Student Discipline Reform
Context &
Making Reform Work

Paul R. Klenck
IEA Deputy General Counsel
Meeting the Needs of the Whole Child Conference
Carterville, IL
June 22, 2017
Public Act 99-0456 (Senate Bill 100)  
effective 9-15-2016

• Restrict student suspensions & expulsions

• Expand non-exclusionary discipline
  • Positive interventions before discipline
  • Positive interventions when exclusion

• Expand professional development on adverse consequences of exclusion

• Parent-Teacher Advisory Committee reviews and develops discipline policy
Trauma-informed Schools & Student Discipline
Adverse Childhood Experiences (ACEs) Study

• Kaiser Permanente & CDC

• Begin 1995

• 17,000+ surveyed and followed

• 75% white, 75% attended college, jobs, HMO
<table>
<thead>
<tr>
<th>Abuse and Neglect</th>
<th>Indicators of Family Dysfunction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Child physical abuse</td>
<td>6. Mentally ill, depressed or suicidal person in the home</td>
</tr>
<tr>
<td>2. Child sexual abuse</td>
<td>7. Drug addicted or alcoholic family member</td>
</tr>
<tr>
<td>3. Child emotional abuse</td>
<td>8. Witnessing domestic violence against the mother</td>
</tr>
<tr>
<td>4. Physical neglect</td>
<td>9. Parental discord – indicated by divorce, separation, abandonment</td>
</tr>
<tr>
<td>5. Emotional neglect</td>
<td>10. Incarceration of any family member</td>
</tr>
</tbody>
</table>

**ACE Score:** the number of categories of adverse childhood experience to which a person was exposed.
Impact on Learning

0  ACEs =  3%  learning & behavior problem in school
4+  ACEs =  51%


As ACE scores increase, performance on standardized tests lower and risky behavior increases. “ACEs are more consistent predictor of youth well-being than poverty.”

Source: Christopher Blogett, Ph.D. report to Washington Legislature March 2015
**Fight or Flight**

**Persistent Stress Changes Brain Architecture**

**Normal**

- Typical neuron—many connections

**Toxic stress**

- Damaged neuron—fewer connections

**Prefrontal Cortex and Hippocampus**

**Healthy Brain**

This PET scan of the brain of a normal child shows regions of high (red) and low (blue and black) activity. At birth, only primitive structures such as the brain stem (center) are fully functional; in regions like the temporal lobes (top), early childhood experiences wire the circuits.

**An Abused Brain**

This PET scan of the brain of a Romanian Orphan, who was institutionalized shortly after birth, shows the effect of extreme deprivation in infancy. The temporal lobes (top), which regulate emotions and receive input from the senses, are nearly quiescent. Such children suffer emotional and cognitive problems.

Source: CDC & ACEsConnection
Understanding the Impact of ACE

Conception → Death

- Adverse Childhood Experiences
- Social, Emotional, and Cognitive Impairment
- Adoption of Health-Risk Behaviors
- Disease & Disability
- Early Death
AAP definition of toxic stress:

When a person experiences strong, frequent, or prolonged activation of the body’s stress response systems in the absence of the buffering protection of a supportive, adult relationship.
ACEs & student discipline at Lincoln High

ACEs → Toxic Stress → Damages brains

Fight or flight → no learning → suspend or expel

Trauma informed approach:

sign of stress → teacher/counselor/health intervention
Continued misbehavior → principal help with decision-making

Jim Sporleder: The Trauma-Informed School
ACEs & student discipline
4 practices at Lincoln High

1. **Safety** – decrease trauma triggers

2. **Value** – express hope, teamwork, health, compassion, respect

3. **Conversation** – more conversations that matter, “what happened to you?” Behavior norms set and enforced

4. **Learning** – 1 – 3 help students reinforce skills and establish normative relationships and reduce necessary discipline

Laura Porter, *ACE Interface & ACEsTooHigh*
ACES & student discipline at Lincoln High

Number of Days Students Were Out of School

Suspension Days:
- 2009-2010: 798
- 2010-2011: 135
- 2011-2012: 103
- 2012-2013: 76

Expulsion Days:
- 2009-2010: 50
- 2010-2011: 30
- 2011-2012: 5
- 2012-2013: 0
The Environment

Why was SB 100 passed in 2015?

