

Preventing and Addressing Discrimination in Student Discipline

Guidelines for implementing Washington's Equal Educational Opportunity Laws: Chapters 28A.640 and 28A.642 RCW and Chapter 392-190 WAC

October 2019

Equity and Civil Rights Office
Office of Superintendent of Public Instruction



Office of Superintendent of Public Instruction
Chris Reykdal, State Superintendent

*All students prepared
for post-secondary pathways,
careers, & civic engagement.*

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NOTICE OF LANGUAGE ASSISTANCE

Notice of Language Assistance | Preventing and Addressing Discrimination in Student Discipline

Information about students' rights is available in multiple languages at <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. If you have difficulty understanding English, you may also request language assistance services regarding this document free of charge by calling 360-725-6162 (TTY: 360-664-3631) or by e-mail at equity@k12.wa.us.

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تتوفر المعلومات عن حقوق الطلاب بلغات متعددة على الرابط: <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. إذا كنتم تواجهون صعوبة في فهم الإنجليزية، فيمكنكم أيضًا طلب خدمات المساعدة اللغوية بخصوص هذه الوثيقة بالمجان عبر الاتصال على الرقم: 360-725-6162 (رقم الهاتف النصي: 360-664-3631) أو عبر البريد الإلكتروني على العنوان: equity@k12.wa.us.

语言协助通知 | 预防和处理与学生纪律有关的歧视

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ਭਾਸ਼ਾ ਸਹਾਇਤਾ ਦਾ ਨੋਟਿਸ | ਵਿਦਿਆਰਥੀ ਅਨੁਸ਼ਾਸਨ ਵਿਚ ਵਿਤਕਰੇ ਨੂੰ ਰੋਕਣਾ ਅਤੇ ਹੱਲ ਕਰਨਾ

ਵਿਦਿਆਰਥੀਆਂ ਦੇ ਅਧਿਕਾਰਾਂ ਬਾਰੇ ਜਾਣਕਾਰੀ ਕਈ ਭਾਸ਼ਾਵਾਂ ਵਿੱਚ <http://www.k12.wa.us/policy-funding/equity-and-civil-rights> ਉਪਲਬਧ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗ੍ਰੇਜ਼ੀ ਨੂੰ ਸਮਝਣ ਵਿੱਚ ਮੁਸ਼ਕਲ ਆਉਂਦੀ ਹੈ, ਤਾਂ ਤੁਸੀਂ 360-725-6162 (TTY: 360-664-3631) 'ਤੇ ਕਾਲ ਕਰਕੇ ਜਾਂ equity@k12.wa.us 'ਤੇ ਈਮੇਲ ਦੁਆਰਾ ਇਸ ਦਸਤਾਵੇਜ਼ ਸੰਬੰਧੀ ਮੁਫਤ ਭਾਸ਼ਾ ਸਹਾਇਤਾ ਸੇਵਾਵਾਂ ਲਈ ਬੇਨਤੀ ਕਰ ਸਕਦੇ ਹੋ।

Уведомление о помощи в языковых вопросах | Предотвращение и борьба со случаями дискриминации учащихся

Информацию о правах учащихся на многих языках вы можете найти здесь <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. Если вам трудно понимать английский язык, мы можете попросить

Macluumadka ku saabsan xuquuqda ardayda waxaa lagaga geli karaa luuqado badan <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. Hadii uu kugu adag yahay inaad fahanto Ingiriisiga, waxaad dalban kartaa adeegyada kaalmada luuqada ee ku saabsan waraaqo bilaash ah adiga oo lasoo hadalay 360-725-6162 (TTY: 360-664-3631) ama iimeelka equity@k12.wa.us.

Aviso de asistencia con el idioma | Prevenir y abordar la discriminación en la disciplina del estudiante

Puede encontrar información sobre los derechos de los estudiantes en varios idiomas en <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. Si tiene dificultades para comprender contenido en inglés, también puede solicitar servicios gratuitos de asistencia con el idioma para entender este documento llamando al 360-725-6162 (TTY: 360-664-3631) o enviando un correo electrónico a equity@k12.wa.us.

Paunawa sa Tulong sa Wika | Pag-iwas at Pagtugon sa Diskriminasyon sa Disiplina ng Mag-aaral

Impormasyon tungkol sa karapatan ng mga mag-aaral na available sa maramihang mga wika sa <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. Kung nahihirapan kang maunawaan ang salitang Ingles, maaari ka ring humiling ng mga serbisyo ng tulong sa wika para sa dokumentong ito ng libre sa pamamagitan ng pagtawag sa 360-725-6162 (TTY: 360-664-3631) o sa pamamagitan ng e-mail sa equity@k12.wa.us.

Повідомлення про надання мовної допомоги | Попередження та боротьба з випадками дискримінації учнів

Інформацію багатьма мовами щодо прав учнів ви можете знайти тут <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. Якщо ви маєте труднощі з розумінням англійської мови, можете замовити безкоштовні послуги мовної підтримки під час роботи з цим документом, зателефонувавши за номером 360-725-6162 (TTY: 360-664-3631) або написавши на адресу equity@k12.wa.us.

Thông Báo Trợ Giúp Ngôn Ngữ | Phòng Ngừa và Giải Quyết Nạn Phân Biệt trong Kỷ Luật Học Đường

Thông tin về quyền của học sinh được đăng tải ở nhiều ngôn ngữ tại địa chỉ <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. Nếu gặp khó khăn với việc đọc hiểu tiếng Anh, quý vị cũng có thể yêu cầu cung cấp dịch vụ trợ giúp ngôn ngữ miễn phí cho tài liệu này bằng cách gọi theo số 360-725-6162 (TTY: 360-664-3631) hoặc gửi email tới equity@k12.wa.us.

Kōjelā eo ikijen jibañ kin kajin | Kjebarok im na mejelan kalijeklok ñan kibel ri-jikuul ro

Melele ko kin jimwe an ri-jikuul eo ej iwōj ilo elōñ kain kajin ko at <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>. Elañe eor am mojno ilo kajin belle, komaroñ kajitok jibañ ko ikijen kajin ñan kōjelā in ejelok wonen ilo am kurlok 360-725-6162 (TTY: 360-664-3631) ak e-mail lok ñan equity@k12.wa.us.

INTRODUCTION

Purpose

The Office of Superintendent of Public Instruction (OSPI) developed these guidelines to assist public schools in meeting their obligations under Washington law to administer student discipline without discrimination.¹ These guidelines should help schools prevent, identify, and remedy discrimination in student discipline and assist schools in providing all students with equal educational opportunities.

Public schools should consider these guidelines when developing, assessing, and revising discipline policies, procedures, and practices.² Public schools should also carefully review these guidelines when investigating and responding to complaints alleging discrimination in student discipline.³

Background

Washington Law

Washington law, specifically chapters [28A.640](#) and [28A.642](#) of the Revised Code of Washington (RCW), prohibits discrimination in Washington public schools on the basis of sex, race, creed, religion, color, national origin, sexual orientation, gender expression, gender identity, veteran or military status, disability, or the use of a trained dog guide or service animal by a person with a disability. These laws direct OSPI to develop rules⁴ and guidelines to eliminate discrimination in public schools.

This document serves as these guidelines, specifically regarding discrimination in the administration of student discipline.⁵

These guidelines supplement the rules regarding equal educational opportunity in chapter [392-190](#) of the Washington Administrative Code (WAC) and will guide OSPI's interpretation, monitoring, and administrative enforcement of civil rights under chapters [28A.640](#) and [28A.642](#)

¹ Chapters 28A.640 and 28A.642 RCW and 392-190 WAC.

² See chapter 392-400 WAC (prescribing the due process rights of students disciplined in Washington school districts).

³ The discrimination complaint procedure for Washington public schools is outlined in WAC 392-190-060 through 392-190-0751.

⁴ See chapter 392-190 WAC.

⁵ OSPI's existing guidelines, *Prohibiting Discrimination in Washington Public Schools* (2012), are still in effect except where superseded by OSPI's regulations in chapter 392-190 WAC (effective December 19, 2014) and these guidelines. The 2012 guidelines are available at <https://www.k12.wa.us/policy-funding/equity-and-civil-rights/prohibiting-discrimination-washington-public-schools>.

RCW.⁶ As provided under RCW [28A.640.050](#) and [28A.642.050](#), OSPI has the authority to enforce these guidelines and the rules in chapter [392-190](#) WAC.

Federal Law

Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, similarly prohibit discrimination in public schools on the basis of race, color, national origin, sex, and disability—including in the administration of student discipline.

In 2014, the U.S. Department of Education, Office for Civil Rights and U.S. Department of Justice, Civil Rights Division (the Departments) issued guidance aimed at preventing discrimination in student discipline. While the Departments rescinded that guidance in December 2018, this did not affect Washington’s laws and rules related to student discipline or OSPI’s enforcement of civil rights.⁷

The information in these guidelines does not include all obligations required of school districts and public charter schools under federal and state laws, or under a school’s or district’s individual policies and procedures. Schools must ensure their discipline policies, procedures, and practices comply with all applicable state and federal laws and constitutional requirements.

Nothing in this publication should be construed as guidelines that would subject any school district to legal liability in a civil action brought pursuant to RCW 28A.640.040 or 28A.642.040.

The information in this publication is subject to change based on future legal and policy changes. Before taking action based on the information in this publication, please review state and federal laws and regulations or consult with legal counsel familiar with your particular circumstances. In addition to these guidelines, please review relevant student discipline laws and rules, as well as your school’s or school district’s policies and procedures. You may also consult with an attorney to determine the appropriate course of action regarding your individual circumstances.

For more information regarding other relevant laws:

[Student Discipline Laws](#)

[Civil Rights Laws](#)

⁶ WAC 392-190-005. OSPI’s administrative enforcement actions are outlined in WAC 392-190-060 through 392-190-081.

⁷ These guidelines incorporate language and guidance from the Departments’ January 8, 2014 Dear Colleague letter on nondiscriminatory administration of school discipline, as well as accompanying school discipline guidance documents. See <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>.

Why focus on student discipline?

Disproportionality in discipline raises concerns about equal opportunities.

