

Experts Evaluation Report for Sacramento City School District Special Education, School Discipline, and Implicit Bias

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Background and Executive Summary

This report is designed to partially fulfill the requirements of the negotiated service agreement between Sacramento City Schools, plaintiff students and their representatives, and the Black Parallel School Board.

The format of the report is as follows:

- An Executive Summary including findings and recommendations
- A brief literature review for each topic area to establish the experts understanding of best practice research and to provide a framework for findings and recommendations.
 - Special Education
 - Implicit Bias
 - School Discipline
- A summary of the evaluation questions by topic area. Many of the questions cross topic areas so they are repeated to ease the burden for the reader
- Evaluation methods including a summary of documents and interviews used as data sources
- Findings from the evaluation activities
- Recommendations aimed at improving practices and outcomes
- Limitations of the evaluation activities
- Attachments
 - Expert responses to Questions submitted by Plaintiffs and the District upon submission of the final report in October 2021 were included as separate file attachments and provided to both parties.

The language outlining the required content of this evaluation activity and reporting format is provided below.

Role of the Experts

The Expert Team worked in collaboration and coordination with one another, to complete their respective scopes of work and avoid any unnecessary duplication of effort. Three areas of investigation identified by the District and Plaintiffs, described below.

- **Special Education.** Dr. Jean Gonsier-Gerdin conducted an in-depth, data-driven analysis of the Sacramento City Unified School District’s (“District’s”) special education services and delivery system.
- **Implicit Bias.** Dr. Nancy Dome (“Dr. Dome”) conducted an in-depth, data-driven analysis of whether implicit and structural bias exists in the district’s special education services and delivery system and school discipline system, with additional focus on the effectiveness of the district’s professional development curriculum regarding implicit bias. This analysis included gauging the cultural competence levels across the district and the degree to which subsequent implicit and structural biases exist. The lead evaluator for Epoch education was Rozina Kapadia, as assigned by Dr. Dome.
- **School Discipline.** Dr. Jeffrey Sprague (“Dr. Sprague”) conducted an in-depth, data-driven analysis of the district’s school discipline system.

Written Report. Dr. Gonsier-Gerdin, Dr. Sprague, Rozina Kapadia, and Dr. Dome (jointly, the “Experts”) present a single, unified report here, reflecting their respective areas of expertise, which contains the methods, findings and recommendations outlined below. The work was initiated after an extended discussion with representatives of the District and Plaintiffs and was guided by a detailed evaluation Table of Specifications (TOS). The TOS was modified throughout the project to allow novel questions from focus group interviews (and other conversations) discovery of data patterns, and unanticipated feasibility concerns considered normal when implementing a complex project. Final TOS questions and methods (Special Education, School Discipline, Implicit Bias) are embedded throughout within the content of the document to ease the burden on the reader.

Executive Summary

This executive summary provides the following:

- A summary of the evaluation questions by topic area. Many of the questions cross topic areas so they are repeated to ease the burden for the reader
- Evaluation methods including a summary of documents and interviews used as data sources
- Findings from the evaluation activities
- Recommendations

The reader is ***strongly*** encouraged to read the full report in detail to best understand the overall logic and coherence of the methods, findings, and recommendations.

Executive Summary: Special Education Practices and Outcomes

This portion of the evaluation project sought to review the district's policies, procedures, and practices to detect if students with disabilities, particularly Black students with disabilities, had equitable access to adequate education, special education, related services, accommodations, and modifications. We paid particular attention to those factors (including implicit bias) that may contribute to disproportionate access of students from racial/ethnic minority groups, students with disabilities, and gender. While the evaluation team collaborated on all aspects of the evaluation, Dr. Jean Gonsier-Gerdin served as the lead to conduct an in-depth, data-driven analysis of the district's policies and practices related to special education services to students with disabilities.

- **A summary of the evaluation questions for the special education topic area**

We worked with representatives of the plaintiff families and district personnel to define the evaluation questions. For the special education topic, the following questions were examined:

Does the district achieve timely identification, assessment, and access to services for students with disabilities and Black students with disabilities, including the district's use of Student Study Team meetings?

Do students with disabilities have timely access to effective services, programs, and activities for disabilities in the least restrictive environment?

- What is the continuum of placements for students with disabilities, particularly Black students with disabilities?
- Is there appropriate placement (FAPE/LRE) of students with disabilities, particularly Black students with disabilities, in inclusive placements?
- What is influence of implicit, explicit, structural racial and disability bias and intersection of the two?

What is the availability of a continuum of placements and inclusive placements for students with disabilities, particularly Black students with disabilities?

- If the continuum is not available in an equitable manner, what is influence of implicit bias? What is influence of implicit, explicit, and structural racial and disability bias and intersection of the two?

What policies, procedures and practices are in place to ensure appropriate placement of students with disabilities, particularly Black students with disabilities, in inclusive placements?

- If such policies, procedures, and practices are in place, are they uniformly implemented?
- If policies, procedures, practices are not in place or unclear, what is influence of implicit bias?

Does the district monitor the alleged disproportionate impacts, based on race and type of disability, of previous non-inclusive placement?

- If so, how does the district monitor and address this?
This means disproportionate impact by race and type of disability, e.g., emotional disturbance.

What disparities exist in access to adequate education, special education, related services, accommodations, and modifications for students with disabilities?

- If disparities exist, what is the influence of implicit bias?

How does the district provide reasonable accommodations and/or modifications, including through modifications to policies and procedures, to avoid discrimination against students with disabilities and Black students with disabilities?

- How does the district ensure that accommodations/modifications on a student's IEP are provided?
- If insufficiencies identified, what role does implicit bias play?

What is the staff development plan?

- What is the effectiveness and sufficiency of training and ongoing development for the district's personnel who instruct, support?
and/or serve students with disabilities and Black students with disabilities?
- What is the effectiveness and sufficiency of training and ongoing professional development for District administrators who are involved in the development and implementation of IEPs and Section 504 Plans for students with disabilities?

Is District staffing adequate, and effective in efforts to identify, instruct, and serve students with disabilities, including Black students with disabilities?

Does the staffing pattern meet CDE standards for staffing (race; gender; grade level teaching; caseloads and staffing ratios)?

- **Evaluation methods including a summary of documents and interviews used as data sources**

To address these questions, we reviewed and analyzed the following:

- District policies, procedures and practices related to prereferral/SST process
 - SCUSD BP 6164.6 - Identification and Education Under Section 504 (SC2489....)
 - SCUSD BP 6164.5 - Student Study Teams (SC248950xAAE13)
 - SCUSD BP 6162.5 - Student Assessment (SC248954xAAE13)
 - SCUSD AR 6164.6 - Identification and Education Under Section 504 (SC2489....)
 - SCUSD AR 6162.5 - Student Assessment (SC248953xAAE13).
- District policies, procedures and practices related to special education services
 - SCUSD BP 6164.4 - Identification of Individuals for Special Education
 - SCUSD BP 6162.5 - Student Assessment (SC248954xAAE13)
 - SCUSD BP 6159.3 - Appointment of Surrogate Parent for Special Education
 - SCUSD BP 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education
 - SCUSD BP 6159.1 - Procedural Safeguards and Complaints for Special Education
 - SCUSD BP 6159 - Individualized Education Program (SC248963xAAE13)
 - SCUSD BP 5145.3 - Nondiscrimination Harassment (SC248970xAAE13)
 - SCUSD AR 6164.5 - Student Study Teams (SC248949xAAE13)
 - SCUSD AR 6164.4 - Identification of Individuals for Special Education
 - SCUSD AR 6162.5 - Student Assessment (SC248953xAAE13)
 - SCUSD AR 6159.4 - Behavioral Interventions for Special Education Students
 - SCUSD AR 6159.3 - Appointment of Surrogate Parent for Special Education Students
 - SCUSD AR 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education
 - SCUSD AR 6159.1 - Procedural Safeguards and Complaints for Special Education
 - SCUSD AR 6159 - Individualized Education Program (SC248962xAAE13)
 - SCUSD AR 5145.3 - Nondiscrimination Harassment (SC248969xAAE13)
 - SCUSD AR 5144.2 - Suspension and Expulsion Due Process (Students with Disabilities)
- Consistency and overall implementation of policies, procedures, data collection and reporting and practices across school sites. These were assessed using informal interviews with selected district personnel. A fidelity of implementation survey was to be administered to building-level

administrators, but the survey contractor omitted these items in the survey. This was also true for the School Discipline items.

- IEPs of Represented Students
 - Student records for DRC clients
- Informal interviews with Christine Beata, Chief Academic Officer; Jennifer Kretschman, Director of MTSS; Sadie Hedegard, Assistant Superintendent of Special Education, Innovation, & Learning; Geovanni Linares, Director, Special Education Local Plan Area (SELPA)
- A focus group interview with SCTA leadership (<https://sacteachers.org/>)
- Interview with Brian Gaunt, MTSS consultant/trainer
- Focus groups
 - Plaintiff parents and those represented by Disability Rights California
 - BIPOC administrators group
 - Black Parallel School Board (“BPSB”)
 - The African American Advisory Board (“AAAB”)
 - Community Advisory Council (Special Education)
 - The Coalition for Students with Disabilities
 - Sacramento City Teachers Association (SCTA) leadership

Findings

The findings indicate that there is not consistent implementation of a proactive, preventative “child find” approach to identifying and supporting students who demonstrate academic and behavioral challenges. There also is lack of clarity of how the district’s Student Study Team process and its Response to intervention efforts (i.e., MTSS) interface, as well as how the MTSS initiative involves and is aligned with special education staff, processes and services. Furthermore, there does not appear to be a consistent process used throughout the district to determine the least restrictive environment for individual students; rather placement appears to be determined by a student’s eligibility category. Findings also indicate that clear offers of FAPE were not offered in a timely manner and there were situations where no or limited services were provided when a student was in transition between settings, especially when the student was suspended and/or awaiting placement in a more restrictive setting.

School sites vary in terms of culture, politics, procedures, and expectations for students with disabilities to receive equitable and appropriate services in the general education classroom setting (i.e., inclusive education service delivery). There is no existing, systemic plan to assess the impact of disproportionate (underrepresentation or overrepresentation) identification of students from racial/ethnic groups in a disability eligibility category or disproportionate placement in more restrictive placements based on race/ethnicity; however one is being developed. Based on available CDE data, there continues to be a discrepancy between the student population, including those with disabilities, and the teaching staff population in terms of race/ethnicity. Finally, other than the MTSS initiative noted above, there is no current plan for professional development for all school site administrators and personnel to implement evidence-based inclusive education strategies,

including but not limited to co-teaching, and no evidence of ongoing professional development for district administrators related to implementation of IEPs and 504 plans to provide FAPE in the LRE.

Recommendations

The recommendations for improvement are summarized in much greater detail in the body of the full evaluation report and the reader is strongly encouraged to refer to the full document.

Vision and plan for inclusive education service delivery

- Develop a district-wide comprehensive vision and plan for providing equitable inclusive education practices that value and celebrate students' diversity and strengths and facilitates meaningful access and participation of all students in the general education curriculum and settings.
- Provide ongoing professional development, including coaching, for all staff (general and special education teachers, administrators, related services personnel) on appropriate definitions, models, and evidence-based practices for effective inclusive service delivery.
- Develop a fidelity assessment tool or modify existing tools (e.g., SWIFT-FIA; SAM Fidelity Assessment) to monitor and evaluate progress in relationship to providing inclusive education service delivery.

District policies, procedures, and guidelines related to special education

- Continue the updates to policies, procedures, guidelines, handbooks, etc. to reflect the most up-to-date state and federal mandates and the district's vision.
- Develop and implement a clear process by which a student who has been placed in a more restrictive educational placement can return to a less restrictive educational placement.

Timely identification and assessment of students for special education services

- Create and consistently implement district-wide systems and policies for identification and assessment of students with disabilities.
- Develop a clear process for referring student for Special Education eligibility in a timely manner (i.e., when during the MTSS process it becomes evident that the student may qualify for special education services).
- Provide consistent staff development on timelines and evidence-based practices for all processes, including "child find"; referral to assess for eligibility; initial, annual, and triennial assessments; IEP development and implementation.
- Develop and implement procedures that promote and facilitate timely response to parent request for assessment.

Equitable access to effective implementation of Free Appropriate Public Education (FAPE) (i.e., IEPs, services, programs, activities, etc.) for students with disabilities in the Least Restrictive Environment (LRE)

- Continue district's efforts to create a district-wide system to address the ongoing issues and problems that arise related to disproportionate impact of race, type of disability, etc.
- Develop an equitable process to increase opportunities for all students with disabilities to receive special education services and supports within the general education settings in their home school or school of choice.
- Develop a process for routine monitoring and review of IEPs to ensure that reasonable accommodations and/or modifications are provided to support student's learning and individual needs in the least restrictive environment.
- Develop a process to determine the least restrictive environment for individual students to be used consistently across IEP teams and schools.
- Ensure all IEP team members (including family members, general education teachers) are involved when determining special education and supplementary services for students.
- Provide guidance and processes so that functional behavioral assessments are conducted, and positive behavioral interventions and support plans are developed and implemented in a timely manner to support students' access to the LRE.
- Provide professional development to all staff to help identify bias in the IEP process and placement of students of color.
- Provide ongoing professional development for all areas of need, including but not limited to implicit bias, inclusive practices, IEP and 504 processes, etc. for all personnel who interact with students who have disabilities.

Adequate and effective district staffing

- Develop a plan to recruit and retain staff of color which can include outreach to members of the community who can support students of color and assist with efforts to recruit staff of color.
- Develop and implement a plan to improve the ration of school psychologists to students, such that they can provide and support MTSS interventions and special education services.

