

Teaching with Purpose Leadership Institute

HB 2192: Leading for Equity
Oregon's School Discipline Law and Implications
for Policy and Practice

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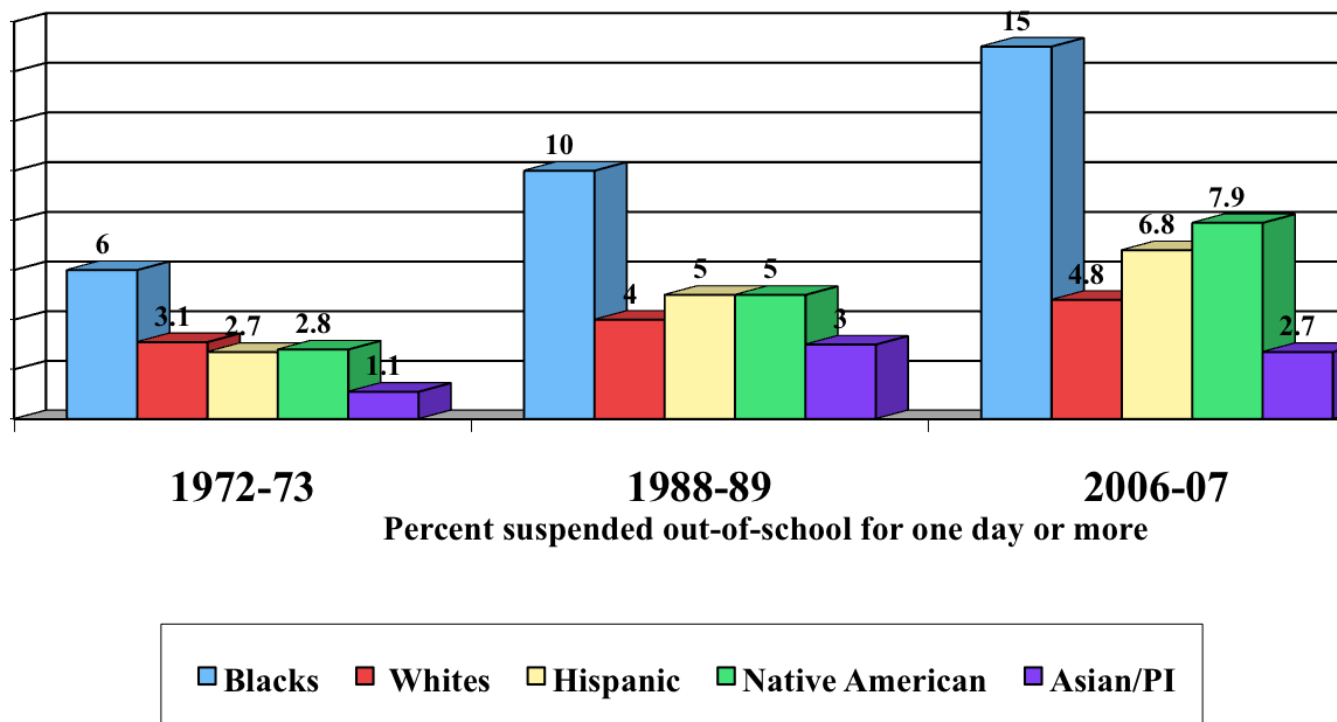
Overview

- History and policy rationale behind HB 2192
- Policy and practice implications
- Current activities, and opportunities for equity leadership

History of disciplinary inequity

A national view

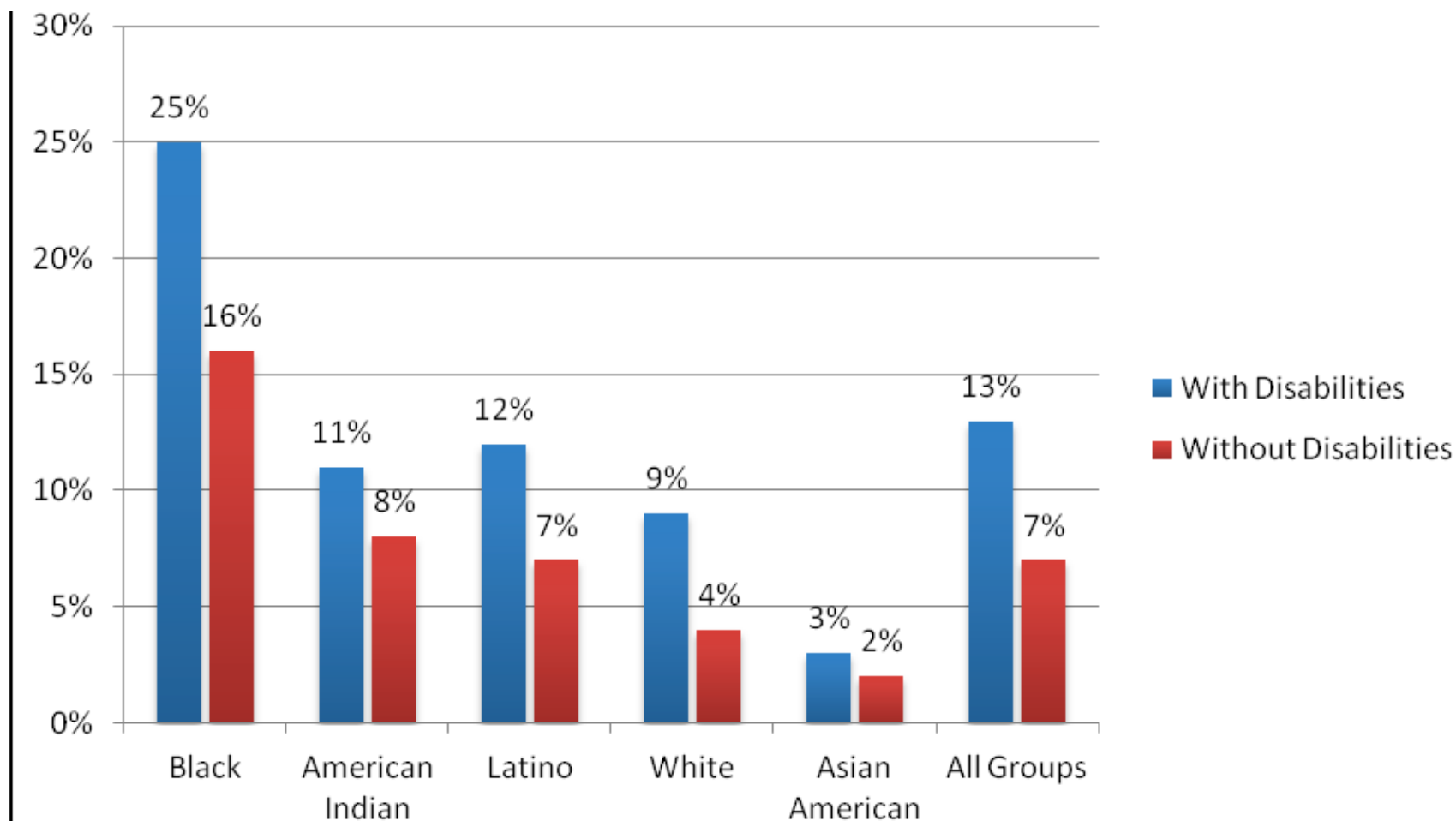
Suspension as Percent of Enrollment By Race



