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ABSTRACT

This document presents the proceedings of a December 2001 policy forum of the National Association of State Directors of Special Education on describing and documenting school discipline. Included are summaries of the following presentations: "Opening Remarks" (Lou Danielson); "OSEP Data on School Discipline" (Elaine Carlson and Judy Holt); "Discipline Data Requirements for the Biennial Performance Reports" (Rex Shipp); "Safe and Drug-Free Schools Data" (Deborah Rudy); "The GAO Report on Discipline" (Joy Markowitz); and "State and Local Discipline Data Collection" (Tim Lewis). Also provided are summaries of discussion organized around the following themes: (1) reasons for discipline data inaccuracies; (2) discipline data limitations; (3) other challenges related to discipline data; and (4) suggestions for improving the discipline data (organized around suggestions for the short term and suggestions for the long term). Appended are the participant list, the forum agenda, and a reporting form. (DB)

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Policy Forum

Describing and Documenting School Discipline

Convened
December 3-5, 2001

Proceedings Document
April 2002

Prepared by:

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Project FORUM at NASDSE

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Under Cooperative Agreement #H326F000001

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Describing and Documenting School Discipline: A Policy Forum
Meeting Proceedings

Background and Purpose of Meeting

Project FORUM at the National Association of State Directors of Special Education (NASDSE), through its cooperative agreement with the U.S. Department of Education's Office of Special Education Programs (OSEP), facilitates communication among a broad range of stakeholders on critical issues and obtains input on topics related to improved outcomes for children and youth with disabilities. One method Project FORUM uses to facilitate communication and obtain input is convening policy forums or meetings on designated topics agreed upon with OSEP.

The policy forum entitled *Describing and Documenting School Discipline* was convened to accomplish the following goals:

- review current efforts to describe and document school discipline, including data collection requirements mandated in the 1997 amendments to the Individuals with Disabilities Education Act (IDEA) [20 U.S.C. Section 618];
- identify problems with the current efforts, particularly comparing students with and without disabilities; and
- make suggestions for improving these efforts.

Preparation for the Policy Forum

Project FORUM worked closely with OSEP and Westat to select participants whose knowledge of and experience with discipline data would contribute to accomplishing the policy forum goals. In addition, effort was made to select persons with national, state and local perspectives. Invited participants included state directors of special education, state data managers, state and local specialists in the area of behavior support, researchers, and representatives from organizations concerned about documenting school discipline. The participant list can be found in Appendix A. The agenda for the policy forum was developed in collaboration with OSEP and Westat to accomplish the goals of the meeting.

Process of the Policy Forum

The policy forum was held in Alexandria, Virginia at the Embassy Suites Hotel on December 3-5, 2001. The opening session was a dinner on Monday evening, December 3, which began with a welcome from Joy Markowitz, Project FORUM Director. After participants introduced themselves, Lou Danielson, Director of OSEP's Research to Practice (RTP) Division, provided OSEP's perspective on describing and documenting school discipline. Concluding the evening, Judy Holt, Associate Director of RTP and Elaine Carlson, Senior Research Analyst at Westat, gave a presentation on the history of the OSEP discipline data collection and data highlights.

Continuing on Tuesday morning, December 4, Rex Shipp, Education Program Specialist from OSEP's Monitoring and State Improvement Planning (MSIP) Division, presented on the discipline data requirements for the Biennial Performance Reports. Deborah Rudy, Group Leader

for the Safe and Drug-Free Schools (SDFS) Program in the Office of Elementary and Secondary Education (OESE) then provided a summary of findings from the SDFS data.

The final two formal presentations were a summary of the Government Accounting Office's (GAO) report on discipline by Joy Markowitz, and state and local discipline data collection by Tim Lewis, Associate Professor at University of Missouri and representative from the Positive Behavior Intervention and Support (PBIS) at the University of Oregon. The remainder of the morning was spent discussing other local and state data collections related to discipline.

On Tuesday afternoon, the participants met in three small groups to discuss the inaccuracies, limitations and other challenges related to discipline data. Each group reported out in facilitated large group sessions, which resulted in three combined lists. On Wednesday morning, December 5, these lists were clarified and refined in a large group activity. The concluding task for participants was generating suggestions for improving the discipline data. The policy forum agenda can be found in Appendix B.

A summary of each presentation and participant discussions follow.

Opening Remarks

Lou Danielson – Director, RTP, OSEP

When I came to OSEP in 1976, my first assignment was to establish the child count and educational environment (least restrictive environment-LRE) data collection efforts that are still in place. Over the years we have added other data collections. Many states had not collected the specified information prior to OSEP data collection mandates going into effect. All new data collection efforts are a challenge and the initial data are not very accurate, but the process and data get better over time.