MTSS and other proactive/prevention initiatives in the district

- Continue to implement the proposed MTSS plan to include ongoing professional development for school site administrators and staff to build the capacity of schools to implement data-based decision making.
- Include stakeholders that special education (special education teachers, inclusive practices coaches, school psychologists, related service providers, etc.) are part of the MTSS professional development plan.
- Collaborate with SCTA and other stakeholder groups to ensure school staff buy-in to the implementation of MTSS.

Executive Summary: The Influence of Implicit Bias

This section of the report responds to the questions in the evaluation plan related to implicit bias and whether bias is evident in the district's policies and procedures, relevant discipline, student records, and special education referral process. They are presented below for ease of access. This evaluation activity sought to detect if there is an influence of implicit bias on the district's procedures and policies that are consistently implemented and effective in achieving equitable and fair outcomes for students.

Evaluation Questions. The questions were:

- Does the district achieve timely identification, assessment, and access to services for students with disabilities and Black students with disabilities, including the district's use of Student Study Team meetings?
- Do students with disabilities have timely access to effective services, programs, and activities for disabilities in the least restrictive environment?
- What is the continuum of placements for students with disabilities, particularly Black students with disabilities?
- Is there appropriate placement (FAPE/LRE) of students with disabilities, particularly Black students with disabilities, in inclusive placements?
- What is the influence of implicit, explicit, structural racial, and disability bias and the intersection of the two?
- What is the availability of a continuum of placements and inclusive placements for students with disabilities, particularly Black students with disabilities?
- If the continuum is not available in an equitable manner, what is the influence of implicit bias? What is the influence of implicit, explicit, and structural racial and disability bias and the intersection of the two?
- What policies, procedures, and practices are in place to ensure appropriate placement of students with disabilities, particularly Black students with disabilities, in inclusive placements?
- If such policies, procedures, and practices are in place, are they uniformly implemented?
- If policies, procedures, practices are not in place or unclear, what is the influence of implicit bias?
- Does the district monitor the alleged disproportionate impacts, based on race and type of disability, of previous non-inclusive placement?
- If so, how does the district monitor and address this?
- How effective are District-wide and school-based student discipline and behavior management systems, policies, and practices?
 - Data collection and data-based decision-making practices?
 - How equitable are exclusionary discipline outcomes?
 - Race/ethnicity
 - Gender
 - Disability

- Is there evidence that students improve? Is the improvement equitable?
 - What is the influence of implicit bias?
- Is the use of discipline and behavior management approaches for students with disabilities (and without identified disabilities) equitable, clear, and fair? Are discipline and exclusion used instead of providing students with disabilities supports and services they need? If any, what is the influence of implicit bias?
- What disparities exist in access to adequate education, special education, related services, accommodations, and modifications for students with disabilities and Black students with disabilities?
 - If disparities exist, what is the influence of implicit bias?
- Do students have access to safe and inclusive learning environments, which includes effective and appropriate measures to address bullying and harassment of students with disabilities and Black students with disabilities?
 - If not, what is the influence of implicit bias?
- What type of PD has been offered relative to bullying and harassment? Policy and Practice (Do they exist)
 - How does it impact students with disabilities?
 - How is it implemented across race and gender?
- How does the district provide reasonable accommodations and/or modifications, including through modifications to policies and procedures, to avoid discrimination against students with disabilities and Black students with disabilities?
- How does the district ensure that accommodations/modifications on a student's IEP are provided?
 - If insufficiencies are identified, what role does implicit bias play?
- What is the staff development plan?
- What is the effectiveness and sufficiency of training and ongoing development for the district's personnel who instruct, support, and/or serve students with disabilities and Black students with disabilities?
- What is the effectiveness and sufficiency of training and ongoing professional development for District administrators who are involved in the development and implementation of IEPs and Section 504 Plans?
- Is District staffing adequate, and effective in efforts to identify, instruct, and serve students with disabilities, including Black students with disabilities?
- Does the staffing pattern meet CDE standards for staffing (race; gender; grade-level teaching; caseloads and staffing ratios)?

Evaluation Methods

Procedures and Data Sources. To address these questions, we reviewed and analyzed the following:

- District policies, procedures and practices related to prereferral/SST process
 - SCUSD BP 6164.6 - Identification and Education Under Section 504 (SC2489....)

- SCUSD BP 6164.5 - Student Study Teams (SC248950xAAE13)
- SCUSD BP 6162.5 - Student Assessment (SC248954xAAE13)
- SCUSD AR 6164.6 - Identification and Education Under Section 504 (SC2489....)
- SCUSD AR 6162.5 - Student Assessment (SC248953xAAE13).
- District policies, procedures and practices related to special education services
 - SCUSD BP 6164.4 - Identification of Individuals for Special Education
 - SCUSD BP 6162.5 - Student Assessment (SC248954xAAE13)
 - SCUSD BP 6159.3 - Appointment of Surrogate Parent for Special Education
 - SCUSD BP 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education
 - SCUSD BP 6159.1 - Procedural Safeguards and Complaints for Special Education
 - SCUSD BP 6159 - Individualized Education Program (SC248963xAAE13)
 - SCUSD BP 5145.3 - Nondiscrimination Harassment (SC248970xAAE13)
 - SCUSD AR 6164.5 - Student Study Teams (SC248949xAAE13)
 - SCUSD AR 6164.4 - Identification of Individuals for Special Education
 - SCUSD AR 6162.5 - Student Assessment (SC248953xAAE13)
 - SCUSD AR 6159.4 - Behavioral Interventions for Special Education Students
 - SCUSD AR 6159.3 - Appointment of Surrogate Parent for Special Education Students
 - SCUSD AR 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education
 - SCUSD AR 6159.1 - Procedural Safeguards and Complaints for Special Education
 - SCUSD AR 6159 - Individualized Education Program (SC248962xAAE13)
 - SCUSD AR 5145.3 - Nondiscrimination Harassment (SC248969xAAE13)
 - SCUSD AR 5144.2 - Suspension and Expulsion Due Process (Students with Disabilities)
- Consistency and overall implementation of policies, procedures, data collection and reporting and practices across school sites. These were assessed using informal interviews with selected district personnel. A fidelity of implementation survey was to be administered to building-level administrators, but the survey contractor omitted these items in the survey. This was also true for the School Discipline items.
- IEPs of Represented Students
 - Student records for DRC clients
- Informal interviews with Christine Beata, Chief Academic Officer; Jennifer Kretschman, Director of MTSS; Sadie Hedegard, Assistant Superintendent of Special Education, Innovation, & Learning; Geovanni Linares, Director, Special Education Local Plan Area (SELPA)
- A focus group interview with SCTA leadership (<https://sacteachers.org/>)

- Interview with Brian Gaunt, MTSS consultant/trainer
- Focus groups
 - Plaintiff parents and those represented by Disability Rights California
 - BIPOC administrators group
 - Black Parallel School Board (“BPSB”)
 - The African American Advisory Board (“AAAB”)
 - Community Advisory Council (Special Education)
 - The Coalition for Students with Disabilities
 - Sacramento City Teachers Association (SCTA) leadership

The evaluation team had designed a Special Education survey to be delivered by an organization called Kelvin (<https://kelvin.education/features/>) along with fidelity items related to School Discipline and Implicit Bias. Unfortunately, the Special Education items were omitted from the survey when sent out to all school administrators in the district in late Spring, 2021. The evaluation team did not learn about this error until late summer due to long intervals between replies from Kelvin, and we chose to complete our report based on available data and information rather than attempt to readminister the surveys. We believe strongly that these fidelity measures are collected and will include this as a recommendation resulting from our work. Those surveys/fidelity measures are included as Attachment A

Findings

Findings indicated that the district policies and procedures that are currently being used have not been updated for many years, some as far back as 2002. State and federal guidelines have since changed, and the Sacramento City Schools have yet to adopt these changes. The guidelines have not been updated to reflect the new policies on bullying, suspension, and expulsion. School sites vary in terms of culture, policies, procedures, and expectations for students with disabilities to receive services in the general education setting. Findings indicated the need for professional development around Implicit Bias for all staff to support working with students of color.

Recommendations

The recommendations for improvement are summarized in much greater detail in the body of the full evaluation report and the reader is strongly encouraged to refer to the full document.

District Policies and Procedures

It would behoove the district to ensure policies and procedures are updated to meet State and Federal Mandates supporting all students. There have been many changes regarding discipline, suspension, and expulsion, etc. that should be updated. The updated policies and procedures should be viewed through a lens of equity and should eliminate any bias that may be embedded into them.

Implicit Bias in Special Education

As shown in the findings, there is a strong indication that Implicit Bias is present during the referral process and special education placement. The district should provide professional development, including coaching, for all staff (general and special education teachers, administrators, related services personnel) on appropriate definitions, models, and evidence-based practices for inclusive service delivery. Implicit Bias training specifically, bias in the IEP and process, should be done for the Special Education staff members to understand how our own biases show up in the IEP.

Implicit Bias in Discipline

Based on the findings, it is important that the district look at its current discipline policies to see how they impact all students. As each school site has its own policies, it would behoove the district to create a district-wide initiative to ensure fair and equitable treatment for all students. To specifically support the exclusionary discipline that impacts Black boys in the district, including mental health professionals when working on the policies can ensure an objective lens of support.

Executive Summary: School Discipline Practices and Outcomes

This portion of the evaluation project sought to detect if the district's preventive and responsive **discipline systems** function as intended and whether the districts' procedures and policies are consistently implemented and effective in achieving equitable and fair outcomes for students. Particular attention was paid to those factors (including implicit bias) that may contribute to disproportionate use of disciplinary exclusion (office referrals, suspensions) with students from racial/ethnic minority groups, students with disabilities, and gender. While the evaluation team collaborated on all aspects of the evaluation, Dr. Jeffrey Sprague served as the lead in this content area to conduct an in-depth, data-driven analysis of the district's student discipline policies and practices.

- **A summary of the evaluation questions by the school discipline topic area**

We worked with representatives of the plaintiff families and district personnel to define the evaluation questions. For the school discipline topic, the following questions were examined:

How effective are District-wide and school-based student discipline and behavior management systems, policies, and practices?

- Data collection and data-based decision-making practices?
- What fidelity assessments are currently used by the district?
- How equitable are exclusionary discipline outcomes?
 - Race/ethnicity
 - Gender
 - Disability

- School attended
- What is influence of implicit bias?

Is the use of discipline and behavior management approaches for students with disabilities (and without identified disabilities) equitable, clear, and fair?

Is discipline and exclusion used instead of providing students with disabilities supports and service they need?

What is influence of implicit bias?

- **Evaluation methods including a summary of documents and interviews used as data sources**

To address these questions, we reviewed and analyzed the following:

- District policies, procedures, and practices on disciplinary exclusion. These were provided by various district personnel identified as responsible for a particular area of practice or compliance.
 - SCUSD AR 5144 - Discipline (SC248975xAAE13)
 - SCUSD AR 5144.1 - Suspension and Expulsion Due Process (SC248972xAAE13)
 - SCUSD AR 5144.2 - Suspension and Expulsion Due Process (Students with Disabilities)
 - SCUSD AR 5145.4 - Anti-Bullying (SC248964xAAE13)
 - Informal interview and discussion with Jessica Wharton, (currently Director I, Behavior and Re-Entry)
 - SCUSD BP 5131 - Conduct (SC248979xAAE13)
 - SCUSD BP 5131.1 - Bus Conduct (SC248978xAAE13)
 - SCUSD BP 5131.2 - Use of Electronic Signaling Device (SC248966xAAE13)
 - SCUSD BP 5144 - Discipline (SC248976xAAE13)
 - SCUSD BP 5144.1 - Suspension and Expulsion Due Process (SC248974xAAE13)
 - SCUSD BP 5145.4 - Anti-Bullying (SC248968xAAE13)
 - SCUSD Exhibit 5144.2 - Suspension and Expulsion Due Process Form (Students with disabilities)
- District policies, procedures, and practices on implementing disciplinary exclusion alternatives.
 - SCUSD AR 5144 - Discipline (SC248975xAAE13)
 - <https://naacpsac.com/wp-content/uploads/2021/01/2020-Suspension-Capitol-of-Suspensions-II-Dec-2020.pdf>
- District policies, procedures, and practices on exclusionary discipline data entry, monitoring and reporting. These were provided by district personnel identified as responsible for this area of practice or compliance.