Source: U.S. Department of Education-Office for Civil Rights; 1972-3 data is OCR data, but taken from Children's Defense Fund, *School Suspensions; Are They Helping Children?* Cambridge, MA: Washington Research Project, 1975.

Figure 2. Impact by race and disability of the use of out-of-school suspensions, 2009-2010

Source: Losen & Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School* (2012). (Data from CRDC 09/10 SY).



Discipline Gap: Framing the Issue

“One of the most consistent findings of modern education research is the strong positive relationship between time engaged in academic learning and student achievement (Brophy, 1988; Fisher et al., 1981; Greenwood, Horton, & Utey, 2002).

The school disciplinary practices used most widely throughout the United States may be contributing to lowered academic performance among the group of students in greatest need of improvement.”

Source: The Achievement Gap and the Discipline Gap : Two Sides of the Same Coin? Anne Gregory, Russell J. Skiba and Pedro A. Noguera EDUCATIONAL RESEARCHER 2010 39: 59 DOI: 10.3102/0013189X09357621

“Research on the frequent use of school suspension has indicated that, after controlling for race and poverty, higher rates of out-of-school suspension correlate with lower achievement scores, or showed no academic benefits as measured by test scores and were predictors of higher dropout rates.”

Source: Losen, J (2012)-*Sound Discipline Policy for Successful Schools*, citing Skiba & Rausch (2006); and Fabelo et al., (2011)

Emerging studies suggest that being suspended even once in ninth grade is associated with a twofold increase in the likelihood of dropping out, from 16% for those not suspended to 32% for those suspended just once.

Balfanz (2013)

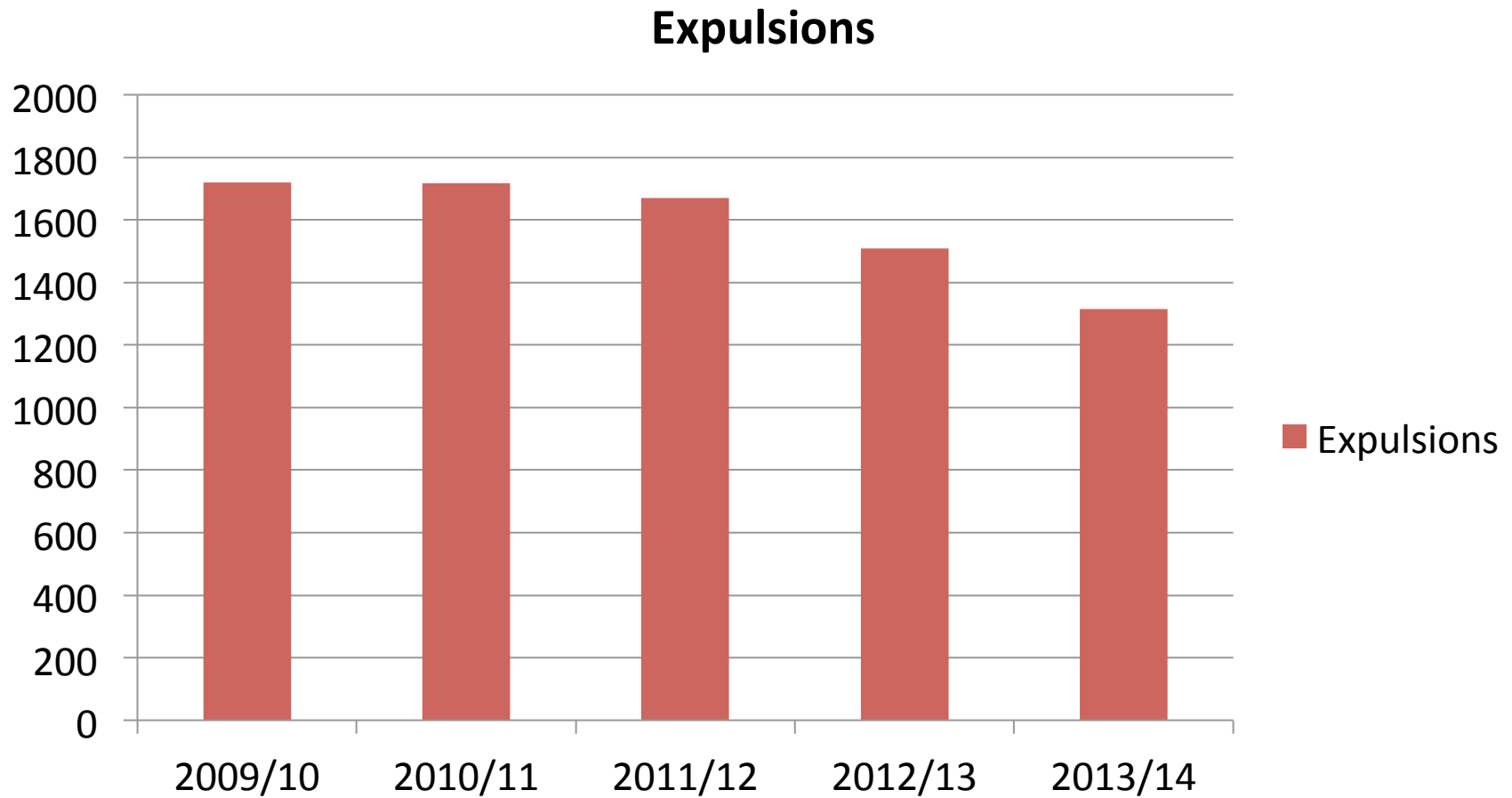
How do we look in Oregon?