• Growing evidence of discriminatory discipline

• Rising awareness of the damage of exclusion

• Increased understanding of restorative practices
U.S. students in 2011-12

135,000 students expelled
1.9 million students suspended just once
3.5 million total students suspended

• 18 million days of instruction lost

Center for Civil Rights, UCLA - Are we closing the school discipline gap? 2015
Nearly 1 in 4 African-American secondary students

Nearly 1 in 5 students with disabilities

lost education days due to suspensions

Center for Civil Rights: *Are we closing the gap?*
**Students with Disabilities**

- Latino: 1.9% Female Secondary, 6.6% Male Secondary, 12.1% Female Elementary, 23.2% Male Elementary
- White: 1.1% Female Secondary, 4.8% Male Secondary, 7.3% Female Elementary, 16.2% Male Elementary
- Black: 5.6% Female Secondary, 13.7% Male Secondary, 11.7% Female Elementary, 22.5% Male Elementary
- All: 2.2% Female Secondary, 6.8% Male Secondary, 11.7% Female Elementary, 21.4% Male Elementary

---

**Disabled & minority**

*Center for Civil Rights: Are we closing the gap?*
Himmelstein & Bruckner, Amer Assn Pediatrics Journal, Jan 2011

Hunt & Moodie-Mills, center for American progress, 2012
14 % of LGBT students in juvenile justice system v. 6% of total student population
Preschool students receiving suspensions, by race and ethnicity

8,000 preschoolers suspended in 2011-12

U.S.D.O.E, Office of Civil Rights, Civil Rights Data Collection, 2011-2012

Black Children

18% of enrollment
48% of multiple suspensions
Track the eyes: Which students are teachers watching?

- Black girls: 10%
- Black boys: 42%
- White girls: 13%
- White boys: 34%

Preschool teachers tend to more closely observe blacks than whites, especially black boys, when challenging behaviors are expected.
The Vignette:

DeShawn / Latoya / Jake / Emily is described as disrupting class by hitting, scratching and toy-throwing.

Rate the severity of behavior from 1 (not severe) to 5 (very severe).

Half teachers were black, half white.

Half were told the background: child’s home life with single mom and 3 siblings is turbulent and violent.

A 2x2x2x2 study.

Yale University Child Study Center 2016

Do Early Educators’ Implicit Biases . . . Relate to . . . Preschool Suspensions?
HB2663 Ban expulsion of Pre-K students

• Applies to Early Childhood funded by ISBE
• Prohibits expulsion
• Document steps to ensure safe participation
• Utilize community resources
• Transition plan if evidence of exhaust professionally recommended interventions
• Can temporarily remove child
• ISBE to issue report every 2 years
Good news: Dramatic results if you work on it

Figure 4. Average Per-District Decline by Subgroup, 2009-10 to 2011-12

Center for Civil Rights: Are we closing the gap?
U.S. Departments of Education and Justice Release School Discipline Guidance Package to Enhance School Climate and Improve School Discipline Policies/Practices

JANUARY 8, 2014

Contact:  U.S. Department of Education, Press Office, (202) 401-1576, press@ed.gov
          U.S. Department of Justice, Press Office, (202) 514-2007, press@ed.gov

www.ed.gov/school-discipline
What happens to the excluded student?

• Higher likelihood to repeat grade

• Increase chance of drop out

• Greater risk of “school-to-prison” pipeline
• Limit of school exclusions to the **greatest extent practicable**
• Decisions on a **case-by-case basis**
• **Not** eliminate suspension as a tool
• **Parent-teacher advisory** committee plays key role in developing and reviewing policy
• **1-3 day suspension**
  - Determine continuing presence would pose a threat or disruption, &
  - Make all reasonable efforts to resolve threats, address disruptions, and minimize length of suspension

• **4 day**
  - Determine continuing presence would pose a threat, or **substantial** disruption & efforts to minimize suspension, &
  - Other interventions have been exhausted

• **5 – 10 day**
  - Above +
  - Provide appropriate and available support services
• All suspensions must provide:

• Written decision
  • why
  • rationale for length of suspension
  • right to review decision

• Make-up work for equivalent credit

• Return-to-school plan
• **Expulsions**, as for long suspension,
  • Continuing threat or substantial disruption
  • Reasonable steps to minimize discipline
  • Exhaust interventions; PLUS
• Provide or refer to support services
What hasn’t changed?