- Ed Eldridge Director III, Strategy and Innovation
- Rhonda Rode, Director, Student and Data Systems
- Consistency and overall implementation of policies, procedures, data collection and reporting and practices across school sites. These were assessed using informal interviews with selected district personnel. A fidelity of implementation survey was to be administered to building-level administrators, but the survey contractor omitted these items in the survey. This was also true for the Special Education items.
 - Ed Eldridge Director III, Strategy and Innovation
 - Rhonda Rode, Director, Student and Data Systems
- Collective bargaining agreements and contract proposals related to use of disciplinary exclusion
 - LIMITS ON SUSPENSION FOR VIOLATION OF EDUCATION CODE § 48900(k) 2/3/2020
 - Distance Learning Discipline Protocol 8/25/2020
 - 2020-2021 Standards of Behavior Document
 - Affective Statements Memo
 - Memo to Staff on Discipline 2-11-21
- A focus group interview with SCTA leadership (<https://sacteachers.org/>)
- District/site-based discipline data:
 - Office referrals, in school and out of suspension, “soft suspensions,” expulsion disaggregated by race, gender, and disability. Summary for all schools provided by Ed Eldridge
 - California Dashboard data
 - Infinite campus data provided by the district (Rhonda Rode)
- IEPs of Represented Students
 - Student records for DRC clients
- Focus groups
 - Plaintiff parents and those represented by Disability Rights California
 - BIPOC school administrators group
 - Black Parallel School Board (“BPSB”)
 - The African American Advisory Board (“AAAB”)
 - Community Advisory Council (Special Education)
 - The Coalition for Students with Disabilities
- Law enforcement presence and reason for calls/interactions and enforcement by officers in or outside of the district
 - Informal Interview with Raymond Lozada
 - SCUSD Reports August 2019 to May 2020 Law Enforcement Activities by School
 - SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION RESOLUTION NO. 3157
 - RESOLUTION TO REIMAGINE SCHOOL SAFETY AND WORK TO DISMANTLE STRUCTURAL RACISM IN SACRAMENTO CITY UNIFIED SCHOOLS 7/16/2020

- **Findings from the evaluation activities**

Discipline Data recording, reporting and use

- Use of reporting policies and practices (Infinite Campus) is inconsistent from school to school and administrator to administrator
 - Discipline data reports as reflected in Infinite Campus, and the California Dashboard should be considered inaccurate and unreliable
 - Sites report and use Office Discipline Referral data differently (some are paper, computer, etc.)
 - Administrators have received written guidance for reporting exclusionary discipline, but use of the reports is low
 - Administrators receive guidance on “data-based decision making” for reviewing exclusionary discipline data (Illuminate usage report) and there is a system for monitoring Illuminate usage by school/administrator discipline, but use of the reports is low

Implementing Alternatives to Exclusionary Discipline (office referrals, in and out of school suspensions)

- Administrators receive limited guidance for implementing “other means of correction”. Non-reportable offenses become “other means of correction” (locally defined behaviors)
- There is a policy allowing use of “cool down” rooms or in school suspension but there is no common approach or clear guidance for administrators
- Some parents and administrators are reluctant to record exclusionary discipline events for fear of negatively impacting the student in the future

Equity of Discipline Procedures

- Multiple state reports and citations note a high suspension rate with racial/ethnic, disability and gender disproportionality higher in some schools than others

Bullying and Harassment policies, procedures, and data collection

- **Policies and Procedures for Bullying Reporting are in place.** In October 2009, SCUSD’s Integrated Support Services Department, Safe Schools Office and Youth Development Department convened a district-wide Bullying Prevention Task Force with the goal of developing a strategic plan to help reduce bullying across the district by addressing critical policy, program, training, and funding issues. The result was a report and a 15-point plan addressing policy, program, and training, education, and awareness activities. Many of these strategies have been put in place and the table below summarizes this progress. We observe that the system has mainly

achieved methods for reporting and responding to bullying and harassment and there is a need to achieve a more coherent, district wide prevention approach.

- Many strategies from the 2010 Creating Caring Schools document are in place, mostly focused on reporting and response to bullying and harassment
- Limited evidence of a clear and consistent approach to bullying and harassment **prevention** (no formal bullying prevention program has been adopted across the district)
- Use of reporting policies and practices is inconsistent from school to school
 - Administrators are allowed to decide which reports are recorded
 - Administrators appear to be the final judge of whether bullying occurred
 - Safety Plans are inconsistently written, sometimes not completed, and not consistently implemented

What fidelity assessments are currently used by the district?

As described in the background section of this document, routine use of fidelity assessments is considered a critical best practice for assuring the consistency and quality of service delivery, including how exclusionary discipline (or other means of correction) is used, and how the data are reported and used for decision making. We found no evidence of the use of such fidelity tools, and this likely contributes to inconsistent and biased use of exclusionary discipline. It is also likely to contribute to either over- or under-reporting of disciplinary incidents, making the data systems used by the district (and reported to the state) unreliable and as such, invalid.

- **Recommendations**

The recommendations for improvement are summarized in much greater detail in the body of the full evaluation report and the reader is strongly encouraged to refer to the full document.

Three main themes:

1. Implement written guidance (procedures and policies) and coordinated staff development to improve consistency of data collection and reporting, use of alternatives to traditional exclusionary discipline, and bullying and harassment prevention.
2. Conduct routine fidelity assessments and offer support for low implementation schools,
3. Implement a planning process for selecting and implementing interventions that includes ALL stakeholders for adoption and implementation (using the guides listed above).

Discipline data reporting, recording and use

- Produce a detailed guide (Data Discussion Guide) for recording and using Infinite campus with standardized behavior definitions and protocols for using “other means of correction”, and criteria for use of other consequences
- Provide detailed staff development and coaching for administrators on data entry and use
- Require consistent and common use of data entry protocols

Equity of Discipline Procedures

- Provide a guidance document and monthly on-site review of the use of, referrals, ISS, OSS and “other means of correction”
- Conduct routine fidelity assessments of data use and reporting at the school level. Report these results to the school board
- Provide a guidance document and monthly review of the use of “in school suspension”
- Need more consistency and guidance for implementing “cool down” room procedures, including data collection and decision-making
- Contact local juvenile authorities and develop an agreement about how student-level discipline data are used
- Implement monthly data reviews with each school regarding exclusionary discipline practices and problem solving around outcomes
- Adopt evidence-supported interventions and provide staff development and coaching to prevent the need for disciplinary exclusion
- Maintain strategies in place and expand a focus to a unified district wide response to bullying prevention

Bullying and Harassment

- Adopt a formal bullying prevention curriculum or approach that clarifies when and when not to use “restorative justice” (C.P. Bradshaw, 2015)
- Provide a clear written policy and training for administrators and staff members in bullying prevention and response procedures
- Monthly review of all bullying incidents, including how the data were reported, and whether the protocol was followed
- Systematic review and follow up of all safety plans for comprehensiveness and consistency of implementation

Full Report

Special Education

This section of the report responds to the questions in the evaluation plan related to Sacramento City Unified School District’s policies, services, activities, and delivery system for students with disabilities. They are presented below for ease of access.

This evaluation activity sought to review the district’s policies, procedures, and practices to detect if students with disabilities, particularly Black students with disabilities, had equitable access to adequate education, special education, related services, accommodations, and modifications. We paid particular attention to those factors (including implicit bias) that may contribute to disproportionate access of students from racial/ethnic minority groups, students with disabilities, and gender. While the evaluation team collaborated on all aspects of the evaluation, Dr. Jean Gonsier-Gerdin served as the lead to conduct an in-depth, data-driven analysis of the district’s policies and practices related to special education services to students with disabilities.

Evaluation Questions	Activities/Analysis	Measures and Data Sources (s)
<p>Does the district achieve timely identification, assessment, and access to services for students with disabilities and Black students with disabilities, including the district’s use of Student Study Team meetings?</p>	<p>Review and Analyze:</p> <ul style="list-style-type: none"> ● District and school policies, procedures, and practices related to prereferral/SST process ● Consistency and overall implementation of policies, procedures, data collection and reporting and practices across school sites ● Review collective bargaining agreements and contract proposals impacting these areas ● Student records (plaintiff) ● Assessment processes and how they are used district wide. 	<ul style="list-style-type: none"> ● Descriptive review of policies and procedures provided by the district—SST Best Practices Manual ● Collective bargaining agreements and contract proposals ● Timelines; special education, referrals, SST, etc.

Evaluation Questions	Activities/Analysis	Measures and Data Sources (s)
<p>Do students with disability have timely access to effective services, programs, and activities for disabilities in the least restrictive environment?</p> <p>What is the continuum of placements for students with disabilities, particularly Black students with disabilities?</p> <p>Is there appropriate placement (FAPE/LRE) of students with disabilities, particularly Black students with disabilities, in inclusive placements?</p> <p>What is influence of implicit, explicit, structural racial and disability bias and intersection of the two? (See Influence of Implicit Bias Section)</p>	<p>Analyze policies, systems, and practices related to:</p> <ul style="list-style-type: none"> ● Special Education disproportionality data ● Timelines 	<ul style="list-style-type: none"> ● IEP and Section 504 Plan records review ● Informal interviews with district staff members ● Focus group interviews
<p>What is the availability of a continuum of placements and inclusive placements for students with disabilities, particularly Black students with disabilities?</p> <p>If the continuum is not available in an equitable manner, what is influence of implicit bias? What is influence of implicit, explicit, and structural racial and disability bias and intersection of the two? (See Influence of Implicit Bias Section)</p>	<ul style="list-style-type: none"> ● Review and analyze District-wide data on the continuum of placements and inclusive placements for students with disabilities, particularly Black students with disabilities. 	<ul style="list-style-type: none"> ● District LRE placement data ● IEP and Section 504 Plan records review ● Informal interviews with district staff members ● Focus group interviews
<p>What policies, procedures and practices are in place to ensure appropriate placement of students</p>	<ul style="list-style-type: none"> ● Review of procedures and policies ● Review of IEPs 	<ul style="list-style-type: none"> ● Descriptive review of policies and

Evaluation Questions	Activities/Analysis	Measures and Data Sources (s)
<p>with disabilities, particularly Black students with disabilities, in inclusive placements?</p> <p>If such policies, procedures, and practices are in place, are they uniformly implemented?</p> <p>If policies, procedures, practices are not in place or unclear, what is influence of implicit bias? (See Influence of Implicit Bias Section)</p>	<ul style="list-style-type: none"> Review current Inclusive Schools Model – in about 7-8 schools. 	<p>procedures provided by the district</p> <ul style="list-style-type: none"> Informal interviews with district staff members Focus group interviews
<p>Does the district monitor the alleged disproportionate impacts, based on race and type of disability, of previous non-inclusive placement?</p> <p>If so, how does the district monitor and address this?</p> <ul style="list-style-type: none"> This means disproportionate impact by race and type of disability, e.g., emotional disturbance. (See Influence of Implicit Bias Section) 	<p>Review and Analyze:</p> <ul style="list-style-type: none"> District and school policies, procedures, and practices related to monitoring disproportionality 	<ul style="list-style-type: none"> Descriptive review of policies and procedures provided by the district Informal interviews with district staff members Focus group interviews
<p>What disparities exist in access to adequate education, special education, related services, accommodations, and modifications for students with disabilities and Black students with disabilities?</p> <p>If disparities exist, what is influence of implicit bias? (See Influence of Implicit Bias Section)</p>	<p>Review and Analyze:</p> <ul style="list-style-type: none"> District and school policies, procedures, and practices related to special education, related services, accommodations, and modifications for students with disabilities 	<ul style="list-style-type: none"> IEP and Section 504 Plan records review Informal interviews with district staff members Focus group interviews

Evaluation Questions	Activities/Analysis	Measures and Data Sources (s)
<p>How does the district provide reasonable accommodations and/or modifications, including through modifications to policies and procedures, to avoid discrimination against students with disabilities and Black students with disabilities?</p> <p>How does the district ensure that accommodations/modifications on a student’s IEP are provided?</p> <p>If insufficiencies identified, what role does implicit bias play? (See Influence of Implicit Bias Section)</p>	<p>Review and Analyze:</p> <ul style="list-style-type: none"> ● District and school policies, procedures, and practices related to special education, related services, accommodations, and modifications for students with disabilities 	<ul style="list-style-type: none"> ● IEP and Section 504 Plan records review ● Informal interviews with district staff members ● Focus group interviews
<p>What is the staff development plan?</p> <p>What is the effectiveness and sufficiency of training and ongoing development for the district’s personnel who instruct, support, and/or serve students with disabilities and Black students with disabilities?</p> <p>What is the effectiveness and sufficiency of training and ongoing professional development for District administrators who are involved in the development and implementation of IEPs and Section 504 Plans for students with disabilities?</p>	<ul style="list-style-type: none"> ● Review District and school policies, procedures, and practices ● Review collective bargaining agreements and contract proposals impacting these areas 	<ul style="list-style-type: none"> ● Informal interviews with district staff members ● Focus group interviews
<p>Is District staffing adequate, and effective in efforts to identify, instruct, and serve students with</p>	<ul style="list-style-type: none"> ● Review district and school policies, procedures, and practices 	<ul style="list-style-type: none"> ● Informal interviews with

Evaluation Questions	Activities/Analysis	Measures and Data Sources (s)
<p>disabilities, including Black students with disabilities?</p> <p>Does the staffing pattern meet CDE standards for staffing (race; gender; grade level teaching; caseloads and staffing ratios)?</p>	<ul style="list-style-type: none"> Review available collective bargaining agreements and contract proposals impacting these areas 	<p>district staff members</p> <ul style="list-style-type: none"> Focus group interviews

Special Education Practices and Outcomes

This section outlines legal mandates related to special education services and research literature on outcomes of and evidence-based practices for inclusive education of students with disabilities. This background is provided to help the reader understand the context of the evaluation findings and resulting recommendations.

IDEA: FAPE and LRE. The Individuals with Disabilities Education Act (IDEA), last amended and reauthorized in 2004, mandates that students who are determined to be eligible for special education services are entitled to receive a free appropriate public education (FAPE). These students have one of the thirteen federally recognized disabilities which adversely affects the student’s educational performance. FAPE is defined as special education and related services which are provided without charge, meet state standards, are appropriate and meet the unique educational needs of the student. A student’s individualized education program is a written legal document that details the program of special education instruction, goals, and benchmarks, supports, and services that the student needs to make educational progress.

Special education is defined in 34 CFR 300.39 as "specially designed instruction," at no cost to the parents, intended to meet the unique needs of a child with a disability. Special education is not limited to a typical school environment and must be provided in a variety of other settings, such as institutions and hospitals (34 CFR 300.39(a) (1)), to the extent necessary to provide a Free and Appropriate Public Education (FAPE). "Specially designed instruction" means adapting, as appropriate to the needs of an eligible child under Part B, the content, methodology, or delivery of instruction: (i) to address the unique needs of the child that result from the child's disability; and (ii) to ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children (34 CFR 300.39(b) (3); <https://sites.ed.gov/idea/regs/b/a/300.39>).