First, the good news....

Oregon Statewide Data

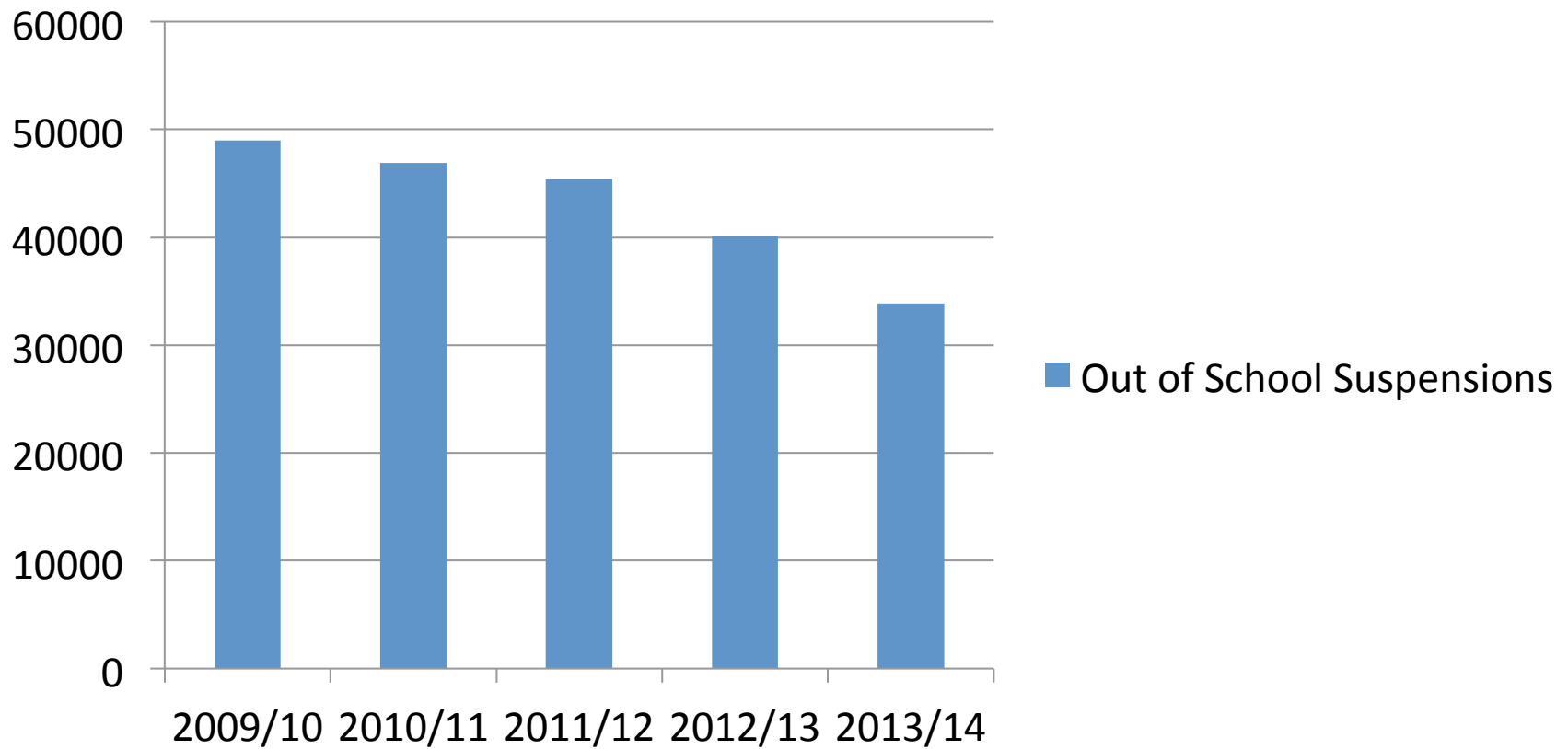
Expulsions

2009-2014



Oregon Statewide Data Suspension/Expulsion 2009-2014

Out of School Suspensions



But much work remains ...