OSEP does a review of the data and provides technical assistance to support the data collection activities in states. Most state education agencies (SEAs) now have a professional data manager who has the background and training to collect and handle the necessary data. However, data collection remains a big undertaking for states. More and more states are establishing unit record systems and improved management information systems—there are a lot of reasons to be optimistic about the status of data collection.

There can be no policy discussion without data. The alternative is generalizing from individual anecdotes. In addition to the state mandated data, some of the OSEP special studies have data on a nationally representative sample of children with disabilities that will contribute to important discussions for the next reauthorization. Overall, we will have much better data than was available at the time of the previous reauthorization.

National estimates from the special studies have been very close to the OSEP state mandated data and confirm that the information is accurate. Generally, the aggregate numbers perform in a consistent way, but we are not at that point yet with the discipline data—it may take three or four years for the data to stabilize.

The comparability of data across datasets is a critical issue because comparisons are important. OSEP has to rely on states and local education agencies (LEAs) for the data and no matter how "ugly" the data are, they are used. OSEP has learned that the accuracy of the data will not improve unless the data are used.

Your input over the next two days on describing and documenting school discipline will help us improve the discipline data and develop our analytic capacity for meeting the statutory requirements. Thank you for taking the time to participate.

OSEP Data on School Discipline

Elaine Carlson, Senior Study Director, Westat
Judy Holt, Associate Director, RTP, OSEP

The OSEP data collection on discipline was mandated in the 1997 amendments to IDEA:

> Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary on... the number of children with disabilities, by race, ethnicity, and disability category, who under subparagraphs (A)(ii) and (B) of section 615(k)(1), are removed to an interim alternative educational setting; the acts precipitating those removals; and the number of children with disabilities who are subject to long-term suspensions or expulsions; ... [20 U.S.C. §1418 (1)(A)(vii)(I-III)]

The data collection forms were developed through a collaborative process with input from multiple stakeholders. These forms were submitted to a lengthy review process, including the examination of hundreds of comments received through the Office of Management and Budget (OMB) public comment process.

The data were first collected for school year 1998-99. A thorough study of the data was conducted in 1999-2000. The first year data had no validity because states did not have ample time to develop data collection systems, train local staff on the use of those systems, or implement consistent procedures for unilateral removals to interim alternative educational settings.

1999-2000 data highlights:

- 1.12% of students with disabilities were removed for more than 10 days for disciplinary reasons (n = 69,902 unduplicated count)

  The following data represent discipline actions taken in regard to those 69,902 students; however, this is a duplicated count, meaning that some students were counted in more than one category.
  - 0.29% unilaterally removed to an interim alternative education setting (IAES)
  - 0.04% removed by a hearing officer
  - 0.37% suspended once for > 10 days
  - 0.74% suspended more than once, summing to > 10 days

The percentage of students with disabilities removed for more than 10 days ranged from 0.13 in South Carolina to 2.69 in Texas. These varying percentages reflect differences in state and local definitions, statutes, and data collection and reporting procedures. Variations may also reflect the availability of alternative placements or students removed for disciplinary reasons.

The percentage of students in each disability category removed for more than 10 days in 1999-2000 also varied considerably:

- Emotional Disturbance 3.47%
- Other Health Impairment 1.47%
- Learning Disability 1.40%
- Traumatic Brain Injury 1.15%
- Mental Retardation 0.93%
- Deaf-blindness 0.78%
- Orthopedic Impairment 0.54%
- Multiple Disabilities 0.52%
- Hearing Impairment 0.47%
- Visual Impairment 0.42%
- Developmental Delay 0.37%
- Speech/Language Impairment 0.19%
- Autism 0.12%

The percentage of students with disabilities in each race/ethnicity category removed for more than 10 days in 1999-2000 was:

- Black or African American 1.98%
- Hispanic 1.44%
- American Indian/Alaska Native 1.25%
- White 0.82%
- Asian/Pacific Islander 0.62%

The OSEP Validity Study group (June 1-2, 2000) reviewed problems with the OSEP discipline data collection and decided that the forms and instructions could benefit from further clarification. The data on acts precipitating removals were invalid and, therefore, eliminated. Modified forms are being used for collection of the 2001-2002 data. The current form is two pages, with data disaggregated by disability and by race/ethnicity.

Shortcomings of the OSEP discipline data collection:

- It is very difficult for the states to collect these data and it takes about three years to get "good data."
- These data do not measure the magnitude of the drug and weapon problem in the schools.
- These data do not answer the question, "Do students with disabilities commit a disproportionate percentage of the offenses?"