• Administrators can suspend up to 10 days
• Parental notice & review
• Expel up to 2 years for gross misconduct
• Exclude from all school activities
• Suspend bus privileges
  (if no alternate transport, provide make up work for equivalent credit)
Law enforcement MOU

• Act encourages MOU with local law enforcement
• Officer involvement in schools?
• Records shared?
• How conduct student interviews?
• Role of local Association in creating & reviewing the MOU?
What can local’s do?

• Analyze
• Organize
• Act
Gather data
- What happens now in your school district and when students are disciplined?
- What’s the current reality regarding suspension/expulsion rates?
- What does the data show by grade level, race, disability, gender, sexual orientation, exposure to ACREs, etc.?
- How might you survey parents and support colleagues regarding safety issues, threat management, and other concerns?
- What resources and professional development opportunities are needed?
  (Note: Public information is available from the state board of education and the U.S. Office of Civil Rights. You may also ask your district for necessary data.)

Define staff and parent roles on advisory committee
(Parent-teacher advisory committee [PTAC] annually reviews discipline policy with IB.)
- How are teachers to be selected?
- Who else will serve on Discipline Advisory Committee (DAC)? (Examples: teaching assistants, para-educators, bus drivers, etc.)
- What are the roles and goals of staff?
- How will community members be selected and/or organized?

Determine what parts of current policy need revision
- What did the data show about student suspensions?
- What issues and interests did staff identify?
- What issues and interests have parents, community and students raised?
- How are “threat to safety” and “disruption to education” defined?
- How should threats to staff be handled?
- How does the discipline policy coordinate with collective bargaining?
- How successful is the district in implementing restorative justice?
- How successful is the district in implementing restorative practices?

Determine what issues are appropriate for collective bargaining
- Creation and make up of DAC?
- Required meetings of DAC?
- Record keeping, reporting, and union/committee notification of discipline issues?
- Training, education and PD for bargaining unit members?
- Employee safety issues?
- Reporting and resolving threats against employees?

Determine training and resource needs
- What, if any, outside trainers, experts, or resources are needed to reach staff and/or community?
- What resources can IEA and partners provide? (Potential resources: Loyola model and training, medical contacts, organizers, health care advocates and law enforcement.)
- Can state board of education or regional office of education assist?
- Will district pay for additional consultants?

Provide appropriate professional development for staff
- What are needs of teachers, support professionals, administrators, resource officers and school board?
- What should be the topics of training? (Potential topics: ACREs, effective classroom management, restorative practice and justice, culturally responsive discipline and promoting healthy school climate.)
- How should topics be determined?
- What groups should receive training and how often?

Document how discipline policy is being implemented
- Who will gather and analyze data?
- What additional information should be gathered?
- How should records be kept in relation to grade level, race, disability, gender, sexual orientation, exposure to ACREs, etc.?
- What impact is discipline having on law enforcement and juvenile justice?

Assess, re-evaluate, and revise
- Is DAC meeting at least annually to review and refine?
- How is program working?
- Are suspensions/expulsions decreasing?
- What changes are occurring in school climate?
- Are changes to the policy needed?
- Are additional supports needed?
- Are relational organizing opportunities arising?
How does current suspension policy apply to students, disaggregated by race, religion, sex, sexual orientation, etc.?

Ask the district for district-wide or school data:

<table>
<thead>
<tr>
<th></th>
<th>Male %</th>
<th>Female %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>10.8</td>
<td>4.2</td>
</tr>
<tr>
<td>White</td>
<td>10.9</td>
<td>3.3</td>
</tr>
<tr>
<td>Black/African American</td>
<td>32.1</td>
<td>16.9</td>
</tr>
<tr>
<td>Multi race, one or more</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>

High school district in Kankakee County
How does current suspension policy apply to students, disaggregated by race, religion, sex, sexual orientation, etc.?