OREGON'S School-to-Prison PIPELINE



Oregon's school-to-prison pipeline is an urgent civil rights challenge in Oregon. Mirroring a national trend, the school-to-prison-pipeline in Oregon refers to the disproportionate punishment of students of color that begins with more serious punishment than their white peers in school and a greater likelihood of intervention by juvenile justice authorities. There is also ample evidence of disproportionate representation of people of color in the adult criminal justice system.

Current Oregon data shows a trend of criminalizing, rather than educating our state's children. It encompasses the growing use of zero-tolerance discipline, disciplinary alternative schools and juvenile arrests that marginalize our most at-risk youth and deny them access to education. With zero tolerance, behavior problems and infractions that used to be handled by teachers and school administrators are now effectively pushing students out of school and entangling many of them in the juvenile justice system.

Students of color are disproportionately represented at every stage of Oregon's school-to-prison pipeline. Data shows that children of color are more likely than their white peers to be subjected to harsher punishment and the effects are amplified the further up the justice system they move. Nationally, African-American students are far more likely than their white peers to be suspended or expelled for the same kind of conduct at school.¹ Although they represent 3% of the youth population in Oregon (age 10-17), African Americans make up 13% of those held in "close custody" in Oregon juvenile detention facilities. On the other hand, their white peers represent 76% of the same population and 56% of those held in close custody.²

In 1992, the Oregon Supreme Court established a task force on racial/ethnic issues in the judicial system. The task force, chaired by former Chief Justice Edwin J. Peterson, issued a



comprehensive report in May 1994 demonstrating that "racial minorities are at a disadvantage in virtually all aspects of the Oregon court system."³ In Oregon's juvenile justice system, the report concluded that, in comparable cases, children of color were more likely to be (1) arrested than their white peers, (2) charged with delinquent acts, (3) removed from their family's care and custody, (4) remanded for trial as adults, (5) found guilty of delinquent acts and (6) incarcerated.⁴

Recent data from the Oregon Department of Education⁵ and Oregon Youth Authority illuminates a parallel disadvantage that students of color face in Oregon's schools.

¹ Russell J. Skiba, *Zero Tolerance, Zero Evidence* (2000), pp. 11-12; The Advancement Project & The Civil Rights Project, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies* (June 2000), pp. 7-9; Russell J. Skiba, et al., *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment* (2000)

² Oregon Youth Authority Quick Facts July 2009

³ Report of the Oregon Supreme Court Task Force on Racial/Ethnic Issues in the Judicial System May 1994, p.2.

⁴ *Id.* at 3.

⁵ The Oregon Department of Education is the source for all data in this report related to school discipline.

Exclusionary Discipline in Multnomah County Schools: How suspensions and expulsions impact students of color

Disrespect to Authority
Weapon Insubordination Assault Alcohol
Class Cutting Open Defiance Theft Drugs
Threat of Violence Vandalism Battery
Harassment Abusive Language
Disruptive Conduct
Menacing Bullying
Truancy Profanity

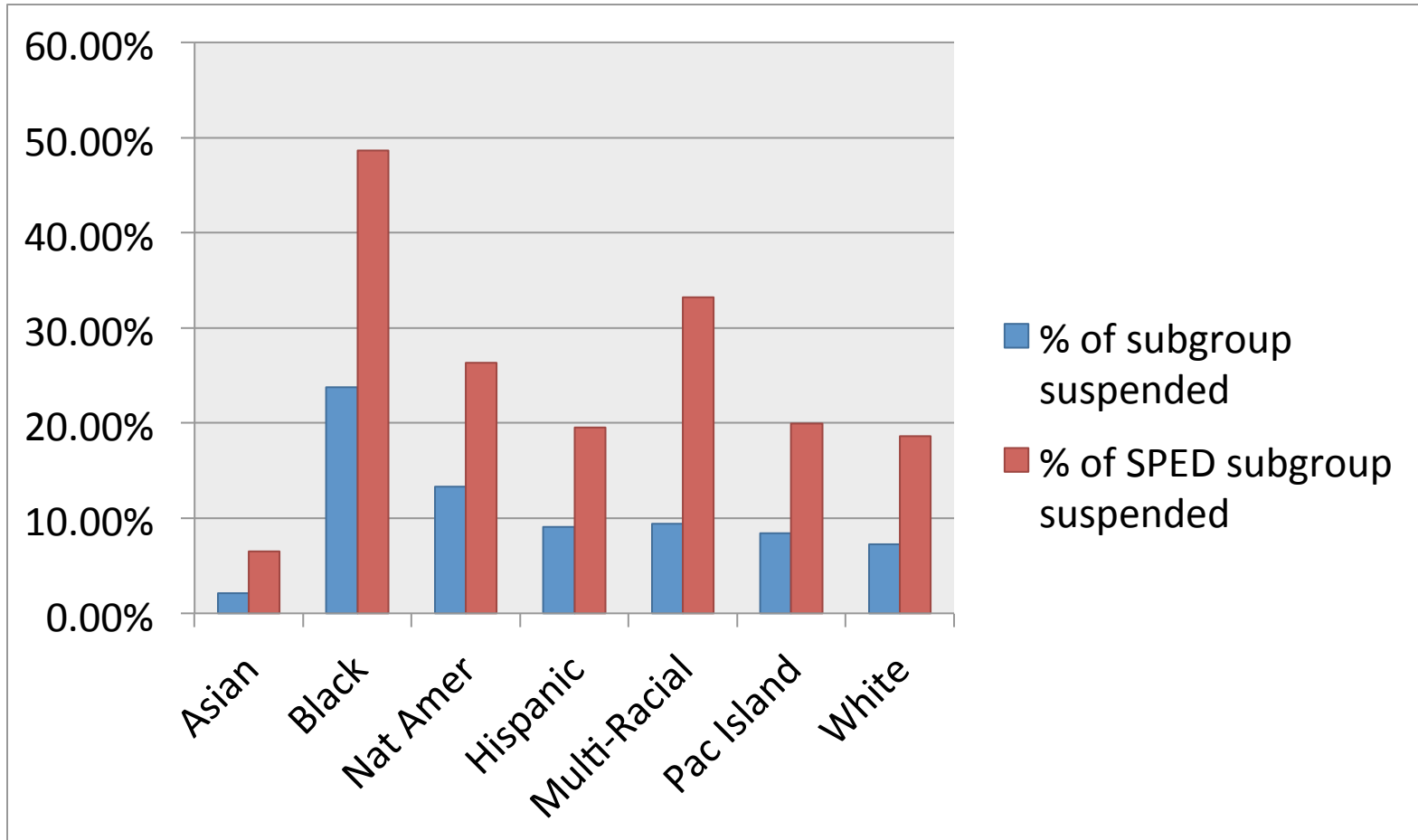
A report of the Multnomah County Commission on Children, Families & Community (2012)

