Guiding Principles

A Resource Guide for Improving School Climate and Discipline

U.S. Department of Education

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January 2014

U.S. Department of Education

U.S. Department of Education
Arne Duncan
Secretary

January 2014

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FOREWORD

January 8, 2014

Dear Colleague:

Our goal of preparing all students for college, careers, and civic life cannot be met without first creating safe schools where effective teaching and learning can take place. Simply put, no school can be a great school — and ultimately prepare all students for success — if it is not first a safe school.

Creating and maintaining such schools is both challenging and complex. Even though national rates of school violence have decreased overall,[1] too many schools are still struggling to create the nurturing, positive, and safe environments that we know are needed to boost student achievement and success.

No student or adult should feel unsafe or unable to focus in school, yet this is too often a reality. Simply relying on suspensions and expulsions, however, is not the answer to creating a safe and productive school environment. Unfortunately, a significant number of students are removed from class each year — even for minor infractions of school rules — due to exclusionary discipline practices, which disproportionately impact students of color and students with disabilities. For example,

- Nationwide, data collected by our Office for Civil Rights show that youths of color and youths with disabilities are disproportionately impacted by suspensions and expulsions. For example, data show that African-American students without disabilities are more than three times as likely as their white peers without disabilities to be expelled or suspended. Although students who receive special education services represent 12 percent of students in the country, they make up 19 percent of students suspended in school, 20 percent of students receiving out-of-school suspension once, 25 percent of students receiving multiple out-of-school suspensions, 19 percent of students expelled, 23 percent of students referred to law enforcement, and 23 percent of students receiving a school-related arrest.[2]

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[1] Robers, S., Kemp, J., and Truman, J. (2013). *Indicators of School Crime and Safety: 2012* (NCES 2013-036/NCJ 241446). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC. Available at http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2013036.

[2] Statistics are drawn from unpublished (as of January 8, 2014) data collected by the Civil Rights Data Collection (CRDC) for the 2011-12 school year. Additional information and publicly available data from the CRDC can be found at http://ocrdata.ed.gov.

- In Texas, a groundbreaking longitudinal study of nearly 1 million students found that nearly six in 10 public school students studied were suspended or expelled at least once over a six-year period during their 7th to 12th-grade years; 15 percent of those students were disciplined 11 or more separate times.[3]

- One study found that 95 percent of out-of-school suspensions were for nonviolent, minor disruptions such as tardiness or disrespect.[4]

The widespread overuse of suspensions and expulsions has tremendous costs. Students who are suspended or expelled from school may be unsupervised during daytime hours and cannot benefit from great teaching, positive peer interactions, and adult mentorship offered in class and in school. Suspending students also often fails to help them develop the skills and strategies they need to improve their behavior and avoid future problems. Suspended students are less likely to graduate on time and more likely to be suspended again, repeat a grade, drop out of school, and become involved in the juvenile justice system.

When carried out in connection with zero-tolerance policies, such practices can erode trust between students and school staff, and undermine efforts to create the positive school climates needed to engage students in a well-rounded and rigorous curriculum. In fact, research indicates an association between higher suspension rates and lower schoolwide academic achievement and standardized test scores. Schools and taxpayers also bear the steep direct and indirect costs from the associated grade retention and elevated school dropout rates.

These costs are too high. I encourage America's educators to proactively redesign discipline policies and practices to more effectively foster supportive and safe school climates. That is why today I am calling on state, district, and school leaders to reexamine school discipline in light of three guiding principles that are grounded in our work with a wide variety of high-achieving and safe schools, emerging research, and consultation with experts in the field.

First, take deliberate steps to create the positive school climates that can help prevent and change inappropriate behaviors. Such steps include training staff, engaging families and community partners, and deploying resources to help students develop the social, emotional, and conflict resolution skills needed to avoid and de-escalate problems. Targeting student supports also helps students address the underlying causes of misbehavior, such as trauma, substance abuse, and mental health issues.

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[3] Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P. III, and Booth E. A. (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. New York: Council of State Governments Justice Center; Public Policy Research Institute at Texas A&M University. Available at http://csgjusticecenter.org/youth/breaking-schools-rules-report.

[4] Boccanfuso, C. and Kuhfeld M. (2011). *Multiple Responses, Promising Results: Evidence-Based, Nonpunitive Alternatives to Zero Tolerance* (Publication #2011-09). Washington, DC: Child Trends, citing Skiba, R. (2000*). Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Practice*. Bloomington, IN: Education Policy Center Indiana University.

Second, ensure that clear, appropriate, and consistent expectations and consequences are in place to prevent and address misbehavior. By holding students accountable for their actions in developmentally appropriate ways, students learn responsibility, respect, and the bounds of acceptable behavior in our schools and society. This also means relying on suspension and expulsion only as a last resort and for appropriately serious infractions, and equipping staff with alternative strategies to address problem behaviors while keeping all students engaged in instruction to the greatest extent possible.

Finally, schools must understand their civil rights obligations and strive to ensure fairness and equity for all students by continuously evaluating the impact of their discipline policies and practices on all students using data and analysis.

Emerging reforms at the state and district levels reflect these approaches as well. States are revising discipline laws to enhance local discretion, curtail zero-tolerance requirements, and encourage the development of alternative disciplinary approaches such as restorative justice. At the district level, reforms have included adding social and emotional learning to curricula, implementing positive behavioral intervention and support frameworks, building and sustaining community partnerships, replacing suspension rooms with learning centers, and assembling intervention teams to help struggling students and their families.

To help other states and districts build on these examples of promising practices and reforms, I am pleased to announce the release of a resource package that can assist them, as well as schools, in crafting local solutions to enhance school safety and improve school discipline. The package includes the following:

- ***Dear Colleague*** guidance letter, prepared with our partners at the U.S. Department of Justice, describing how schools can meet their obligations under federal law to administer student discipline without discriminating on the basis of race, color, or national origin;

- "***Guiding Principles***" document, which draws from emerging research and best practices to describe three key principles and related action steps that can help guide state- and locally controlled efforts to improve school climate and school discipline;

- ***Directory of Federal School Climate and Discipline Resources,*** which indexes the extensive federal technical assistance and other resources on school discipline and climate available to schools and districts;

- The online ***Compendium of School Discipline Laws and Regulations ,*** which catalogues the laws and regulations related to school discipline in each of the 50 states, the District of Columbia, and Puerto Rico, and compares laws across states and jurisdictions; and

- ***Overview of the Supportive School Discipline Initiative,*** which outlines recent federal efforts on these issues.

It is difficult work to create schools that are safe and free of violence, where teachers can concentrate on teaching and, to the greatest extent possible, all students are in class and focused

on learning. But it is possible. It is also essential to our nation's efforts to expand and accelerate student success and achievement. I hope you find these guidance resources helpful, and I thank you for all that you do every day to educate America's youths.

Sincerely,

/s/

Arne Duncan

INTRODUCTION

Developing positive school climates and improving school discipline policies and practices are critical steps to raising academic achievement and supporting student success. However, there is no single formula for doing so. Rather, the growing body of research and best practices in the field should inform locally developed approaches to improving school climate and discipline policies and practices.

The U.S. Department of Education (ED) is issuing this resource guide to assist states, school districts, charter school operators, school staff, parents, students, and other stakeholders who are seeking to develop school climate and school discipline policies and practices that are both locally tailored and grounded in recognized promising practices and research.*

ED's work with a wide range of safe and successful schools, review of research and evaluation, and consultation with the field and federal partners have revealed that a broad range of high-achieving schools typically share a number of common approaches to creating safe and supportive conditions for learning. These schools take deliberate steps to create positive school climates and prevent student misbehavior; ensure that clear, appropriate, and consistent expectations and consequences are in place to prevent and address misbehavior; and cultivate an expectation of continuous improvement driven by data and analysis to ensure fairness and equity for all students.

Drawing from these common approaches, ED has identified three guiding principles for policymakers, district officials, school leaders, and stakeholders to consider as they work to improve school climate and discipline:

> (1) Create positive **climates and focus on prevention**;
>
> (2) Develop **clear, appropriate,** and **consistent expectations and consequences** to address **disruptive student behaviors**; and
>
> (3) Ensure **fairness, equity**, and **continuous improvement**.

We also identify applicable action steps and relevant research and resources for each guiding principle.[1] In addition, the *Directory of Federal School Climate and Discipline Resources* in Appendix 1 lists all federal technical assistance, research, and other resources related to these issues. The *Compendium of School Discipline Laws and Regulations for each of the 50 states, Washington, D.C., and Puerto Rico* in Appendix 2 provides instructions for how to access an online tool focused on state-level laws and regulations related to school discipline.

Our goal in providing this information is to highlight ways in which states and school districts can promote academic excellence by creating safe and productive learning environments for all students, at all schools,

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* As non-regulatory guidance, the extent to which states and school districts implement the suggestions in this resource guide is a matter for state and local school officials to decide using their professional judgment, especially in applying this information to specific situations and circumstances. This document does not set forth any new requirements, does not create or confer any rights for or on any person, or require specific actions by any state, locality, school, or school district.