- The data must be analyzed in conjunction with dropout data because, in many communities, Black and Hispanic students don't get suspended because they have dropped out.
- There are few "unilateral removals" because schools convene IEP team meetings to make a change in placement following a discipline incident and this change typically is not recorded on the discipline data forms. However, in some states, even if the IEP team is convened and makes a permanent change in placement, the incident is counted as a unilateral removal. There seems to be considerable misunderstanding about how unilateral removals should be reported.
- These data do not indicate whether or not there are barriers to removing students with disabilities who commit serious offenses. We don't have clean data on the reduction of violent crime for children, but we are becoming more and more aggressive in our reaction to violent crime by children. It is likely that the majority of extreme violations never get to the hearing level; students get arrested and are in the juvenile justice system. Yet, reportedly, in some states, it is very difficult to get a youngster into the juvenile justice system.
- There is no data collected on interventions following disciplinary actions.

Discipline Data Requirements for the Biennial Performance Reports
Rex Shipp - Education Program Specialist, MSIP, OSEP

The SEA is required to submit a performance report on the state's use of federal funds. The Secretary has determined that the Part B Performance Report shall be submitted every other year to coincide with requirements to report to the Secretary and the public on the progress of the state, and of children with disabilities in the state, toward meeting the performance goals and indicators established by the state [34 CFR §80.40].

The 1997 amendments to the Individuals with Disabilities Education Act (IDEA) provide the authority for the Biennial Performance Reports (BPR) and instructions for these reports were based strictly on the law and implementing regulations [34 CFR §§300.137, 300.138, 300.139, 300.146, and 300.755].

Data from the BPRs are used for:

- ongoing monitoring of the implementation of Part B;
- background information for OSEP monitoring;
- the Annual Report to Congress on the Implementation of IDEA;
- addressing the Part B performance indicators that accompany the Department's annual budget proposal;
- responses to Congressional inquiries; and
- determining the need for revisions to a State Improvement Grant, if the state is a grantee.

The first reports were due December 31, 1999 and varied from four to 558 pages.

Subsequently, states asked for clearer guidance on what should be included in the next BPRs, and the Council of Chief State School Officers' Education Information Advisory Committee

(EIAC) asked that the December 31, 2001 deadline be extended. The Office of General Council (OGC) interpreted the regulations as allowing an extension and the due date was extended to May 31, 2002. OSEP set up a taskforce to review the BPR guidance and received extensive input from EIAC and the State Collaborative on Assessment and Student Standards (SCASS). In addition focus groups were held with data managers, state directors, parents and advocates, Westat staff, and Department of Education staff (OSEP, OGC, OESE and Office for Civil Rights [OCR]).

As a result of this input, the BPR guidelines will include forms and will be organized as follows: Section 1 of the next BPR will address state performance goals and indictors, including data on participation in and performance on assessments, dropout rates, and graduation rates, as specified in the law. Sections 2 and 3 request information for which there is no statutory requirement to report to the federal level—suspension and expulsion, and disproportionality. However, it was decided that those data should be added because they are used for monitoring and other OSEP activities.

Specifically in regard to discipline data, Table 2 (suspension and expulsion) does not have to be completed for Section 2 of the BPR if a state has included the data in Table 1 (performance goals and indicators). States are to use Table 5 (OMB Form No. 1820-0621) as the basis for this report. (See Table 5 in Appendix C.)

The revised BPR form is at the Office of Management and Budget (OMB) for emergency clearance. The plan is to issue it by 12/30/2001 to give states a longer period to prepare for the May 31, 2002 deadline. Conference calls will be held with the Regional Resource Centers in January 2002 to assist the states with preparation. There is also a web site set up that will have related BPR forms and data: http://www.ed.gov/offices/OSERS/OSEP/Monitoring/.[1]

It is expected that this report will be a part of the monitoring process and included in the self-assessment report process. The taskforce will be re-activated to tackle long-range issues related to the BPR and to continue examination of the use of the BPRs for reporting on improvement planning.

Safe and Drug-Free Schools Data

Deborah Rudy, Group Leader, SDFS, OESE

The Gun-Free Schools Act (part of Elementary and Secondary Schools Act [ESEA]) requires each state to adopt a state law that mandates expulsion of a student who brings a firearm to school. Local education agencies (LEAs) must report to the SEA and the SEA in turn to the U.S. Department of Education (ED) the number of those expulsions, as well as the type of weapon, data on shortened expulsions, and referrals to alternative educational programs.

There were 3,523 expulsions for firearms possession in 1998-99 (a decrease from 5,724 in 1996-97).

- 57 percent high school level, 33 percent middle school level and 10 percent elementary level

[1] At the time of printing of this proceedings document, final guidelines were available on the specified website.

- 27 percent of the expulsions were shortened; 72 percent of those for reasons other than being served under the IDEA
- 44 percent of expelled students were referred to alternative educational placements

Data collected under the Gun-Free Schools Act do not provide information about whether an expelled student is served under IDEA.

