

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

STAFF LIAISON(S):

Dr. Kelly Krug, Director of Special Education, Elementary
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ASEAC's May 2024 recommendations below focus around two issues – bullying and discipline disparities.¹ Students with disabilities (SWD) are disproportionately victims of bullying, and they are also disproportionately disciplined relative to students without disabilities. While students with disabilities are significantly affected, implementing these recommendations will benefit **all** APS students. These recommendations are also meant to serve as input to the proposed 2024-2030 strategic plan, which will be adopted by the School Board on June 20th.

The specific recommendations are previewed below:

A. Recommendations to Address Disparities in Suspension and Mitigate the Impact of Disciplinary Action on Students with Disabilities

1. Understand and develop specific strategies to address the disproportionate rate of suspension of students with disabilities, starting at the elementary school level.
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.

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.

I. Recommendations to Address Disparities in Suspension and Mitigate the Impact of Disciplinary Action on Students with Disabilities

A. Suspension disparities Data for Students with Disabilities

According to the APS risk ratios used to evaluate suspension disparities by looking at the additional risk students of one demographic group have for being disciplined compared to students on average, students with disabilities have a higher risk ratio than any other group for which these risk ratios are assessed. The risk ratio for students with disabilities across all grade levels was 2.7 as of May 22nd when these data were pulled, meaning students with disabilities are 2.7 times more likely to be suspended than their peers. In 2023-24 students with disabilities make up 15.3 percent of enrolled students, but 42.3 percent of students that have received in- or out-of-school suspensions. The table below highlights the share of students suspended that have disabilities, by grade level.

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.

Table 1. Share of Suspensions Accounted for by Students with Disabilities

	All suspensions (%)	In-School Suspensions (Fraction of Total accounted for by SWD)	Out-of-School Suspensions (Fraction of Total accounted for by SWD)
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

Bias plays a role in suspension disparities, although the conversation at APS has focused mostly on racial bias. It's important to understand that students with disabilities also face biases, and that these biases intersect with biases around race and ethnicity.

The [public dashboard](#) on suspensions does not provide information on disability status and race or ethnicity. ASEAC has been requesting data from the office of Diversity, Equity, Inclusion and Student Support since March on suspensions by disability status, race, and ethnicity and was told that these data could not be provided until the end of the school year.

Even without these data, it can be inferred that a substantial portion of students with disabilities being suspended are also students of color because students with disabilities make up 42.5 percent of all suspensions and students of color make up 82.1 percent of all suspensions. These intersections should be explored further to understand what is really driving disparities and how to resolve them. For example, the group with the highest risk ratio aside from students with disabilities is Black students. If a disproportionate fraction of Black students being suspended also have a disability, then issues around how IEPs address behavioral challenges related to a disability become a more important strategy for reducing disparities by race. Similarly racial biases that compound biases against students with disabilities would need to be addressed to reduce disparities for students with disabilities.

In addition to official suspensions, it is a well-known practice that parents of students with disabilities are sometimes called to pick up their child early from school because of behavior

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:

1. Understand and develop specific strategies to address the disproportionate rate of suspension of students with disabilities, starting at the elementary school level.

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.

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.

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.

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

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 interventions and support for students and staff so students can remain in their educational environment and access their learning. It should be widely communicated to parents that these informal removals are not allowed and that the student has rights that are associated with an official suspension such as appealing that suspension based on it being related to their disability.

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

In absence of policies to reduce discipline actions against students with disabilities that result in part from their disability, it is important to mitigate the impact of these disciplinary actions.

It is ASEAC's understanding that an incident report is prepared anytime there is a disciplinary action. Incident reports become part of a student's file which can be shared by APS with any other school district or private school. These actions can have a long-term negative impact on students with disabilities by establishing a negative record without the context of the disability.

ASEAC is unsure if there are ways to address the high-level of transparency of incident reports and threat assessments, but we do recommend that these reports should have greater context about disability status. Disability is currently not noted on these forms and could help to provide additional context. ASEAC recommends that the following be included on both incident reports and threat assessment forms:

- Whether the student has an IEP or 504

- 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.

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

A threat assessment is a proactive measure conducted when a school member perceives a risk of violence; threat assessments may result in the conclusion there is “no identified threat.” APS does not currently have a PIP or written policies for threat assessments. However, Virginia Code §22.1 - 79.4 states:

“Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School and Campus Safety (the Center) in accordance with § 9.1-184. Such policies shall include procedures for referrals to community services boards or health care providers for evaluation or treatment, when appropriate.”

Parent feedback has indicated to ASEAC that there is a failure to consistently implement a threat assessment policy and a lack of transparency to families about who has access to the information and how this information is used. This sometimes results in sharing of confidential data that could negatively impact students later on. Concerningly, parents have been told that they are not able to review a Threat Assessment conducted on their own child.

II. Recommendations to Address Disproportionality in Bullying & Harassment

A. Bullying & Harassment Data for Students with Disabilities

Students with disabilities are also disproportionately bullied and harassed, which is both intrinsically wrong and a barrier to inclusion. Inclusion is not just about placement of disabled students, but their acceptance by – and meaningful participation in – all areas

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:

**2023-2024 Partial-Year Data on Bullying & Harassment of APS Students
(Confirmed, Aug 2023 - January 2024)**

	Total Confirmed Bullying Incidents	Non-SWD	SWD
Elementary	4	2	2
Middle	29	19	10
High	8	4	4
<i>TOTAL</i>	<i>41</i>	<i>25</i>	<i>16</i>

Source: APS Office of Special Education

Although students with disabilities make up only 15.3 percent of the APS student population, they account for 50 percent of the targets of confirmed bullying in elementary and high school, and 34 percent in middle school. The disproportionality suggests that students with disabilities face challenges in being accepted by their peers and it is worth exploring how these incidents impact inclusion of students with disabilities both socially and academically.

The recommendations below will address bullying and also can help APS meet two proposed strategic plan performance objectives:

- i. By 2030, the % of APS students who report feeling safe at school will increase from 68% (Gr. 4-5)/75% (Gr. 6-12) to 90% as evidenced by responding favorably to YVM category School Safety
- ii. By 2030, APS students will have a positive school experience to include a climate of trust and relationships as evidenced by at least 80% of students responding favorably to the YVM categories School Climate and Student Social, Emotional, Mental Health and SEL survey category Self-Management

Both of these performance objectives have the number of bullying incidents as a performance indicator.

B. Recommendations

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

- 1. Finish centralizing Bullying & Harassment Reporting across all APS schools to improve data integrity and accuracy.**

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.

- 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.**

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.

- 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 ASEAC's understanding from the OSE that bullying incidents are concentrated in certain schools. This can occur because of ineffective classroom management techniques, or poor staffing of unstructured time. Eighteen of the forty-one confirmed bullying incidents occurred during physical education, for example. Schools that represent a high fraction of total bullying should be required to assess where the problems are occurring, with what kinds of students, and develop action plans.