For guidance on schools' legal obligations to administer student discipline without discriminating on the basis of race, color, or national origin as required by the federal civil rights laws, readers should consult the "Dear Colleague" guidance letter issued by ED and the U.S. Department of Justice (DOJ) available at http://www.ed.gov/school-discipline/.

including traditional public schools, charter schools, and alternative schools. But these principles and action steps are only a starting point for efforts to improve climate and discipline.

The approaches based on these principles can only be implemented through the vision and commitment of policymakers and administrators, the support and partnership of students, families, and communities, and the persistent work of America's dedicated teachers, school leaders, and school staffs. The collective efforts of great leaders and teachers have already shown that schools and communities can create positive school climates and effective discipline practices, even in the face of difficult circumstances. Our hope is that this guide proves to be a useful and informative tool in advancing this difficult, yet vital work in other schools and communities.[2]

EXECUTIVE SUMMARY

Schools must be both safe and supportive for effective teaching and learning to take place. Three key principles can guide efforts to create such productive learning environments. First, work in a deliberate fashion to develop positive and respectful school climates and prevent student misbehavior before it occurs. Ensure that clear, appropriate, and consistent expectations and consequences are in place to prevent and address misbehavior. And finally, use data and analysis to continuously improve and ensure fairness and equity for all students.

Principle 1: Climate and Prevention: Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

The first step in creating positive school climates is to identify climate goals that complement the school's academic goals. In developing these goals, schools may solicit input from staff, families, students, and others, and use a needs assessment to better understand the school's climate. The school should then develop approaches to address identified needs and achieve progress towards its goals.

As one approach, the use of evidence-based strategies such as tiered supports can help schools to better manage student behavior by providing different levels of assistance and interventions based on students' different needs. In addition, strategies such as social emotional learning programs that address non-cognitive skills, including problem-solving, responsibility and resiliency, can also help students develop the skills needed to fully engage and thrive in the learning environment. School-based mental health professionals are central to implementing tiered supports because they help to identify students' needs and provide mental health supports based on those needs. They are also invaluable in helping teachers to deepen their understanding of students' developmental needs and to develop responses to behavioral issues.

Carefully structured partnerships with local agencies, including community-based mental health agencies and child welfare agencies, can also help schools better support students' needs and fill in staffing gaps. Schools may also choose to work with local law enforcement agencies to help maintain safe environments and conduct emergency planning. These partnerships must be structured and implemented carefully to avoid unintended consequences, violations of

students' civil rights, or violations of student privacy laws.

In cases when schools choose to make use of school-based law enforcement officers, including school resource officers, school security officers, or other campus-based security, schools should provide clear definitions of the officers' roles and responsibilities on campus, document those expectations in a written agreement or memorandum of understanding, focus officers' roles primarily on safety, provide proper training, and continuously monitor the program's activities through regular data collection and evaluation.

Finally, to effectively implement a school-wide behavior program and create a safe and positive school climate, schools should provide professional development and training opportunities for all staff, including principals, teachers, school support staff, and, if present on campus, school-based law enforcement officers. This training should include clear guidance on how to engage students, promote positive behavior, and respond appropriately -- and consistently with any staff member's role -- if students misbehave.

Principle 2: Expectations and Consequences: Schools that have discipline policies or codes of conduct with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

Creating positive school climates and providing students with varying levels of support do not free students from the responsibility of behaving appropriately or being held accountable if they fail to do so. Indeed, a critical component of a strong and positive school climate is a school-wide discipline policy that sets high expectations for behavior; provides clear, developmentally appropriate, and proportional consequences for misbehavior; and uses disciplinary incidents to help students learn from their mistakes, improve their behavior, and meet high expectations.

Such policies should also include appropriate protections for students with disabilities and strong due process protections for all students. Finally, in view of the essential link between instructional time and academic achievement, schools should strive to keep students in school and engaged in learning to the greatest extent possible. Thus, schools should remove students from the classroom as a disciplinary consequence only as a last resort and only for appropriately serious infractions. Students who are removed from class should be provided meaningful instruction, and their return to the classroom should be prioritized.

To effectively develop and implement these policies, schools should involve families as partners to the greatest extent possible. For example, families, along with students and staff, should be involved in the development and review of the school's discipline policy, schools should regularly communicate with families, including about specific disciplinary incidents, and schools should ensure transparency about the school's behavior expectations and discipline policies and procedures.

Principle 3: Equity and Continuous Improvement: Schools that build staff capacity and continuously evaluate the school's discipline policies and practices are more likely to ensure fairness and equity

and promote achievement for all students.

Schools and districts should ensure that school discipline is applied fairly and should continually monitor and improve disciplinary policies and practices. As part of a school's ongoing training for staff, schools should equip them with the skills and strategies to reinforce appropriate behaviors and respond to student misconduct fairly and equitably. An equitable and fair response is without regard to a student's personal characteristics, including, race, color, national origin, religion, disability, ethnicity, sex, gender, gender identity, sexual orientation, or status as an English language learner, migrant, or homeless student. To help ensure fairness and equity, schools may choose to explore the use of cultural competence training to enhance staff awareness of their implicit or unconscious biases.

Schools should commit to regular evaluation of the school's discipline policies and practices, and monitor progress toward the school's climate and discipline goals. This process requires schools to first collect and publicly report disaggregated student discipline data, and to solicit feedback from students, staff, families, and community representatives. Schools should involve the full array of community stakeholders in reviewing and analyzing disciplinary data. Doing so can help ensure that the school's discipline policies and practices are being applied fairly, consistently, and appropriately without disproportionately impacting any groups of students. This includes students of color, students with disabilities, or students at risk for dropping out of school, trauma, social exclusion, or behavior incidents.

When data collection and analysis raise concerns about the application of a school's discipline policies and practices, schools should evaluate the root causes of the problem and create a plan to address the issue, as appropriate.

Conclusion.

Few would disagree that schools should strive to create positive climates that support *all* students, while holding students to specific and positive high expectations. There is also a wide consensus that schools should hold students who misbehave accountable for their actions through appropriate and proportional consequences, while *also* using the disciplinary process itself to help students acquire new behaviors and strategies needed to prevent future instances of misbehavior.

Yet successfully implementing these principles is highly complex work in practice – it requires appropriately trained school leaders, teachers, and staff, and a thoughtful balancing among multiple goals. Thus, while schools should strive to support all students and remove students from the instructional environment only as a last resort, protecting student and teacher safety and the integrity of the learning environment must also remain a paramount priority. But what may appear to be competing priorities – supports and safety – are in fact complementary. It is impossible to create the safe and positive school environments where great teaching flourishes and students are motivated to engage in rigorous curriculum without also creating fair, proportional, and effective discipline policies and practices that prevent and change inappropriate student behavior, and ensuring that those policies are equitably applied. By prioritizing positive climates, prevention, and targeted interventions to support students, schools will be able to not only develop safe and productive learning environments, but also keep all students in school and engaged in instruction to the greatest extent possible.

While difficult, this work is essential to achieving the goal of supporting all students in safe and supportive learning environments that promote academic excellence and student success.

GUIDING PRINCIPLE 1: CLIMATE AND PREVENTION

Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

The first step in building safe and supportive schools conducive to academic excellence and student success is to create positive climates. Such climates prevent problem behaviors before they occur and reduce the need for disciplinary interventions that can interfere with student learning.

The term "school climate" describes the extent to which a school community creates and maintains a safe school campus; a supportive academic, disciplinary, and physical environment; and respectful, trusting, and caring relationships throughout the school community.[3]

Research shows that creating a positive school climate can help districts, schools, and teachers meet key goals, including boosting student achievement and closing achievement gaps,[4] increasing high school graduation rates,[5] decreasing teacher turnover and increasing teacher satisfaction,[6] and turning around low-performing schools.[7] Positive school climates also enhance safety in the school and community by increasing communication among students, families, and faculty,[8] and by reducing violence.[9]

Action Steps Checklist

- ✓ Engage in deliberate efforts to create positive school climates.
- ✓ Prioritize the use of evidence-based prevention strategies, such as tiered supports.
- ✓ Promote social and emotional learning.
- ✓ Provide regular training and supports to all school personnel.
- ✓ Collaborate with local agencies and other stakeholders.
- ✓ Ensure that any school-based law enforcement officers' roles focus on improving school safety and reducing inappropriate referrals to law enforcement.

ACTION STEPS

(1) Engage in deliberate efforts to create positive school climates.

Given the relationship between school climate and academic achievement, schools should take deliberate steps to create a positive school climate in which every student can learn, fully engage in a rigorous curriculum, and feel safe, nurtured, and welcome.[10]

To begin, and to complement the school's academic goals, each school community should identify its own goals for a positive school climate, including school discipline. To develop these goals, schools may involve families, students, school personnel, and other community stakeholders. Schools may also

identify areas for improvement by using a comprehensive needs assessment that captures data on student and staff behaviors, experiences, and perceptions.[11]

Schools should consider crafting goals covering the school's provision of supports for all students, including students of color, students with disabilities, and students who may be at risk for dropping out of school, trauma, social exclusion, or behavior incidents. Those with such risks include, but are not limited to, lesbian, gay, bisexual, and transgender (LGBT) students; homeless and unaccompanied students; corrections-involved students; students in foster care; pregnant and parenting students; migrant students; English language learners; and others. For example, specific goals may include reducing the total numbers of suspensions and expulsions, reducing the number of law enforcement referrals from the school, identifying and connecting at-risk youths to tailored supports, or increasing the availability of quality mental health supports available for students.