The next report on data collected under the Gun-Free School Act includes data from the 1999-2000 school year. It is due out spring 2002 and will be available on ED's web site (www.ed.gov).

There are a variety of challenges associated with collecting and reporting the Gun-Free Schools data, including:

- Confusion about definitions (e.g., firearms vs. other weapons, expulsion)
- Data collection not a high priority for LEAs or SEAs
- Limited training provided to data collectors
- Review and verification of data difficult
- Educators fear data will reflect negatively on schools and districts

The U.S. Inspector General reviewed the accuracy of Gun-Free Schools data collection in seven states and found that the number of incidents and related information were being reflected accurately. The data can be viewed as good news and bad news – we are removing guns from schools, but we are doing so by expelling students who are very much in need of services.

The revised Gun-Free Schools Act may substitute "possess" a weapon and reduce the confusion that arisen over the term "bring" a weapon.

Conflicts between aspects of the IDEA and Gun-Free Schools data collections complicate matters for states. Some states have combined IDEA discipline and Gun-Free Schools data into one database. After initial problems with incompatible definitions, Arkansas has one state database. LEAs report to the SEA on a regular basis and the SEA extracts data for the different reports required by ED.

There are a number of initiatives under way at ED to develop a mechanism for a single data collection for all federal reporting requirements. This is not yet a reality, but it is definitely a goal.

The GAO Report on Discipline

Joy Markowitz, Director, Project FORUM at NASDSE

At the request of Congress, the Government Accounting Office (GAO) conducted a study to determine how the 1997 amendments to the IDEA affected the ability of schools to maintain a safe environment conducive to learning. The GAO surveyed public middle and high school principals regarding the discipline of students who were and were not receiving special education services. A total of 272 schools responded—a response rate of 60 percent. This rate was too low to guarantee a nationally representative sample. The GAO also did site visits and conducted

interviews with principals in three states. The study was conducted between January and December 2000, and the report was issued January 2001.

A sample of the GAO findings:

About 81 percent of the schools reported one or more incidents of serious misconduct in 1999-2000. Most of these incidents were acts of violent behavior, generally fistfights, reported by 66 percent of the schools. Drug-related incidents were the next most common (56%); firearm incidents were much less common (10%).

The number of incidents of serious misconduct was greater among students not receiving special education services; however, students receiving special education services had a higher rate of serious misconduct. For every 1,000 students not receiving special education services, there were 15 incidents of serious misconduct. In contrast, for every 1,000 students receiving special education services, there were 50 incidents of misconduct reported. The types of serious misconduct were similar for both groups of students.

About 60 percent of students who engaged in serious misconduct were given out-of-school suspensions—58 percent of those receiving special education services and 64 percent of those not receiving special education services. Two-thirds of the suspensions were one to three days in length (short-term).

In-school suspension was a relatively rare discipline for students engaging in serious misconduct—10 percent of those receiving special education services and eight percent of those not receiving special education services. There was a similarly low percentage of students placed in an alternative educational setting for up to 45 days—11 percent of those receiving special education services and six percent of those not receiving special education services. An even lower percentage of students were expelled—six percent of those receiving special education services and nine percent of those not receiving special education services. The terms "expulsion" and "alternative educational setting" were not defined in the GAO report.

Principals referred similar percentages to the police or juvenile justice system for involvement in serious misconduct—34 percent of those receiving special education services and 28 percent of those not receiving special education services. Referrals were in addition to the discipline described above.

Twenty-one percent of those receiving special education services and 19 percent of those not receiving special education services received educational services during their short-term out-of-school suspensions. In comparison, for suspensions of four or more days, 24 percent of those receiving special education services and 16 percent of those not receiving special education services received educational services during their suspensions.

After expulsion, a large majority of students receiving special education services were provided educational services, consistent with IDEA requirements. However, only about half of students not receiving special education services were provided educational services after expulsion.

The GAO report also includes principals' descriptions about the relationship of IDEA discipline requirements to local policies and principals' reactions to discipline policies.

For a copy of the full GAO report, *Student Discipline - Individuals with Disabilities Education Act* (GAO-01-210), contact info@www.gao.gov. For a copy of Project FORUM's synthesis brief, *Student Discipline and IDEA – Synthesis of GAO Report*, contact carla@nasdse.org or download it from at www.nasdse.org/forum.htm.

State and Local Discipline Data Collection

Tim Lewis - Associate Professor, University of Missouri, Partner University with OSEP Positive Behavior Intervention and Support (PBIS) Center, University of Oregon

The PBIS Center is trying to build capacity in schools to use data and to collect good data. The Center does not have a packaged program and the practices are not new. Positive behavior support (PBS) is a broad range of systemic and individualized strategies for achieving important social and learning outcomes while preventing problem behavior.

