensus recommendations to dismantle what is commonly named the “school-to-prison pipeline.” The School Discipline Consensus Project brings together practitioners from the fields of education, juvenile justice, behavioral health, and law enforcement, as well as state and local policymakers, researchers, advocates, students, and parents to collaboratively develop a comprehensive set of recommendations for change agents working to address this issue. To date, the Council has convened three working sessions – two in Washington, DC, and one in Oakland, CA – at which participants began developing and refining recommendations. The final recommendations will be released by the summer of 2014.

## **Investing in Research and Data Collection**

### A Reinvigorated Civil Rights Data Collection (CRDC)

In March 2014, ED released the 2011-2012 CRDC, for which ED's Office for Civil Rights collected data from all school districts in the country (approximately 17,000 districts). In addition to being the first universal collection since 2000, for the first time the CRDC included data on preschool suspensions. In all, the data highlighted how different groups of students, such as boys and girls of color or students with disabilities, were treated across a range of discipline indicators. The database tracks the total number of students receiving in-school and out-of-school suspensions and expulsions, the number of students referred to law enforcement, the number of students with school-related arrests, and the total number of students expelled under zero-tolerance policies. For more information regarding the CRDC, see <http://ocrdata.ed.gov/>.

### Incentives to Research School Discipline Practice

DOJ awarded nearly \$1.5 million through the 2012 Field Initiated Research and Evaluation Program to focus on research and evaluation studies of school-based practices that relate to reducing student victimization and the risk of delinquency. As one of the grant recipients, Texas A & M University received funding to explore the potential of the school discipline system as an intervention to reduce juvenile justice contact among all youth, but particularly youth of color.

In the fiscal years 2013 and 2014 requests for applications for the Institute Education Sciences' Education Research Grants program, ED specifically encouraged applications from researchers who proposed to conduct research on the types of programs, practices, and policies that support academic learning by keeping students in schools and engaged in learning.

## **Issuing Policy and Legal Guidance**

### Titles IV and VI Civil Rights Guidance

In January 2014, ED and DOJ released joint legal guidance to assist public schools and districts in administering student discipline to meet their legal obligations under Title IV and Title VI of the Civil Rights

Act of 1964 which prohibit discrimination on the grounds of race, color, or national origin. For more information, see [www.ed.gov/school-discipline](http://www.ed.gov/school-discipline).

#### Guiding Principles: A Resource Guide

In January 2014, ED released a resource guide to state-, district-, and school-level officials outlining “principles” for improving school climate and discipline practice. The resource guide includes: 1) an organized set of guiding principles and related action steps to help schools to improve school climate, improve discipline policy and practice, and reduce disproportionality, 2) a directory of federal resources to assist with the implementation of the principles, 3) a compendium of state-level laws and regulations relevant to school discipline policy and practice, and 4) this overview of the Initiative’s activities. For more information, see [www.ed.gov/school-discipline](http://www.ed.gov/school-discipline).

#### Mythbuster on Family Educational Rights and Privacy Act (FERPA)

ED released a short FERPA mythbuster to clarify the circumstances under which schools may share education records with juvenile justice agencies. This resource document refutes the belief that FERPA prohibits schools from sharing records with juvenile justice agencies and provides links to additional resources and technical assistance.

## **Building Awareness, Capacity, and Leadership**

#### 2012 National Leadership Summit and the Supportive School Discipline Community of Practice

The Initiative provided assistance to the New York Permanent Judicial Commission on Justice for Children to host the March 2012 National Leadership Summit, which convened teams of top state education and judicial officials. Teams from forty-five states, territories and the District of Columbia assembled to undertake the work of improving policy and practice related to school discipline. The Summit brought together expert practitioners, researchers and innovators from education, justice and school health to help kick off planning and action by the attending leaders in partnership with their local counterparts.

In the following months, the Initiative launched a web-based community – the Supportive School Discipline Community of Practice (SSDCOP) – for the state leaders that attended the March 2012 Leadership Summit to provide regular opportunities to consult with each other and share information about best practices in school discipline. Since its launch, it has organized four smaller, topic-specific communities at the request of its membership: Discipline Policy Reform; Supportive Discipline Practices; Truancy Prevention; and Juvenile Justice Alternatives. To date, the SSDCOP has 20 strong state participants, some of which are leads of state task forces engaged in school discipline practice reform. For more information regarding the SSDCOP, see <http://ssdcop.neglected-delinquent.org/>.

#### Supportive School Discipline Webinar Series

In January 2013, the ED, DOJ, and the U.S. Department of Health and Human Services (HHS) launched a Supportive School Discipline Webinar Series. The webinar series is designed to increase awareness and understanding of school disciplinary practices that push youth out of school and many times into the justice

system, and provide practical examples of alternative approaches that maintain school safety while ensuring academic engagement and success for all students. As of winter 2014, federal partners have organized ten separate webinars focusing on such topics as: youth courts, restorative justice practices, addressing truancy, multi-tiered behavioral health frameworks and the recently released legal guidance and best practices guide. Additional webinars are also planned. For more information regarding the webinar series, refer to <http://safesupportivelearning.ed.gov/events/webinars> or [www.juvenilejustice-tta.org/events/ssdWebinarSeries](http://www.juvenilejustice-tta.org/events/ssdWebinarSeries).