As discussed further under Principle 3 below, schools should collect and use multiple forms of data in compliance with applicable privacy laws to track progress toward the goals and propel continuous improvement.[12] Schools should also establish formal structures to support the management and monitoring of this data. Such structures should involve students, teachers, administrators, parents, health professionals, and community representatives and might, for example, take the form of school-based climate teams. Such structures may also include identifying personnel to receive complaints or creating regular outlets for students to voice concerns.

(2) Prioritize the use of evidence-based prevention strategies, such as tiered supports, to promote positive student behavior.

To support appropriate student behavior, schools should implement prevention-based strategies that identify at-risk students and match tiered supports and interventions – universal, targeted, and intensive – to meet students' varied behavioral and developmental needs.

"Universal" supports are supports provided to all students, prior to any display of disruptive behavior. Universal supports set expectations for behavior in all areas of the school and throughout the entire school day, including during after-hours school-sponsored events. Universal supports should include efforts to explicitly teach and model expected behaviors and social and emotional competencies. Lessons may be integrated into the regular academic curriculum, as well as into school-wide activities and programs that involve all students and staff in all campus settings.

"Targeted" supports, such as group interventions, mentoring, peer mentoring, and team building, are provided to students displaying occasional signs of mild to moderate misbehavior. Students in need of targeted supports can be identified more easily, and their needs or behavior can be addressed more effectively, when universal, school-wide supports are in place.

"Intensive" supports are individual interventions the school, local agencies, or other stakeholders provide to students who display frequent, moderate, or severe forms of misbehavior, or to students who have experienced trauma or who display other risk factors.

One example of a program that uses tiered supports is Positive Behavioral Intervention

and Supports (PBIS).[13] The PBIS framework has been shown to be effective in reducing the need for disciplinary actions and improving academic, social, emotional, and behavioral outcomes for students.[14]

Trained school-based support personnel – which may include school counselors, school psychologists, behavioral interventionists, school social workers, mental health providers, and school nurses – can be critical to the effective implementation of tiered supports. These professionals can serve as partners to teachers to help identify student needs and provide school-based emotional and mental health support for struggling and vulnerable students. Additionally, as discussed further in Principle 1, Action Step 5, through appropriately designed partnerships with local mental health agencies, a school can fill in potential staffing gaps and expand the range of targeted and intensive interventions that it offers as part of its tiered supports.

(3) Promote social and emotional learning to complement academic skills and encourage positive behavior.

Social and emotional learning refers to the development of non-cognitive student competencies – including self-awareness, self-management, resilience, social agility, and responsible decision-making – which collectively support healthy interpersonal relationships, community participation, and the successful pursuit of individual goals.[15]

An emerging body of research shows that social and emotional competencies can help students concentrate on learning through the exercise of self-control. These skills help students face challenges and understand consequences, strengthening students' motivation and perseverance. Ultimately, building social and emotional skills can contribute to students' academic success and social development.[16]

Schools should identify key social and emotional competencies that support the school's goals for a positive school climate and academic achievement. By providing students with opportunities to practice, receive constructive feedback, and reapply these skills, social and emotional learning programs encourage students to closely examine their own behaviors and choices, consider the effect of their behavior on themselves and their communities, and think about what they might have done differently. Schools should integrate social and emotional learning into both the broader school-wide and the tiered supports described above in Principle 1, Action Step 2.

(4) Provide regular training and supports to all school personnel – including teachers, principals, support staff, and school-based law enforcement officers – on how to engage students and support positive behavior.

One of the most powerful tools for preventing disruptive student behaviors is the use of sound instructional strategies that motivate and engage students in learning.[17] In addition, when equipped with strategies for responding to inappropriate student behaviors, staff can help promote positive student behavior.[18]

Schools should provide all school-based personnel who interact with students with effective professional development and ongoing support, and match professional learning opportunities with the needs of various school personnel–be they teachers, principals, or specialized support personnel, such as social workers. All personnel need regular, job-embedded training and coaching on their roles and responsibilities in maintaining a positive school climate. In

particular, if school resource officers, school-based police, or any security or law enforcement personnel are present on campus, as described further in Principle 1, Action Step 6, schools should give special consideration to the training and ongoing development of such personnel. Specialized support personnel (such as school social workers) can also support teachers and other staff – in addition to students – by identifying training needs and providing ongoing training, coaching, and professional development to all school staff on issues related to their expertise.

In addition to professional development focused on instructional practice, training should emphasize ways to ensure fair treatment of *all* students. Such training should include strategies for managing student behavior and promoting student development, understanding the student code of conduct and discipline policy, and, if law enforcement officers are present on campus, information concerning the appropriate role of school-based law enforcement officers in the district and schools. Training on more specific strategies may also include the use of tiered supports, de-escalation techniques, conflict resolution, age- and developmentally appropriate responses, and crisis management. Topics may also include broader, related issues, such as civil rights laws, child and adolescent development, disability and special education issues, cultural responsiveness and institutional bias, needs of students with disabilities, and student and family engagement.

Finally, the school's efforts to continuously improve school climate should include procedures to assess the effectiveness of this professional development in improving climate and to measure growth in staff knowledge and skills. For example, schools may use student surveys and personnel evaluations to make such assessments.

(5) Collaborate with local mental health, child welfare, law enforcement, and juvenile justice agencies and other stakeholders to align resources, prevention strategies, and intervention services.

Carefully structured partnerships with local agencies can help schools to better support student needs and maintain safe environments. Many communities have successfully established such partnerships in ways that are consistent with privacy laws. These include the *Family Educational Rights and Privacy Act* (*FERPA*), which provides privacy protections for student education records maintained by schools; the *Individuals with Disabilities Education Act* (*IDEA*), which includes similar confidentiality protections for eligible students with disabilities; the *Health Insurance Portability and Accountability Act of 1996* (*HIPAA*), which protects certain health records,[19] and applicable federal and state civil rights laws.

Appropriately designed partnerships with local mental health agencies can assist schools in identifying students coping with trauma, or mental health or emotional issues. In addition, these partnerships may allow schools to expand the range of targeted and intensive interventions that the school offers as part of its tiered supports (as discussed in Principle 1, Action Step 2). These partnerships can also ensure the smooth delivery of services between school and community-based mental health providers, and fill in staffing gaps for schools facing shortages of school-based mental health professionals. Additionally, partnerships with child welfare agencies can help schools better support students in foster care.

Relationships between schools and law enforcement or juvenile justice agencies can also help schools maintain safe environments.

For example, these relationships can help schools plan for and respond appropriately to emergencies,[20] facilitate reentry and transition of students from juvenile justice placements, and reduce criminalization of students. These relationships must be designed with particular care, however, to avoid unintended consequences, such as inappropriate student referrals to the justice system, violation of applicable civil rights laws, or information exchanges that violate student privacy rights.

Schools and local agencies may decide to use cross-agency teams to identify needs; share information if appropriate and in compliance with applicable privacy laws; pool resources; and provide needed services as early as possible in cooperative, non-duplicative ways. These partnerships may also create opportunities for cross-agency professional development to share diverse perspectives and areas of expertise. For example, local mental health agencies may be able to facilitate access to training on child and adolescent development and de-escalation procedures for school personnel and other local partners.

To formalize these partnerships, partner agencies may want to develop written agreements or memoranda of understanding (MOUs) to clarify roles and areas of responsibility, processes, scope of work, staffing and leadership, and lines of communication. MOUs can also prove essential to ensuring that data-sharing complies with privacy laws. MOUs should be reviewed and updated to reflect the needs of the community and of the signing agencies. Further discussion of the use of MOUs in the context of school resource officers, law enforcement officers, and other school security personnel is included below in Principle 1, Action Step 6.

(6) Ensure that any school-based law enforcement officers' roles focus on improving school safety and reducing inappropriate referrals to law enforcement.

School-based law enforcement officers, which refers in this guide to school resource officers (SROs),[21] school security officers, or other campus-based security, can be an important part of a comprehensive school safety plan. It is important, however, for schools to recognize that any arrests or referrals to law enforcement can have negative collateral consequences for students, and that students of color and students with disabilities may experience disproportionate contact with law enforcement and the justice system.[22]

For this reason, schools choosing to use school-based law enforcement officers should carefully ensure that these officers' roles are focused on protecting the physical safety of the school or preventing the criminal conduct of persons other than students, while reducing inappropriate student referrals to law enforcement.[23] Schools should also ensure that school-based law enforcement officers do not become involved in routine school disciplinary matters. For the same reasons, schools without campus-based security should avoid involving law enforcement or encouraging the use of law enforcement techniques (such as arrest, citations, ticketing, or court referrals) in routine disciplinary matters. To ensure the proper functioning of any school-based law enforcement program and to avoid negative unintended consequences, schools should provide clear definitions of the officers' roles and responsibilities on campus, written documentation of those roles, proper training, and continuous monitoring of the program's activities through regular data collection and evaluation.