All kids need primary prevention strategies. At-risk children need secondary prevention because they do not have the learning history to be successful. For example, this may involve small group social skills instruction with a mentor. About five percent of children need tertiary prevention. This small percentage of children uses an incredible amount of resources because these children need individualized programs. Not all children who need tertiary PBS prevention need special education services, but many do.

Data is an essential part of putting needed prevention systems in place, but data are rarely used. For example, the number one reason students are suspended is tardiness. This points to the need for "unpacking" the reasons for suspensions.

Problems in current school discipline data collection include:

- Data collected inconsistently
- Data collected based on range of offenses but reported as equal units
- Data collection systems often inflexible and cannot accommodate local needs (input & output)
- Schools unsure of what data to collect because
    - Questions not specified
    - Definitions not clear or measurable
    - Schools unsure of purpose for the data collection
- Data not used to make instructional decisions

Recommendations within current practices:

- Promote use of data to:
    - Define problem
    - Enhance practice/intervention

    - Monitor progress
    - Communicate with staff, students, & families
- Provide assistance to make instructional decisions
    - Discipline definitions, referral format, & process
    - Data entry
    - Chart generation
    - Problem solving/decision making process
- Adopt a data management system for school-based decision making that is:
    - Effective:
        - Communicates information clearly to staff
        - Improves decision making outcomes
    - Efficient:
        - Can be incorporated into daily school routines
        - Does not require specialized supporting skills
        - Can be accessed at any time
    - Relevant:
        - Related to school questions & concerns

- Use differential and multiple data sources across the PBS continuum
    - Universal = office discipline reports, effective behavior support (EBS) survey, setting counts, referral to special education and other specialists, attendance and tardy data, etc.
    - Small group/Secondary = office discipline reports, standardized pre and post measures, direct observation, competing behavior model, etc.
    - Individual = office discipline reports, standardized pre and post measures, direct observation, individualized education program (IEP) data, evaluation of functional behavior assessment (FBA) and behavior plans, academic achievement, competing behavior model, etc.

The PBIS Center has established the School-Wide Information System (SWIS) home page (www.swis.org). SWIS is a web-based information system designed to help school personnel use office referral data to design school-wide and individual student interventions. The three primary elements of SWIS are:

- An efficient system for gathering information
- A web-based computer application for data entry and report generation
- A practical process for using information for decision making

These three elements give school personnel the capability to evaluate individual student behavior, the behavior of groups of students, behaviors occurring in specific settings, and behaviors occurring during specific time periods of the school day. SWIS reports indicate times and/or locations prone to elicit problem behaviors, and allow teachers and administrators to shape school-wide environments to maximize students' academic and social achievements. SWIS is currently being used in 383 schools in 15 states. Elementary and middle schools more easily adopt and use SWIS than high schools.

SWIS can be adapted to any local needs including the creation of reports. Issues of privacy and confidentiality must also be considered. SWIS is a tool, but the capacity infrastructure must be created in the school and district. There would be a lot more interest if a database like SWIS also contained a turnkey that would yield the data needed for state and federal reports.

Schools need assistance with data-based decision making. Analysis of data can identify what settings have the most problems, what types of behavior are the most problematic, what types of intervention have been used, who is being referred for discipline and how many times, etc. The goal is to get schools to re-think their strategies using their data. Dramatic improvement can be documented when school-wide strategies are adopted based on clear and detailed data. The payoff is increased instructional hours and less time spent on suspension and expulsion.

In summary,

- Schools need reliable and valid data for input.
- There must be efficient data manipulation and a summarization system.
- Schools need guidelines to make data-based decisions.

* * * * * * * * * * * * * * *

At this point in the meeting, the participants met in three small groups to discuss the inaccuracies, limitations and other challenges related to discipline data. The purpose of these discussions was to help those reviewing and using the discipline data interpret them from the proper perspective. In other words, policymakers must have a better understanding of the idiosyncrasies related to collecting and compiling discipline data in order to use the data appropriately.