During the 2017–18 school year, **3.9% of Washington students** received at least one out-of-school suspension.⁸ According to Washington data, schools tend to discipline students in certain groups more than their peers. Some students of color and students with disabilities, for example, experience suspensions and expulsions more frequently than their peers. Similar trends exist in discipline data nationwide.⁹

During the 2017–18 school year, for example:

Washington schools short-term suspended¹⁰ **7.3%** of students receiving **special education**, compared to **3%** of students **not receiving special education**. Washington schools short-term suspended **7.46%** of **Black or African American** students, compared to **3.2%** of **White** students.

Disproportionalities in student discipline rates in a school or school district may be caused by a range of factors. However, a large body of published research suggests that the substantial racial disproportionalities of the kind reflected national data cannot be explained solely by more frequent or more serious misbehavior by students of color or by challenges associated with poverty.¹¹

Suspensions often have measurable and persistent negative consequences.

Evidence does not show that suspensions or expulsions help to improve student behavior or school climate.¹² Rather, research shows that out-of-school suspensions are associated with negative student outcomes, such as lower academic performance, lower attendance, higher rates of dropout and course failure, decreased academic engagement, and future discipline and

⁸ Information and publicly available data for Washington schools is available on the OSPI Report Card, which can be found at <http://washingtonstatereportcard.ospi.k12.wa.us/>.

⁹ See generally Civil Rights Data Collection, U.S. Department of Education, <http://ocrdata.ed.gov/>; U.S. Department of Education, School Climate and Safety Issue Brief (April 2018), <http://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>; Russel J. Skiba, Mariella I. Arrendondo, & M. Karega Rausch, *New and Developing Research on Disparities in Discipline*, Discipline Disparities: A Research-to-Practice Collaborative, available at http://www.indiana.edu/~atlantic/wp-content/uploads/2015/01/Disparity_NewResearch_010915.pdf.

¹⁰ "Short-term suspension" means a suspension in which a student is excluded from school for up to ten consecutive school days. WAC 392-400-025(14)(c).

¹¹ See, e.g., Russell J. Skiba et al., *Race is not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline*, *School Psychology Review*, 2011, at 85–107, available at <http://www.indiana.edu/~atlantic/wp-content/uploads/2011/12/Skiba-et-al.-Race-is-not-neutral.pdf>.

¹² See, e.g., Fabelo, T. et al., *Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement* (2011), available at https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf.

involvement with juvenile justice systems—as well as lower school-wide academic achievement.¹³

Effective alternatives to exclusionary discipline can improve learning and promote a positive school climate.

Extensive research and resources exist to help schools and school districts implement promising practices that promote equity in student discipline while keeping students in school.¹⁴ Evidence-based, multi-tiered behavioral frameworks, such as positive behavioral interventions and supports, as well as restorative practices and social-emotional learning, can help improve overall school climate and safety. Frameworks and positive supports implemented in schools and classrooms that use proactive, preventative approaches, instead of exclusion, address the underlying cause or purpose of the behavior and reinforce positive behaviors, have been associated with increases in academic engagement, academic achievement, and reductions in suspensions and school dropouts.¹⁵

¹³ Russell W. Rumberger et al., The Center for Civil Rights Remedies, *The High Cost of Harsh Discipline and Its Disparate Impact*, available at http://www.schooldisciplinedata.org/ccrr/docs/UCLA_HighCost_6-2_948.pdf.

¹⁴ See, e.g., Anne Gregory, Russel J. Skiba, R. & Kavitha Mediratta, *Eliminating Disparities in School Discipline: A Framework for Intervention*, June 23, 2017, *Review of Research in Education*, at 253–278.

¹⁵ See, e.g., U.S. Department of Education, School Climate and Discipline, <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>; OSPI Behavior Menu of Best Practices and Strategies, <http://www.k12.wa.us/student-success/support-programs/learning-assistance-program-lap/menus-best-practices-strategies/behavior-menu-best-practices-strategies>.

PREVENTING DISCRIMINATION IN STUDENT DISCIPLINE

Public schools¹⁶ must ensure they administer student discipline in a nondiscriminatory manner. Washington law prohibits discrimination in public schools on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, disability, or the use of a trained dog guide or service animal by a person with a disability.¹⁷ These groups are known as “protected classes.”

Nondiscrimination laws protect students over the entire course of the disciplinary process, from behavior management in the classroom, to the initial referral of a student to the principal’s office for a behavioral violation, in-school or out-of-school suspension or expulsion, referral to an authority outside the classroom because of a behavioral violation, or the resolution of the discipline incident.

Two key sections of chapter [392-190](#) WAC apply to student discipline. The first is the general prohibition against discrimination, WAC [392-190-005](#). The second outlines the requirement for public schools to review disaggregated discipline data to identify and address disparities, WAC [392-190-048](#). The guidelines discuss each separately below.



PROTECTED CLASS

A protected class is a group of people who share common characteristics and share protections from discrimination under federal or state law. These groups are protected classes under Washington state law (chapters 28A.640 and 28A.642 RCW):

- Race and color
- National origin
- Religion and creed
- Sex
- Disability
- Sexual orientation
- Gender expression
- Gender identity
- Veteran or military status
- Use of a trained dog guide or service animal

¹⁶ The term “public schools,” as used in these guidelines, includes schools in Washington administered by school districts and charter public schools. See chapters 28A.640 and 28A.642 RCW, chapter 392-190 WAC, and RCW 28A.710.040. Where the guidelines specifically reference school districts, they are also applicable to charter schools. Note, however, that OSPI’s rules prescribing the substantive and procedural due process guarantees of students in school districts set forth in chapter 392-400 WAC do not explicitly apply to charter schools. Charter schools should nevertheless ensure that they adopt student discipline policies that comply with state and federal due process requirements, as well as the requirements provided for in the school’s charter contract.

¹⁷ Chapters 49.60, 28A.640, and 28A.642 RCW and 392-190 WAC.

Discipline Policies and Procedures

To promote equitable and nondiscriminatory discipline practices, public schools must adopt lawful discipline policies and procedures. This includes policies and procedures consistent with state discipline laws and rules, including Washington state’s rules governing the administration of student discipline in school districts, chapter [392-400](#) WAC. Such policies and procedures must provide:

1. Clear and appropriate expectations and consequences that are communicated to students and parents, and consistently applied;
2. Due process protections for all students; and
3. Appropriate procedures for students with disabilities, including students who receive special education services and students who are covered under Section 504 of the Rehabilitation Act of 1973 (Section 504).

Clear and appropriate expectations and consequences

To protect students from discrimination, schools should develop policies and procedures that lay out clear and appropriate behavioral expectations and consequences. Such expectations and consequences should be communicated clearly to students, parents, and school personnel and should be applied consistently by school personnel.

WAC [392-400-110](#) requires each school district to adopt written policies and procedures for supporting students in meeting behavioral expectations and administering discipline.

The policies and procedures must clearly state the types of behaviors for which a school can administer discipline, including suspension and expulsion.¹⁸



TOOLS AND RESOURCES: DISCIPLINE POLICIES & PROCEDURES

[WAC 392-400-110](#). Discipline policies and procedures—Development, review, and distribution.

[OSPI Student Discipline](#)

[Washington State School Directors’ Association: Policy Services](#)

[Key Elements of Policies to Address Discipline Disproportionality: A Guide for District and School Teams](#) (OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports)

¹⁸ WAC 392-400-110(1)(a).

Such policies and procedures must have a real and substantial relationship to the lawful maintenance and operation of the school district, such as the health and safety of students and employees, and the preservation of an educational process that is conducive to learning.¹⁹

To ensure students and parents are aware of—and thus can comply with—the school district’s behavioral expectations, each district must regularly communicate its discipline policies and procedures with students and parents. WAC [392-400-110](#) requires that school districts annually provide its discipline policies and procedures to all district personnel, students, and parents. This may require language assistance for students or parents with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

School districts should regularly assess their discipline policies, procedures, and practices to ensure they do not result in discrimination.²⁰ This must be a priority—regardless of whether a school district has identified any disproportionalities or received any complaint.

When assessing whether a school or school district’s policies, procedures, and practices adequately protect students from discrimination, the school or district should consider, for example, the following questions:

- Are the school’s definitions of behavioral violations clear, operationally defined, and nondiscriminatory?
- To what extent are discipline referrals made for minor offenses that are imprecise or subjectively defined, such as “disrespect” or “misbehavior”?
- Are there safeguards to ensure that discretion is exercised in a nondiscriminatory manner, such as staff training to prevent implicit and explicit bias?
- Is the school taking steps to monitor and evaluate the impact of disciplinary practices using valid methods to detect disproportionalities and to identify patterns that require further investigation?

¹⁹ WAC 392-400-110(1)(b).

²⁰ RCW 28A.320.211 and WAC 392-400-110(2). To improve fairness and equity in the administration of discipline, WAC 392-400-110 requires that each school district develop and periodically review its discipline policies and procedures with the participation of school personnel, students, parents, families, and the community. During the development and review of discipline policies and procedures, the school district must use disaggregated data to monitor the impact of the school district’s discipline policies, procedures, and practices, as well as to update its policies and procedures to improve fairness and equity. This requirement is not limited to reviewing data to identify and address discrimination against students in protected classes identified in chapters 28A.640 and 28A.642 RCW, which these guidelines focus on. Rather, this requirement extends to all disaggregated data collected pursuant to RCW 28A.300.042, including data disaggregated by foster care, homeless, and low-income status.

Due process protections

When developing and implementing discipline policies and procedures, public schools must ensure that due process protections are provided to all students—including notice requirements, a right to a fair hearing, appeal procedures, and other procedural safeguards provided in Washington’s discipline rules in chapter [392-400 WAC](#).

Appropriate procedures for students with disabilities

In developing and implementing discipline policies and procedures, schools must also comply with federal and state laws that create protections for students with disabilities, including the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and chapter [392-172A WAC](#).