#### Facilitating School-Court Partnerships

DOJ has provided financial assistance to the National Council of Juvenile and Family Court Judges (NCJFCJ) to replicate successful school-court partnerships working to reduce referrals to court of students for non-serious behavior and to expand the use of positive disciplinary practices in schools. To this end, NCJFCJ's *Judicially Led Responses to Eliminate School Pathways to the Juvenile Justice System* project (School Pathways project) will provide training and technical assistance to a cohort of 16 court sites committed to working on these issues. NCJFCJ has also trained a cadre of judges who will guide and support other judges to convene problem-solving school-court teams; developed relevant curriculum; and will, through DOJ's support, fund the evaluation of these demonstration sites.

## **Integration into Federal Grant making**

#### Race to the Top – District

In the 2012 Race to the Top–District competition, a \$400 million investment to help school districts to implement comprehensive education reform, ED included a program requirement that districts with students of color or students with disabilities overly-represented in the district's discipline rates must conduct a root cause analysis and develop a plan to address these root causes. Further, the sole competitive priority of the competition was devoted to integrating public and/or private resources to augment school capacity to provide student and family supports that address the social, emotional, and behavioral areas of high-need populations.

#### Center on Great Teachers and Leaders

This is a critical time for school districts and states to rethink human capital management in education—specifically, how schools and districts select, support and evaluate educators. Given the feedback ED has received from educators – the concern that student misbehavior often interferes with instruction – school climate and student supports must be part of this conversation. This is why, during the 2012 grant competition for the Center on Great Teachers and Leaders, one of the major technical assistance efforts to assist in building the capacity of state education departments, ED specified that the awardee would help states to integrate the competencies relevant to student engagement and positive discipline practices into comprehensive teacher and principal evaluation systems, professional development, and other essential activities for supporting and enhancing the educator workforce. See <http://www.gtcenter.org/> for more information regarding the Center on Great Teachers and Leaders.

### National Forum for Youth Violence Prevention

ED is working closely with DOJ and HHS to enable selected schools to put in place or strengthen a range of universal and tailored interventions—also known as tiered behavioral supports—in cities of the National Forum for Youth Violence Prevention. As the ten cities that comprise the National Forum have pledged to strengthen local capacity to prevent youth violence and gang violence, tiered behavioral supports are a key strategy to boost school capacity to prevent youth violence and improve service delivery to students. Federal partners awarded supplemental grants to the National Forum to implement tiered behavioral supports in 2013.

### Fiscal Year 2014 Appropriations

The President's 2014 budget request proposed and Congress appropriated funds for a number of new programs to help schools, and their partners, better support student mental health and behavior while improving student safety. The appropriation includes funding for a new School Climate Transformation Grant program, to be administered by ED, to help schools train their teachers and other school staff to implement evidence-based strategies to improve school climate, and \$5 million in Juvenile Justice and Education Collaboration Assistance Grants, under DOJ to engage law enforcement and/or juvenile and criminal justice systems in developing collaborative approaches that reduce the use of suspension, expulsion, and arrest as responses to youth misbehaving. In addition, \$55 million was provided for HHS to implement Project AWARE, (Advancing Wellness and Resilience in Education) to increase awareness of mental health issues and connect young people with behavioral health issues and their families with needed services.

These funds will be awarded as part of a new interagency framework for reducing youth involvement by helping judges, educators, school administrators, law enforcement and other involved persons keep students in schools and out of the juvenile justice system while improving the safety and climate within schools. It emphasizes the use of multi-tiered behavioral frameworks, which help educators implement evidence-based practices that prevent misbehavior, provide critical mental and emotional supports to troubled and at-risk students, and thereby reduce reliance on suspensions and expulsions. These programs will build upon the work and successes of ED's Office of Special Education and Rehabilitative Services and Office of Elementary and Secondary Education, HHS's Substance Abuse and Mental Health Services Administration, and DOJ's Office of Juvenile Justice and Delinquency Prevention, all of which have invested in behavioral research, demonstration, and technical assistance activities for more than 20 years.

<sup>1</sup> See press releases: <http://www.ed.gov/news/press-releases/secretary-duncan-attorney-general-holderannounce-effort-respond-school-prison-p> and <http://www.justice.gov/opa/pr/2011/July/11-ag-951.html>.

<sup>2</sup> Council of State Governments (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. Accessed July 2013 at <http://knowledgecenter.csg.org/drupal/content/breaking-schools-rules-statewide-study>