Reasons for Discipline Data Inaccuracies

Reasons for inaccuracies related to instructions and guidelines:

- Unclear definitions (e.g., where to report court-ordered removals)

- Absence of definitions leading to varying interpretations of terms (e.g., in some districts "expulsion" can only be authorized by the local school board; in other districts, "expulsion" is defined by the number of days)

Reasons for inaccuracies related to data collection:

- Poor response rate from schools and districts

- Inconsistent data collection, entry and verification within and across schools/districts (e.g., general and special education may collect data differently)

- Insufficient time allocated at the school and district level to enter and verify data
- No on-going data collection in schools, which results in completion of required forms based on memory
- Inadequate training on data collection, entry and verification
- Different time frames for different, but related, data collections

Other reasons for inaccuracies:

- Data are drawn from multiple data sets from different agencies that have different purposes
- Lack of technological integration of general and special education data systems
- Little investment in data collection or "ownership" of data because data not used or valued by educators (e.g., not used for instructional purposes or tied to school improvement activities)
- Fear of "punishment" if the data make the school/district "look bad" (may cause intentional underreporting)
- Administrators may use "creative" discipline procedures (e.g., "cooling off time") to avoid removal by suspension or expulsion
- Sophistication of data system varies greatly from school to school, district to district, and state to state

Specific examples of where data collection inaccuracies may exist:

- Counting acts and children on the same form creates confusion because the numbers don't add up (OMB Form No. 1820-0621, Table 5, Section A, Column 1). (See Table 5 in Appendix C.)
- Tracking across schools and districts the number of children with suspensions/expulsions summing to more than 10 days (i.e., pattern of exclusion) is difficult and may result in undercounting (OMB Form No. 1820-0621, Table 5, Section A, Column 3c).

Discipline Data Limitations

Even if data collection procedures were markedly improved and data were virtually error free, the current discipline data do not provide answers to many critical questions about discipline.[2] The policy forum participants expressed concern about policymakers and others using the data inappropriately to answer questions. For this reason, participants identified the following limitations of the current data. Please note: This list should NOT be interpreted as recommendations for additional data items.

The following information is NOT available from the current sources of discipline data:

- Outcomes of students who leave school (drop out) following disciplinary action
- Number of in-school suspensions
- Nature and quality of educational services following expulsion
- Involvement of the juvenile justice system and its impact
- Total number of days a student is suspended
- Number of students who have a manifestation determination
- Number of students who have a permanent change of educational placement in lieu of suspension or expulsion
- Academic antecedents to suspension and expulsion (e.g., failing courses)
- The number of preschool children subject to disciplinary action (e.g., "kicked out" of daycare or early childhood program) and the relationship of this early discipline to subsequent discipline

In addition, the current discipline data:

- Cannot answer questions about discipline disparities between students receiving and those not receiving special education services because most states do not collect discipline data on their non-special education population
- Do not provide a "benchmark" or help determine what is "good" or "bad" data because of the inaccuracies of the early data

[2] An OSEP staff member noted during this discussion that one of the National Studies—State and Local Implementation of IDEA (SLIIDEA)—will yield some information on discipline issues not covered by the mandated state data collection. These data will be nationally representative, but will not allow for state comparison or comparison between students receiving and those not receiving special education services.

- Provide little or no information about best practices related to discipline

- Do not assist with instructional decision making or link to school improvement activities

- Cannot indicate trends because insufficient years of data

- Do not provide information about the use and quality of functional behavior assessments and behavior intervention plans

- Do not necessarily reflect pattern and practice of suspension and expulsion

- Do not provide information regarding the extent to which barriers exist for removing students with disabilities who commit serious offenses

- Do not indicate the extent of the drug and weapons problems in the schools because students who commit drug or weapon offenses who are not unilaterally removed are not reported under the counts of drug and weapon-related acts

Other Challenges Related to Discipline Data

Challenges related to data collection:

- Data are collected at different time points and for different time periods.

- There is a lack of infrastructure at the school and district level to support best practices in data collection and management.

- There is heavy data burden for the collection of data on very rare events.

- Institutional inertia maintains data collections even if they produce unnecessary data (i.e., we must let go of a data collection if it no longer serves a purpose, referred to as "strategic abandonment").

- It is difficult to make decisions about data collection systems (software) considering the cost and flexibility issues.

- "Zero tolerance" positions may interfere with collection of data on best practices.

- Some states add to the federal data requirements and increase the data burden.

- There is no interface or comparability among different databases that collect similar data.

- There is an assumption that data are collected elsewhere (e.g., weapons/drugs data by Safe and Drug-Free Schools [SDFS]).

- There is a perception that students receiving and not receiving special education are treated differently and this may lead to adding on data elements that do not provide better answers.

Challenges related to use of data:

- It is difficult to determine what information the federal, state, and local policymakers want and need to know.

- Data must be reported in such a way that the policymakers and others come to accurate conclusions.

- There is no "context" for comparing data across schools, districts and regions (e.g., differences between students receiving and not receiving special education services may be attributable to differences in identification practices among schools and districts).

- Teachers and other service providers must be taught at the pre-service and in-service level the value of collecting and using data for instructional purposes and program improvement.

- States disagree on how much guidance the federal government should provide regarding interpreting the data (e.g., what constitutes disproportionality in regard to suspension/expulsion).