Role Focused on Safety. First and foremost, any school or district using school-based law enforcement officers should clearly define the officers' roles and responsibilities at the school as that of important partners in school safety efforts. This role should be focused on school safety, with the responsibility for addressing and preventing serious, real, and immediate threats to the physical safety of the school and its community. By contrast, school administrators and staff should have the role of maintaining order and handling routine disciplinary matters. By focusing officers' roles on the critical issue of safety and avoiding inappropriate officer involvement in routine discipline matters, schools have found that they can reduce students' involvement in the juvenile justice system and improve academic outcomes while improving school safety.[24] For school resource officers, their role on campus typically involves three parts: law enforcer, informal counselor, and educator. In their capacity as counselors and educators, SROs can, and should, support positive school climate goals by developing positive relationships with students and staff, and helping to promote a safe, inclusive, and positive learning environment.

Written Agreements. Schools and districts should document the expectations for officers' roles through clear, written policies or MOUs between school administrators and law enforcement personnel. To help clarify the scope of an officer's responsibilities for school safety, schools may find it helpful to specify that law enforcement approaches (such as arrest, citations, ticketing, or court referrals) should be used only as a last resort, and never to address instances of non-violent misbehavior that do not pose a serious and immediate threat to school safety. In addition, schools may find it useful to identify and document examples of the types of conduct or incidents that generally would not meet the definition of an immediate threat to school safety, such as tardiness, loitering, use of profanity, dress code violations, and disruptive or disrespectful behaviors.

Training. To successfully implement these expectations, schools should ensure that school-based law enforcement officers receive rigorous training before the officers begin working on the school campus as well as continuing throughout their work at the school. As noted above in Principle 1, Action Step 4, schools should tailor all professional development and supports to the needs of particular school personnel. In the case of school-based law enforcement officers, training should cover the proper role and responsibilities of officers consistent with the school's written policies or MOU. Officers should be trained on how to distinguish between, and appropriately respond to, disciplinary infractions appropriately handled by school officials on the one hand, and major threats to safety or serious criminal conduct that requires law enforcement involvement on the other.

Training for school-based law enforcement officers should also address such topics as basic childhood and adolescent development, age-appropriate responses, disability issues, and conflict resolution and de-escalation techniques. Other necessary topics are bias-free policing (including implicit or unconscious bias and cultural competence), restorative justice practices,[25] and how to identify and refer for services those students exposed to trauma and violence. Given the specificity of a school context, the training should cover special considerations related to law enforcement activities in a school setting, student privacy rights, and working with specific groups of students, such as those at risk for dropping out of school, trauma, social exclusion, or behavior incidents. In addition, training should review the negative collateral consequences associated with youth involvement in the juvenile and criminal

justice systems, and how to prevent and reduce such involvement through use of alternative strategies, such as referral to local programs, including local mental health programs. Finally, wherever possible such training should be conducted jointly with school administrators and other school staff, including mental health professionals.

All Schools. The need to avoid using law enforcement to address school disciplinary issues also applies to schools that do not have law enforcement officers stationed on campus. All schools should use regular training of school staff and clear expectations to ensure that school staff members do not ask law enforcement officers to respond to student behaviors that can be safely and appropriately handled by school staff under internal school disciplinary procedures. This is especially true for non-violent conduct, such as tardiness, loitering, use of profanity, dress code violations, and disruptive or disrespectful behaviors, none of which should lead to law enforcement responses such as arrest or ticketing.

Data Collection and Continuous Improvement. Finally, as discussed further below in Principle 3, Action Step 2, schools should closely monitor any school-based law enforcement officer program to ensure that the program is meeting school safety goals and does not create any negative unintended consequences, and to assess the impact of other law enforcement involvement on campus. Such monitoring requires comprehensive data collection on officer activity, including, if appropriate, data on any school-based arrests, citations, searches, and referrals. Disaggregated data on these activities should also be publicly reported consistent with applicable federal, state, and local privacy laws. In addition, schools should develop a complaint process that allows student or community concerns about officer activities to be efficiently raised and addressed. As discussed below, schools should review, analyze, and act on this data as necessary to eliminate any negative unintended consequences stemming from the use of a school-based law enforcement officer program or involvement of local law enforcement officials on campus.

GUIDING PRINCIPLE 2: CLEAR, APPROPRIATE, AND CONSISTENT EXPECTATIONS AND CONSEQUENCES

Schools that have discipline policies or codes of conduct with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

A critical component of a strong and positive school climate is a school-wide discipline policy that sets high expectations for student behavior and provides a clear, appropriate, and consistent set of consequences for misbehavior. School discipline policies should thus align with, and support the implementation of, the school-wide, tiered supports and evidence-based practices identified in Principle 1, Action Step 2 and employ an instructional approach to the discipline process that helps students learn from their mistakes, improve their behavior, and achieve academically.

Action Steps Checklist

- ✓ Set high expectations for behavior and adopt an instructional approach to discipline.
- ✓ Involve families, students, and school personnel, and communicate regularly and clearly.
- ✓ Ensure that clear, developmentally appropriate, and proportional consequences apply for misbehavior.
- ✓ Create policies that include appropriate procedures for students with disabilities and due process for all students.
- ✓ Remove students from the classroom only as a last resort, ensure that alternative settings provide academic instruction, and return students to class as soon as possible.

ACTION STEPS

(1) Set high expectations for behavior and adopt an instructional approach to school discipline.

School discipline policies should establish high and positive expectations for student behavior. These expectations should be communicated to all students as part of the universal supports described in Principle 1. These expectations should promote respect for others in the school community and make clear that engaging in violence, bullying, and harassment, among other problem behaviors, is unacceptable.[26]

At the same time, schools should create discipline policies that recognize that, in order to master the social, emotional, and behavior skills needed to meet high expectations, students need instruction, practice, and supportive correction. Thus, schools should adopt an instructional approach to discipline that uses interventions or disciplinary consequences to re-teach behavioral expectations and help students develop new behavior skills and positive strategies to avoid conflict, re-direct energy, and re-focus on learning.

For example, while schools should make clear that bullying is unacceptable, schools should also use the disciplinary process not just to hold those who bully accountable, but also to help those students learn from their behaviors, grow, and succeed. In doing so, schools should consider the most effective ways to teach new social and emotional skills to students who bully in order to prevent future bullying. For example, schools may determine that approaches such as restorative justice are more effective ways to build such skills rather than exclusionary discipline sanctions such as suspension or expulsion.

(2) Involve families, students, and school personnel in the development and implementation of discipline policies or codes of conduct, and communicate those policies regularly and clearly.

Research has demonstrated the powerful effect that engaged families can have on a student's educational outcomes – including improved behavior.[27] For this reason, among others, school discipline policies and practices should engage parents and guardians as partners in the discipline process as much as possible by establishing comprehensive communications between school staff and family members, and by promoting supportive roles for family members in identifying and addressing student behavior challenges.

Involvement in Policy Development. To start, schools should develop and monitor school discipline policies with input and collaboration from school personnel, students, families, and community members. A school may seek student and family input through informal means as well as through formal mechanisms, such as youth leadership councils or discipline advisory committees. For example, schools may meaningfully engage the school community in the school's discipline process by creating an advisory committee on student discipline policies and practices, and inviting an array of community members and staff to participate. As discussed below, as part of a culture of continuous improvement, many schools use these formal and informal mechanisms to solicit feedback on their disciplinary policies, and to ensure that the rules are clearly defined and commonly understood by school staff, parents, and students.

Regular Communication. To further engage parents as partners in the discipline process, schools should affirmatively establish and maintain regular communication with parents about all aspects of the school's activities and each child's learning and development. Such regular communication allows parents and teachers to address potential problems as they arise and before problems can become crises. As part of these regular communications, the school should also provide information about the school's behavior expectations for students, prohibited conduct, and due process rights for students. All current discipline-related materials, including the student handbook, code of conduct, and all related documents, should be available in the school's major languages at the school, on the school's or district's website, and at the district office.

To ensure effective communication and to comply with applicable civil rights obligations,[28] schools should provide translation or interpretation services for discipline-related documents and meetings to students, parents or guardians who are limited English proficient. Similarly, to comply with applicable civil rights obligations,[29] schools should also consider the communication needs of students and parents or guardians with disabilities when providing documents or holding meetings about discipline.

Communication in Connection With Disciplinary Incidents. Finally, when specific disciplinary incidents arise, the school should have established protocols and due process requirements that specify when the school will notify parents and guardians to ensure their prompt notification and involvement in the disciplinary process.[30]

(3) Ensure that clear, developmentally appropriate, and proportional consequences apply for misbehavior.

