

# Guide to 14.7

## Equity in Student Discipline

### Legal Background

At least annually, LEAs must review disaggregated student discipline data at each building to identify disproportionalities based on sex, race, EL-status, and disability (special education and Section 504) to ensure the LEA does not discriminate in the administration of discipline. At a minimum, the review must include suspensions (both in-school, short-term, and long-term), expulsions, and emergency removals (emergency expulsions).

If the review identifies a substantial disproportionality based on sex, race, EL-status, or disability, the LEA must take prompt action to ensure it is not the result of discrimination.

**Legal authority:** Title IX, [34 C.F.R. Sec.106.36](#); Section 504, [34 C.F.R. Sec.104.34](#); Title VI, [34 C.F.R. Sec.100.3](#); RCW [28A.640.010](#); RCW [28A.642.010](#); and WAC [392-190-048](#).

### Key Resource:

[Data Review and Root Cause Analysis](#)— step-by-step guide for annual proportionality review.

## Process for Reviewing Student Discipline Data (14.7.A)

### Evidence to Provide

- A. A description of the process the LEA uses to annually review disaggregated student discipline data at each building to identify and address disproportionalities based on sex, race, EL status, special education status, and Section 504 status. At a minimum, the description must include:
  1. When the review occurs.
  2. Who is involved in the reviews.
  3. How the reviews are documented.
  4. What data is reviewed.
  5. How the LEA or building teams determine whether disproportionalities exist at each building.

### Tips for Program Review

- The description of the LEA's process to annually review disaggregated student discipline data should be sufficiently detailed to explain how LEA or building teams conduct and



document reviews, what data is reviewed, how frequently reviews occur, and who is involved. OSPI monitors review this description to ensure the LEA's process is aligned with the legal requirements and for context of the implementation evidence the LEA provides in 14.7.B & C.

- The data review must include at least suspensions (including in-school suspensions), expulsions, and emergency removals (emergency expulsions). LEAs may also find it helpful and informative to review other types of discipline referrals and types of behavioral violations, especially when determining the root causes of disproportionalities.
- Student discipline data must be reviewed for **each building** and disaggregated by sex, race, English Learner status, and disability (including Special Education and Section 504).
- For **small LEAs**, it may be useful to compare and analyze multiple years of data together to identify possible trends of student groups that are overrepresented in student discipline data.
- For purposes of the annual discipline proportionality review under WAC 392-190-048, the **significance of a disproportionality is analyzed based on multiple factors**. When determining whether it has disciplined a substantially disproportionate number of students of a particular group, a school or LEA should consider factors such as school size; the size of the student group; whether the specific student group represents a high or low percentage of the student population; the total number of students the school has discipline; and the relative rates, risk, or composition that students in protected classes represent among students who have been subjected to suspension or expulsion.<sup>1</sup>

## Examples of Recent Student Discipline Review (14.7.B & C)

### Evidence to Provide

*For 14.7.B and 14.7.C., provide evidence for an elementary school, middle/junior high school, high school, and online or ALE program (where applicable). Please submit evidence for the same schools for 14.7.B & C.*

- B. Evidence of implementation of the LEA's process to annually review student discipline data at each building for the 2022–23 or 2023–24 school year. Evidence must include the following:
1. Disaggregated student discipline data reviewed.
  2. A narrative, report, or meeting minutes that demonstrate how the LEA or building team analyzed the data to identify disproportionalities.
  3. A list of identified substantial disproportionalities.

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<sup>1</sup> See OSPI's Civil Rights Guidelines: [Preventing & Addressing Discrimination in Student Discipline](#), page 16. pages 14–18, for more guidance

- C. If the LEA or building team identified substantial disproportionalities, evidence that the LEA or building team is addressing each substantial disproportionality to ensure it is not the result of discrimination. Evidence must include the following:
1. A narrative, report, or meeting minutes that demonstrate the LEA or building team's analysis to determine the causes of disproportionalities (i.e., root cause analysis).
  2. The LEA or building's plan to address each disproportionality to ensure it is not the result of discrimination (e.g., reviews of student discipline policies, procedures, and practices, and implementation of evidence-based practices reasonably calculated to address the root causes of disproportionalities).
- If no disparities were identified, please Add Comment to this item stating grounds for N/A.*

### Tips for Program Review

- Be sure the evidence of implementation provided is sufficiently detailed to demonstrate what data was reviewed and how the LEA or building team determined whether disproportionalities exist.
- If any disproportionalities are identified, the LEA must provide evidence that the LEA or building team analyzed disparities to determine the **root causes** and whether the disproportionalities **could be the result of bias or discrimination**.
- Plans to address disproportionalities should be informed by and intended to address the suspected root causes of the disproportionality.
- For **small LEAs**, it may be useful to analyze multiple years of data together to identify possible trends of over or underrepresented student groups.

### Learn More About Equity in Student Discipline

- [WAC 392-190-048](#) Access to Course Offerings—Student Discipline and Corrective Action.
- OSPI Civil Rights Guidelines: [Preventing & Addressing Discrimination in Student Discipline](#)
  - Annual proportionality review is discussed on pages 14–18
  - Appendix B (pages 42–29) includes a step-by-step guide for annual proportionality review
- OSPI [Equity in Student Discipline](#) website (tools and resources)
- National Center on Safe and Supportive Learning Environments: [Planning Guide and Toolkit: Addressing the Root Causes of Disparities in School Discipline](#)
- U.S. Department of Education, Office for Civil Rights (OCR): [Guidance and Resources: School Climate and Discipline](#)