Specifically, under the IDEA, when a school district proposes to administer discipline that results in a change of placement for a student who receives special education, the district must conduct a manifestation determination review to examine the relationship between the student’s disability and the student’s behavioral violation.²¹ A similar requirement exists under Section 504 for students who are served with a 504 plan.²²

See Appendix A for more information and resources regarding manifestation determination reviews under the IDEA and Section 504.

²¹ 34 CFR 300.530.

²² 34 CFR 104.4.



TOOLS AND RESOURCES: DUE PROCESS

[Chapter 392-400 WAC](#). Student Discipline.

[OSPI Student Discipline](#)



TOOLS AND RESOURCES: DISCIPLINE PROTECTIONS FOR STUDENTS WITH DISABILITIES

[Discipline Procedures for Students Receiving Special Education Services](#) (OSPI)

[Technical Assistance Paper: Discipline Requirements for Students who Receive Special Education Services](#) (OSPI)

[Chapter 392-172A WAC](#). Rules for the Provision of Special Education

[Section 504 and Students with Disabilities](#) (OSPI)

[Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#) (U.S. Department of Education)

CULTURALLY RESPONSIVE DISCIPLINE POLICIES, PROCEDURES, AND PRACTICES

School districts must implement culturally responsive discipline policies and procedures that provide for all students to achieve personal and academic success.

The state student discipline rules, chapter [392-400 WAC](#), define “culturally responsive” to align with the meaning of “cultural competency” under state laws pertaining to educator performance standards. According to state law, school districts are encouraged to provide opportunities for all school and district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities.

The discipline rules also clarify that language access requirements under federal and state laws apply to parent notification and communications related to discipline procedures.

Professional development activities and practices that schools and school districts can undertake to implement culturally responsive discipline policies and procedures include:

- Professional training on identifying, understanding, and neutralizing implicit and explicit biases;
- Adoption and use of evidence- and research-based behavioral support and intervention approaches with a race-conscious, equity focus;
- Family engagement in policy development, as well as the school and individual-student level, to ensure that cultural norms of students and families are understood, respected, and reflected in codes of conduct and other school policies and practices.

Annual Discipline Proportionality Review

Under state law, each school district must review discipline data at each school at least annually, disaggregated by race, disability (including special education and Section 504 status), English learner (EL) status,²³ and sex.²⁴ The purpose of this review is to ensure that discipline policies, procedures, and practices are being applied fairly and do not result in discrimination. In reviewing the data, the school or school district must determine whether it has disciplined a substantially disproportionate number of students in one the groups listed. If a school or school district identifies a substantial disproportionality, state law requires that it take prompt action to ensure the disproportionality is not the result of illegal discrimination—either as the result of different treatment of students or unlawful disparate impact.

At a minimum, this data review must evaluate the proportionality of short-term suspensions, long-term suspensions, expulsions, and emergency expulsions. Schools are strongly encouraged to also review additional data to identify whether or not additional disproportionalities exist and gain further insight into potential root causes.



STATE LAWS AND RULES:

ANNUAL DISCIPLINE PROPORTIONALITY REVIEW

WAC 392-190-048

At least annually, each school district and public charter school must review data on corrective and disciplinary actions taken against students within each school disaggregated by sex, race, limited-English proficiency (i.e., English language learners), and disability, including students protected under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act. This review must include, but is not limited to, short-term suspensions, long-term suspensions, expulsions, and emergency expulsions. In reviewing this data, each school district or public charter school must determine whether it has disciplined or applied corrective action to a substantially disproportionate number of students within any of the categories identified in this section. If a school district or public charter school finds that it has disciplined or applied corrective action to a substantially disproportionate number of students who are members of one of the categories identified in this section, the school district or charter school must take prompt action to ensure that the disproportion is not the result of discrimination.

²³ Discrimination on the basis of EL status is considered national origin discrimination, which is prohibited under state and federal nondiscrimination laws. See *Lau v. Nichols*, 414 U.S. 563 (1974).

²⁴ WAC 392-190-048.

Other examples of relevant data include the proportionality of rates of office referrals, in-school suspension, and other classroom exclusions, rates of referrals or discipline for specific behaviors, and the proportionality of the length of removal for specific behaviors.²⁵

Many schools already have robust systems in place to analyze data to assess programs and practices and guide decision-making, including regarding student discipline. Schools may find it useful to incorporate the annual discipline proportionality review requirement into their existing data-review processes.

Identifying disproportionalities

Schools and school districts can identify disproportionalities using a variety of measures. There is no one-size-fits-all approach. Rather, the measure should be tailored to the specific circumstances within the school or school district, taking into account factors such as school size and the total number of students who have been disciplined or have received a specific type of discipline or intervention.

Different data measures provide unique information about disproportionalities in discipline, although each measure has its own advantages and disadvantages. A specific measure may be more or less effective depending on the size of the student group and whether a specific student group represents a high or low percentage of the student population.



TOOLS AND RESOURCES:

REVIEWING DATA & IDENTIFYING DISPROPORTIONALITIES

[School Discipline Data Indicators: A Guide for Districts and Schools](#) (Regional Educational Laboratory Northwest)

[Using Discipline Data Within SWPBIS to Identify and Address Disproportionality: A Guide for School Teams](#) (OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports)

[Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide](#) (National Center on Safe Supportive Learning Environments)

[Equity in School Discipline Collaborative](#) (REL Northwest)

²⁵ While WAC 392-190-048 explicitly requires out-of-school suspensions and expulsions be included in a proportionality review, a school must also ensure it does not discriminate in the administration of classroom removals, in-school suspensions, and other forms of discipline. Further, depending on the situation, this additional data review may be necessary in order for a school to understand the root causes that drive disproportionalities in out-of-school removals.

Schools may benefit from using multiple measures to better understand the impacts of their discipline policies, procedures, and practices.

For the annual discipline proportionality data review requirement under WAC [392-190-048](#), the school or school district determines the data analysis methods that best inform their analysis and decision-making. However, the methods must be reasonably calculated to identify substantial disproportionalities and ensure the school or school district's discipline policies, procedures, and practices do not result in discrimination.



COMMON MEASURES TO IDENTIFY DISPROPORTIONALITIES

Discipline rate measures the percentage of students with a particular outcome, e.g., the number of students suspended divided by the number of students enrolled—either by student group or in the overall student population.

Risk ratio represents the likelihood of the outcome (e.g., suspension or expulsion) for one group in relation to a comparison group. For example, risk ratio could calculate the likelihood that students who receive special education will experience one or more suspensions compared to students who do not receive special education.

Composition index (or composition) refers to the proportion of a group that has a particular outcome. Schools can use composition to determine the **relative difference in composition**—a ratio that measures the relative difference between the proportion of students with a particular outcome and the representation of these students within the total student population. For example, the relative difference in composition could calculate whether there is an overrepresentation of Hispanic students who receive suspensions compared to the representation of Hispanic students in the student population.

Determining whether a disproportionality is “substantial”

For purposes of the annual discipline proportionality review under WAC [392-190-048](#), the significance of a disproportionality is analyzed based on multiple factors.²⁶ When determining whether it has disciplined a substantially disproportionate number of students of a particular group, a school or school district should consider factors such as school size; the size of the

²⁶ By contrast, the IDEA includes specific requirements for school districts to review data to identify significant disproportionalities by race and ethnicity in identification, placement, and discipline of students with disabilities who receive special education. For this requirement, Washington defines “significant disproportionality” as a risk ratio of >3.0 for three consecutive years for any racial or ethnic group. Once a school district receives a determination of significantly disproportionate, it is required to use 15 percent of IDEA Part B funds for Coordinated Early Intervening Services (CEIS) for those children, particularly, but not exclusively, in those groups that were significantly over-identified. See OSPI’s Special Education technical assistance regarding disproportionality at <http://www.k12.wa.us/student-success/special-education/program-improvement/technical-assistance/disproportionality>.

student group; whether the specific student group represents a high or low percentage of the student population; the total number of students the school has disciplined; and the relative rates, risk, or composition that students in protected classes represent among students who have been subjected to suspension or expulsion.²⁷

Ensuring the disproportionality is not the result of discrimination

If a school or school district finds that it has disciplined a substantially disproportionate number of students who are members of one of the groups identified,²⁸ the school or district must take prompt action to ensure the disproportion is not the result of discrimination.²⁹

Conducting a root cause analysis is critical for determining the cause of the disproportionality—including whether or not the disproportionality is the result of a school or school district policy, procedure, or practice. *See Appendix B for more information and resources regarding how to conduct a root cause analysis.*



TOOLS AND RESOURCES: UNDERSTANDING ROOT CAUSES

[Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide](#) (National Center on Safe Supportive Learning Environments)

Schools should use the analysis below (starting on page 19)—regarding both different treatment and disparate impact—to properly determine whether any disproportionality, or the contributing root causes, are the result of discrimination.

Statistical and quantitative data alone do not indicate that a school or school district has engaged in unlawful discrimination. Disproportionalities in student discipline rates in a school or school district may be caused by a range of factors. However, significant and unexplained disproportionalities in data give rise to concerns that schools may be disciplining students in a discriminatory manner. The purpose of the annual data review in WAC [392-190-048](#) is to ensure schools and school districts identify these disproportionalities; assess the cause for the disproportionalities; and correct any policies, procedures, or practices that may be discriminatory.

²⁷ A school or school district could also review discipline data across multiple school years to determine where a pattern of disparate discipline exists that may indicate discrimination has occurred or is occurring and further analysis is warranted. This may be especially helpful for schools with small N-sizes or low discipline rates.

²⁸ In accordance with WAC 392-190-048, each school district must review data on corrective and disciplinary actions taken against students within each school disaggregated by sex, race, English-learner status, and disability.

²⁹ WAC 392-190-048.

Addressing disproportionalities and discrimination in student discipline

If a school or school district finds that any disproportionality in its student discipline data is the result of discrimination, the school or district must develop and implement an action plan to promptly address and remedy the issue. Even if a school determines that the discipline disproportionalities it has identified are *not* the result of discrimination, the school district should consider making changes to its discipline policies, procedures, and practices that may reduce disproportionate outcomes and better ensure equity in the administration of student discipline.

Additional guidelines for addressing disproportionalities and discrimination in student discipline, including tools and resources, are discussed on page 31.