Least Restrictive Environment. An evaluation, as described in 34 CFR 300.301-300.306, will have been completed to determine if the student needs special education and related services because of her/his disability or disabilities. Everything provided, which must be in the least restrictive environment, must allow this FAPE to be attained for this student,

enabling the student “to make progress appropriate in light of the [student’s] circumstances” (Endrew, 2017, p.14).

The IEP team, including the parent/ is the authorized decision-making body in a school district as to what is the least restrictive environment (LRE) for a student with a disability. Legally, changes in placement due to a behavioral excess must be based on data analysis that determines academic or behavioral instruction can NOT be delivered in the least restrictive environment of the general education classroom. Least restrictive in legal terms, is that environment with the most access to peers without disabilities, not as some educators believe, the environment in which it would be the easiest to teach the desired curriculum or behaviors (<https://sites.ed.gov/idea/regs/b/b/300.114>). Current interpretations of LRE must include consideration of participation in the general education classroom and settings. This is often referred to as inclusion or inclusive education.

Inclusion/Inclusive Education. Over thirty years of research demonstrate that students with a variety of disabilities, including those with behavior challenges and intellectual disabilities, can effectively be educated in inclusive general education settings (Causton & Theoharis, 2014; Sauer & Jorgensen, 2016). Proven positive outcomes of inclusive education for students with disabilities are higher expectations and academically rich environment for student learning; increased student engagement and participation; improved communication skills and social skills and relationships; increased access to the general education curriculum; improved academic outcomes; improved adult outcomes in areas of post-secondary education, employment, and independent living; better quality IEPs and achievement of more IEP goals; and fewer absences from school and referrals for disruptive behavior. (Fisher & Frey, 2001; Henninger & Gupta, 2014; Hehir, Grindal, Freeman, Lamoreau, Borquaye, & Burke, 2016; Hunt & Goetz, 1997; Ryndak, Ward, Alper, Storch, & Montgomery, 2010; Sauer & Jorgensen, 2016). Researchers have also found positive outcomes for students without disabilities who are educated alongside their peers with disabilities (Hehir et al., 2016; Kalambouka, Farrell, Dyson, & Kaplan, 2007; Kishi & Meyer, 1994; Odom et al., 2004; Peck, Donaldson, & Pezzoli, 1990).

For students with disabilities, ongoing interactions with peers who do not have disabilities is essential to their academic and social, emotional development. Peers without disabilities serve as role models for students with disabilities by providing examples of age-appropriate academic and social behavior and language (Banda, Hart, & Liu-Gitz, 2010; Farmer & Cadwallader, 2000; Odom et al., 2004; Strain, McGee, & Kohler, 2001). Research further shows that exposure to peers without disabilities improves the self-esteem of students with disabilities and increases their motivation for learning (Gilberts, Agran, Hughes, & Wehmeyer, 2001; Hehir et al., 2016).

In addition to the research showing the positive impact of inclusive education on academic and social outcomes of students with and without disabilities, there is considerable literature available on evidence-based practices and service delivery models to implement effective inclusive education for all students at the site and classroom levels (e.g., Halvorsen & Neary, 2009). The focus of these practices and models is on prevention and pro-active intervention, rather than on separation and remediation. Moreover, for these practices to be implemented with fidelity, systems-wide changes within the district as a whole and across

school sites are necessary as opposed to the addition of initiatives to either general education or special education within a district.

Over the last decade, the federal government has recognized the need to research and provide resources to school districts throughout the U.S. to create the systems-wide changes essential to achieve effective inclusive education for all learners. The Schoolwide Integrated Framework for Transformation (SWIFT, <https://swiftschools.org/>) was a federally funded, national technical assistance Center on schoolwide systems change for inclusive education that today continues as the SWIFT Education Center at the University of Kansas to assist districts and schools in building capacity for equity-based inclusion to improve outcomes for all learners, including those with extensive support needs. The SWIFT framework notes that multi-tiered systems of support for academic instruction and behavioral and socio-emotional instruction are a foundational component, but not sufficient for effective inclusive practices for all students. An investigation of exemplar schools across the U.S. implementing effective inclusion for all their students revealed the following domains and features to be essential components in addition to and to support multi-tiered systems of support in place: 1) administrative leadership, including strong and engaged site leadership and strong educator support system; 2) integrated educational framework, including a fully integrated (non-categorical) organizational structure and strong, positive school culture; 3) family & community engagement, including trusting family partnerships and trusting community partnerships; and 4) inclusive policy structure and practice, including strong district and school relationship and district policy framework for inclusive education (SWIFT Education Center, n.d.) A research investigation of schools implementing the SWIFT framework found that the schools' rates of inclusive education for students with disabilities increased and predicted that with full fidelity implementation of the SWIFT framework more students with disabilities would be taught in general education settings for the full day (Kurth et al., 2018).

The SWIFT-Fidelity Integrity Assessment (SWIFT-FIA) is a self-assessment tool that schools and school districts can use to monitor their progress in relationship to the SWIFT domains and features (SWIFT Education Center, 2020). The SWIFT-FIA can guide school and school district teams through conversations directly related to the SWIFT domains and features and support their efforts to build capacity for equity-based inclusion. School teams score themselves in relationship to the implementation stage they are in for each feature (i.e., laying the foundation, installing, implementing, sustaining schoolwide).

More recently, the federal government funded another national technical assistance center on inclusive practices and policies, the TIES Center (<https://tiescenter.org/>), with the purpose is to create sustainable systems changes in kindergarten-grade 8 schools and districts educational systems to facilitate the meaningful participation of students with significant cognitive disabilities in general education activities while receiving instruction to meet their individual learning needs. The TIES Center provides resources to empower systems change in school districts that involves inclusive instruction and organizational leadership, system-wide learning, prioritizing teaching and learning, building capacity through support and accountability, and sustaining a culture of openness and inquiry (TIES Center, 2021)

Specific to California, in 2013, the State Board of Education commissioned the Statewide Special Education Task Force to study the causes of the state's poor outcomes for K-12 students with disabilities, including their continued exclusion from the general education

classroom. The Task Force issued a report of its findings and recommendations in March of 2015 titled *One System: Reforming Education to Serve ALL Students* (Statewide Special Education Task Force, 2015). The report called for a more unified, coherent, and integrated system of education that ends the separation between special and general education. This separation contributes to a special education system that the Task Force concluded was “siloes” in much of its implementation and less effective than it could be. The recommendation for a more unified system was not just intended for the state level , but also for the district and school levels.

Following this report, many local school districts and county offices of education launched initiatives and projects that grew out of the Task Force’s recommendations. One such initiative is the Supporting Inclusive Practices (SIP) Project. First launched by the Santa Clara County Office of Education, but now expanded across California, SIP provides support and technical assistance to school districts to increase the amount of time that students with disabilities are included in the general education environment, especially in preschool (California Department of Education, 2018). Many schools throughout California are now implementing, or receiving professional development to implement, the inclusive service delivery methods recommended by the Task Force. These methods include but are not limited to multi-tiered systems of supports (MTSS) (i.e., response to intervention, positive behavioral supports), universal design for learning, social-emotional learning, trauma informed practices, and culturally responsive teaching.

Evaluation Questions	Activities/Analysis	Measures and Data Sources (s)
	<p>policies, procedures, data collection and reporting and practices across school sites</p> <ul style="list-style-type: none"> ● Review the discipline and behavior management systems, policies, and practices for possible procedural bias ● Law enforcement presence and reason for calls/interactions and enforcement by officers in or outside of the district 	<ul style="list-style-type: none"> ● Law enforcement records by school (summary of contact by type of offense/issue, disaggregated by race)
<p>Is the use of discipline and behavior management approaches for students with disabilities (and without identified disabilities) equitable, clear, and fair?</p> <p>Is discipline and exclusion used instead of providing students with disabilities supports and service they need?</p> <p>What is influence of implicit bias?</p>	<p>Analyze policies, systems, and practices related to</p> <ul style="list-style-type: none"> ● The use of informal removals from the classroom ● Teacher class suspensions ● Teacher referrals to the office ● Site administrator on-campus and off-campus suspensions ● Expulsions ● Restraint and seclusion ● The manifestation determination process ● Involuntary 	<p>District/site-based discipline data:</p> <ul style="list-style-type: none"> ● Office referrals, in school and out of suspension, “soft suspensions,” expulsion disaggregated by race, gender, and disability (Discipline Data Collection and Reporting System Feature, CDE <ul style="list-style-type: none"> ○ Referral, suspension, expulsion disaggregated by race, gender, and disability ● Suspensions and expulsions by the district and by teachers; on-

Evaluation Questions	Activities/Analysis	Measures and Data Sources (s)
	transfers <ul style="list-style-type: none"> ● Voluntary transfers ● Interview site administrators to determine the extent to which they include or do not include informal suspension information from their overall suspension data. 	campus suspensions; the manifestation determination process; involuntary transfers; and voluntary transfers. <ul style="list-style-type: none"> ● IEP and Section 504 Plan review ● Accumulate and categorize data to determine whether school sites are including all suspension data (student removal from classrooms) in their full data analysis. ● Informal interviews with district staff members

Data-Use and Reporting in Schools Regarding Disciplinary Practices and Outcomes

This section outlines evidence-supported best practices in discipline data reporting, data use, and data-based decision making. A review of the evidence related to use of exclusionary discipline such as office referrals and suspensions is also provided along with a brief review of what is known to be effective in preventing the need for disciplinary actions, and alternative methods to disciplinary exclusion. This background is provided to help the reader understand the context of the evaluation findings and resulting recommendations.

Discipline Data Collection and Reporting. Schools that are safe, effective, and equitable are not accidents. They are environments where considerable effort has been made to build and maintain supportive and positive school cultures and give clear guidance to staff members and administrators regarding the use and reporting of discipline data, disciplinary procedures, and other means of correction. Part of the effort consists of monitoring and evaluating the types and patterns of behaviors students are exhibiting.

Data use must begin with the adoption and use of a reliable (two or more people would agree that the event happened) (L.K. Irvin, Tobin, Sprague, Sugai, & Vincent, 2004a) and valid (the data align with other sources of information about the student, and predict other outcomes such as academic achievement, behavioral ratings of the student by the teacher and others) data collection and reporting system (L.K. Irvin et al., 2006; Pas, Bradshaw, & Mitchell, 2011).

Data-Collection and Reporting Methods. Counting and summarizing office discipline referrals (ODRs), out of class suspensions (OCSS), and out of school suspensions (OSS) is used by schools for monitoring and reporting disruptive behavior. In some schools, teachers handle minor behavior incidences without sending the student to the office with a referral (this is preferred). The teacher may remove the student from the group or send the student to

another classroom or a reflection area. Students may lose a privilege for displaying inappropriate behavior. It is important that these incidences are recorded so that the staff members can analyze the data and help get the student on the right track as soon as possible. Reliable reporting of behavioral incidences and the school's response is essential for characterizing consistency of use, and equitable treatment of students by gender, disability, and racial/ethnic identity. Many schools use behavioral incidence reports (an informal record) for the types of Infractions that do not end up as office referrals or suspensions (out of class or school) (Larry K. Irvin, Tobin, Sprague, Sugai, & Vincent, 2004b; Smith & Sprague, 2004).

Validity Concerns. Office discipline referral (ODR) and suspension data have received much attention in research and state/federal monitoring systems, yet some have noted that these archival data are not ideal from a reliability and validity perspective (C.R. Cook, Fiat, et al., 2018). Referrals/incident reports are more than an index of student behavior. They are an index of the consistency and quality of the school discipline system and represent what the student did, how the teacher/adult coded or labeled the behavior, and what administrative rule is applied to determine the action or "consequence". The major advantage of using office discipline referral data is that they are already collected in many schools and provide a source of information to document whether interventions result in positive change (L.K. Irvin et al., 2004a; R.J. Skiba, Michael, Nardo, & Peterson, 2002; Spaulding, Vincent, & Horner, 2009). However, we must remain cautious when using discipline referral and suspension data as a source of information and decision making.

Without clear district-level guidance, each school can define and apply discipline referral and suspension procedures differently (Irvin et al., 2006). Just because a school has a high rate of referrals does not necessarily mean that students are less well behaved than the students at another school with fewer referrals. There is a need from more studies that test the validity parameters of the ODR/suspension datasets, and research suggests that office referral data can be of moderate validity if clear protocols and procedures are followed (Bottiani, Larson, Debnam, Bischoff, & Bradshaw, 2017). Without clear guidance and protocols, the same student may evoke different responses from teachers and administrators in different schools, and different relationships between teachers and administrators will affect the use of discipline referrals and suspension across schools. This reminds us again of the importance of consistency of implementation within and across schools. Despite these cautions, office referral and suspension data are considered useful in identifying discipline patterns of students, identifying the effects of school-wide and classroom interventions (Sprague, Cook, Wright, & Sadler, 2008; Sprague & Swain-Bradway, 2021) and staff training needs related to effectiveness and equity of application (Simonsen et al., 2019).

Data Summary and Reporting. School personnel may be accustomed to looking at data on individual student performance. It also is critical to look at data on the performance of the whole school or a particular classroom (or teacher/staff member) regarding discipline referral and suspension patterns (L.K. Irvin et al., 2006; Simonsen et al., 2019). Key indicators have been identified to examine discipline referral and suspension patterns (Sprague & Golly, 2013). Each indicator requires that the reporting form (or other data-gathering system) collect the relevant data. The basic elements that must be included on a school's referral/suspension reporting form are listed below.

Recommended Referral/Suspension Form Elements

- Date and time
- Student name
- Student grade
- Student demographics (may be automatically filled from school records database)
- Cause of the referral (the behavior)
- Possible motivation for the referral behavior
- Location of the referral
- Referring staff member
- Re-teaching opportunity, consequence, or another follow-up for the student

Summary statistics are easy to derive and tell a lot about what is happening in the school. These should be summarized and publicly reported *monthly* to staff members, district personnel, and other stakeholder groups. These types of summaries need to be derived from the discipline database (in the case of SCUSD it is Infinite Campus) and should be easy to produce at the school level. The following list provides a summary of each recommended indicator.