Rebecca Stavenjord, Lead Staff



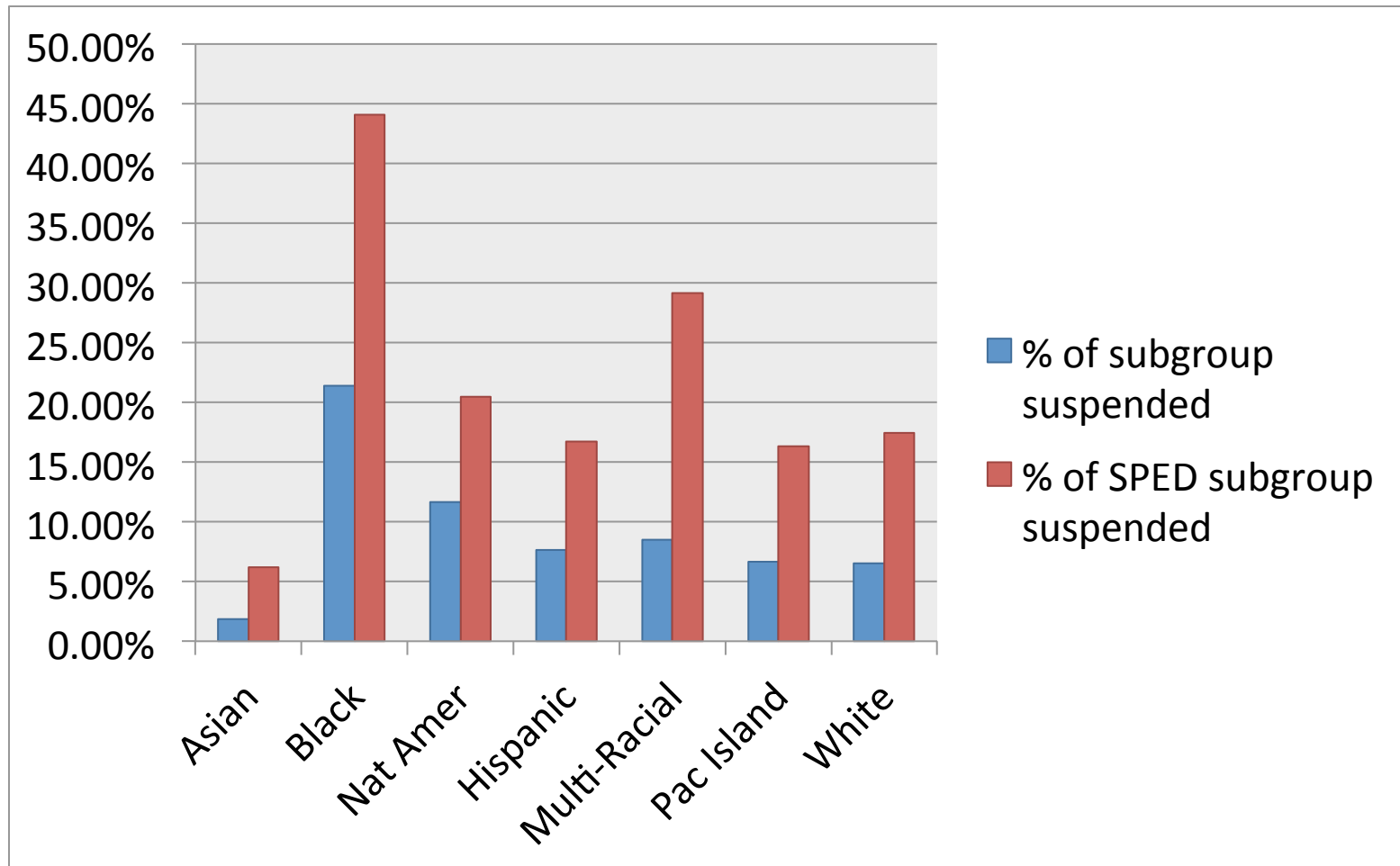
Oregon: SY 11/12

OSS



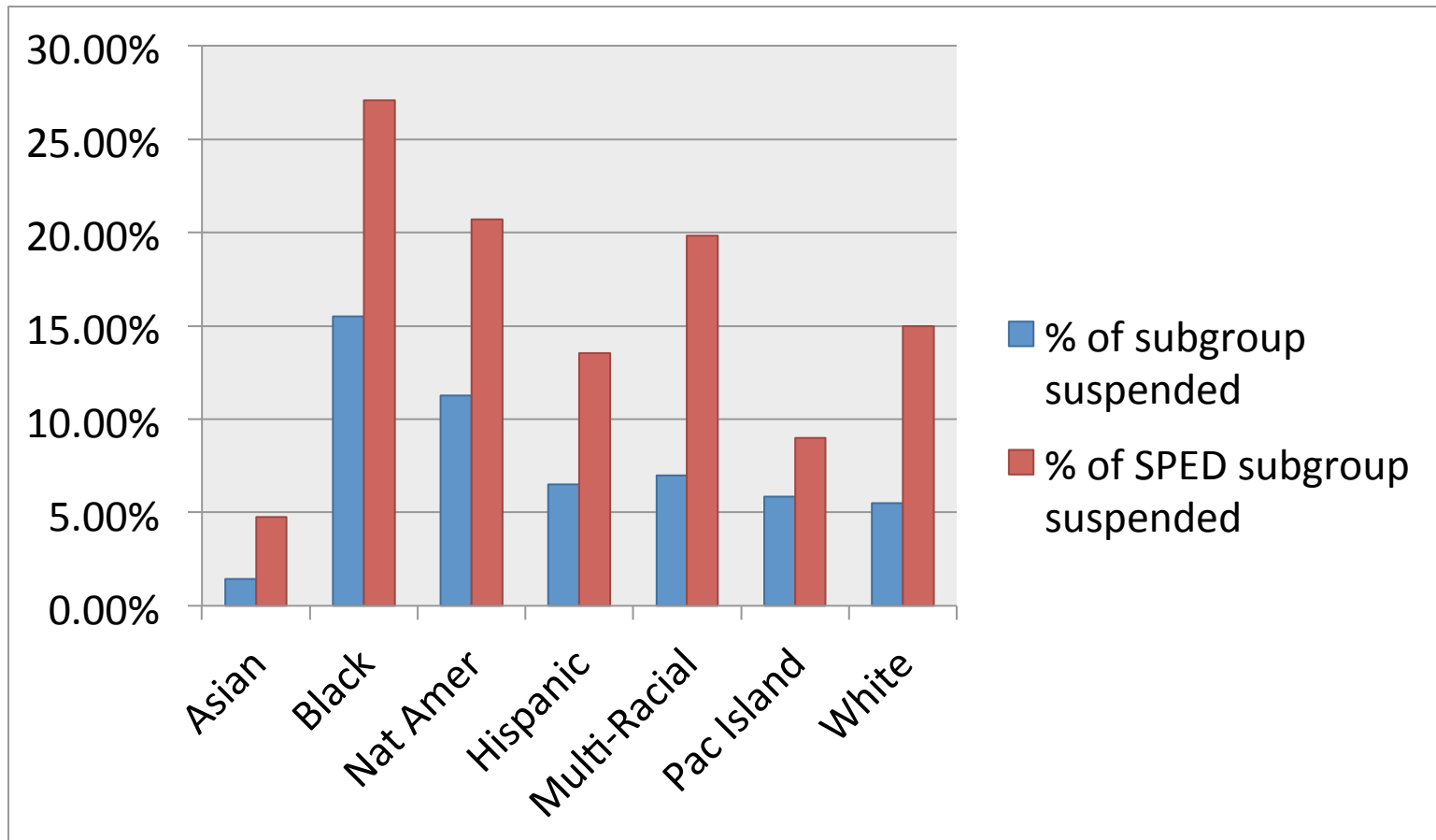
Oregon: SY 12/13