THE IMPORTANCE OF APPROPRIATE RECORDKEEPING

As a school or school district conducts its annual discipline proportionality review, it should ensure its process, findings, and corrective action plans are well documented. Keeping clear documentation is vital to promoting accountability within the school community and supporting the school's on-going efforts to track the effectiveness of strategies implemented to address disproportionalities.

Clear recordkeeping is also necessary to demonstrate evidence of the school district's compliance with state civil rights laws.

IDENTIFYING DISCRIMINATION IN STUDENT DISCIPLINE

The administration of student discipline can result in unlawful discrimination in two ways:

- (1) **Different treatment:** If a student is subjected to *different treatment* based on their protected class, or
- (2) **Disparate Impact:** If a policy is neutral on its face and is administered in an evenhanded manner but has a *disparate impact*—i.e., a disproportionate and unjustified *effect*—on students of a particular protected class.



STATE LAWS AND RULES:

GENERAL PROHIBITION AGAINST DISCRIMINATION

WAC 392-190-005. Purpose—Elimination of unlawful discrimination in public schools.

In accordance with chapters [28A.640](#) and [28A.642](#) RCW and RCW [28A.710.040](#), it is unlawful for any public school district to discriminate on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal with regard to any program or activity conducted by or on behalf of a school district.

Statistical and quantitative data alone do not indicate that a school or school district has engaged in unlawful discrimination. Under both inquiries, however, statistical analysis regarding the impact of discipline policies and practices on particular groups of students is an important indicator of potential violations of nondiscrimination laws. In all cases, other relevant circumstances—such as the facts surrounding a student’s action and the discipline imposed—are important in determining whether discrimination has occurred.

Different Treatment | Intentional Discrimination

State and federal laws prohibit public schools from intentionally disciplining students differently based on any protected class.³⁰ The clearest case of different treatment would be a policy that is discriminatory on its face, with explicit language that requires students of a protected class to be disciplined differently than other students. More commonly, however, different treatment may more commonly occur when a school has a discipline policy that is neutral on its face—meaning the language of the policy does not explicitly differentiate between students based on a protected class—but the school administers the policy in a discriminatory manner.

Intent to harm a group or individual defined by a protected class is not required to establish discrimination or different treatment. A school or individual may intentionally discriminate against students to treat students differently without malicious intent.

Consider the following examples of intentional discrimination and different treatment. Note, however, that any determination that a school or school district has engaged in intentional discrimination or different treatment is determined on a case-by-case basis and must be based on the facts and circumstances surrounding the particular incident.

- **A school administers discipline differently for similarly-situated students³¹ of different races³² who engaged in the same behavior**

For example, assume a group of White and Hispanic students got into a fight. None of the students had ever engaged in or previously been disciplined for a behavioral violation. After an investigation, the school could not determine how the fight began and had no information indicating that students behaved differently during the fight (by using weapons, for example). If the school disciplined the Hispanic students more harshly than the White students, this different treatment could be unlawful discrimination.

Schools should pay particular attention to the administration of discipline for behavior that is considered “disruptive,” “disobedient,” or other types of highly subjective categories. For example, school employees are more prone to make judgments based upon their own implicit biases when they encounter students from different cultural backgrounds for whom cultural patterns of communication are different in terms of eye contact, volume, taking

³⁰ Title VI of the Civil Rights Act of 1964 (34 C.F.R. Part 11, 42 U.S.C. §2000e, et seq.), Title IX of the Education Amendments of 1972 (34 C.F.R. Part 106, Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Part 104), chapters 28A.640 and 28A.642 RCW, and chapter 392-190 WAC.

³¹ Students are similarly situated when they are comparable, even if not identical, in relevant aspects.

³² This can be applied to any protected class. Race is used here as an example.

turns or talking at the same time. This may result in discipline for some students and not other students when each is using culturally normative ways to communicate.

- **A school selectively enforces a facially neutral policy against students in a protected class.**

For example, it may be discriminatory if a school official elects to overlook a code of conduct violation committed by a student who is a member of one racial group, while strictly enforcing the code of conduct against a student who is a member of another racial group. Similarly, discrimination can occur when a teacher only refers boys outside the classroom for discipline, even though girls in that classroom engage in the same behaviors.

Likewise, assume a school has an established code of conduct and due process procedures for responding to student behavior that disrupts the classroom environment. However, when a student with a disability who receives special education is disruptive in class, the school's practice is to call the student's parents to request the student be picked up from school early, and the early pick-up is not reported or treated as an out-of-school suspension, effectively denying the student due process protections.

- **A school adopts a facially neutral policy with the intent to target students of a particular protected class for invidious reasons.**

For example, assume a school official believes that students of a particular race or national origin are likely to wear a particular style of clothing. If the school adopted a policy that made wearing that style of clothing a violation of the dress code with the intent to penalize students of that race or national origin (as opposed to advancing a legitimate school objective), the policy would constitute unlawful discrimination.

- **School administrators or other school staff act based on discriminatory motives.**

For example, if a school official uttered a racial slur when disciplining a student, this could suggest racial animus and support a finding that the school official intended to discriminate based on a particular student's race.

FRAMEWORK:

IDENTIFYING INTENTIONAL DISCRIMINATION AND DIFFERENT TREATMENT

Use the following framework to identify intentional discrimination and different treatment:

While race is used as an example in this flowchart, this framework also applies to other protected classes

Did the school or school district treat a student or group of students or a particular race differently from a similarly situated student or group of students of another race in the disciplinary process (including in the development of a discipline policy, referral, or discipline imposed)?



If no, the school did not engage in intentional discrimination.

If yes, does the school have a legitimate, nondiscriminatory reason for the different treatment?



If no, then the different treatment by the school is discrimination.

If yes, is the school's reason for the different treatment a pretext for discrimination—i.e., not the true reason for the school's action?



If no, it is likely that the school has not engaged in intentional discrimination.

If yes, then the different treatment by the school is discrimination.

Disparate Impact Discrimination

Schools might also engage in discrimination—although unintentionally—when they evenhandedly implement a policy, procedure, or practice that is neutral on its face but has an unjustified effect of discriminating against students on the basis of a protected class.³³ This can include discipline policies, procedures, or practices that have a discriminatory effect on students of a protected class, even if the policy, procedure, or practice is not intentionally discriminatory.

The following framework helps determine whether a facially neutral policy has an unlawful disparate impact on students of any protected class. Each part of the analysis is discussed in more detail on the following pages.

1. **Adverse impact.** Has a discipline policy, procedure, or practice resulted in an adverse impact on students of any protected class as compared with other students? In other words, does a discipline policy, procedure, or practice have an adverse effect that falls substantially disproportionately on members of a protected class?
2. **Justification.** If so, is the discipline policy, procedure, or practice necessary to meet an important educational goal?
3. **Less discriminatory alternative.** If so, are there comparably effective alternative policies, procedures, or practices that would meet this educational goal with less of a burden or adverse impact on students of this protected class?

“A growing body of social psychological research has also reaffirmed the need for legal tools that address disparate impact. This research demonstrates that implicit bias against people of color remains a widespread problem.... In a disparate impact case, the investigation focuses on the consequences of the recipient’s practices, rather than the recipient’s intent.”

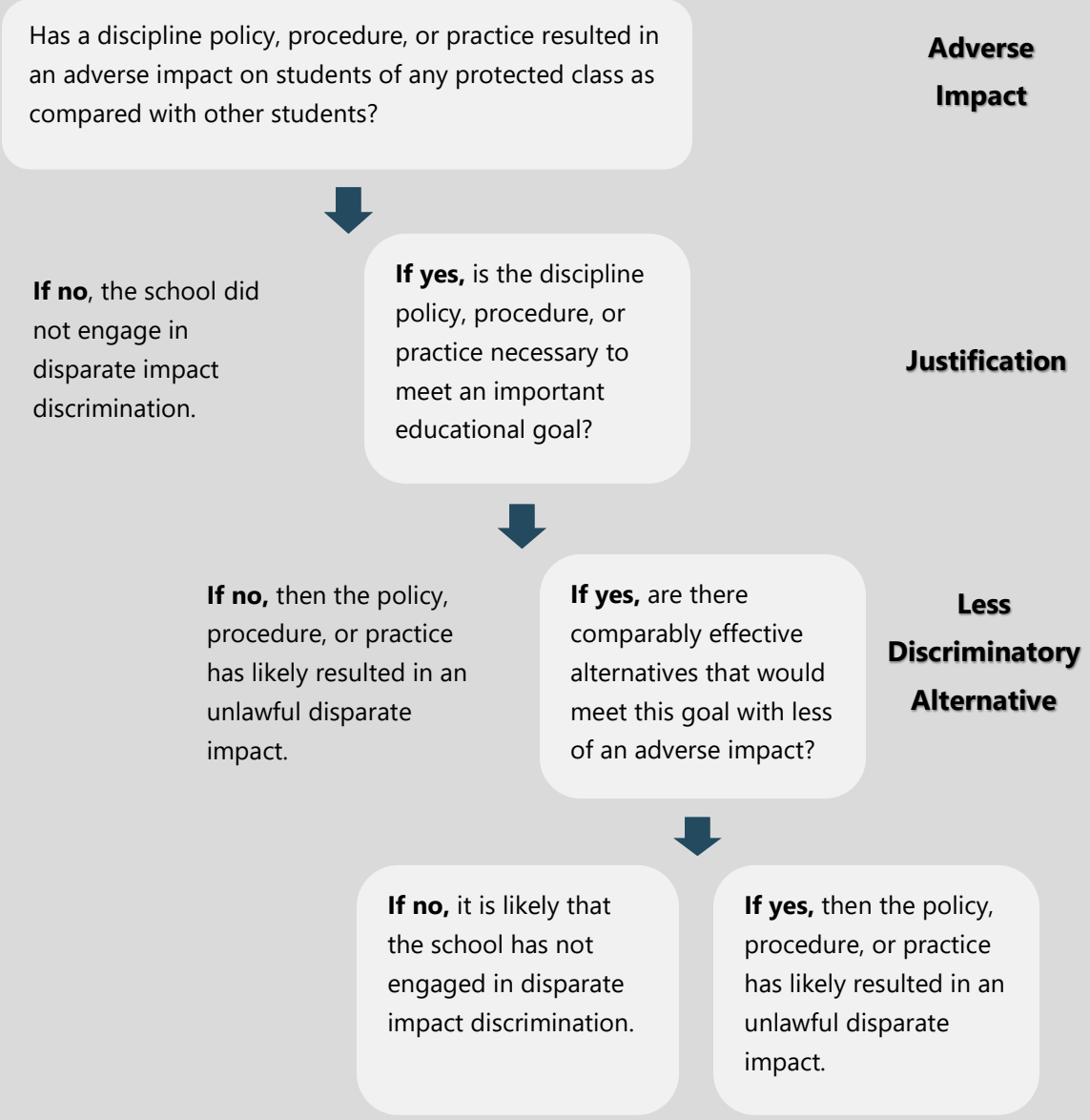
U.S. Department of Justice, Civil Rights Division [Title VI Manual](#)