- Total number of office discipline referrals/in and out of school suspensions and expulsions (year to date and at the same point in previous years)
- Referrals per enrolled student
- Average referrals per school day per month
- Location of referrals (e.g., common areas or classrooms)
- Percentage of students with 0–1 referral
- Percentage of students with 2–5 referrals
- Percentage of students with 6 or more referrals
- Number and type of suspensions and expulsions
- Proportion of referrals/suspensions by race/ethnicity, gender, and special education status.

CDE dashboard elements. California's accountability system is based on multiple measures that assess how local educational agencies (LEAs) and schools are meeting the needs of their students. Performance on these measures is reported on the [California School Dashboard](https://www.caschooldashboard.org/) (https://www.caschooldashboard.org/). For discipline, this measure is subsumed under Priority 6: School Climate and Suspension Rate is used as the State Indicator, and local districts are to administer a Local Climate Survey every other year.

Suspension data (as an outcome) vary by local education agency (LEA) and school type. For example, rates at the middle school level are generally higher than at the elementary school level. Therefore, different sets of cut scores are used to determine performance for this measure. LEAs and schools receive the appropriate cut scores and five-by-five colored table based on their school type (elementary, middle, and high) or LEA type (elementary, high, and unified). Another distinguishing feature of this measure is that

the **goal is reversed**. For most of the other measures, the desired outcome is a high number or percent in the current year and an increase from the prior year. For this measure, however, the desired outcome is a low suspension rate, which means a low percent in the current year and a decline from the prior year rate. The box below summarizes how the outcome data are summarized from this data source.

Calculations. Performance on this measure is determined by (1) the percent of students in a school or district or student group who were suspended for an aggregate total of one full day anytime during the school year, and (2) whether results (i.e., the suspension rate) increased or declined from the prior year.

Suspension Rate Formula. Number of Students Suspended for an Aggregate Total of One Full Day in Current Year **divided by** Cumulative Enrollment.

Difference from Prior Year Suspension Rate Formula. Current Year Suspension Rate **minus** Prior Year Suspension Rate

Determining a Performance Level on the CDE Dashboard. Based on the current year and prior year data, a performance level (or color) is given for this measure. The performance level is determined by using a five-by-five colored grid (see below).

Example: Little League Elementary School has the following suspension rate data:

- In the current year, its suspension rate was 4.0 percent
- From the prior year to the current one, the suspension rate declined by 1.6 percentage points

Using the five-by-five grid for Elementary School Suspension Rate, we see that suspension rate of 4.0 percent is considered “High” (see left column). At the same time, a decline of 1.6 percentage points from the prior year is significant (see top row). On the grid, "High" and "Declined Significantly" intersect at the yellow performance level.

Performance Level	Increased Significantly from Prior Year (by greater than 2.0%)	Increased from Prior Year (by 0.3% to 2.0%)	Maintained from Prior Year (declined or increased by less than 0.3%)	Declined from Prior Year (by 0.3% to less than 1.0%)	Declined Significantly from Prior Year (by 1.0% or greater)
Very Low 0.5% or less	N/A	Green	Blue	Blue	Blue
Low Greater than	N/A	Yellow	Green	Green	Blue

Performance Level	Increased Significantly from Prior Year (by greater than 2.0%)	Increased from Prior Year (by 0.3% to 2.0%)	Maintained from Prior Year (declined or increased by less than 0.3%)	Declined from Prior Year (by 0.3% to less than 1.0%)	Declined Significantly from Prior Year (by 1.0% or greater)
0.5% to 1.0%	Grey	Yellow	Green	Green	Blue
Medium Greater than 1.0% to 3.0%	Orange	Orange	Yellow	Green	Green
High Greater than 3.0% to 6.0%	Red	Orange	Orange	Yellow	Yellow
Very High Greater than 6.0%	Red	Red	Red	Orange	Yellow

Staff Development (Training and Coaching) to Support Consistency in Data Collection and Reporting. Reliability, or consistency is needed to obtain comprehensive data (i.e., nothing left out), and to have useful (valid – reliable and predictive) data. If everyone fills out the form under different situations, at different thresholds, or interprets how to complete the form differently, the data gathered will be of dubious or limited use. How do we reduce these inconsistencies so that our well-conceived forms and systems are put to good use, efforts to complete them pay off, and the data can be used to drive improvement?

Consistency in data collection, via the referral form, should become part of staff education and staff member expected behaviors. To achieve consistency amongst the staff, consider the following:

1. When is it appropriate to complete the form?
2. Which form is appropriate (if there is more than one)? Consider the threshold for a behavior incident versus a referral.
3. Are administrators and teachers aware of the differences between all the listed behaviors on the form(s)?
4. Are there areas that need to be clarified or cause confusion?
5. Is there specific data needed to be hand-entered where multiple categories have a single check box? (For example, do they need to write in "social exclusion" or "racial harassment" if the "bullying/harassment" box was checked?)
6. What constitutes minor versus major infractions?

7. Where do completed forms go?
8. Can you present examples of correctly completed forms for common scenarios?
9. Can you present non-examples, of incorrectly completed forms?
10. Are staff members aware of how forms influence later decision making?

The Critical Importance of Measuring Fidelity of Use. Intervention fidelity refers to the notion that interventions or data collection systems being implemented in an MTSS model for behavior (aka MTSS-B) should be implemented as intended to enable appropriate and legally defensible decision-making. Intervention fidelity, sometimes referred to as treatment fidelity or procedural reliability in the applied behavior analysis literature, refers to the extent to which an intervention plan or (data collection and reporting) system is implemented as planned. Research has demonstrated that poor intervention fidelity often undermines the effectiveness of interventions and the reliability and validity of the data collected and reported. As a result, when the data indicates that a particular system of supports results in poor outcomes, one cannot leap to conclusions, particularly about specific students. The first question that the school team must address before any other conclusion can be reached is, “Was the intervention implemented with integrity?” Data must be collected on fidelity of implementation (including progress monitoring data), as well as student outcomes. Without the collection of intervention fidelity data, it is impossible for the school team to determine whether the lack of response on the part of the student was due to poor implementation of an otherwise effective system, or whether there was resistance on the part of the student to a high-quality intervention implemented with fidelity.

There are two dimensions that are important when examining the extent to which an intervention or data collection system is implemented as planned. These two dimensions are consistency and accuracy.

- **Consistency:** Refers to whether the intervention or data collection system is routinely implemented day-to-day.
- **Accuracy:** Refers to whether intervention or data collection system is implemented as intended (as described in policy and procedural guidelines).

For example, if an administrator or teacher used the data system correctly on Monday through Wednesday, but did poorly later in the week, then there would be a problem with consistency. On the other hand, if the administrator or teacher regularly failed to implement components of an intervention every day of the week or implemented it differently with different types of students (gender, disability, race/ethnicity) then there would a problem with accuracy. Similarly, if discipline data are collected and reported as specified in policy and procedure differently by different individuals, there would be a problem with consistency (in the case of data collection it would be referred to as reliability).

There are several different methods for collecting data on system fidelity:

- Direct observation
- Fidelity Checklists
- Self-report (checklist)
- Permanent product (e.g., examining products such as the office referral form or summary data reports for quality or completeness)

The tables below include the fidelity items from the School Wide Information System Readiness Checklist (<https://www.pbisapps.org/resource/swis-readiness-checklist>) and the PBIS Tiered Fidelity Inventory (Algozzine et al., 2014) and illustrate critical features of a high-fidelity discipline data collection system. These items were used to assess fidelity of the data collection and decision-making practices of schools in the district.

PBIS Data Collection Readiness Criteria. These fidelity items were adapted from <https://www.pbisapps.org/Pages/Default.aspx> and (<https://www.pbisapps.org/resources/swis%20publications/forms/allitems.aspx>).

Feature	Data Source	Scoring Criteria
Building administrator supports the implementation and use of the Discipline Data Collection and Reporting System.	<ul style="list-style-type: none"> ● Administrator Interview 	0 = Not in place 1 = Partially in Place 2 = In Place
A school/facility-wide behavior support team exists and reviews the Discipline Data Collection and Reporting System referral data at least monthly.	<ul style="list-style-type: none"> ● Team Roster & Meeting Schedule 	0 = Not in place 1 = Partially in Place 2 = In Place
The school/facility has an incident referral form and definitions for behaviors resulting in administrative-managed (major) vs. staff-managed (minor) incidents in place that is compatible with the Discipline Data Collection and Reporting System data entry.	<ul style="list-style-type: none"> ● -Incident Referral Form(s) ● -Problem Behavior Definitions 	0 = Not in place 1 = Partially in Place 2 = In Place
Within three months of adopting the data collection and reporting system, the	<ul style="list-style-type: none"> ● Written Guidelines 	0 = Not in place 1 = Partially in Place 2 = In Place

Feature	Data Source	Scoring Criteria
<p>school is committed to having in place a clearly documented, predictable system for managing disruptive behavior (e.g., School-wide PBIS).</p>		
<p>Data entry time and staffing are scheduled to ensure that incident referral/suspension data will be always current to within a week. Data entry staff have access to all necessary information (e.g., student records).</p>	<ul style="list-style-type: none"> • Data Entry & Report Generation Schedule 	<p>0 = Not in place 1 = Partially in Place 2 = In Place</p>
<p>The school/facility agrees to maintain technology (i.e., internet browsers, district permissions) compatible with Discipline Data Collection and Reporting System.</p>	<ul style="list-style-type: none"> • Infinite Campus 	<p>0 = Not in place 1 = Partially in Place 2 = In Place</p>
<p>The school/facility agrees to both initial and ongoing coaching on the use of Discipline Data Collection and Reporting System for school/facility-wide decision making.</p>	<ul style="list-style-type: none"> • Administrator/Coordinator Interview 	<p>0 = Not in place 1 = Partially in Place 2 = In Place</p>
<p>The school/facility agrees to maintain Discipline Data Collection and Reporting System compatibility and maintain communication with a certified Facilitator who agrees to provide ongoing support to the school/facility on the use of the System.</p>	<ul style="list-style-type: none"> • Administrator/Coordinator Interview 	<p>0 = Not in place 1 = Partially in Place 2 = In Place</p>

PBIS TFI Data System Fidelity Measures (Algozzine et al., 2014)

Feature	Data Source	Scoring Criteria
<p>1.5 Problem Behavior Definitions School has clear definitions for behaviors that interfere with academic and social success and a clear policy/procedure (e.g., flowchart) for addressing office-managed versus staff-managed problems.</p>	<ul style="list-style-type: none"> • Staff handbook • Student handbook • School policy • Discipline flowchart 	<p>0 = No clear definitions exist, and procedures to manage problems are not clearly documented 1 = Definitions and procedures exist but are not clear and/or not organized by staff-versus office-managed problems 2 = Definitions and procedures for managing problems are clearly defined, documented, trained, and shared with families</p>
<p>1.6 Discipline Policies: School policies and procedures describe and emphasize proactive, instructive, and/or restorative approaches to student behavior that are implemented consistently.</p>	<ul style="list-style-type: none"> • Discipline policy • Student handbook • Code of conduct • Informal administrator interview/focus group 	<p>0 = Documents contain only reactive and punitive consequences 1 = Documentation includes and emphasizes proactive approaches 2 = Documentation includes and emphasizes proactive approaches AND administrator reports consistent use</p>
<p>1.12 Discipline Data: Tier 1 team has instantaneous access to graphed reports summarizing discipline data organized by the frequency of problem behavior events by behavior, location, time of day, and by individual student.</p>	<ul style="list-style-type: none"> • School policy • Team meeting minutes • Student outcome data 	<p>0 = No centralized data system with ongoing decision making exists 1 = Data system exists but does not allow instantaneous access to full set of graphed reports 2 = Discipline data system exists that allows instantaneous access to graphs of frequency of problem behavior events by behavior, location, time of</p>

Feature	Data Source	Scoring Criteria
<p>1.13 Data-based Decision Making: Tier 1 team reviews and uses discipline data at least monthly for decision-making.</p>	<ul style="list-style-type: none"> • Data decision rules • Staff professional development calendar • Staff handbook • Team meeting minutes 	<p>day, and student</p> <p>0 = No process/protocol exists, or data are reviewed but not used 1 = Data reviewed and used for decision-making, but less than monthly 2 = Team reviews discipline data and uses data for decision-making at least monthly. If data indicate a problem, an action plan is developed to enhance or modify Tier 1 supports</p>
<p>2.11 Student Performance Data: Tier 2 team tracks proportion of students experiencing success (% of participating students being successful) and uses Tier 2 intervention outcomes data and decision rules for progress monitoring and modification.</p>	<ul style="list-style-type: none"> • Student progress data (e.g., %of students meeting goals) • Intervention Tracking Tool • Daily/Weekly Progress Report sheets • Family Communication 	<p>0 = Student data not monitored 1 = Student data monitored but no data decision rules established to alter (e.g., intensify or fade) support 2 = Student data (% of students being successful) monitored and used at least monthly, with data decision rules established to alter (e.g., intensify or fade) support, and shared with stakeholders</p>
<p>3.14 Data System: Aggregated (i.e., overall school-level) Tier 3 data are summarized and reported to staff at least monthly on (a) fidelity of support plan implementation, and (b) impact on student outcomes.</p>	<ul style="list-style-type: none"> • Reports to staff • Staff meeting minutes • Staff report 	<p>0 = No quantifiable data 1 = Data are collected on outcomes and/or fidelity but not reported monthly 2 = Data are collected on student outcomes AND fidelity and are reported to staff at least monthly for all plans</p>
<p>3.15 Data-based Decision Making: Each student’s individual support team meets at least monthly (or</p>	<ul style="list-style-type: none"> • Student progress data • Tier 3 team meeting minutes 	<p>0 = School does not track proportion, or no students have Tier 3 plans 1 = Fewer than 1% of</p>

Feature	Data Source	Scoring Criteria
<p>more frequently if needed) and uses data to modify the support plan. to improve fidelity of plan implementation and impact on quality of life, academic, and behavior outcomes.</p>		<p>students have Tier 3 plans 2 = All students requiring Tier 3 supports (and at least 1% of students) have plans</p>

Approaches to achieving greater disciplinary equity

There are two logical approaches to achieving greater disciplinary equity. First is to prevent the need for exclusion in the first place by preventing the onset and development of problem behavior. This approach would be preferred, and yet there is no evidence that prevention approaches alone will be 100% effective (Sprague, Whitcomb, & Bear, 2019). In the cases where exclusion is viewed as appropriate or needed, it is critical to give clear guidance and training to teachers and administrators in due process protections and exclusion alternatives, and to use data to correct any emerging patterns such as disproportionate racial/ethnic representation. This section illustrates the prevention logic.