Public records reporting:

ISBE annual discipline report

Office of Civil Rights
<table>
<thead>
<tr>
<th>Gender</th>
<th>Race/Ethnicity</th>
<th>Grade</th>
<th>LEP</th>
<th>Incident Type</th>
<th>Duration in Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>Male</td>
<td>Female</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hispanic or Latino</td>
<td>American Indian or Alaska Native</td>
<td>Asian</td>
<td>Black or African American</td>
<td>Native Hawaiian or Other Pacific Islander</td>
</tr>
<tr>
<td>19022180004</td>
<td>CCSD 180</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-School Suspension (03)</td>
<td>37</td>
<td>26</td>
<td>11</td>
<td>37</td>
<td>0</td>
</tr>
<tr>
<td>Out-of School Suspension (04)</td>
<td>62</td>
<td>42</td>
<td>20</td>
<td>62</td>
<td>0</td>
</tr>
<tr>
<td>19022181004</td>
<td>Hinsdale CCSD 181</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-School Suspension (03)</td>
<td>31</td>
<td></td>
<td></td>
<td>31</td>
<td>0</td>
</tr>
<tr>
<td>Out-of School Suspension (04)</td>
<td>18</td>
<td></td>
<td></td>
<td>18</td>
<td>0</td>
</tr>
<tr>
<td>19022200026</td>
<td>CUSD 200</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In-School Suspension (03)</td>
<td>464</td>
<td>378</td>
<td>86</td>
<td>295</td>
<td>169</td>
</tr>
<tr>
<td>Out-of School Suspension (04)</td>
<td>266</td>
<td>204</td>
<td>62</td>
<td>111</td>
<td>155</td>
</tr>
</tbody>
</table>
Welcome to the 'Discipline Report'. Follow the instructions below to select the criteria to build the report and then click "View Report".

1. Select collection year 2013-14  2011-12
2. Select the level of data  School  District
3. Further refine your report by selecting the school/district name or by other criteria

If you know the district name, then type it in the district name field and click 'Find'. Additionally, you can search by State or ID only, or a combination of the three fields.

District Name: Springfield
ID: 1737080
State: Illinois

4. View your custom report:  View Report
Non-Disabled Students Receiving Out-of-School Suspenions, Race/Ethnicity by Sex

IDEA Students Receiving Out-of-School Suspenions, Race/Ethnicity by Sex

Carbondale
CHSD
2011-12
Massac County HS
2013-2014
Organize: What are staff concerns and interests?

- Teacher and staff safety. Threat management
- Effective behavior management
- Staffing of In-School Suspensions
- Responsibility of providing make up work during suspensions
- Providing appropriate support services during long suspensions
- Staff care and support
- Professional Development
- What else?
Define staff & parent role on advisory committee

• Parent-Teacher advisory committee MUST annually review discipline policy with Board

• Who appoints teachers?

• Will other staff be on the “parent-teacher” advisory committee?

• What are the roles and goals of staff?

• Will community members be organized?
Determine what parts of policy need to be revised

• What did the data show about student suspensions?
• What issues and interests did staff identify?
• What issues and interests have parents and students raised?
• How is “threat to school safety” defined?
• How is “disruption” and “interference” with school defined?
• How are threats to staff handled?
• How coordinate with collective bargaining?
• How successful is the district in implementing restorative justice/practices?
What can be addressed in collective bargaining?

- Staff safety and health
- Composition & appointment of Advisory Committee
- Work assignments for in-school suspension
- Assignments for suspended students
- What else?
Resources & support needed?

- Help with data analysis
- Help with awareness of staff & community
- Use IEA resources & partners
- Law enforcement, ROE, ISBE
- Pay now or pay later
Professional development plan for staff

Who does the statute say gets PD?

• Teachers
• Staff
• Administrators
• School Board members
• School Resource Officers (SROs)
Topics?