³³ Recipients of Federal financial assistance, including public schools, are prohibited from “utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.” 34 C.F.R. § 100.3(b)(2). See RCW 28A.640.020(1), RCW 28A.642.005 (recognizing the deleterious effect of discrimination in Washington public schools); RCW 28A.642.020 (directing OSPI to develop rules and guidelines to eliminate prohibited discrimination); WAC 392-190-005. Under the theory of disparate impact, no proof of intent is required if a recipient, in violation of agency regulations, uses a neutral procedure or practice that has a disproportionate adverse effect on a protected group. See *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971). See also *Elston v. Talladega Cnty. Bd. Of Educ.*, 997 F.2d 1394 (11th Cir. 1993).

FRAMEWORK:

IDENTIFYING DISPARATE IMPACT DISCRIMINATION

Use the following framework to identify whether a discipline policy, procedure, or practice has resulted in an unlawful disparate impact. Each part of the analysis is discussed in more detail on the following pages.



1. Adverse Impact

The first step in the disparate impact analysis is determining whether a discipline policy, procedure, or practice has resulted in an adverse impact on students of any protected class as compared with other students. In other words, has a discipline policy, procedure, or practice had an adverse effect that falls substantially disproportionately on members of a protected class?

For example, depending on the specific facts, an adverse impact may include instances where students of a particular protected class, as compared to their peers, are disproportionately:

- Suspended at substantially higher rates
- Disciplined for specific offenses
- Subjected to longer sanctions or more severe penalties
- Removed from the regular school setting to an alternative school setting
- Excluded from one or more educational programs or activities



TOOLS AND RESOURCES: IDENTIFYING DISPROPORTIONALITIES

[OSPI Equity in Student Discipline](#)

[School Discipline Data Indicators: A Guide for Districts and Schools](#) (Regional Educational Laboratory Northwest)

[Using Discipline Data Within SWPBIS to Identify and Address Disproportionality: A Guide for School Teams](#) (OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports)

[Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide](#) (National Center on Safe Supportive Learning Environments)

As discussed in more detail on page 15, disproportionalities, or disparities, can be assessed using several types of data, as well as a variety of data measures. Disproportionalities can be assessed by comparing, for example, overall suspension and expulsion rates, rates of office referrals or classroom exclusions, rates of referrals or discipline for specific types of behaviors, the average number of exclusions per student, and the average length of suspensions or expulsions for specific types of behaviors. Different data measures—such as composition index and risk ratio—provide unique information about disproportionalities in discipline, each with its own advantages and disadvantages. Schools may benefit from using multiple measures to better understand the impacts of their discipline policies, procedures, and practices.

Adverse impact is determined on a case-by-case basis. As discussed on page 16, the magnitude of a disproportionality can be difficult to define and is determined based on multiple factors. Relevant considerations can include factors such as school size; the size of the student group; whether the specific student group represents a high or low percentage of the student population;³⁴ the total number of students the school has disciplined; and the relative rates, risk, or composition that students in protected classes represent among students who have been subjected to suspension or expulsion.

A statistical disproportionality is not necessary when an adverse effect is obvious or predictable. At times, an adverse impact can be inferred without statistical analysis if there is an obvious or predictable connection between a discipline policy or practice and a resulting disproportionality. For example, if a school’s student conduct code prohibited students from speaking a language other than English during lunch and passing periods, it can be inferred that any resulting discipline would adversely impact some student groups more than others—particularly based on race or national origin.³⁵

A statistical disproportionality alone is not discrimination. Upon identifying a disproportionality, public schools must assess whether it is substantial and whether a school or school district policy, procedure, or practice caused or contributed to that disproportionality. If so, the school or school district should use the disparate impact analysis to identify if the policy, procedure, or practice is necessary to meet an important educational goal and whether effective alternatives would meet that goal with less of an adverse impact.

A root cause analysis is a critical step in determining the cause of the disproportionality—including whether or not the disproportionality is the result of a school or school district policy, procedure, or practice. *See Appendix B for more information and resources regarding how to conduct a root cause analysis.*

³⁴ However, a policy, procedure, or practice may still have a substantial and adverse impact on a particular group of students even if that group of students represents a relatively small portion of the school population.

³⁵ Note, “English-only” policies may also indicate intentional discrimination when a school adopts a facially neutral policy with the intent to target students of a particular protected class for invidious reasons.

2. Justification

If a discipline policy, procedure, or practice has resulted in an adverse impact on students of any protected class, the next step in the analysis is determining whether the discipline policy, procedure, or practice is necessary to meet an important educational goal. The school or school district's justification for the policy, procedure, or practice must be legitimate—it cannot simply be a pretext for discrimination.³⁶

Whether the adverse impact is justified is a fact-specific determination. Important factors to consider include:

- The importance of the goal. For example, is the justification integral to the school's mission?
- The tightness of the fit between the goal and the means employed to achieve it. In other words, is the policy, procedure, or practice *directly related* to the goal?

If the policy is *not* necessary to meet an important educational goal, then the school has engaged in discrimination. If the policy is justified, however, then the analysis continues to the third prong.

³⁶ A school's justification may be a pretext for discrimination—i.e., not the true reason for the school's action—when the asserted reason does not explain the school's actions; witnesses contradict the school's stated reason, exposing such reason as false; other students have received different discipline for similar instances of behavior; or the discipline administered does not conform to the school's code of conduct or discipline policy. If the nondiscriminatory reason offered by the school is found to be pretextual, the school may be found to have engaged in intentional discrimination.

3. Less Discriminatory Alternative

If a substantial legitimate justification is identified, the final step in the disparate impact analysis is to determine whether alternative policies, procedures, or practices may be comparably effective with less disparate impact. In other words, are there comparably effective alternative policies, procedures, or practices that would meet this educational goal with less of a burden or adverse impact on students of this protected class?

If so, the school must implement a less discriminatory alternative if it is feasible and meets the legitimate objectives stated by the school or school district. Schools should consider not only alternative policies and practices, but also any measures the school or school district could implement in order to lessen the harm that the challenged practice caused.³⁷



TOOLS AND RESOURCES: IDENTIFYING AND IMPLEMENTING ALTERNATIVES TO SUSPENSION

[OSPI Student Discipline](#)

[OSPI Equity in Student Discipline](#)

[Washington Integrated Student Supports Protocol \(WISSP\)](#) (OSPI)

[Behavior: Menu of Best Practices and Strategies](#) (OSPI)

[National Center on Safe Supportive Learning Environments](#)

[National Clearinghouse on Supportive School Discipline](#)

[Key Elements of Policies to Address Discipline Disproportionality: A Guide for District and School Teams](#) (OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports)

[Positive Behavioral Interventions & Supports: Technical Assistance Center](#)

[Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide](#) (National Center on Safe Supportive Learning Environments)

[School Climate and Discipline](#) (U.S. Department of Education)

³⁷ When evaluating alternatives, schools and school districts should consider the best practices and strategies included in the OSPI Behavior Menu of Best Practices and Strategies, available at <http://www.k12.wa.us/student-success/support-programs/learning-assistance-program-lap/menus-best-practices-strategies/behavior-menu-best-practices-strategies>.

The following are examples of policies, procedures, or practices that—if applied neutrally but adversely affecting certain groups of students—could raise concerns regarding disparate impact discrimination:³⁸

- Policies that impose mandatory discipline such as classroom exclusions for any student who commits a specified offense, particularly for “low level” offenses such as being in possession of electronic devices, insubordination, disruption, not wearing the proper uniform, or violating the dress code.
- Discipline policies that delay or prevent youth from reenrolling in school after returning from the juvenile justice system or a behavioral health treatment program.
- Policies that impose out-of-school suspensions or expulsions for truancy or tardiness raise concerns because a school would likely have difficulty demonstrating that excluding a student from attending school in response to the student’s efforts to avoid school was necessary to meet an important educational goal.³⁹

³⁸ Any determination that a school or school district has engaged in unlawful discrimination is determined on a case-by-case basis.

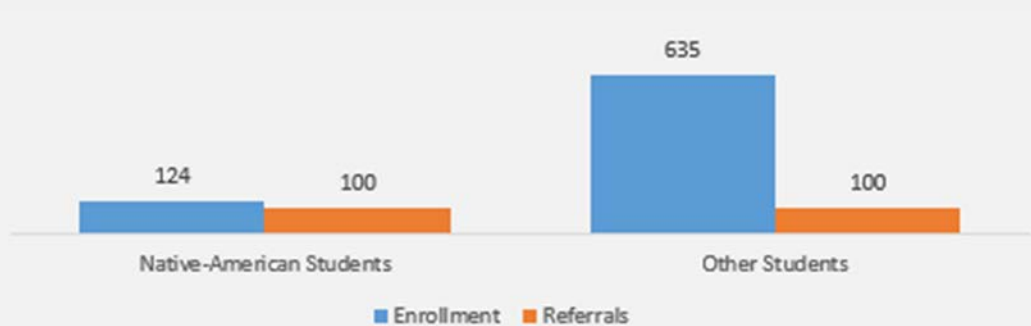
³⁹ For these reasons, state law has prohibited public schools from administering suspension or expulsion from school for truancy or tardiness since 2018. See WAC 392-400-430(7).