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Oregon: SY 13/14

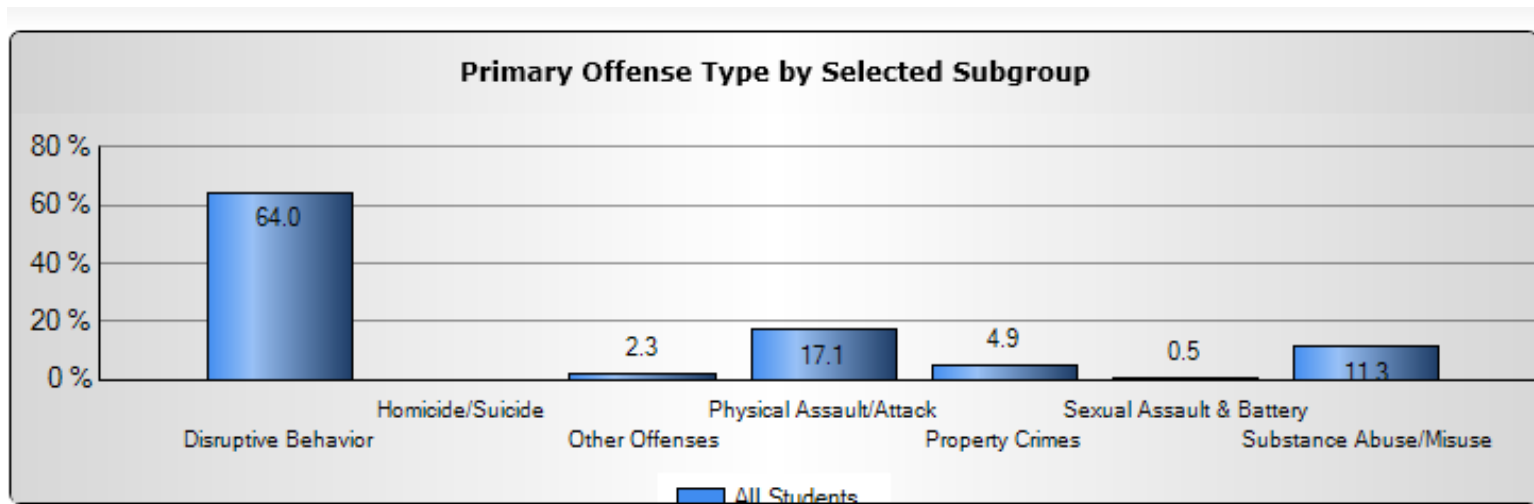
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Why are students being pushed out of school?