Interventions Aimed at Preventing the Need for Disciplinary Exclusion. Having an organized, school wide system for behavior management combined with teaching social behavior is the foundation for effective prevention efforts. In addition to the direct benefit, it has on student behavior in school, such a system creates the context for school-based efforts to advocate and provide support for effective parenting as well (Biglan, Wang, & Walberg, 2003). When school personnel have a shared vision of the kind of social behavior, they want to promote among students along with a shared understanding of the type of social environment that is needed to achieve this goal, which is also shared by most families they can inform and support them in creating the same kind of supportive environment at home. When educators are clear about how to use rules, positive reinforcement, and mild, consistent negative consequences to support behavioral development, they are better able to coordinate their efforts with those of parents (Epstein et al., 2008). As a result, parents will know more about their children’s behavior in school and will be able to provide the same supports and consequences that the school is providing.

School Wide Positive Behavior Interventions and Supports. To prevent minor discipline problems, as well as more serious antisocial and violent incidents, many schools have turned to a school wide positive discipline approach, commonly referred to as School Wide Positive Behavior Interventions and Supports (SWPBIS) (R. H. Horner, Sugai, Todd, & Lewis-Palmer, 2005; Sprague & Horner, 2012) (see www.pbis.org) as a foundation response. The SWPBIS approach assumes that when all school staff members across all school settings actively teach and consistently recognize and reinforce appropriate behavior, the number of students with serious behavior problems will be reduced and the school’s overall climate will improve (R. H. Horner & Sugai, 2015; Sugai, Horner, & Gresham, 2002). Sacramento City Schools attempted to adopt these practices in the past and have met with resistance from multiple groups. We will comment more about this in our results section.

SWPBIS schools aim to create a positive school climate, by establishing and teaching

behavioral expectations school-wide and by teaching mastery and demonstration of behavioral skills (e.g., compliance to school rules, safe and respectful peer to peer interactions, academic effort/engagement) that will alter the trajectory of at-risk children toward destructive outcomes as well as prevent the onset of risk behavior in typically developing children. We expect that its effective and sustained implementation will create a more responsive school climate that supports the twin goals of schooling for all children: academic achievement and social development (Algozzine, Putnam, & Horner, 2010; Gresham, Sugai, Horner, Quinn, & McInerney, 2000). The box below provides a summary of the main features of SWPBIS.

School Wide PBIS features

- A **systems-based** strategy to create a “host environment” in schools to reduce problem behaviors
 - Three-tiered intervention logic
 - Behavioral interventions
 - Team-based planning and implementation
 - Systematic use of student-level behavior data to support decisions and improve program implementation
 - Systematic use of intervention fidelity assessments to guide implementation
 - **NOT a single “program” but rather the “vessel” for many approaches**

What do we know about SWPBIS effectiveness? Evaluation reports, rigorous single-case studies, and randomized controlled trials demonstrate that effective implementation of the primary prevention tier of SWPBIS (R. Horner, Sugai, & Anderson, 2010; Sprague, Biglan, Rusby, Gau, & Vincent, 2017) is associated with fidelity of implementation in a wide range of contexts and by typical implementation agents; improved organizational health; reduction in reports of problem behavior, improved perception of school safety; and, improved academic outcomes (promising but not definitive) (C. P. Bradshaw & Pas, 2012). Implementation of Tier 2 and 3 of SWPBIS results in improved student engagement and social and academic outcomes, along with a reduced likelihood of dropout (Anderson, Christenson, Sinclair, & Lehr, 2004); reduced problem behavior (Dunlap et al., 2010; Hawken, MacLeod, & Rawlings, 2007); and, improved teacher ratings of student behavioral competence (Walker et al., 2009). Although SWPBIS systems and practices have been shown to reduce problem behavior, the evidence is less clear regarding impact on disciplinary inequity, with some studies showing mixed or even negative results in this regard (Gregory, Skiba, & Mediratta, 2017; C. G. Vincent, Sprague, CHiXapkaid, Tobin, & Gau, 2015).

Interventions Aimed at Reducing Disciplinary Exclusion. Four innovative approaches to intervening with antisocial and/or violent behavior are profiled, followed by guidelines for choosing and implementing these methods. The research presented below used scientific methods to test and promote basic human values such as equity and promoting the wellbeing of students (Hammond & Adelman, 1976; Ruiz & Roche, 2007; Skinner, 1953), while ensuring the safety of the school community (students, staff members, families). The exploration of the best methods to achieve those values is central to the purpose of this body of work, not only for children and families, but also for practitioners. These interventions are intended to

illustrate the features of effective prevention approaches, and it is up to the district and local stakeholders to decide which interventions to adopt.

Recent studies by Bradshaw et al., (Double Check) (2018), Cook et al., (Greet Stop Prompt) (2018), Gregory et al., (2018) (restorative practice), and Cornell et al. on (threat assessment) (2018) offer insights into how clear guidance in intervention procedures can be effective in reducing overall use of disciplinary exclusion, as well as impacting their disproportionate use. The collective work presented in these studies can guide adults and students to “slow it down,” consistent with the available research on addressing implicit bias, stereotype threat, and racial anxiety (Godsil, Tropp, Goff, & Powell, 2014; K. McIntosh, Girvan, Horner, Smolkowski, & Sugai, 2014).

Greet, Stop, Prompt. A study by Cook et al., (2018) focused on reducing the influence of implicit bias using the Greet-Stop-Prompt approach. This intervention involves proactive classroom behavior management strategies, a self-regulation technique to minimize the impact of teacher implicit bias in classroom decision-making during disciplinary encounters, and reactive behavior management strategies designed to generate more empathic responses to problem behavior. Through a single case experimental design, they reported data suggesting that the Greet-Stop-Prompt approach is associated with reductions in disproportionality in office disciplinary referrals for Black males, as well as concomitant improvements in Black males’ self-report of belonging and connection at school, suggesting the potential effectiveness of the interventions’ focus on addressing the influence of implicit bias.

Double Check. Double Check is a professional development and coaching framework that builds on School-Wide Positive Behavioral Interventions and Supports (SW-PBIS) to help teachers enhance five core components of culturally responsive practices. The overarching goal of Double Check is to address the overrepresentation of students of color in disciplinary referrals, suspensions, and special education referrals (Hershfeldt et al., 2009). A randomized controlled trial (RCT) tested the impact of a novel coaching approach utilized as one element of the Double Check cultural responsiveness and student engagement model. The RCT included 158 elementary and middle school teachers randomized to receive coaching or serve as comparisons; all were exposed to school-wide professional development activities. Post comparisons of self-reported culturally responsive behavior management indicated improvements for teachers in both conditions following professional development exposure. Fewer office discipline referrals were issued to Black students by teachers assigned to receive coaching relative to comparison teachers. Similarly, trained observers recorded significantly more teacher proactive behavior management and anticipation of student problems, higher student cooperation, less student non-cooperation, and less disruptive behaviors in classrooms led by coached teachers relative to comparison teachers. These findings suggest the school-wide activities were associated with improved teacher self-efficacy. Teachers who were additionally coached demonstrated significantly lower disproportionality in ODRs among Black students and improved classroom management practices.

Restorative Practices in Schools. In addition to its being used in the juvenile justice system, some schools have adopted a restorative justice approach in dealing with school-based juvenile problem behaviors, such as peer conflict, bullying, and possession of substances (Reimer, 2020). And in addition to the overall goals of the practice discussed

above, the main goal of restorative justice in a school-based setting is to reduce student disengagement that is associated with exclusionary discipline such as suspension and expulsion. Through restorative justice approaches, the aim is for the student to be reintegrated into the school community instead of being isolated from it (González, 2012). Restorative justice programs in schools aim to encourage a change in students' behavior by emphasizing a healthy school community that relies on relationships and a sense of belonging over a fear of punishment (Todić, Cubbin, Armour, Rountree, & González, 2020).

Conferences are one approach used in schools that implement restorative justice practices and can be used to address a range of behaviors, such as truancy, chronic disruption, and misbehaviors (both with and without direct victims). Like family group conferences in the juvenile justice system, people most affected by the behavior—including the student, the student's parents/guardians and teachers, school staff, and the victim (if applicable)—meet and discuss the action and how it affects others and the school climate (Lieberman & Katz, 2020). This not only allows for students to understand the effect their actions had on others but also gives them an opportunity to take responsibility for them. Further, it gives them a sense of autonomy in their environment, for they have a chance to voice their opinion of proper punishment (Sumner, Silverman, & Frampton, 2010).

Circles may also be used, especially in larger classroom settings. Classroom circles, like circle sentencing, focus on the sense of community in the classroom, rather than on specific individuals (Anyon et al., 2016). Classroom circles are viewed as a space for open discussion and problem-solving. While most circles use teachers or other school staff as circle leaders, some schools provide opportunities for students to lead the discussion among their peers to encourage leadership and autonomy (Todić et al., 2020).

The underlying theory and logistics of implementing Restorative Practices in schools incorporates preventive as well as reactive approaches to promoting adaptive behavior. Positive outcomes from this approach have been reported (Lee, 2011; Lewis, 2009; Sumner et al., 2010), but using mostly quasi-experimental designs (Song & Swearer, 2016). Some studies have reported reduced rates of office disciplinary referrals and out-of-school suspensions and expulsions associated with this approach. Anecdotal reports also document increased satisfaction with the disciplinary process by all stakeholders, including students (Fronius et al., 2019). More rigorous research, reported below, leaves some questions about the overall effectiveness of using RP as a suspension alternative.

Gregory and colleagues (2018) examined discipline records for one academic year in the Denver public schools ($N = 9,039$ discipline-referred students) to identify the factors associated with equitable assignment of out-of-school suspension (OSS). Multilevel logistic regression found that student participation in restorative interventions substantially reduced the odds of individual students receiving out of school suspensions. However, use of restorative interventions was only marginally associated with more comparable assignment of OSS to Black students relative to their White peers.

Interventions aimed at changing adult “mindset”. Educators' explicit or implicit biases about Black students contribute to the discipline gap (Losen & Martinez, 2020). Those biases are present even in preschools. As an example, researchers fit 132 early education teachers with eye trackers and asked the teachers to watch video vignettes of four children —

a Black girl, a Black boy, a White girl, and a White boy seated around a table. The researchers told the teachers to look for misbehaviors.

In truth, none of the children misbehaved, but the eye trackers revealed that the teachers spent more time gazing at the Black boy (Gilliam, Maupin, Reyes, Accavitti, & Shic, 2016). The teachers were given a questionnaire that asked which child required the most attention and 42 percent of respondents chose the Black boy, 34 percent chose the white boy, 13 percent chose the white girl and 10 percent chose the Black girl.

Another study demonstrated how such biases contribute to teachers disciplining Black students more harshly than White students. Researchers asked 191 teachers of K–12 students to imagine teaching at a middle school depicted in a photograph. The teachers then read a series of vignettes about a student who got in trouble twice, once for insubordination and again for disrupting class. Researchers told half the teachers that the student’s name was Darnell or Deshawn, stereotypically Black male names; for the other half, the boy was named Greg or Jake, stereotypically white male names. After each incident, the teachers answered questions on a seven-point scale. Questions included, “How severe was the student’s misbehavior?” and “How severely should the student be disciplined?” After the first incident of misbehavior, the teachers were equally lenient toward the Black and white boys. But after the second misbehavior, the teachers rated Black boys as 25 percent more troublesome than White boys and recommended 30 percent harsher disciplinary responses (Okonofua & Eberhardt, 2015).

Anne Gregory and colleagues have combined a race-conscious version of restorative justice with social and emotional learning (SEL). The latter aims to help children regulate their emotions by teaching self- and social awareness and responsible decision making. During 25 hours of training, teachers come together in circles like those used in restorative practice. The prompt, however, asks teachers to consider how structural racism hurts children. After that initial training, coaches also work with the teachers one-on-one. This facilitated dialog around race helped teachers speak freely about their worries (Manassah, Roderick, & Gregory, 2018). For instance, during the training circles, teachers often express concern that nonpunitive approaches are too soft or unstructured. When that happened, Gregory and her colleagues walked teachers through scenarios of alternative responses to students misbehaving.

In a follow-up study, Okonofua and colleagues asked a different group of U.S. teachers to read vignettes about hypothetical students named Deshawn or Greg. First, about half of the 243 teachers read a passage on the growth mind-set, specifically how teachers can change a student’s life. Second, the teachers read about how their relationship to students could grow. Third, they read about the student’s initial misbehavior. Fourth, they read about the student’s love of music and struggles outside school. And finally, the teachers read about the student’s second misbehavior, then answered a set of questions. Teachers in a control group read only the misbehavior vignettes interspersed with unrelated or subversive readings, such as a passage on how relationships cannot change.

