

TO: Arlington School Board Members
FROM: Arlington Special Education Advisory Committee
CC: Superintendent Duran, Julie Crawford, Chief Diversity, Equity, Inclusion and Student Support Officer
DATE: May 23rd, 2024
RE: ASEAC Recommendations on Discipline Disparities and Bullying

COMMITTEE CHAIR/VICE CHAIR/Secretary:

Paige Shevlin, Chair; Jennifer Wheelock, Vice-Chair; David Siu, Secretary

COMMITTEE MEMBERS: Alexander Fernandez-Pons; Anjy Cramer; Brittany Oman; Bryant Atkins; Claire Wulf Winiarek; Claudia Cuellar; Danya Atiyeh; David Rosenblatt; Ellen Fitzenrider; Emily Remus; James Catano; Keith Chanon; Kristin Gillig; Kurt Schuler; Laura Bryant Njanga; Laura Swanson; Marguarite Reed Gooden; Matt Leland; Michelle Best; Minerva Trudo; Nicholas Walkosak; Paul Timm; Selam Getahun; Sharmon Thornton

2. Establish a threshold for disparities above which schools are required to develop action plans that include improvements in how IEPs are developed and behavioral needs are supported.

3. Clarify and document APS policy on “Informal Removals” for behavioral issues and educate families on this policy.

4. Add student disability status to Incident Reports & Threat Assessment Forms, and clarify the rights of families to see these forms.

ASEAC’s May 2024 recommendations below focus around two issues – bullying and discipline disparities.¹ The specific recommendations are previewed below:

¹ All of these recommendations were approved by a unanimous vote with eight ASEAC members present.

5. Create and communicate an official APS Threat Assessment Policy, making sure the APS policy follows the Virginia model policy.

B. Recommendations to Address Disproportionality in Bullying & Harassment

1. Finish centralizing Bullying & Harassment Reporting across all APS schools to improve data integrity and accuracy.
2. Review the SEL curriculum at all levels to ensure it is accessible, addresses bullying, harassment, and bias against people with disabilities, and helps all children develop positive relationships and empathy for peers with disabilities.
3. Require action plans in schools with high rates of bullying to reduce the overall level of bullying and harassment and the disproportionate targeting of disabled students.

It is worth noting that ASEAC's fall 2023 recommendation on staffing for unstructured time would also address both discipline disparities and bullying. In Fall 2023, ASEAC proposed more funding for trained staff during unstructured parts of the school day (ie. lunch, recess, gym) that could help to resolve conflicts proactively and deescalate tense situations. According to Office of Special Education data, most bullying occurs during unstructured time. If this data were also analyzed in the context of disciplinary incidents, it would likely corroborate anecdotal feedback that unstructured time is an important factor. As an example of another staffing issue, there are only five behavioral specialists employed for the entire school district, yet 458 students with disabilities have been suspended in the 2023-2024 academic year according to APS data reported to date. Greater behavior specialist involvement will help **all** students and help disrupt the bullying and discipline cycle.

A. Suspension disparities Data for Student (w)-3.6 (l)2.6 (y)-9-3.6 ()J-o AdIDitude (w)(s)-StteL6 (

Students with disabilities have a high risk of suspension at all levels of education. The majority of suspensions occur in high school, but the disproportionality is greatest for elementary school students. As shown in the table below this is largely driven by out-of-school suspensions, where elementary students with disabilities account for 63.5 percent of all suspensions. This elementary-level disparity is particularly troubling since interventions that address behavioral problems in a proactive or positive way when children are young could reduce suspensions in the future.

Elementary School	50.7%	35.0	63.5
Middle School	40.6	40.0	41.1
High School	41.4	39.7	42.8
All Education Levels	42.3	39.3	45.0

Source: Disproportionality in Suspension Analysis. Accessed May 22nd. https://analytics.apsva.us/public/sp/aps_suspensions.html

issues. This “informal removal” is not tracked or accounted for as a formal suspension - despite the child not being able to access their education. This practice is not allowed under federal law. The practice results in suspension data underreporting the extent to which students with disabilities are missing learning time. Also, students with IEPs have the right to a manifestation determination review (MDR) hearing if the child is suspended for more than 10 total days in a school year. Informal removals make it hard to track what is actually a suspension and can create questions around compliance with the law.