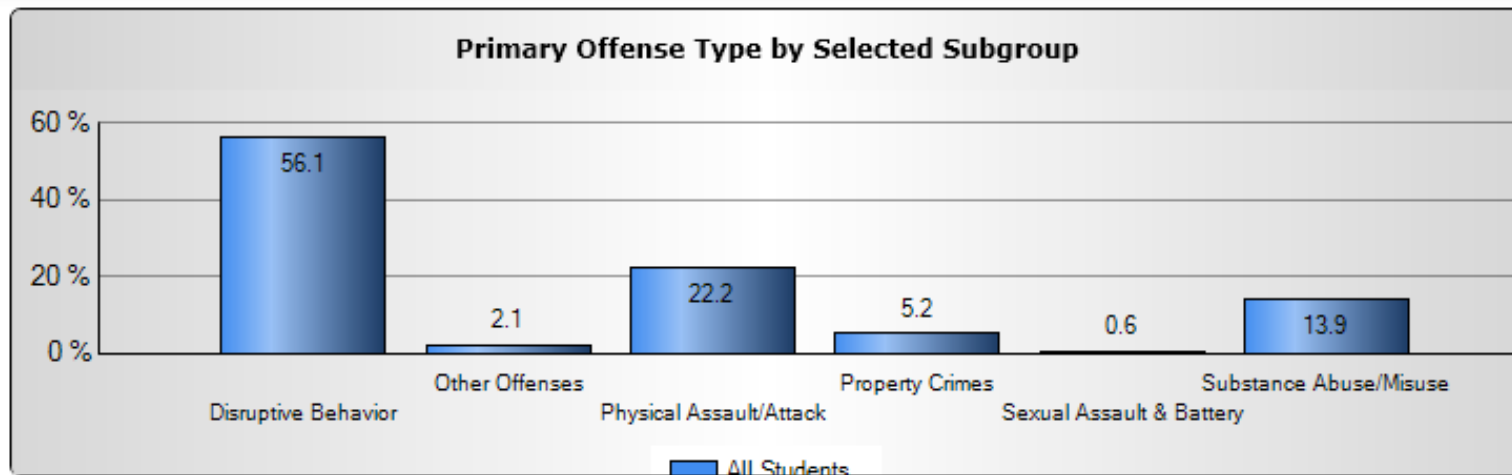
Oregon SY 13/14

All Offense Types

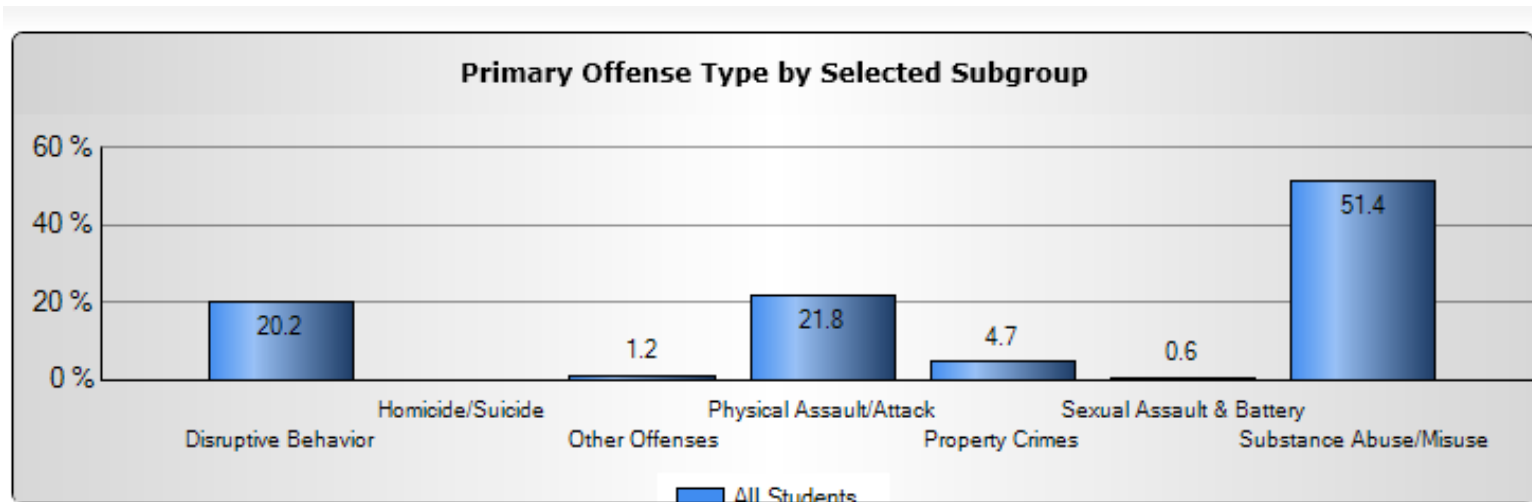


* Information is suppressed if five or fewer students are represented to protect student confidentiality.