- Adverse consequences of school exclusion & law enforcement intervention
- Effective classroom management
- Restorative practices and restorative justice
- Discipline that promotes positive and healthy school climates
- Culturally responsive discipline
- What else?
Professional development plan for staff

What is Local Association involvement in

• Selecting topics
• Presenting
Professional development plan for staff

When is PD?

• **Law**: reasonable efforts to provide on-going PD

• **Local Association**:
  
  • Which groups get what training?

  • How often?
Document how plan is being implemented & contract issues enforced

Who will gather and analyze data?

What other information needs to be gathered?

- Are religious groups treated differently?
- Are non-traditional sexual orientations disproportionately disciplined?

What has been the impact on law enforcement and juvenile justice?
Assess, re-evaluate, revise

Advisory committee should annually review the discipline policy
What works, what doesn’t?
  Are suspensions reduced? Less disproportionate?
  Has school climate and safety improved?
Have interests changed?
  Are the definitions of threat and disruption adequate?
What additional support is needed for parents, students, staff?
Do other community members need to be involved?
Does the CBA need changes?
Other organizing opportunities?
Resources, policies and expectations regarding student discipline are changing regularly.

WHAT’S NEXT?

Your IEA UniServ Director is the first contact for collective bargaining and representation matters.

For more information about Adverse Childhood Experiences (ACEs), institutional racism, trauma-informed schools and related topics, visit:

Partnership for Resilience
https://ieanea.org/resources/partnership-for-resiliency/
Resources (see IEANE.org Partnership for Resilience)

Awareness & Education on Trauma

• *Papers Tigers* DVD
  Organizing viewings

• *Resilience* DVD

• Dr. Marjorie Fujara webinar
  Send link to members & community
  Lunch & Learns
  Partner with a pediatrician
Resources (see IEANE.org Partnership for Resilience)
Awareness & Education on Trauma

• ACEs Too High & ACEs Connection websites

• Dr. Nadine Burke Harris’ TED Talk

• Organize teams to attend June one day conferences
Resources
Implementing Trauma-Informed Practices
(see IEANE.org Partnership for Resilience)

• Partnership for Resilience videos. See what other districts are doing

• Paul Reville’s recorded presentation from June 2016 conference—*Getting to All-Means-All*

• Jim Sporleder, *The Trauma-Informed School: A step-by-step implementation guide*

• Urge others to attend June 2018 1 day conferences

• Form community teams to attend the Lisle conference August 1-3 or others in Fall, Spring or Summer.
Resources – Student Discipline

• Center for Civil Rights, UCLA
Are we closing the school discipline gap? 2015

• U.S. DoE/DoJ report on student discipline 2014
www.ed.gov/school-discipline

• Our new partner: Loyola University’s Transforming School Discipline Collaborative.
www.transformschooldiscipline.org/collaborative
Toolkit for Transformation
Transforming School Discipline Collaborative

Member organizations include:

- Chicago Lawyers' Committee for Civil Rights Under Law, Inc.
- Equip for Equality
- Illinois Balanced and Restorative Justice
- Illinois' Safe Schools Alliance
- Loyola University Chicago School of Education
- Loyola University Chicago School of Law, Education Law & Policy Institute
- Ounce of Prevention Fund
- Prevent School Violence Illinois
- POWER-PAC of Communities Organizing Family Issues (COFI)
- Umoja Student Development Corporation
- Voices of Youth in Chicago's Education (VOYCE)

TSDC Model Code of Conduct
Resources – Bias & Restorative Practices

• *State of the Science: Implicit Bias Review*, annual journal from the Ohio State University Kirwan Institute for the Study of Race and Ethnicity. [Kirwaninstitute.osu.edu](http://Kirwaninstitute.osu.edu)

  The Kirwan Institute 2014 report: *How toxic stress threatens children’s success in Franklin County, Ohio*

• Yale University Child Study Center 2016, *Do Early Educators’ Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions?*

• IL Criminal Justice Information Authority  [www.icjia.state.il.us](http://www.icjia.state.il.us)
  • *An Inventory & Examination of Restorative Justice Practices for Youth in Illinois*, 2013