ILLUSTRATION:

ZERO-TOLERANCE TARDINESS POLICY

A middle school has a “zero tolerance” tardiness policy. Students who are more than five minutes tardy to class are always referred to the principal’s office, where they are required to remain for the rest of the class period. The school also imposes an automatic after-school detention when a student is tardy five times in the same semester. Missing after-school detention results in in-school suspension.

Evidence shows that Native American students are disproportionately losing instruction time under the school’s “zero tolerance” tardiness policy as a result of both office referrals and in-school suspensions for repeated tardiness.



It’s revealed that White and Hispanic students are more likely to live within walking distance of the school, while Native American students are more likely to live farther away and in an area cut off by an interstate highway that prevents them from walking to school. The majority of Native American students are thus required to take public transportation. Even though these students take the first public bus to school every morning, the bus often does not drop them off at school until after school has begun.

In an OSPI investigation of the school district to determine if the district is unlawfully discriminating on this basis of race, the school’s “zero tolerance” tardiness policy is justified as meeting the goals of reducing disruption caused by tardiness, encouraging good attendance, and promoting a climate where students respect school rules—all of which are important educational goals. OSPI would then assess the fit between those goals and the means employed by the school—including whether the policy is reasonably likely to reduce tardiness for these students under these circumstances. Assuming there was such a fit, OSPI would then probe further to determine the availability of alternatives that would also achieve the important educational goals while reducing the adverse effect on Native American students (e.g., aligning class schedules with bus schedules, or excusing students whose tardiness is the result of bus delays). If the educational goal can be met through alternative policies or practices that eliminate or have less of an adverse impact on Native American students, then the school would be required to implement those alternatives.

Addressing disparities and discrimination in student discipline

If a school or school district finds that it has treated a student or student group differently when administering discipline, or that any disproportionality or disparity in its student discipline data is the result of discrimination, the school or district must develop and implement an action plan to promptly address and remedy the issue. Even if a school determines that the substantial discipline disproportionalities identified are *not* the result of discrimination, schools should consider changes to their discipline policies, procedures, and practices that may reduce disproportionate outcomes and better ensure equity in the administration of student discipline.⁴⁰

Improving equity in student discipline requires a commitment to continuous improvement. Throughout the implementation of the school or school district's action plan, the school or district should regularly review disaggregated discipline data to monitor the effectiveness of its action plan,



TOOLS AND RESOURCES: IMPLEMENTING BEST PRACTICES

[OSPI Student Discipline](#)

[OSPI Equity in Student Discipline](#)

[Washington Integrated Student Supports Protocol \(WISSP\)](#) (OSPI)

[Key Elements of Policies to Address Discipline Disproportionality: A Guide for District and School Teams](#) (OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports)

[A 5-point intervention approach for enhancing equity in school discipline](#) (OSEP Technical Assistance Center on Positive Behavioral Interventions and Supports)

[Positive Behavioral Interventions & Supports: Technical Assistance Center](#)

[Behavior: Menu of Best Practices and Strategies](#) (OSPI)

[Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide](#) (National Center on Safe Supportive Learning Environments)

[Equity in School Discipline Collaborative](#) (REL Northwest)

[School Climate and Discipline](#) (U.S. Department of Education)

⁴⁰ A school should consider whether changes to policies, procedures, or practices, while not determined to be discriminatory, may contribute to reducing a disproportionate outcome for a student group. For example, consider whether a lack of a culturally relevant, engaging curriculum could be contributing to academic disengagement and associated behavior challenges for students of different racial or ethnic backgrounds. Likewise, if a school or school district concludes that circumstances outside the school's control (such as poverty or high mobility) have some impact on discipline rates, the schools could consider policy, procedure, or practice changes within its control to mitigate the impact of those external circumstances on student behavior and learning.

measure progress over time, and evaluate whether the plan should be adjusted.

As school and school district teams review discipline data to monitor the effectiveness of an intervention or strategy, they should adjust the plan if data show little or no progress. To inform this decision, school and school district teams should consider whether additional resources might be necessary for staff to fully implement the strategy or intervention with fidelity, or whether implementing a new or additional strategy might be necessary.

Extensive research and resources exist to help schools and school districts implement promising practices that promote equity in student discipline while keeping students in school. Consider the following principles when planning steps to reduce and eliminate disparities in student discipline:⁴¹

- *Supportive relationships* are at the core of positive school climate. Positive student–teacher relationships are tied to positive academic outcomes and reduced discipline. Warmth and empathy from teachers toward students increase positive student engagement. Conversely, negative relationships can produce cumulatively negative and increasingly damaging effects for students.
- *Bias-aware and respectful classrooms and schools* also lead to more positive outcomes for students of color. When teachers and administrators don't take steps to understand, analyze, and neutralize implicit bias, they are more prone to view the behavior of students who are from different racial, ethnic, or socioeconomic backgrounds differently and more negatively when compared to students who come from backgrounds similar to their own. They may view culturally normative verbal and non-verbal behaviors as more negative, disruptive, disrespectful, aggressive, or dangerous. For example, Black boys are more likely to be perceived as older than their chronological age; therefore, neutral or normal behaviors may be perceived as more aggressive, disrespectful or willfully disobedient, when compared to White peers.
- *Academic rigor and high expectations* are important to address opportunity gaps and engage students. Cognitively rich and motivating instruction reduces students' risk of discipline disparities. Unfortunately, students of color have historically been placed more often in remedial and less rigorous classes and less likely to be recommended for more advanced or rigorous classes. Teachers who have been observed facilitating higher-level

⁴¹ See Anne Gregory, Russel J. Skiba, R. & Kavitha Mediratta, *Eliminating Disparities in School Discipline: A Framework for Intervention*, June 23, 2017, Review of Research in Education, at 253–278.

thinking skills, such as problem solving, were also found to make more infrequent and more equitable discipline referrals.

- *Culturally relevant and responsive teaching* affirms and celebrates the various cultural backgrounds of students and integrates their experiences into the curriculum. High academic expectations and scaffolding of rigorous academic work, along with specific ethnic studies curricula can produce measurable improvements in outcomes such as attendance, GPA and progress toward graduation.
- *Learning and correcting behavior through direct instruction, specific praise, and tangible rewards* reduces disruptive and other undesirable behaviors and increases behaviors being reinforced. This approach includes practices such as School-Wide Positive Behavioral Interventions and Supports (SWPBIS), Social/Emotional Learning and others. These approaches have also displayed benefits related to shifting adult behavior away from reprimands and punitive mindsets. Because social norms exist within a cultural context, it is necessary for adults to deepen and develop relationship skills in which they can navigate diverse cultural norms and avoid negative teacher-student interactions resulting from cultural differences.
- *Data-based inquiry for equity.* The Every Student Succeeds Act (ESSA)⁴² has added requirements for schools to collect and report data on discipline. What schools and school districts choose to measure and review to guide practice is a reflection of their priorities. Studies on SWPBIS found a correlation between the use of data and sustained implementation, which in turn correlated to improved student outcomes. The collection and use of disaggregated data is critical for conducting root cause analyses to address discipline disparities and to engage in continuous improvement processes.
- *Problem-solving approaches to discipline.* This can involve inquiry-based practices, ranging from Functional Behavioral Assessment to Restorative Practices. Benefits from such practices include uncovering underlying learning difficulties or mental health needs and providing opportunities for shared respect when students are able to express their side and be heard. Implementation with fidelity is critical to achieve desired outcomes so that use of these practices doesn't revert to shaming and punishment. Authentic engagement of marginalized youth and their families, and an explicit awareness of power and privilege, are essential.

⁴² The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act of 2015. Available at <http://www.ed.gov/essa>.

- *Inclusion of student and family voice on causes and solutions of conflicts.* Student and family engagement can occur through restorative circles and other practices. In addition, individual students can set their own behavioral goals and self-monitor. These approaches help to engender feelings of engagement, trust, and autonomy.
- *Reintegration of students after conflict or absence.* Students who have been suspended or incarcerated are at substantially increased risk for recurrence of these poor outcomes. Effective re-engagement practices can help disrupt this cycle, commonly referred to as the “School-to-Prison Pipeline.” This is also an important step in reviewing the needs that students may have for additional supports, such as mental health or substance abuse treatment, tutoring, wraparound services, or other supports. And it also provides an opportunity for teachers, counselors, peers and others to welcome the student back into the school community.
- *Multi-Tiered Systems of Support (MTSS).* SWPBIS is the most common MTSS framework, but multi-tiered frameworks are compatible with other approaches, such as restorative practices. Culturally responsive and culturally adaptive implementation of SWPBIS or other MTSS approaches are important to ensure that reduced exclusionary discipline results across racial and ethnic groups. This can mean emphasizing cultural sensitivity, culturally relevant instruction and strong family partnerships as part of SWPBIS implementation.

Learn more. Ask questions. Get help.

Equity and Civil Rights Office

Office of Superintendent of Public Instruction

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equity@k12.wa.us | <http://www.k12.wa.us/policy-funding/equity-and-civil-rights>

Find more information about civil rights, student discipline, and related resources:

[OSPI Equity and Civil Rights](http://www.k12.wa.us/policy-funding/equity-and-civil-rights)

<http://www.k12.wa.us/policy-funding/equity-and-civil-rights>

[OSPI Student Discipline](http://www.k12.wa.us/student-success/support-programs/student-discipline)

<http://www.k12.wa.us/student-success/support-programs/student-discipline>

[OSPI Equity in Student Discipline](http://www.k12.wa.us/student-success/support-programs/student-discipline/equity-student-discipline)

<http://www.k12.wa.us/student-success/support-programs/student-discipline/equity-student-discipline>

APPENDICES

Appendix A: Protections for Students Eligible for Services under IDEA and Section 504 who are Removed from School

Washington's discipline regulations governing conduct for all students are located at chapter [392-400](#) WAC. School districts must follow these regulations for all students. However, when a school district imposes a disciplinary removal of a student who is eligible, or is deemed eligible, for special education or Section 504 services, the district must also follow additional special education or Section 504 discipline procedures to ensure a student with a disability is not discriminated against in the administration of discipline.