The intervention resulted in responses to both Black and White students more positive. Compared with teachers in the control group, those who read the additional vignettes about Deshawn were less likely to label him as a troublemaker or expect him to get suspended in the future and were more likely to feel they could build a strong relationship

with him (Okonofua, Paunesku, & Walton, 2016). Though those teachers were also less willing to see Deshawn receive harsh discipline, that finding did not reach statistical significance.

Background: Using Alternatives to Suspension and other forms of exclusionary discipline

Using disciplinary exclusion such as office referrals, suspensions and expulsions has been the subject of significant concern related to student and family civil rights, school policy, and their negative impact on short and long-term outcomes for students since the 1970's (R. J. Skiba, 2001; R. J. Skiba & Knesting, 2001). The indications and effectiveness of exclusionary discipline policies that demand automatic or rigorous application of exclusion from school are increasingly questionable. Embedded in this phenomenon is the documentation of significant and persistent disproportionality of application to traditional racial and ethnic minority groups, with black males experiencing the highest rates.

Schools cannot allow unacceptable behavior to interfere with the school district's primary mission of education. To this end, school districts adopt codes of conduct for expected behaviors and policies to address unacceptable behavior. In developing these policies, school boards must weigh the severity of the offense and the consequences of exclusion and the balance between individual and institutional rights and responsibilities. Out-of-school suspension and expulsion are the most severe consequences that a school district can impose for unacceptable behavior. Traditionally, these consequences have been reserved for offenses deemed especially severe or dangerous and/or for students who repeat the unacceptable behavior. However, the implications and consequences of out-of-school suspension and expulsion and "zero-tolerance" are of such severity that their application and appropriateness for a developing child require periodic review.

While there has been much concern about the issue of disproportionality from equity, societal, and legal perspectives, few researchers have documented outcomes associated with effective or promising practices aimed at reducing these disparities. Over the decades since these gaps were first identified, much of the research on this topic has continued to focus on documenting the existence of discipline disproportionality and exploring factors that contribute to it (Gregory, Skiba, & Noguera, 2010). Research providing empirical support of the efficacy of specific interventions to reduce and eliminate the racial/ethnic gap remains scarce (Bottiani et al., 2017), and little is known about the impact of these approaches on school safety.

Overuse and disproportionate application of exclusionary discipline as a response to antisocial and dangerous behavior is often traced to the Gun Free Schools Act of 1994 (Kim, Losen, & Hewitt, 2010). On face value, it makes sense to some that disciplinary exclusion is a logical and appropriate consequence for threatening or engaging in violent behavior, and yet the evidence of the effectiveness of these approaches is not available (Fabelo et al., 2011). The question to be answered in this debate is whether the exclusion functions as intervention (i.e., would prevent future behavior) or as a safeguard protocol to allow time for developing a more comprehensive plan of action to hold the individual student accountable and keep others safe in the future (Cornell et al., 2017).

The field has not yet reached consensus regarding the theories, research methods, measures, policies, and practices that will move us closer to closing the racial/ethnic, gender

and disability discipline gap (Catherine P. Bradshaw et al., 2018). Even less is known about the effectiveness of using alternatives to out of class and school suspension as a consequence for violent behavior (or threats thereof) on improving school safety outcomes (Cornell et al., 2017). These phenomena are an embarrassment to our field and our nation, and the urgency to respond cannot be overstated from a civil rights perspective and concern for the long-term wellbeing and life outcomes of those youth affected by these practices.

Disciplinary exclusion is typically described as a “punishment” strategy, yet from a behavioral perspective, these practices do not produce the functional outcome of punishment, which is to provide a consequence that reduces the future probability of an undesired behavior. Bradshaw et al., (2018) stated “Office discipline referrals, suspensions, and expulsions are considered exclusionary disciplinary practices because they remove and exclude students from schools and classroom learning time as a punitive consequence to an infraction of school or classroom rules or expectations.” This type of statement merits clarification as we often see this assertion in research papers and book chapters.

Informed behavioral theory defines punishment as a process wherein the systematic delivery of a consequence (by either removing or presenting a stimulus) results in a reduced probability of that behavior in the future. The view of the authors is that the field would be better served if we make clear that although these practices are likely unpleasant for all involved, they do not result in “punishment” (C.G. Vincent, Tobin, Swain-Bradway, & May, 2011), (whose functional effect, as noted, is to reduce the likelihood of a behavior or action), but rather the long term effect seems to be an increased use of exclusion without evidence of effectiveness in reducing the likelihood of problem behavior in the future. School administrators, teachers, and researchers should clearly distinguish retribution (Wachtel, Costello, & Wachtel, 2009) from functional punishment as defined above. It should also be noted that exclusion may be used as a temporary measure to assure safety and allow learning to continue if a student becomes significantly disruptive but should not be considered therapeutic intervention.

If the role of punishment can be framed as an evidence-supported family of procedures derived from behavioral theory, it is possible to develop and use intervention practices from that position. For example, removal from a classroom should be guided by what we know about how to implement “procedural time out” (Sulzer-Azaroff & Mayer, 1994; Wolery, Bailey Jr., & Sugai, 1988). Some educators understand that if the classroom or peer social environment is “aversive” (e.g., poorly matched instruction, ineffective or coercive classroom management, poor teacher-student or student-student relationships, micro-aggressions), some students will be reinforced (increased probability of removal) by escaping these aversive conditions, while others will find the exclusion aversive, changing the future probability of the problematic behavior.

Research on suspension alternatives focuses primarily on changing teacher (e.g., classroom management, cultural competence) and administrator behavior (e.g., threat assessment), as a prevention strategy and less on directly teaching students behaviors that might replace those that get them in trouble in the first place. Future research should also address the effectiveness of training for school administrators in designing and selecting alternatives to out of school suspension or even expulsion. In the authors’ experience, most school policies and procedures are predominately designed to promote exclusion, and little to

no guidance is given in when and how to choose and implement an “alternative” (Peterson, 2005).

The role of functional behavior assessment (O'Neill, Albin, Storey, Horner, & Sprague, 2014) methods to specifically (at a more micro level) the antecedents (e.g., poor teacher student relationships, overreaction by a teacher in a vulnerable situation, etc.) behaviors (e.g., possibly those that are culturally typical for a student and aversive to the teacher) and consequences (e.g., reprimands, warnings, removals) that are occasioning and maintaining student behaviors that may result in exclusion. This set of practices, combined with training in classroom management and culturally responsive teaching, may be especially beneficial for students whose behaviors persist after high fidelity “tier 1 and 2” supports are provided.

Other Means of Correction. In 2012 the California legislature passed AB 1729 requiring that all students in California are provided appropriate due process protections before they are expelled or suspended. The legislative goal in enacting the discipline code was to:

- “[S]afeguard the constitutional and statutory right of California children to a free education . . . by establishing fair procedures which must be followed before that right is withdrawn.”
 - Slayton v. Pomona Unified Sch. Dist., 207 Cal. Rptr. 705, 713 (1984)

This bill authorized school districts to document the other means of correction used and place that documentation in the pupil’s record. The bill also specified that other means of correction include, but are not limited to, among other things, a positive behavior support approach with tiered interventions that occur during the school day on campus, a conference between school personnel, the pupil’s parent or guardian, and the pupil, participation in a restorative justice program, and after-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors. A summary of the legislation is included in the box below. It is the view of the expert team that this legislation provides the legal and policy basis for implementing a consistent system of alternatives to traditional exclusionary discipline practices. Recommendations for establishing this in SCUSD will be provided later in this report.

Other Means of Correction

EDUCATION CODE - EDC
TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100] (Title 2 enacted by Stats. 1976, Ch. 1010.)
DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001] (Division 4 enacted by Stats. 1976, Ch. 1010.)
PART 27. PUPILS [48000 - 49703] (Part 27 enacted by Stats. 1976, Ch. 1010.)
CHAPTER 6. Pupil Rights and Responsibilities [48900 - 49051] (Chapter 6 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 1. Suspension or Expulsion [48900 - 48927] (Article 1 repealed and added by Stats. 1983, Ch. 498, Sec. 91.)

48900.5.

(a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069.7. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.

(b) Other means of correction include, but are not limited to, the following:

- (1) A conference between school personnel, the pupil's parent or guardian, and the pupil.
- (2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
- (3) Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior and develop and implement individualized plans to address the behavior in partnership with the pupil and the pupil's parents.
- (4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
- (5) Enrollment in a program for teaching prosocial behavior or anger management.
- (6) Participation in a restorative justice program.
- (7) A positive behavior support approach with tiered interventions that occur during the school day on campus.
- (8) After school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- (9) Any of the alternatives described in Section 48900.6.

(Amended by Stats. 2019, Ch. 497, Sec. 61. (AB 991) Effective January 1, 2020.)

Bullying and Harassment

In the last several decades, the mean-spirited bullying and harassment of vulnerable peers in schools has emerged as an urgent public health concern (C.P. Bradshaw, 2015).

Bullying and harassment have always existed in contexts where diverse groups of individuals are grouped together for extended periods of time. However, as we have gradually become more socially divided, diverse, tribal, and confrontational in our beliefs and actions, the opportunities for bullying and harassment have grown. This cultural shift seems to have spilled over into schools and has negatively impacted both peer to peer and staff to student relationships. The attitudes, beliefs, and behavioral inclinations that students now display in school can be highly destructive and supportive of bullying and harassment.

Bullying and harassment is critical to address in the context of this report both because of its critical influence on the emotional safety of students (particularly those with disabilities, and other forms of “difference” such as racial/ethnic or gender identity) and most of the families we interviewed in focus groups described experiences where bullying and harassment incidences resulted in exclusionary discipline.

Emotional safety infers a healthy psychological state where individuals are a) free of excessive fear from events, situations or others, b) are confident and able to assert themselves, and c) can easily form attachments with others. Emotional safety is damaged and constrained by intimidation, harassment, humiliation, relational aggression, threats, and cyber abuse. These social toxins are commonly part of the bullying process and can lead to severe, long-term emotional damage for victims of them (Cantone et al., 2015). Every student has a right to expect that their physical and emotional safety is assured in their schooling.

Given the ramp up of public concern about school bullying and harassment, many school districts and school staff members face complex, and often unfamiliar challenges when attempting to intervene with this problem. School administrators and staff members have faced a steep learning curve over the past decade in this regard. The often-covert nature of bullying and harassment makes them difficult to detect and limits our ability to analyze them and prevent their occurrence. When they do occur, school staff members and parents usually learn about them after the fact and only via student reports. However, despite these limitations, we have learned a great deal about the dynamics of bullying and harassment and how to confront them in schools. In this chapter, we share important elements of this information. Some key issues to be aware of and to consider in addressing school bullying and harassment are described below.

There are numerous constraints that can be obstacles for screening, identification and intervention efforts regarding bullying and harassment. For instance, many students are often reluctant to speak out or seek adult help when they have been victimized. Similarly, teachers, other school staff members, and parents may be reluctant, unwilling, or unable to initiate and pursue the actions necessary to effectively address and intervene with bullying and harassment. School personnel sometimes may find that some parents are defensive, and reluctant or unwilling, to address the student’s problem behavior if they are a perpetrator or victim of these actions.

The current social climate within schools places considerable stigma on youth who are accused of engaging in harassment of any kind. The determination that harassment (including harassment associated with bullying) is a criminal and civil offense, with the attendant legal ramifications, attaches a substantial accountability factor to the actions taken by school officials. The district, school, and/or individual staff members may incur both legal liability and

financial risk, both institutionally and personally, if found negligent in cases involving harassment of any type.

Interventions for bullying and harassment can also be quite difficult, complex, and costly depending on the nature and severity of the problems involved. Historically, some educators have not viewed these events as legitimate targets of school ownership or as worth the effort to address them since peer harassment and bullying have been regarded as peer-owned problems to be worked out ideally within the peer group in the absence of adult involvement. Recent court cases, however, have now rendered this option moot. The risks of not doing something about serious bullying and peer harassment currently outweigh the risks involved in formally addressing these problems.

Addressing the perpetrator's behavior is only half the task. Ongoing victim intervention and support must be part of any effective and lasting solution. (Smith & Sprague, 2003). In fact, effective intervention in a bullying/harassment context should address the specific needs of a variety of impacted individuals including the victim, the bully, peers, parents, school staff, and others negatively affected by the problem behavior. A comprehensive and effective bullying intervention, initiated in response to ongoing, widespread, and /or pervasive bullying and harassment, may well stress school and district financial resources.

Reactionary (after the fact) interventions that have a crisis focus to them can be costly and are often ineffective. They are difficult to implement successfully as they usually involve making changes in an established and long held set of school practices. These interventions typically are punishment based and focus on one or two individuals: the perpetrator(s), perhaps the victim(s), and occasionally selected bystanders. Conversely, proactive or "preventive" interventions aimed at addressing bullying through education (social skills training) and providing positive behavioral interventions and supports, are typically less expensive to implement, are generally acceptable to most school personnel—particularly if they are universal in nature, and are less socially stigmatizing (Bradshaw, 2015). These programs can be used to address a wide range of problem behavior types in addition to bullying and harassment. They are usually focused on all students in the school, and are based on proven principles of teaching, reinforcing, and recognizing positive, expected forms of behavior including empathy, respect, positive regard for others, and responsibility.

Recommended Steps in Designing and Implementing a School-Wide Anti-Bullying Program. Schools seeking to reduce or eliminate bullying and peer harassment problems should follow a series of steps to introduce and infuse a school-wide intervention program that has solid administrative support and is acceptable to important stakeholders such as parents, students, and staff members. Some recommendations for implementation are listed below and will be included in our recommendations later in this report.