To ensure that expectations and consequences are clear, written discipline policies should define offense categories and base disciplinary penalties on specific and objective criteria whenever possible. In addition, all staff, students, and families should have access to the written policies in a user-friendly format that specifies, in a language the reader can understand, the sanctions imposed for specific offenses, and opportunities to provide feedback to ensure common understanding.

Schools should attempt interventions prior to the disciplinary process but create a continuum of developmentally appropriate and proportional consequences for addressing ongoing and escalating student misbehavior after all appropriate interventions have been attempted. Zero-tolerance discipline policies, which generally require a specific consequence for specific action regardless of circumstance,[31] may prevent the flexibility necessary to choose appropriate and proportional consequences.

Developmentally appropriate consequences take into account the developmental differences of students at various stages of childhood and adolescence, as well as the cognitive and emotional maturity of the students served. Proportional consequences generally involve disciplinary responses that match the severity of the consequences to the severity of the behavior violation, with mild consequences being used for minor offenses, and harsher consequences – including, in particular, exclusionary discipline – being used as a last resort and only for the most serious infractions. Developmentally appropriate and proportional consequences generally should *not* include, as discussed above in Principle 1 Action Step 6, the use of law enforcement approaches, such as arrest, citations, ticketing, or court referrals. Further, restraint and seclusion should *never* be used for punishment or discipline.[32]

(4) Create policies that include appropriate procedures for students with disabilities and due process for all students.

In developing and implementing school discipline policies, schools also must comply with the federal and state laws that provide special requirements for the discipline of students with disabilities.[33] For example, federal provisions under the *IDEA* address the procedures that must be followed when schools take any disciplinary actions involving students with disabilities or make decisions about whether or not to remove a child with a disability from his or her current school placement and, in the event of such removal, what continuing education services must be provided to the student and where such services will be provided.[34] These provisions apply both to students identified as having a disability under the *IDEA* and to certain students who may be eligible for services under the *IDEA*.[35]

In addition to ensuring appropriate procedures are provided for students with disabilities as required by the disability laws, school discipline policies should provide strong due process protections to all students before imposing serious disciplinary consequences. Due process protections generally include notification requirements, the right to fair disciplinary hearings prior to suspensions and expulsions, appeal processes, and other safeguards prior to the application of disciplinary sanctions. By providing strong due process protections, schools can help to imbue the disciplinary process with a sense of fairness and legitimacy.

(5) Remove students from the classroom only as a last resort, ensure that any alternative settings provide students with academic instruction, and return students to their regular class as soon as possible.

Maintaining the integrity of the learning environment is indisputably of the highest priority for any discipline policy. Yet research shows that attempting to maintain order by unnecessarily relying on suspensions or expulsions for minor misbehaviors may undermine a school's ability to help students improve behavior, fail to improve the safety or productivity of the school's learning environment, and seriously and negatively impact individual and school-wide academic outcomes.[36]

High Costs of Suspension and Expulsion. Research suggests that time spent in rigorous and relevant instruction can impact student achievement.[37] Not surprisingly, then, individual students who are suspended and removed from class are less likely to graduate on time and more likely to repeat a grade,

drop out, or become involved in the juvenile justice system.[38] The negative consequences are not felt just at the individual level. High rates of suspensions in schools have been related to lower school-wide academic achievement and standardized test scores.[39] In addition, schools and communities bear the increased direct and indirect costs associated with grade retention and dropouts.[40]

Recognizing the high costs for students, schools, and communities of overusing suspensions and expulsions (which may result from the use of zero-tolerance discipline policies), many schools and districts have successfully created safe, orderly environments for learning while also crafting discipline policies and practices that minimize student exclusion from the classroom and instruction.[41]

Alternatives. Schools seeking to adopt such an approach should begin with the deliberate efforts to create positive school climates and the implementation of proportional, developmentally appropriate consequences as discussed above. Next, schools seeking to reduce the use of exclusionary discipline tactics should ensure that discipline policies emphasize constructive interventions, such as behavioral instruction and tiered supports to keep students in the classroom. Most important, schools should resort to exclusionary discipline – meaning any disciplinary sanction that involves removal from regular instruction (e.g., office referral, suspension, expulsion, or alternative placement) – only in limited circumstances. For example, many schools and districts have created discipline policies that require the use of appropriate interventions prior to the imposition of any type of exclusionary discipline, except in an emergency situation, such as one involving a serious and immediate threat to students, school personnel, or public safety. Further, these policies prohibit the use of exclusionary discipline for more minor misbehaviors that do not rise to the level of a serious and immediate threat to safety, such as tardiness, loitering, use of profanity, dress code violations, and disruptive or disrespectful behaviors.

Reserve for Serious Infractions. To avoid overuse of exclusionary discipline, schools should also explicitly reserve the use of out-of-school suspensions, expulsions, and alternative placements for the most egregious disciplinary infractions that threaten school safety and when mandated by federal or state law. For example, at the federal level, the *Gun-Free Schools Act* (*GFSA*)[42] requires a mandatory one-year expulsion (which may be modified in writing on a case-by-case basis by a local school chief administering officer[43]) for one specific, prohibited act involving firearms: bringing a firearm to, or possessing a firearm at, a school.[44] Notably, the *GFSA* does not require that states or schools implement wide-ranging zero-tolerance policies or rely on exclusionary discipline for any other types of student misconduct.

Alternative Placements and Reentry. In cases where a school finds that an alternative placement is necessary, it should provide students with access to meaningful instruction while outside of class and adequate supports to transition back to class. Schools also must ensure that appropriate procedures are followed for students with disabilities, as discussed under Principle 2, Action Step 4 above. Thus, students who need to be removed from the regular classroom setting for even a short period of time should have access to an alternative program that provides comparable academic instruction to that provided to students in the regular school program. Any expelled students should also receive instruction, and notably, the *GFSA* does not prevent a state or local school district from offering alternative educational services to any students expelled under that law's terms.

Schools should also make returning students to their regular classroom settings a high priority. To facilitate that return, schools should strive to provide individually tailored intensive services and supports for students reentering the classroom from alternative school placements or the juvenile justice system.

GUIDING PRINCIPLE 3: EQUITY AND CONTINUOUS IMPROVEMENT

Schools that build staff capacity and continuously evaluate the school's discipline policies and practices are more likely to ensure fairness and equity, and promote achievement for all students.

Creating positive school climates and developing and implementing school discipline policies that embody positive approaches to discipline are necessary – but not sufficient – to improving school climate and school discipline. Schools should also ensure effective implementation of school climate and discipline policies and practices by building staff capacity, and using data and analysis to drive continuous improvement.

Action Steps Checklist:

- ✓ Train all school staff to apply school discipline policies and practices in a fair and equitable manner.
- ✓ Use proactive, data-driven, and continuous efforts, including gathering feedback from families, students, teachers, and school personnel to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences.

ACTION STEPS

(1) Train all school staff to apply school discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color, students with disabilities, or at-risk students.

Schools are responsible for ensuring that the entire course of the disciplinary process – from behavior management in the classroom, to referral of students outside of the classroom for disciplinary consequences, to the resolution of the discipline incident – is free from discrimination under federal civil rights laws and complies with other applicable laws.[45] Moreover, in implementing school discipline policies, successful schools strive to achieve fairness and equity for all students.

Schools should understand their legal obligations under the federal civil rights laws[46] and train school personnel not to discriminate in the administration of student discipline. To meet their legal obligations and to ensure fairness and equity to all students, educators and other school personnel need to be equipped with knowledge and skills to prevent and address conflicts, meet the behavioral needs of diverse students, and fairly and equitably apply discipline policies and practices. Staff should also be equipped to apply discipline using individualized approaches that, as necessary, take into account factors such as student developmental delays, mental health challenges, and other medical or physical issues.

To build staff capacity, as discussed above under Principle 1, Action Step 4, schools should provide professional development and training to equip educators to support students in improving their behavior and to

respond to student misconduct fairly, equitably, and without regard to a student's personal characteristics (e.g., race, color, national origin, religion, disability, ethnicity, sex, gender, gender identity, sexual orientation, or status as an English language learner, migrant, or homeless student). Where appropriate, schools may choose to explore using cultural competence training to enhance staff awareness of their implicit or unconscious biases and the harms associated with using or failing to counter racial and ethnic stereotypes.[47]

By building staff capacity to apply discipline policies and practices consistently, fairly, and equitably, schools can reduce student perceptions of bias, encourage students to accept responsibility for their behavior, and help create an environment conducive to academic excellence and student success.

(2) Use proactive, data-driven, and continuous efforts, including gathering feedback from families, students, teachers, and school personnel to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences.

Regular evaluation of each school's discipline policies and practices is necessary to determine their effectiveness in helping each school meet high behavioral expectations and support academic achievement without discrimination or unintended consequences.