Oregon SY 13/14 OSS



Oregon SY 13/14 Expulsion



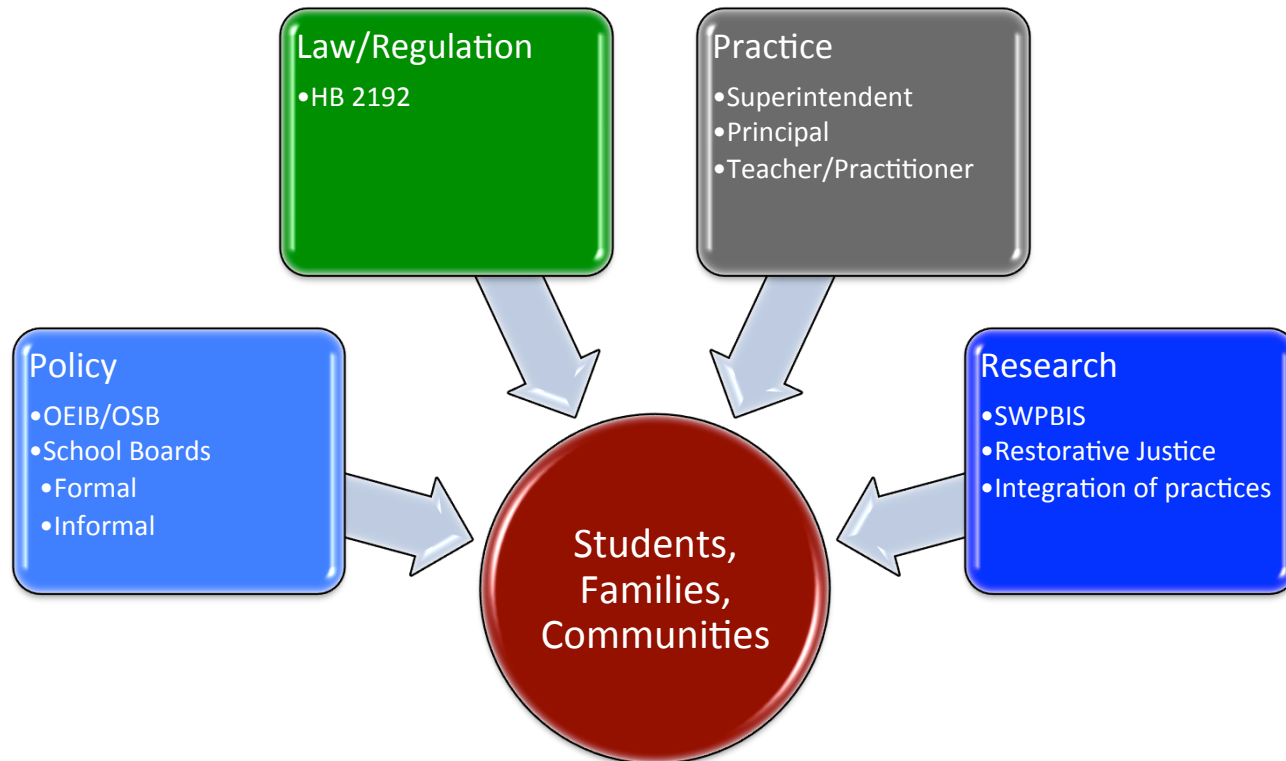
What are the long term consequences of school pushout?

JUVENILE INCARCERATION: AN INTERNATIONAL COMPARISON

Source: Hazel, Neal, *Cross-National Comparison of Youth Justice*, London: Youth Justice Board, 2008.



**What are we doing about the problem in
Oregon?**



OSDAC

Statement of Purpose

The purpose of the Oregon School Discipline Advisory Council (OSDAC) is to advise, consult, support, and make recommendations to ODE and education partners on policies and practices that promote and maintain the inclusion and engagement of students in a healthy learning environment. We strive to eliminate exclusionary discipline practices and replace them with inclusive, culturally responsive approaches that foster social-emotional learning, educational equity, and successful outcomes for each and every student.

OSDAC

Objectives

- **Recommend policies that identify discipline disparities directly, and make recommendations for the use of promising and evidence-based practices.**
- **Address manifestations of institutional racism and bias that result in disproportionate suspension, expulsion, and exclusion.**
- **Recommend professional development and training to empower and support education professionals.**
- **Include and empower parents and students throughout the educational decision-making and policy-making process.**
- **Ensure disciplinary decisions are based on individualized student assessment and the promotion of positive learning environments.**
- **Reduce exclusionary discipline in accordance with Oregon Department of Education's key performance measures.**

OSDAC Membership

Oregon Department of Education	Oregon Youth Authority
Youth, Rights & Justice	Oregon First
Resolutions Northwest	Lenssen & Associates
University of Oregon	Washington County Juvenile Department
Willamette University	Clackamas County Juvenile Dept.
Coalition of Communities of Color	Tigard-Tualatin School District
Center for Prevention and Health Promotion	Portland Parent Union
Lane Education Service District	Education Northwest
Oregon Technical Assistance Center	Center for Dialogue and Resolution
Oregon Education Association	Oregon State Board of Education (Liaison Charles Martinez)

OSDAC

Tools & Resources Forthcoming

[http://www.ode.state.or.us/search/
results/?id=107](http://www.ode.state.or.us/search/results/?id=107)