Step 1: Determine the educational services to be provided while the student is removed from school

A school district may not suspend the provision of educational services to a student receiving special education or Section 504 services in response to behavioral violations.⁴³ As soon as reasonably possible after removing a student receiving special education or Section 504 services, a school district must provide the student notice of the opportunity to receive educational services. The educational services must enable the student to continue (1) participating in the general education curriculum; (2) meeting the educational standards established within the school district; and (3) completing subject, grade-level, and graduation requirements. Students must also continue to receive special education services, and accommodations and related services under Section 504, as part of their regular educational program.⁴⁴

When providing a student receiving special education or Section 504 services the opportunity to receive educational services while removed from school, the school district must consider meaningful input from the student, parents, and the student's teachers and consider how the student will be provided access to any necessary technology, transportation, or resources the student needs to participate fully in the educational services offered.

A school district may provide educational services to a student receiving special education or Section 504 services in an alternative setting and/or modify the disciplinary removal on a case-

⁴³ WAC 392-400-610.

⁴⁴ WAC 392-172A-05145.

by-case basis. An alternative setting should be comparable, equitable, and appropriate for the regular educational services a student would have received without the exclusionary discipline.

Step 2: Determine if the current disciplinary removal is a change of placement

A change in placement occurs when a student receiving special education or Section 504 services is removed from school for 10 consecutive days or more, or has been subjected to a series of removals for more than 10 school days in a school year that constitutes a pattern of exclusion.⁴⁵ Whether a series of removals creates a pattern of exclusion is made on a case-by-case basis, considering factors such as the length of each removal, the proximity of the removals to one another, and the total amount of time the student was excluded from school.⁴⁶

Step 3: If a change of placement occurs, then conduct a manifestation determination review

A Manifestation Determination Review (MDR) is a key step in the discipline process for both students receiving special education and Section 504 services because it impacts the type of discipline a school district may impose on a student and whether the district may remove the student from their current placement because of a code of conduct violation.⁴⁷ An MDR is conducted in substantially the same way, regardless of whether the student is receiving special education or Section 504 services.⁴⁸

For students receiving special education services, once the removal is a change of placement, during any subsequent days of removal the student must continue to receive educational services that provide a Free Appropriate Public Education (FAPE) and to progress toward meeting the goals set out in the student's IEP. The student's IEP team determines appropriate services and such services may be provided in an interim alternative educational setting.

⁴⁵ The 10-day period before a change of placement should not be characterized as "free days." This characterization may discourage school personnel from considering whether behavioral supports are needed to address or improve patterns of behavior that impede learning before, during, or after implementing short-term disciplinary removals. U.S. Department of Education. See Dear Colleague Letter on the Inclusion of Behavioral Supports in Individualized Education Programs (August 1, 2016) (available at <http://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps--08-01-2016.pdf>).

⁴⁶ WAC 392-172A-05155.

⁴⁷ 34 C.F.R. § 300.530(3)(e); WAC 392-172-05146.

⁴⁸ Section 504 regulations require a school to conduct a reevaluation of an eligible student before any significant change of placement. 34 C.F.R. § 104.35. A reevaluation procedure consistent with the IDEA is one means of meeting the Section 504 reevaluation requirement. 34 C.F.R. § 104.35(d). While the term "manifestation determination" does not appear anywhere in Section 504 or its regulations, the U.S. Department of Education interprets the regulations to require an evaluation in the form of an MDR whenever a Section 504-eligible student's placement is significantly changed because of disciplinary removals for violations of the student code of conduct. CR Staff Memorandum, 16 IDELR 491 (OCR 1989).

Frequently Asked Questions

How soon must the MDR take place?

An MDR must take place within 10 days of any decision to change the placement of a student receiving special education or Section 504 services.

Who must participate in the MDR?

The MDR should be conducted by the school district, parent, and relevant members of the IEP or Section 504 team, as determined by the parent and the district.⁴⁹

What information must be reviewed in making a determination?

In conducting an MDR, the team must review, at a minimum, all relevant information in the student's file, including the student's IEP or Section 504 plan, any teacher observations, and any relevant information provided by the parents. For Section 504, the team must consider information from a variety of sources, which may also include relevant information to understand the student's behavior and help the team determine whether the behavior was caused by or substantially related to the student's disability.

What does a team determine at an MDR?

After reviewing all of the relevant information, the team must determine

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
2. If the conduct in question was the direct result of the school district's failure to implement the IEP or Section 504 plan.

If the team answers "yes" to either questions, then the student's conduct is considered a manifestation of their disability.

⁴⁹ Under Section 504, procedures for conducting an MDR should conform with the requirements for evaluation and placement decisions under the Section 504 regulations generally, such as including people generally knowledgeable about the student, the evaluation data, and placement options. While parents are not required members of a Section 504 team generally, the U.S. Department of Education's Office for Civil Rights (OCR), which enforces Section 504, has determined that the opportunity for parents to participate in an MDR is essential. If a school district holds an MDR for a student without the parent's input, it might inadvertently overlook vital information that may shed light on the cause of the student's behavioral violation. See, e.g., *Mobile County (AL) Sch. Dist.*, 353 IDELR 378 (OCR 1989); *Newton County (GA) Sch. Dist.*, 9 GASLD 22 (OCR 2015).

What happens if the student’s conduct is determined to be a manifestation of the student’s disability?

If the team determines that the student’s conduct was a manifestation of their disability, the school district may not continue the disciplinary removal. The student must be returned to their current placement unless the parent and school district agree to a different placement.

For students receiving special education services, the IEP team must conduct a functional behavioral assessment, if it has not already done so, and implement a behavioral intervention plan (BIP).⁵⁰ If a BIP is already in place, the team must review and revise the existing BIP, as needed, to address the student’s behavior. If the team determines that the school district was not implementing the student’s IEP, the district must take immediate action to correct those deficiencies.

What happens if the student’s conduct is determined not to be a manifestation of the student’s disability?

If the team determines that the student’s conduct is not a manifestation of the student’s disability, school personnel may use the same discipline procedures, in the same manner, and for the same period of time, as it would for a student who is not receiving special education or Section 504 services. However, it may be appropriate for the IEP or Section 504 team to conduct a functional behavioral assessment and create/revise a BIP as needed, as well as revisit the IEP or Section 504 plan to ensure it is still appropriate and meets the student’s behavioral needs. A student’s IEP or Section 504 team determines what services are appropriate for the student during the period of removal and, if necessary, determines the interim alternative setting for the student.

How do the discipline protections for a student receiving special education or Section 504 services apply to in-school suspensions?

The same steps for an out-of-school suspension or expulsion must be followed for an in-school suspension. The school district must first determine what educational services will be provided during the period of in-school suspension. Students must continue to receive special education services and accommodations and related services under Section 504 as part of their regular educational program during an in-school suspension.⁵¹

The next step is for the school district to determine if the in-school suspension is a change of placement. A change of placement occurs if a student receives an in-school suspension for 10 consecutive days or more, or has been subjected to a series of removals, including both in-

⁵⁰ See WAC 392-172A-01031.

⁵¹ WAC 392-172A-05145.

school and out-of-school suspension or expulsion, for more than 10 school days in a school year that constitutes a pattern of exclusion.⁵² The amount of time a student receives in-school suspension is one factor to consider as part of a pattern of exclusion.

If a change of placement occurs due to an in-school suspension, then the school district must follow procedures for conducting an MDR.

Are there any exceptions to the protections for students receiving special education or Section 504 services for discipline involving special circumstances?

In addition to the exceptions to student discipline under WAC [392-400-810](#) and WAC [392-400-820](#), a student receiving special education may be removed to an interim alternative educational setting (IAES) for up to 45 school days, regardless of whether the behavior was a manifestation of the student's disability, under the following special circumstances:

- Carrying a weapon to or possessing a weapon at school, on school premises, or to or at a school function under the jurisdiction of a school district;⁵³
- Knowingly possessing or using illegal drugs, or selling or soliciting the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a school district;⁵⁴ or
- Having inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a school district.⁵⁵

A school district must still follow the procedures for conducting an MDR for a student receiving special education even if special circumstances apply.

If special circumstances are applicable, then a student's IEP team will determine the IAES and the services a student will receive in order to continue receiving FAPE. Students eligible for special education must be able to continue participating in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP.

⁵² Whether a series of removals creates a pattern of exclusion is made on a case-by-case basis, considering factors such as the length of each removal, the proximity of the removals to one another, and the total amount of time the student was excluded from school.

⁵³ Weapon has the meaning given to the term "dangerous weapon" under paragraph (2) of subsection (g) of Section 930 of Title 18, United States Code.

⁵⁴ Controlled substance means a drug or other substance identified under Schedules I, II, III, IV, or V in Section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)); Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under that act or under any other provision of federal law.

⁵⁵ Serious bodily injury has the meaning given to the term "serious bodily injury" under paragraph (3) of subsection (h) of Section 1365 of Title 18, United States Code.

What rights do parents and families have if they disagree with the decision to discipline a student receiving special education or Section 504 services?

Students receiving special education and Section 504 services retain all of the fundamental due process protections related to student discipline described in WAC [chapter 392-400](#). Such protections under this chapter include, but are not limited to, the right to notice and a hearing regarding the behavioral violation, the right to appeal a suspension or expulsion, the right to request review and reconsideration of the school district's appeal decision, and the right to participate in a reengagement meeting following any long-term suspension or expulsion.

What can students and parents/families do if they disagree with the outcome of an MDR?

School districts are encouraged to continue to engage with a student and their parent/family if there is a disagreement over the MDR. Students and parents/families can request an IEP team or Section 504 team meeting at any time for the purposes of reviewing a student's need for positive behavioral supports.

Students receiving special education, however, also have the right to request an expedited due process hearing if they or their parent/family disagree with the outcome of an MDR. More information about how to request a special education due process hearing is available on the [OSPI Special Education website](#).

The hearing must happen within 20 school days from the date the hearing is requested, and the assigned Administrative Law Judge (ALJ) must issue a decision within 10 school days after the date of the hearing. During this time, the student must stay in an IAES until either (1) the ALJ issues a decision; (2) the disciplinary time period expires; or (3) the student, parent/family, and school district agree to something else.