Data Collection. As part of the school's approach to evaluation, it should regularly collect complete information about all discipline incidents, consistent with applicable privacy laws. This information can supplement data schools may already be collecting and reporting in connection with ED's Civil Rights Data Collection (CRDC).[48]

A recordkeeping system should include demographic information for all students involved (disaggregated by race, sex, disability, age, and English learner status), as well as a description of the misconduct, grade level of each student referred for discipline, attempts to address the behavior prior to the referral for discipline, witnesses to the incident, prior history of the student, referring staff member, discipline imposed, and law enforcement involvement, if any. As discussed above in Principle 1, Action Step 6, a school's data collection should also include data on the activities of any school-based law enforcement personnel.[49]

Schools should also establish a method for regularly soliciting student and family input regarding the school's disciplinary practices. One way to do so and ensure transparency around the school's discipline processes is through the establishment of a school discipline team that includes diverse members of the school community. Schools should also conduct comprehensive needs assessments regularly to identify whether the actions they are taking are helping the school reach its climate goals and to identify any new areas of need that may emerge.

Review and Analysis. After collecting data, schools should establish procedures for regular and frequent review and analysis of the data to detect patterns that bear further investigation, and evaluate whether a school's academic, discipline, and behavior management goals are being achieved. As part of this review, schools may choose to examine how discipline referrals and sanctions imposed at the school compare to those at other schools, or randomly review a percentage of the disciplinary actions taken at each school on an ongoing basis to ensure

that actions taken were non-discriminatory and consistent with the school's discipline practices.

Schools should also analyze the data to assess the impact their discipline policies and practices are having on students, especially students of color, students with disabilities, and students at risk for dropping out of school, trauma, social exclusion, or behavior incidents, to identify any unintended disparities and consequences. In addition, schools should assess whether students with particular personal characteristics (e.g., race, sex, disability, or English earner status) are disproportionately disciplined, whether certain types of disciplinary offenses are more commonly referred for disciplinary sanction(s), whether specific teachers or administrators are more likely to refer specific groups of students for disciplinary sanctions, as well as any other indicators that may reveal disproportionate disciplinary practices.

Root Cause Analysis. Using the discipline data and analysis, schools should engage the community (including, but not limited to, students, families, and community members) in a process of determining the root cause or causes of any identified disparities or unintended consequences. As part of this process, schools should publicly report the disaggregated discipline data that has been collected, consistent with applicable privacy laws and after removing students' personally identifiable information,[50] in an easily understandable and accessible manner. Schools should also ensure that the data is accessible to persons with limited English proficiency or disabilities.

Plan for Action. Using data, analysis, and community feedback, a school should commit to developing a plan of action to determine what modifications of the school's discipline approach or added interventions and supports, if any, would help to ameliorate the root cause or causes of the identified disparities or negative unintended consequences.

By establishing a process for the regular collection, analysis, and solicitation of feedback on student discipline, and, where appropriate, committing to revise the school's discipline approach, schools can help ensure fairness, equity, and continuous improvement in meeting the school's academic and behavioral goals.

SOURCES FOR FURTHER READING AND MORE INFORMATION*

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* These resources and reading materials represent just a few examples of the numerous education reference materials currently available to the public on the topics of school climate and discipline. These materials are being shared here because they may contain information relevant to state and local education leaders, school staff, parents, and students who are interested in learning more about issues related to improving school climate and school discipline policies and practices. The opinions expressed in any of these materials do not necessarily reflect the positions or policies of ED, and the inclusion of references to these reading materials in this resource guide should not be construed or interpreted as an endorsement of any kind by ED.

GUIDING PRINCIPLE 2: CLEAR, APPROPRIATE, AND CONSISTENT EXPECTATIONS AND CONSEQUENCES

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GUIDING PRINCIPLE 3: EQUITY AND CONTINUOUS IMPROVEMENT

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- U.S. Department of Education. (2014). Office of Special Education Programs Positive Behavioral and Interventions Support website at http://www.pbis.org.

- U.S. Department of Education. (2013). Office of Special Education and Rehabilitation Services. "Dear Colleague" letter on bullying. Retrieved from http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf and enclosure "Effective Evidence-based Practices for Preventing and Addressing Bullying" at http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-enclosure-8-20-13.pdf/.

- U.S. Department of Education. (2010). Office for Civil Rights. "Dear Colleague" guidance letter on harassment and antidiscrimination laws. Retrieved rom http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf/.

- U.S. Department of Education and U.S. Department of Health and Human Services. (2008). *Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records*. Retrieved from http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/hipaaferpajointguide.pdf/.

- U.S. Department of Justice. (Forthcoming). Integrated school resource officer safety model and training curriculum.

- *Directory of Federal School Climate and Discipline Resources* available at http://www.ed.gov/school-discipline/.

- *Compendium of School Discipline Laws and Regulations* available at http://www.ed.gov/school-discipline/.

- U.S. Department of Education and U.S. Department of Justice. Dear Colleague Letter: Nondiscriminatory Administration of School Discipline (Jan. 8, 2014). Retrieved from www.ed.gov/school-discipline.

- U.S. Department of Education. (2012). *Restraint and seclusion: Resource document*. Retrieved from http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf

- U.S. Department of Education. (2004). *Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act*. Retrieved from http://www2.ed.gov/about/offices/list/osdfs/gfsa.html/.

- Safe and Supportive Schools. (n.d.). Safe and Supportive Schools Model. Retrieved from http://safesupportiveschools.ed.gov/index.php?id=33.

ENDNOTES

[1] This resource guide intentionally avoids extensive citations to the research for the sake of readability, but readers interested in further information related to any topics discussed in this guide may consult the "Sources for Further Reading and Information" on page 19. Readers interested in accessing tools and resources related to these topics should also consult the other parts of this resource package, including the attached *Directory of Federal School Climate and Discipline Resources*, also available at http://www.ed.gov/school-discipline/, which contains a listing of federal resources (including research, webinars, survey instruments, and federal guidance) related to school climate and school discipline which are tagged to the principles and action steps outlined here. In addition, readers interested in learning about the laws and policies surrounding school discipline practices at the state level may consult the attached *Compendium of School Discipline Laws and Regulations,* also available at http://www.ed.gov/school-discipline/, which contains information on school discipline laws and regulations for each of the 50 states, Washington, D.C., and Puerto Rico.

[2] We are interested in making the materials in this resource package as informative and useful as possible. If you are interested in commenting on this guide, the *Directory of Federal School Climate and Discipline Resources*, the *Compendium of School Discipline Laws and Regulations*, or the *Overview of the Supportive School Discipline Initiative*, please e-mail your comments to SchoolDiscipline@ed.gov or write to us at U.S. Department of Education, Office of Safe and Healthy Students, Attn: School Discipline Guidance, 400 Maryland Ave. SW, Washington, DC 20202.

[3] See generally Safe and Supportive Schools. (n.d.). Safe and Supportive Schools Model. Retrieved from http://safesupportiveschools.ed.gov/index.php?id=33/.

[4] MacNeil, A. J., Prater, D. L., & Busch, S. (2009). "The Effects of School Culture and Climate on Student Achievement." *International Journal of Leadership in Education*, 12(1), 73–84; see also Lee, V. E., Smith, J.B., Perry, T.E., & Smylie, M.A., (1999). *Social Support, Academic Press, and Student Achievement: A View From the Middle Grades in Chicago*. Chicago, IL: Consortium on Chicago School Research.

[5] Christle, C. A., Jolivette, K., & Nelson, C. M. (2007). "School Characteristics Related to High School Dropout Rates." *Remedial and Special Education*, 28(6), 325–339.

[6] Weiss, E.A. (1999). "Perceived Workplace Conditions and First-Year Teachers' Moral, Career Choice Commitment, and Planned Retention: a Secondary Analysis." *Teaching and Teacher Education*, 15(8), 861–879.

[7] Becker, B., & Luthar, S. (2002). "Social-Emotional Factors Affecting Achievement Outcomes Among Disadvantaged Students: Closing the Achievement Gap." *Educational Psychologist*, 37(4), 197-214. See also Bryk, A. S. (2010). "Organizing Schools for Improvement." *Phi Delta Kappan*, 91(7), 23-30.

[8] Steinberg, M. P., Allensworth, E., & Johnson, D. W. (2011). *Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization*. Chicago: Consortium on Chicago School Research.

[9] Ibid.

[10] MacNeil, A. J., Prater, D. L., & Busch, S. (2009). Op.cit.

[11] In administering a comprehensive needs assessment, school districts must comply with the *Protection of Pupil Rights Amendment* (*PPRA*), which requires, among other things, that in the event that a survey administered or distributed to students will contain questions about one or more of eight specified items, such as the student's mental or psychological problems, the school district must: (1) develop and adopt policies to protect student privacy with regard to the survey; (2) notify parents, at least annually at the beginning of the school year, of the specific or approximate dates that the survey will be scheduled; and, (3) offer an opportunity for parents to opt students out of participation in the survey. (*See* 20 U.S.C. § 1232h(c).) The rights provided to parents under the *PPRA* transfer to the student when the student turns 18 years old, or is an emancipated minor (under an applicable state law) at any age. (20 U.S.C. § 1232h(c)(5)(B).)

[12] For example, schools must comply with the *Family Educational Rights and Privacy Act* (*FERPA*) (20 U.S.C. § 1232g) and the *PPRA* (20 U.S.C. § 1232h(c)).