In light of the disparities in suspension and discipline overall, it is important not only to prevent disparities in discipline but also to take steps to mitigate the impact that suspensions and other disciplinary action may have on students with disabilities.

B. Recommendations

ASEAC makes the following recommendations with regard to suspension disparities:

The disproportionality of suspensions (the risk ratio) is greatest at the elementary level. This is true for students with disabilities and for Black students and other students of color. This needs to be understood better by disaggregating data to look at the types of disabilities of students as well as intersections with race, ethnicity, and ELL status. It is only by disaggregating and understanding this problem that proper strategies can be addressed.

The draft strategic plan does note the need to disaggregate data, but this analysis should be done prior to the adoption of the strategic plan so that strategies that address the disparities can be included in the plan. Right now the strategic plan does not include strategies around developing IEPs that fully meet students academic and socioemotional needs even though this would surely reduce disparities for students with disabilities and would likely reduce disparities for students of color if it is true that many of the students of color being suspended also have disabilities.

There are wide variations among individual schools in the additional risk that students with disabilities have for being suspended. For example, the risk ratio for Swanson Middle School is 4.6 compared to only 1.5 for Williamsburg. ASEAC recommends that any school with a disparity above a set threshold be required to develop an action plan for how to address that disparity. These action plans should address how IEPs are

developed because disparities increase when behavior related to disabilities is not being appropriately addressed through an IEP. Per the note above about disaggregating data and looking at intersections, a school's action plan should address other suspension disparities so that schools have to address their disparities for race/ethnicity/ELL status and disability at the same time since these are correlated.

The draft strategic plan sets a goal of reducing overrepresentation to no more than 5 percent and current overrepresentation for students with disabilities is 26.8 percent. An appropriate threshold for school-level action plans might be something like 10 percent.

The more focus there is on suspension, the more incentive there is for schools to categorize suspensions differently. This leads unknowing parents to be called to pick up their student early if their child is experiencing behavioral challenges that day. APS should make it very clear that schools should not use informal removals like this. Instead, teams - that include parents - should implement positive behavioral

Whether the behavior is related to the student's disability

Whether there is a related bullying incident (i.e. is the student being disciplined either a victim or prior perpetrator of a confirmed bullying incident?)

Whether a Behavior Intervention Plan is in place

Separately, it is important to come up with clear policies about the right of parents to review these reports and how to access them in a timely fashion so that families have the opportunity to advocate for how a disability impacts behavior and disciplinary action.

of the school community. Bullying and harassment are antithetical to inclusion. The disproportionate targeting of students with disabilities must be eliminated and overall levels of bullying and harassment reduced.

The APS Office of Special Education shared the following data at the February 2024 ASEAC meeting:

--	--	--	--

B. Recommendations

In order to address the disproportionate bullying and harassment of disabled students, ASEAC makes the following recommendations:

At the February 2024 ASEAC meeting, the Office of Special Education communicated that APS was at the beginning stages of centralizing bullying and harassment data. Finishing this streamlining process is essential for creating a unified process across the community and collecting useful data. This includes improvements like using the same reporting forms on every school's website, using the Central Office form as the standard, and establishing clear policies on how APS is keeping track of bullying submissions that are reported by email or phone from parents, but not necessarily submitted through the 'official' form. Centralizing this process should be a strategy in the strategic plan to address the objective of students feeling safe.

The Strategic Plan already includes a focus on expanding the use of SEL curriculum as a way to address school climate. Special care should be given to ensure that the curriculum teaches empathy and understanding by *all* parties, includes acceptance of students with disabilities and other marginalized communities, and is created with input from the disability community. It is also important to assess the implementation of the SEL curriculum at all levels to ensure components related to disability are effectively implemented.

and

It is ASEAC's understanding from the OSE that bullying incidents are concentrated in certain schools. This can occur because