Suggestions for Improving the Discipline Data

The final task for the participants was to generate suggestions for improving the discipline data, based on the inaccuracies, limitations and challenges listed above. The suggestions generated are both short and long term. Please note: There was no attempt to reach consensus on these suggestions, and the list reflects a range of opinions.

Suggestions for the Short Term

- Establish a better mechanism to determine the information needs of Congress.

- Provide a federal guideline/standard for determining racial/ethnic disproportionality in suspension and expulsion data as required in the Biennial Performance Reports.[3]

- Change the heading in Table 5, Section A, Column 1 so that it is clear that counts of children and counts of acts are required (OMB Form No. 1820-0621).[4]

[3] OSEP will be providing such a guideline in its upcoming instructions for the Biennial Performance Reports.
[4] The Council for Chief State Schools Officers' Education Information Advisory Committee (EIAC) provided specific guidance for this suggestion at its December 2001 meeting.

- Re-examine the purpose, accuracy and usefulness of collecting data on the number of children with multiple suspensions/expulsions summing to greater than 10 days in Table 5, Column 3C (OMB Form No. 1820-0621).

- Modify the data collection instructions so that all disciplinary removals from a program are reported regardless of whether it is called "suspension" or "expulsion" by the school or district.

- Update the OSEP Q&A on data tables and expand to clarify definitional issues.

- Disseminate to a wider audience the availability of data on the web site www.ideadata.org (web site funded by OSEP and maintained by Westat).

- Support the movement toward having one reporting date for all "snapshot" state data (child count and educational environments).[5]

Suggestions for the Long Term

- Continue to work towards the consolidation of data collections across general and special education, including the Office for Civil Rights (OCR).[6]

- Promote the adoption of state individual student record systems that would allow for the collapsing of all data into one database.

- Conduct case studies of states that have effective data collection systems where the data are used for program improvement (e.g., Montana, New Jersey, West Virginia), including an examination of how data are used at all levels—federal, state, district and school—and where overlap exists.

- Provide federal funds to replicate effective state data systems identified through case studies described above.

- Conduct a nationally representative study, managed by OSEP but in collaboration with OCR and Safe and Drug-Free Schools (SDFS), with the following goals:

    - To describe and document discipline, and the acts bringing about the disciplinary actions, in a comprehensive and accurate manner using qualitative and quantitative methodologies
    - To identify long-term strategies for effective discipline data collection at the national and state and local levels
    - To determine how to consolidate related national data collections (e.g., OSEP, OCR, SDFS)

[5] This change will be effective February 2003.
[6] The participants acknowledged the fact that there are different data collection purposes and mandates that make data consolidation a challenge.

- To identify effective and meaningful ways to use discipline data at the school, district, state and national levels, acknowledging that there are different needs at each level

- Consider modifying the current law to temporarily suspend state mandated discipline data collection while the aforementioned national study is conducted.

Concluding Comments and Next Steps

This document is intended to inform those who review and use the current school discipline data of the value and limitations of these data, and to offer short- and long-term suggestions for improving these data. This document is also intended to inform those involved in the upcoming reauthorization of the IDEA, including staff at the U.S. Department of Education and legislative staff, about some options for strengthening the data that are collected. This proceedings document has been disseminated to all state directors of special education, OSEP staff, many projects funded by the OSEP, and other organizations dedicated to improving educational outcomes for all children. The document is also available on the NASDSE website.

Appendix A

Participant List

Appendix A
Participant List

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Project FORUM at NASDSE
Eileen Ahearn, Senior Policy Analyst
Joy Markowitz, Project Director
Donna Reynolds, Project Assistant

Appendix B

Agenda

Appendix B
Agenda

Monday, December 3, 2001

6:00 p.m.	**Buffet dinner**
6:30	**Welcome & purpose of the meeting** *Joy Markowitz, Director,* Project FORUM at NASDSE
	Participant introductions
6:45	**What does OSEP want/need to know from the discipline data? Implications for the next IDEA reauthorization** *Lou Danielson, Director, Research to Practice Division, OSEP*
7:15	**History of OSEP data collection on discipline** *Judy Holt, Associate Director, Research to Practice Division, OSEP*
	What do the OSEP discipline data tell us? *Elaine Carlson, Senior Research Analyst, WESTAT*
8:00	**Adjourn for evening**

Tuesday, December 4, 2001

Breakfast for hotel guests served in the lobby beginning at 6:30 a.m.
Beverages will be available in the meeting room at 8:30 a.m.