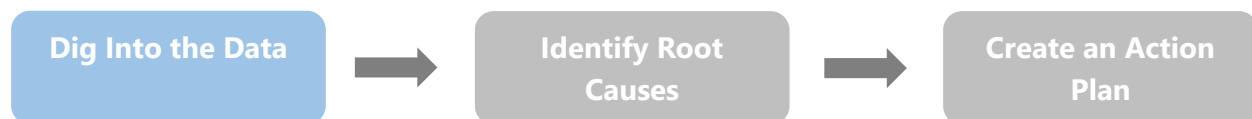
Students receiving Section 504 services also have the right to an impartial due process hearing to dispute the Section 504 team's determinations. For information about a Section 504 due process hearing, a parent/family should contact their school district's designated Section 504 coordinator.

Appendix B: Addressing the Root Causes of Disproportionality



The following guide illustrates how a school district or school team could carry out an analysis of student discipline data to identify and address disproportionalities. For more a more in-depth guide, as well as related tools and resources, see [Addressing the Root Causes of Disparities in School Discipline: An Educator’s Action Planning Guide](#) (National Center on Safe Supportive Learning Environments).

Dig into your data



1. **Collect discipline data for each building, including in-school suspensions, short- and long-term suspensions, expulsions, and emergency expulsions.**

Additional data collection could include other discipline referrals, types of behavior for which students are disciplined, length of exclusions from school or the classroom, or referrals to law enforcement.

2. **Disaggregate the data by race, sex, EL status, and disability (including special education and Section 504 status).**

Additional disaggregation could include by Free and Reduced Lunch, McKinney-Vento, foster care, or migrant status.

3. **Analyze the disaggregated data to identify any potential disproportionalities.** For example:
- *Are any groups of students being suspended or expelled at a substantially disproportionately higher rate than their peers?*
 - *Are any groups of students being disciplined at a substantially higher rate than their peers for certain types of behaviors?*
 - *Are any groups of students receiving different consequences or interventions than their peers for the same type of behavior?*

Identify the root causes of disproportionalities



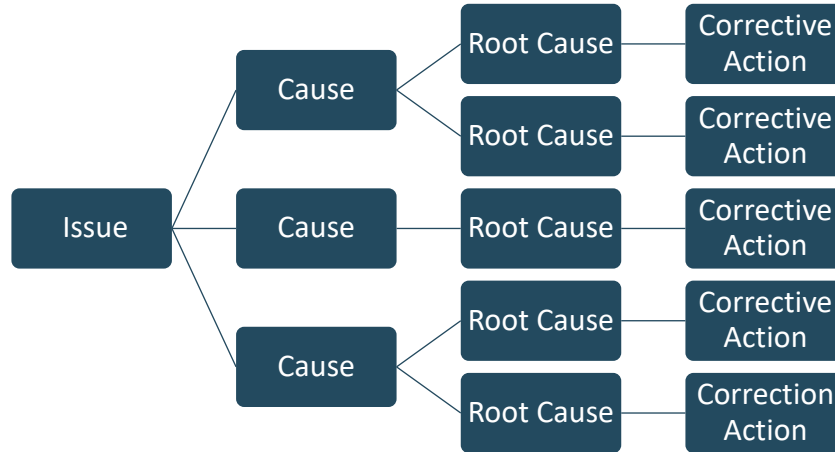
Once the team identifies substantial disproportionalities, conduct a root cause analysis to determine why disproportionalities persistently occur. This step is critical for understanding and addressing the mechanisms that create and drive disproportionalities.

1. Collect other information that could help the team understand why disproportionalities exist. These may include:

- *Discipline policies and handbooks, student discipline records and referral forms, and school climate surveys.*
- *Student, family, and staff perspectives on student discipline and school climate.*
- *School assessments on the impact and effectiveness of existing services, practices, programs, and interventions the school uses to support students or in response to student behavior (e.g., counseling, mental health supports, positive behavioral interventions and supports, etc.).*
- *Patterns or practices in school buildings and classrooms.*

2. **Conduct a root cause analysis for each disproportionality identified.**

A root cause analysis may be conducted in many ways. A tree diagramming process is one way to visualize root causes and determine possible corrective actions.



The tree diagram guides you through the following levels:

Issue: These are the substantial disproportionalities you identified in your student discipline data.

Causes: These are the possible causes of the issue. To determine possible causes, the team could consider:

- *How were school district policies and codes of conduct implemented?*
- *What specific behaviors led to the suspensions or expulsions?*
- *What other factors may have contributed to the students being suspended or expelled?*
- *What are student, family, and teacher perspectives on the issue, student discipline, and school climate?*

Root causes: After considering the causes and other information, form hypotheses about the possible root causes of the problem. Examples of common root causes include:

- *Is the school climate and learning environment safe and supportive of all students?*
- *Do teachers have the training, resources, and support they need to manage classroom behavior and address barriers to student learning?*
- *Do some students receive less supportive interventions than their peers?*
- *Are explicit or implicit biases impacting decision making in interventions and discipline?*
- *Are school rules clear and applied consistently?*

Corrective Actions: An examination of the root causes should logically lead to action steps that can be taken to address the issue.

Create and implement an action plan



Develop a sustainable action plan to address the root causes of any identified substantial disproportionalities. In developing the action plan, consider the following:

- *Review discipline policies and codes of conduct. Are definitions clear and nondiscriminatory? Are consequences clear, developmentally appropriate, and proportional? Are due process protections provided?*
- *Do teachers need additional supports in classroom management?*
- *Are there evidence-based, positive behavioral approaches the schools could implement to reduce exclusionary discipline and address disproportionalities?*
- *Are there school climate issues that need to be addressed?*
- *How can schools better engage families, students, staff, and the community?*

Appendix C: Laws, Tools, and Resources

Civil Rights and Nondiscrimination

Washington State Equal Educational Opportunity Laws

[OSPI Equity and Civil Rights](#)

[Chapter 28A.640 RCW](#). Sexual Equality

[Chapter 28A.642 RCW](#). Discrimination Prohibition

[Chapter 392-190 WAC](#). Equal Educational Opportunity—Unlawful Discrimination Prohibited

Washington Law Against Discrimination

[Washington State Human Rights Commission](#)

[Chapter 49.60 RCW](#). Discrimination—Human Rights Commission

Federal Civil Rights Laws: Title VI, Title IX, Section 504, Americans with Disabilities Act

[U.S. Department of Education, Office for Civil Rights](#)

[Department of Justice Title VI Legal Manual: Proving Discrimination—Disparate Impact](#)

Discipline Protections for Students Receiving Special Education

Special Education

[Chapter 392-172A WAC](#). Rules for the Provision of Special Education

[OSPI Special Education](#)

[Discipline Procedures for Students Receiving Special Education Services](#) (OSPI)

[OSPI Technical Assistance Paper: Discipline Requirements for Students who Receive Special Education Services](#)

[Special Education Discipline Flowchart](#) (OSPI)

Section 504

[Section 504 and Students with Disabilities](#) (OSPI)

[Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#)
(U.S. Department of Education, Office for Civil Rights)

Discipline Policies and Procedures

[Chapter 392-400 WAC](#). Student Discipline

[RCW 28A.320.211](#). Discipline policies, procedures, and rules—Dissemination of information—Use of disaggregated data—Review

[RCW 28A.345.090](#). Model school district discipline policies—Adoption and enforcement by school districts

[RCW 28A.600.010](#). Enforcement of rules of conduct—Due process guarantees—Computation of days for short-term and long-term suspensions

[RCW 28A.600.015](#). Expulsions and suspensions—Rules incorporating due process—Short-term and long-term suspensions—Emergency expulsions—Discretionary discipline

[RCW 28A.600.020](#). Exclusion of student from classroom—Written disciplinary procedures—Long-term suspension or expulsion

[RCW 28A.600.022](#). Suspended or expelled students—Reengagement plan

[RCW 28A.600.410](#). Alternatives to suspension—Encouraged

[RCW 28A.600.460](#). Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions

Statewide Data Collection and Reporting

[Comprehensive Education Data and Research System](#) (CEDARS)

[RCW 28A.300.042](#). Collection and submittal of student-level data—Student data-related reports—Disaggregation of data by subgroups—Modification of statewide student data systems.

[RCW 28A.300.046](#). "Student absence from school"—Rules—Collection of attendance and discipline data.

[RCW 28A.320.211](#). Discipline policies, procedures, and rules—Dissemination of information—Use of disaggregated data—Review.

[RCW 28A.600.460](#). Classroom discipline—Policies—Classroom placement of student offenders—Data on disciplinary actions.

Using Discipline Data to Identify Disproportionalities

[Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide](#) (National Center on Safe Supportive Learning Environments)

[Analyzing Student-Level Disciplinary Data: A Guide for Districts](#) (March 2017)

[Equity in School Discipline Collaborative](#) (REL Northwest)

[School Discipline Data Indicators: A Guide for Districts and Schools](#) (April 2017)

Implementing Best Practices

While these guidelines specifically outline the protections and requirements under civil rights laws, OSPI provides several resources to assist public schools in implementing best practices. While research is ongoing into the most effective strategies for reducing disproportionality in student discipline, many of these best practices have shown promising results in promoting equity in discipline.

[OSPI Equity in Student Discipline](#)

[OSPI Student Discipline](#)

[Behavior: Menu of Best Practices and Strategies](#) (OSPI)

[Learning Assistance Program](#) (OSPI)

[Addressing the Root Causes of Disparities in School Discipline: An Educator's Action Planning Guide](#) (National Center on Safe Supportive Learning Environments)

[National Center on Safe Supportive Learning Environments](#)

[National Clearinghouse on Supportive School Discipline](#)

[Positive Behavioral Interventions & Supports: Technical Assistance Center](#) (U.S. Department of Education, Office of Special Education Programs and Office of Elementary and Secondary Education)

[U.S. Department of Education: School Climate and Discipline](#)

[Washington Integrated Student Supports Protocol](#)



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