[13] Positive Behavioral Interventions and Supports (PBIS) is a generic term referencing a broad behavioral framework anchored by critical components, but with the flexibility to allow for customization by schools and districts based on local needs and resources. PBIS frameworks are used to improve the integration and implementation of

behavioral practices, data-driven decision-making systems, professional development opportunities, school leadership, state and district policies, and evidence-based instructional strategies. Ultimately, a PBIS framework helps to improve behavioral and academic outcomes by improving school climate, preventing problem behaviors, increasing learning time, promoting positive social skills, and delivering effective behavioral interventions and supports. For additional information about PBIS, readers may wish to consult the PBIS website hosted by ED's Office of Special Education Programs at http://www.pbis.org.

[14] Bradshaw, C.P., Mitchell, M.M., & Leaf, P. (2010). "Examining the Effects of Schoolwide Positive Behavioral Interventions and Supports on Student Outcomes Results From a Randomized Controlled Effectiveness Trial in Elementary Schools." *Journal of Positive Behavior Interventions*, 12(3), 133–48. A list of current studies pertaining to schoolwide positive behavior support is available on the PBIS website at http://www.pbis.org/researchLiterature.htm.

[15] Collaborative for Academic, Social, and Emotional Learning. (2013). *Why It Matters: What Is SEL?: What Is Social and Emotional Learning?*, available at http://casel.org/why-it-matters/what-is-sel/; see also Zins, J. E., & Elias, M. J. (2007). "Social and Emotional Learning: Promoting the Development of All Students." *Journal of Educational and Psychological Consultation*, 17(2–3), 233-255.

[16] Durlak, J., Weissberg, R., Dymnicki, A., Taylor, R., Schellinger, K. (2011). *The Impact of Enhancing Students' Social and Emotional Learning: A Meta-Analysis of School-Based Universal Interventions*. Child Development, 82(1), 405–432.

[17] Stichter, J. P., Lewis, T. J., Whittaker, T. A., Richter, M., Johnson, N. W., & Trussell, R. P. (2009). "Assessing Teacher Use of Opportunities to Respond and Effective Classroom Management Strategies Comparisons Among High- and Low-Risk Elementary Schools." *Journal of Positive Behavior Interventions*, 11(2), 68–81.

[18] Payton, J., Weissberg, R.P., Durlak, J.A., Dymnicki, A.B., Taylor, R.D., Schellinger, K.B., & Pachan, M. (2008). *The Positive Impact of Social and Emotional Learning for Kindergarten to Eighth-Grade Students: Findings From Three Scientific Reviews*. Chicago, IL: Collaborative for Academic, Social, and Emotional Learning.

[19] *FERPA* is a federal law that protects the privacy of student education records. (See generally 20 U.S.C. § 1232g.) More information on *FERPA* can be found at www.ed.gov/fpco. The relevant confidentiality protections for eligible students with disabilities under Part B of the *IDEA* can be found at 20 U.S.C. §1417(c) and 34 C.F.R. §§300.610-300.626. *HIPAA* and its implementing regulations protect the privacy and security of individually identifiable health information held by health plans, health care clearinghouses, and most health care providers. While schools and school districts may maintain student health records, these records would not, in most cases, be protected by *HIPAA*, but instead would be considered education records protected by *FERPA*. Mental health records maintained by community mental health providers may be protected by *HIPAA*. For more information about *FERPA*, *HIPAA*, and student health records, please consult the joint guidance released by ED and the U.S. Department of Health and Human Services (HHS), *Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to Student Health Records* (2008), available at http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/hipaaferpajointguide.pdf/.

[20] ED, along with HHS, the U.S. Department of Homeland Security, and DOJ, recently released guidance for schools on emergency planning. *See* U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Healthy Students, *Guide for Developing High-Quality School Emergency Operations Plans*, Washington, DC, 2013, available at http://rems.ed.gov/docs/REMS_K-12_Guide_508.pdf.

[21] A commonly accepted definition of a "school resource officer" is a career law enforcement officer, with sworn authority, who is deployed in community-oriented policing and assigned by the employing police department or agency to work in collaboration with schools and community-based organizations. The term"school resource officer" (or SRO) is frequently used interchangeably to refer to school security officers and other campus-based security officers. In this guide, the term "school-based law enforcement officers" refers to SROs, school security officers, and any other campus-based security officers.

[22] Boccanfuso, C. and Kuhfeld. M. (2011). *Multiple Responses, Promising Results: Evidence-Based, Nonpunitive Alternatives to Zero Tolerance* (Publication #2011-09). Washington, DC: Child Trends.

[23] DOJ's Office for Community Oriented Policing (COPS) is currently developing the *Integrated School Resource Officer Safety Model and Training Curriculum,* which will provide guidelines, tools, resources, and promising practices from around the country (from jurisdictions of varying size) on the SRO's role in school safety and security efforts. These

tools will expand the knowledge base for SROs and those who select, hire, train, and manage SROs, setting a national standard for the role of SROs in school safety. The model and training curriculum will increase the ability of law enforcement agencies, educators, school administrators, and necessary stakeholders (including mental health and other service providers, parents, and students) to work together under integrated and individually tailored school safety and security plans. The COPS Office anticipates that the curriculum will be available in 2014.

[24] "Ending the School to Prison Pipeline," Hearing before the Senate Subcommittee on the Constitution, Civil Rights, and Human Rights, 112th Cong. (2012) (testimony of the Hon. Steven C. Teske), available at http://www.judiciary.senate.gov/pdf/12-12-12TeskeTestimony.pdf/.

[25] "Restorative justice practices" refers to non-punitive disciplinary responses that focus on repairing harm done to relationships and people, developing solutions by engaging all persons affected by a harm, and accountability. A variety of restorative practices can be used in schools, ranging from brief on-the-spot responses to student behavior in the classroom to community conferencing involving multiple parties, such as students, parents, and teachers. The goals of restorative justice intervention in schools are to address the harm committed and enhance responsibility and accountability, build relationships and community, and teach students empathy and problem solving skills that can help prevent the occurrence of inappropriate behavior in the future. Additional information about the use of restorative justice practices in schools is available in the Supportive School Discipline webinar presented by ED, DOJ, and HHS, "Stemming the School-to-Prison Pipeline: Applying Restorative Justice Principles to School Discipline Practices" (2013), available at http://safesupportivelearning.ed.gov/events/stemming-school-prison-pipeline-applying-restorative-justice-principles-school-discipline-0.

[26] ED has provided information about school district responsibilities under the *IDEA* to address bullying of students with disabilities, as well as information about district obligations to respond to harassment prohibited under federal antidiscrimination laws. To access this information, please consult ED's "Dear Colleague" guidance letter on bullying and the *IDEA* (2013), available at http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf and at http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-enclosure-8-20-13.pdf; as well as ED's "Dear Colleague" guidance letter on harassment and antidiscrimination laws (2010), available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf.

[27] Epstein, M., Atkins, M., Cullinan, D., Kutash, K., and Weaver, R. (2008). *Reducing Behavior Problems in the Elementary School Classroom: A Practice Guide* (NCEE #2008-012). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from http://ies.ed.gov/ncee/wwc/publications/practiceguides; see also Steinberg, M. P., Allensworth, E., & Johnson, D. W. (2011). *Student and Teacher Safety in Chicago Public Schools: The Roles of Community Context and School Social Organization*. Chicago: Consortium on Chicago School Research.

[28] Title VI of the *Civil Rights Act of 1964*, as amended, which prohibits discrimination on the basis of race, color, or national origin (42 U.S.C. §§ 2000d et seq.), requires schools to provide language assistance to national origin-minority parents who have limited English proficiency in order to allow the parent meaningful access to information in a language the parent can understand.

[29] See generally Section 504 of the *Rehabilitation Act of 1973* (29 U.S.C. § 794), which prohibits discrimination on the basis of disability by recipients of federal financial assistance, and Title II of the *Americans with Disabilities Act of 1990* (42 U.S.C. §§ 12131 et seq.), which prohibits discrimination on the basis of disability by state and local governmental entities, including school districts.

[30] Note that under *FERPA*, once a student reaches the age of 18 or attends a postsecondary institution at any age, the rights accorded to parents transfer to the student (who is then referred to as an "eligible student"). (20 U.S.C. § 1232g(d) and 34 CFR 99.5(a)(1).) For the parents and guardians of "eligible students," schools may still provide notification of disciplinary incidents under *FERPA* if the disclosure meets an exception to one of *FERPA*'s general consent requirements, such as if the parent claims the student as a dependent on the parent's tax return with the Internal Revenue Service. (*See* 20 U.S.C. 1232g(b)(1)(H) and 34 CFR 99.31(a)(8).) If a student with a disability reaches the age of majority as determined by state law, rights accorded to parents under the *Individuals with Disabilities Education Act* (*IDEA*) will transfer to the student, to the extent permitted under the *IDEA* and state law (20 U.S.C. . § 1415(m).) For students who hold their own educational rights, schools should consider whether it is appropriate to notify the parents or the student, or both, of the disciplinary incident. (See generally 20 U.S.C. § 1232g (d); 34 C.F.R. §§ 99.3, 99.5(a), 99.31; 20 U.S.C. § 1415(m); 34 C.F.R. § 300.520.)