9:00	**Opening, introduction of newcomers, and review of day's agenda** *Joy Markowitz*
9:15	**Discipline data required in the Biennial Performance Reports** **What did we learn from the 1997-98/1998-99 reports?** *Rex Shipp, Education Program Specialist* *Monitoring and State Improvement Planning Division, OSEP*
9:45	**What Do the Safe and Drug Free Schools Data Tell Us?** *Deborah Rudy, Group Leader* *Safe and Drug Free Schools Program, OESE*
10:15	**Break**
10:30	**GAO Report on Discipline** *Joy Markowitz*

10:45 **State and Local Discipline Data Collection**
Tim Lewis, Associate Professor at University of Missouri
Partner University with OSEP Positive Behavior Intervention and Support (PBIS) Center, University of Oregon

11:15 **Other Examples of Discipline Data Collection**
Participants

12:00 noon – 1:30 p.m. **Lunch on your own**

1:30 **Inaccuracies and inadequacies of the current discipline data**
Three small group discussions with note taker and reporter

2:30 **Reports from small group work**
Facilitated large group discussion

3:00 **Break**

3:15 **Continuation of reporting from small groups and clarification of challenges**
Facilitated large group discussion

4:30 **Adjourn for day**

Wednesday, December 5, 2001

Breakfast for hotel guests served in the lobby beginning at 6:30 a.m.
Beverages will be available in the meeting room at 8:00 a.m.

8:30 a.m. **Opening and review of day's agenda**

8:45 **Suggestions for addressing the challenges and problems**
Three small group discussions with note taker and reporter

9:45 **Reports from small group work**
Facilitated large group discussion

10:45 **Break and hotel check out**

11:00 **Continuation of reporting from small groups and clarification of suggestions**
Facilitated large group discussion

11:30 **Next steps**

12:00 **Adjourn**

Appendix C

Table 5
(OMB Form No. 1820-0621)

U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION
AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION
PROGRAMS

OMB NO.: 1820-0621

FORM EXPIRES:

TABLE 5, SECTION A

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE EDUCATIONAL SETTING, OR SUSPENDED OR EXPELLED: SCHOOL YEAR 2001-2002

STATE: _____

Section A

Children with Disabilities Ages 3-21	1. Number of Children Removed to an Interim Alternative Educational Setting by School Personnel and Number of Removals for Drugs and Weapons			2. Number of Children Removed to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely Injury	3. Number of Children Suspended or Expelled > 10 Days and Number of Suspension/Expulsions[1]		
Disability	A. Unduplicated Count of Children	B. Number of Unilateral Removals by School Personnel for Drugs	C. Number of Unilateral Removals by School Personnel for Weapons	Unduplicated Count of Children	A. Unduplicated Count of Children	B. Number of Single Suspension/ Expulsions > 10 Days	C. Number of Children with Multiple Suspension/ Expulsions Summing to > 10 Days
1. Mental Retardation							
2. Hearing Impairments							
3. Speech or Language Impairments							
4. Visual Impairments							
5. Emotional Disturbance							
6. Orthopedic Impairments							
7. Other Health Impairments							
8. Specific Learning Disabilities							
9. Deaf-Blindness							
10. Multiple Disabilities							
11. Autism							
12. Traumatic Brain Injury							
13. Developmental Delay[2]							
14. Total							

[1]Include only out-of-school suspensions.
[2]States must have defined and established eligibility criteria for developmental delay in order to use this category for reporting.

ORIGINAL SUBMISSION/REVISION
CURRENT DATE: _____

U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION
AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION
PROGRAMS

OMB NO.: 1820-0621

FORM EXPIRES:

TABLE 5, SECTION B

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE EDUCATIONAL SETTING, OR SUSPENDED OR EXPELLED: SCHOOL YEAR 2001-2002

STATE: _____

Section B

Children with Disabilities Ages 3-21	1. Number of Children Removed to an Interim Alternative Educational Setting by School Personnel and Number of Removals for Drugs and Weapons			2. Number of Children Removed to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely Injury	3. Number of Children Suspended or Expelled > 10 Days and Number of Suspension/Expulsions[1]		
Race/Ethnicity	A. Unduplicated Count of Children	B. Number of Unilateral Removals by School Personnel for Drugs	C. Number of Unilateral Removals by School Personnel for Weapons	Unduplicated Count of Children	A. Unduplicated Count of Children	B. Number of Single Suspension/ Expulsions > 10 Days	C. Number of Children with Multiple Suspension/ Expulsions Summing to > 10 Days
1. White, non-Hispanic							
2. Black, non-Hispanic							
3. Hispanic							
4. Asian/Pacific Islander							
5. Native American							
6. Total							

[1]Include only out-of-school suspensions.

ORIGINAL SUBMISSION/REVISION
CURRENT DATE: _____

U.S. Department of Education
Office of Educational Research and Improvement (OERI)
National Library of Education (NLE)
Educational Resources Information Center (ERIC)

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