[31] A commonly accepted definition of a "zero tolerance policy" is one that "mandates the application of predetermined consequences, most often severe and punitive in nature, that are intended to be applied regardless of the gravity of behavior, mitigating circumstances, or situational context." American Psychological Association Zero Tolerance Task Force. (2006). "Are Zero Tolerance Policies Effective in Schools: An Evidentiary Review and Recommendations." *American Psychologist*, 63(9), 856 ("APA Task Force").

[32] ED has provided a resource document on the use of seclusion and restraint in schools that makes clear that restraint and seclusion should be avoided to the greatest extent possible, and never used as a means of punishment or discipline. The resource document further makes clear that restraint or seclusion should not be used except in situations where a child's behavior poses imminent danger of serious physical harm to self or others. For additional information, please consult ED's guidance, *Restraint and Seclusion: Resource Document* (2012) available at http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf.

[33] At the federal level, *see* Section 504 of the *Rehabilitation Act of 1973*, as amended (29 U.S.C. § 794); Title II of the *Americans with Disabilities Act of 1990* (42 U.S.C. §§ 12101 et seq.); and the *IDEA* Section 615(k). State-level laws may also apply.

[34] See generally 34 C.F.R. §§300.530-300.536. Specifically, the Federal Regulations for Part B of the *IDEA* permits school authorities to remove a child with a disability who violates a code of student conduct from the child's current placement to an appropriate interim alternative educational setting, to another setting, or for suspensions of not more than 10 consecutive days. (*See* 34 C.F.R. §300.530(b).) If the child is properly removed from his or her current school placement for more than 10 days in the same school year, then the child must continue to receive services to enable him or her to continue to participate in the general education curriculum and make progress toward his or her individualized education program (IEP) goals, but in another setting. (*See* 34 C.F.R. §300.530(d).) Also, within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members of the child's IEP Team must determine if the conduct was a manifestation of the child's disability. (*See* 34 C.F.R. §300.530(e).) If the behavior that caused the removal was a manifestation of the child's disability, the IEP Team must determine whether the child should receive a functional behavioral assessment, if appropriate, and behavioral intervention services, or modifications to existing services, to address the behavior. Unless an exception applies, the child is returned to his or her current placement. (*See* 34 C.F.R. §§300.530(e)-(f).) Students with disabilities whose misconduct is determined not to be a manifestation of their disability may be disciplined in the same manner and for the same duration as nondisabled students, subject to the continuation of educational services. (*See* 34 C.F.R. §300.530(c).)

[35] *IDEA*'s discipline-related provisions apply both to students covered by *IDEA* and to students who have not been identified as having a disability under the *IDEA*, but where the school or district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. (*See* 34 C.F.R. §300.534.)

[36] American Academy of Pediatrics Committee on School Health. (2013). "Out-of-School Suspension and Expulsion." *Pediatrics*, 131(3), 1000–07. Retrieved from http://pediatrics.aappublications.org/content/131/3/e1000.full.pdf.

[37] Dynarski, M., Clarke, L., Cobb, B., Finn, J., Rumberger, R., and Smink, J. (2008). *Dropout Prevention: A Practice Guide* (NCEE 2008–4025). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from http://ies.ed.gov/ncee/wwc.

[38] APA Task Force.

[39] Boccanfuso, C. and Kuhfeld. M. (2011). Op. cit.

[40] Dynarski, M., Clarke, L., Cobb, B., Finn, J., Rumberger, R., and Smink, J. (2008). *Dropout Prevention: A Practice Guide* (NCEE 2008–4025). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from http://ies.ed.gov/ncee/wwc/.

[41] American Academy of Pediatrics Committee on School Health. (2013). Op.cit.

[42] Pursuant to the *GFSA*, each state receiving funds under the *Elementary and Secondary Education Act* of 1965 (*ESEA*) must have in place a law that requires local school districts to expel, for at least one year, any student who brings a firearm to, or possesses a firearm at, a school, unless the local school district's chief administering officer modifies that sanction in writing, on a case-by-case basis. (See *ESEA* § 4141(b)(1) (20 U.S.C. § 7151(b)(1).) For

additional guidance about state and local responsibilities under the *GFSA*, please see ED's *Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act*, U.S. Department of Education, January 2004, available at http://www2.ed.gov/about/offices/list/osdfs/gfsa.html ("2004 GFSA Guidance").

[43] The term "chief administering officer" is undefined in the *GFSA*. ED has advised local school districts to locally determine which school official (i.e., superintendent) or entity (i.e., school board) meets the definition of "chief administering officer" based upon the local school context. (See 2004 *GFSA* Guidance at 6.)

[44] For purposes of state reporting under the *GFSA*, the *GFSA* defines "school" as "any setting that is under the control and supervision of the local educational agency for the purposes of student activities approved and authorized by the local educational agency." (*See* ESEA § 4141(f) (20 U.S.C. § 7151(f).) For purposes of the *GFSA*'s expulsion provisions, ED has similarly interpreted "school" to mean "any setting that is under the control and supervision" of the local educational agency. (*See* 2004 GFSA Guidance at 10.)

[45] For example, Title IV of the *Civil Rights Act of 1964*, as amended, which prohibits discrimination on the basis of race, color, sex, religion, or national origin (42 U.S.C. §§ 2000c *et seq*); Title VI of the *Civil Rights Act of 1964* as amended, which prohibits discrimination on the bases of race, color, or national origin (42 U.S.C. §§ 2000d *et seq*); Title IX of the *Education Amendments of 1972* as amended, which prohibits sex discrimination (20 U.S.C. § 1681 *et seq*); Section 1703(f) of the *Equal Educational Opportunities Act of 1974* (20 U.S.C. § 1703(f)), which requires state educational agencies and school districts to take action to overcome language barriers that impede English language learner students from participating equally in school districts' educational programs; and Section 504 of the *Rehabilitation Act of 1973* as amended (29 U.S.C. 794) and Title II of the *Americans with Disabilities Act* (42 U.S.C. §§ 12101 *et seq.*), which prohibit discrimination on the basis of disability. In addition to federal civil rights laws, schools should ensure that the school's discipline policies and practices comply with other applicable federal, state, and local laws. For example, as discussed above, at the federal level, the *IDEA* contains specific provisions regarding the discipline of students with disabilities who are or may be eligible for services under the *IDEA*, (*see, e.g.*, 20 U.S.C. §1415(k); 34 C.F.R. § 300.530(e)-(g)), while *FERPA* protects the privacy of student education records (20 U.S.C. § 1232g).

[46] In January 2014, ED and DOJ released a joint "Dear Colleague" guidance letter to assist schools in meeting their legal obligations under Titles IV and VI of the *Civil Rights Act of 1964* to administer student discipline without discriminating on the basis of race, color, or national origin, available at http://www.ed.gov/school-discipline/. That guidance focuses on how to identify, avoid, and remedy discriminatory discipline, and is intended to assist schools in providing all students with equal educational opportunities. As the "Dear Colleague" guidance letter explained, the administration of student discipline can result in unlawful discrimination based on race, color, or national origin in two ways: first, if a student is subjected to different treatment based on his or her race, color, or national origin; and, second, if a neutral policy that does not itself mention race and is administered in an evenhanded manner has a disparate impact, in other words, a disproportionate and unjustified effect on students of a particular race.

[47] *See* Skiba, R.J., Michael, R.S., & Narda, A.C. (2000). *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*. Lincoln, NE: Indiana Education Policy Center. [Adobe Digital Editions Version]. Retrieved from http://www.indiana.edu/~safeschl/cod.pdf/. See also Gregory, A., Skiba, R.J., & Noguera, P.A. (2010). "The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?" *Educational Researcher*, 39(1), 59-68.

[48] The CRDC collects data from a sample of school districts on key education and civil rights issues in our nation's public schools, including student enrollment, disciplinary actions, and educational programs and services, disaggregated by race/ethnicity, sex, limited English proficiency and disability. The CRDC is a valuable source of information about access to educational opportunities in our nation's public schools that is used by the Department's Office for Civil Rights (OCR) and other Department offices, as well as policymakers, researchers, and many others in the education community. More information about the CRDC is available at http://ocrdata.ed.gov/.

[49] Assistance in developing a discipline incident database that provides useful, valid, reliable, and timely incident data is available from the National Forum on Education Statistics in the report *Forum Guide to Crime, Violence, and Discipline Incident Data*, *available at* http://neces.ed.gov/forum/pub_2011806.asp/.

[50] In order to release de-identified data from students' disciplinary records under *FERPA*, schools must not only remove students' personally identifiable information (such as names) from the records, but also take into account other reasonably available information and the totality of data that has been or is being released, and make a reasonable

determination to ensure that a reasonable person in the school community would not be able to identify the student with reasonable certainty from the data being released. (*See* 34 CFR 99.3, 34 CFR 99.31(b).)