- Develop and implement an anti-bullying and harassment policy at the district level that individual schools can use as a referent or standard.
- Systematically assess the nature and extent of the problem via surveys.
- Develop, discuss, and adopt a school-wide response to solve the problem.
- Solicit family support and involvement as well as solicit student input on the issue.
- Train all staff members, students, and families in the selected protocol.

- What is the proper response if a student reports a socially aggressive behavior or bullying incident to you?
 - What should you say to the student?
 - What information do you need to collect and report?
 - Who do you report the socially aggressive behavior or bullying to?
 - What is the follow up safety plan and who is responsible for monitoring the plan?
- Promote the importance of active supervision of students in common and low traffic areas.
- Respond to chronic bullying and harassment with appropriate supports, needed sanctions and proven intervention methods.
- Assist and support chronic victims to avoid dangerous situations and to learn bully/harassing response skills.
- Track instances of bullying and harassment and adjust the intervention program as needed based on this information.

The Influence of Implicit Bias

This section of the report responds to the questions in the evaluation plan related to implicit bias and whether bias is evident in the district’s policies and procedures, relevant discipline, student records, and special education referral process. They are presented below for ease of access.

This evaluation activity sought to detect if there is an influence of implicit bias on the district’s procedures and policies that are consistently implemented and effective in achieving equitable and fair outcomes for students.

Activities/Analysis	Measures and Data Sources (s)
<p>Review and Analyze:</p> <ul style="list-style-type: none"> ● District and school policies, procedures, and practices ● Consistency and overall implementation of policies, procedures, data collection and reporting and practices across school sites ● Review collective bargaining agreements and contract proposals impacting these areas ● Student records (plaintiff) 	<ul style="list-style-type: none"> ● A descriptive review of policies and procedures provided by the district ● Collective bargaining agreements and contract proposals ● Timelines; special education, referrals, SST, etc. ● Implicit Bias Survey (July 2021)
<p>Analyze policies, systems, and practices related to</p> <ul style="list-style-type: none"> ● Special Education disproportionality data ● Timelines ● MTSS ● Discipline 	<ul style="list-style-type: none"> ● IEP and Section 504 Plan review ● Accumulate and categorize data to determine whether school sites are including the same procedures when it comes to evaluation and timelines ● Informal interviews with district staff members

Background: Implicit Bias. Implicit bias refers to unconscious negative thoughts, attitudes, stereotypes, perceptions, or behaviors of which the person is neither aware nor believes that he or she possesses against members of another ethnic or racial group essentially because of their membership in that group (Dovidio, Kawakami, Smoak, & Gaertner, 2009). As implicit bias is held in the subconscious, it can show up when least expected and can show up in certain decision-making, such as discipline, especially for students of color. A large body of social science evidence has shown that implicit biases can be activated by any number of various identities we perceive in others, such as race, ethnicity, gender, or age (Staats, 2015-2016). Embedded in our institutions and public systems, it may appear as either a conscious, but masked, expression or a nonconscious cognitive process. The conscious expression of covert racism is considered explicit racism or racial bias, and the non-conscious expression is defined as implicit racism or racial bias. (Martin, p. 7 2014). Whether implicit bias is held by a person or built into certain policies and procedures, the impact is there. Students of color, specifically Black students will have a

higher rate of disciplinary issues, referrals, and suspension and expulsions and will more likely be referred to special education for behavior issues.

Because the implicit associations we hold arise outside of conscious awareness, implicit biases do not necessarily align with our explicit beliefs and stated intentions. This means that even individuals who profess egalitarian intentions and try to treat all individuals fairly can still unknowingly act in ways that reflect their implicit—rather than their explicit—biases. Thus, even well intentioned individuals can act in ways that produce inequitable outcomes for different groups (Staats, 2015-2016). As implicit biases are stored in our subconscious, it is imperative that we learn to identify implicit biases, how they come about, and certain biases we all hold so that we can identify them when they show up.

Implicit Bias in Special Education. Implicit bias can be identified in many aspects of the school systems, including but not limited to the referrals for discipline and other programs, like special education. Referrals by school staff members may be subject to implicit bias that these educators have against students of color and/or students with disabilities. The educators may not even be aware that they hold biases against students of color or students with disabilities, but these biases become evident in the referral process (Rynders, 2019). These biases can show up at any time during the referral process and many times have been missed by those reviewing the process and protocols. Redfield and Kraft (2012) asserted, “Color is a likely factor considered implicitly when finding and making those first critical referrals and subsequent educational decisions as to 2 minority children” (p. 133). They further contended “black boys” received the label in high incidence categories, such as mild intellectual disability; although in recent years, new eligibility categories are disproportionate, thus resulting in disproportionate placements (Whatley, 2017).

According to Losen and Orfield (2002), African American students 37 are overrepresented in nine of thirteen categories and more likely than their White peers to be placed in highly restrictive educational settings. The U.S. Department of Education (2009) revealed that the identification and placement of African American students in special education programs occurs at a significantly higher rate than their White peers. A 2015 study found that the symptomatology of autism may predispose individuals to activate negative implicit biases, particularly individuals who are not familiar with autism and hold negative stereotypes (Yull, 2015). These biases may be conflated if the student is part of a racial minority group. For example, if a person holds an implicit bias against people of color, and if the same person holds an implicit bias against people with disabilities, then the two forms of bias can compound upon each other if the person meets a person of color with a disability (Redfield, 2012). It is important that staff working with students can identify the various types of biases not only in others but also within themselves.

Implicit Bias in Discipline. The school discipline gap demonstrates a ravine between the exclusionary discipline (any discipline that removes a student from the learning environment) rates of these populations of students, with Black and Hispanic students receiving many more incidents of exclusionary discipline than White students (Gullo, 2017). This gap could result from many different issues including implicit bias of those making behavioral consequence decisions (Carter, Skiba, Arredondo, & Pollock, 2014; Kahn, Goff, & Glaser, 2016). It is important to note that high levels of exclusionary discipline were associated with academic decline for both students receiving discipline and their incident-free

counterparts (Perry & Morris, 2014; Rausch & Skiba, 2004, 2005). Exclusionary discipline has many detrimental effects on students, beyond academic decline, such as social development. By excluding students from the classroom, we are taking away the peer support, accountability, social skills, and other important access points for students. The utilization of exclusionary practices can lead to feelings of school disengagement (Brown, 2007) and perceptions of the education system as being unsupportive (Sekayi, 2001). As a result, students experience alienation from the educational community and begin to lose interest in learning (Brown, 2007; Wald & Kurlaender, 2003).

African American males suffer from less time in an academic classroom due to exclusionary discipline as a result of zero tolerance policies, but research also indicates that involvement in exclusionary discipline leads to feelings of alienation from school, elevated dropout rates, and alarming incarceration rates (Brown, 2007; Skiba, Michael, Nardo, & Petterson, 2000; U.S. Department of Justice, 2003) contributing to the overrepresentation of African American males in exclusionary discipline that potentially lead to the School to Prison Pipeline. Considering students of Color experience much higher rates of exclusionary discipline, the School to Prison Pipeline disproportionately impacts students who already suffer from school discipline discrepancies with initiation into the prison system (Gullo, 2017). The repercussions of disciplining Black students at a higher rate than White students has a devastatingly long-term impact.

For this report, the experts sought to identify whether implicit bias played a role in the decision-making of the staff in Sacramento City School District, specifically when it came to discipline and placement of Black students. As implicit bias shows up in various ways, it is important to look at multiple points of engagement, such as interactions with students, parents, and staff, policies and procedures, and student records. As such, the findings are a result of these, and the recommendations are based on the findings to support the school district in preventing future issues.

This introductory section provided a brief literature review and description of the research related to the evaluation questions addressed by the expert team. It is critical for the reader of this report to understand the background and basis for the methods and results of this evaluation project. Next, we will briefly describe the evaluation methods, then results, then a summary of recommendations moving forward.

Evaluation Methods

In this section we describe the evaluation methods used across the three major topic areas. Adjustments were made to the initial TOS to accommodate logistics of carrying out this project during the COVID pandemic and to correct any errors in logic or consistency made during the evaluation planning discussions. We start with Special Education, followed by School Discipline. Implicit Bias methods and questions are embedded in the two major topic areas.

Special Education

Evaluation Questions. The questions (also listed above) are:

- Does the district achieve timely identification, assessment, and access to services for students with disabilities and Black students with disabilities, including the district's use of Student Study Team meetings?
- Do students with disabilities have timely access to effective services, programs, and activities for disabilities in the least restrictive environment?
 - What is the continuum of placements for students with disabilities, particularly Black students with disabilities?
 - Is there appropriate placement (FAPE/LRE) of students with disabilities, particularly Black students with disabilities, in inclusive placements?
 - What is influence of implicit, explicit, structural racial and disability bias and intersection of the two?
- What is the availability of a continuum of placements and inclusive placements for students with disabilities, particularly Black students with disabilities?
 - If the continuum is not available in an equitable manner, what is influence of implicit bias? What is influence of implicit, explicit, and structural racial and disability bias and intersection of the two?
- What policies, procedures and practices are in place to ensure appropriate placement of students with disabilities, particularly Black students with disabilities, in inclusive placements?
 - If such policies, procedures, and practices are in place, are they uniformly implemented?
 - If policies, procedures, practices are not in place or unclear, what is influence of implicit bias?
- Does the district monitor the alleged disproportionate impacts, based on race and type of disability, of previous non-inclusive placement?
 - If so, how does the district monitor and address this?
This means disproportionate impact by race and type of disability, e.g., emotional disturbance.
- What disparities exist in access to adequate education, special education, related services, accommodations, and modifications for students with disabilities?
 - If disparities exist, what is the influence of implicit bias?

- How does the district provide reasonable accommodations and/or modifications, including through modifications to policies and procedures, to avoid discrimination against students with disabilities and Black students with disabilities?
 - How does the district ensure that accommodations/modifications on a student's IEP are provided?
 - If insufficiencies identified, what role does implicit bias play?
- What is the staff development plan?
 - What is the effectiveness and sufficiency of training and ongoing development for the district's personnel who instruct, support, and/or serve students with disabilities and Black students with disabilities?
 - What is the effectiveness and sufficiency of training and ongoing professional development for District administrators who are involved in the development and implementation of IEPs and Section 504 Plans for students with disabilities?
- Is District staffing adequate, and effective in efforts to identify, instruct, and serve students with disabilities, including Black students with disabilities?
 - Does the staffing pattern meet CDE standards for staffing (race; gender; grade level teaching; caseloads and staffing ratios)?

Procedures and Data Sources. To address these questions, we reviewed and analyzed the following:

- District policies, procedures and practices related to prereferral/SST process
 - SCUSD BP 6164.6 - Identification and Education Under Section 504 (SC2489....)
 - SCUSD BP 6164.5 - Student Study Teams (SC248950xAAE13)
 - SCUSD BP 6162.5 - Student Assessment (SC248954xAAE13)
 - SCUSD AR 6164.6 - Identification and Education Under Section 504 (SC2489....)
 - SCUSD AR 6162.5 - Student Assessment (SC248953xAAE13).
- District policies, procedures and practices related to special education services
 - SCUSD BP 6164.4 - Identification of Individuals for Special Education
 - SCUSD BP 6162.5 - Student Assessment (SC248954xAAE13)
 - SCUSD BP 6159.3 - Appointment of Surrogate Parent for Special Education
 - SCUSD BP 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education
 - SCUSD BP 6159.1 - Procedural Safeguards and Complaints for Special Education
 - SCUSD BP 6159 - Individualized Education Program (SC248963xAAE13)
 - SCUSD BP 5145.3 - Nondiscrimination Harassment (SC248970xAAE13)
 - SCUSD AR 6164.5 - Student Study Teams (SC248949xAAE13)
 - SCUSD AR 6164.4 - Identification of Individuals for Special Education

- SCUSD AR 6162.5 - Student Assessment (SC248953xAAE13)
- SCUSD AR 6159.4 - Behavioral Interventions for Special Education Students
- SCUSD AR 6159.3 - Appointment of Surrogate Parent for Special Education Students
- SCUSD AR 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education
- SCUSD AR 6159.1 - Procedural Safeguards and Complaints for Special Education
- SCUSD AR 6159 - Individualized Education Program (SC248962xAAE13)
- SCUSD AR 5145.3 - Nondiscrimination Harassment (SC248969xAAE13)
- SCUSD AR 5144.2 - Suspension and Expulsion Due Process (Students with Disabilities)
- Consistency and overall implementation of policies, procedures, data collection and reporting and practices across school sites. These were assessed using informal interviews with selected district personnel. A fidelity of implementation survey was to be administered to building-level administrators, but the survey contractor omitted these items in the survey. This was also true for the School Discipline items.
- IEPs of Represented Students
 - Student records for DRC clients
- Informal interviews with Christine Beata, Chief Academic Officer; Jennifer Kretschman, Director of MTSS; Sadie Hedegard, Assistant Superintendent of Special Education, Innovation, & Learning; Geovanni Linares, Director, Special Education Local Plan Area (SELPA)
- A focus group interview with SCTA leadership (<https://sacteachers.org/>)
- Interview with Brian Gaunt, MTSS consultant/trainer
- Focus groups
 - Plaintiff parents and those represented by Disability Rights California
 - BIPOC administrators group
 - Black Parallel School Board (“BPSB”)
 - The African American Advisory Board (“AAAB”)
 - Community Advisory Council (Special Education)
 - The Coalition for Students with Disabilities
 - Sacramento City Teachers Association (SCTA) leadership

The evaluation team had designed a Special Education survey to be delivered by an organization called Kelvin (<https://kelvin.education/features/>) along with fidelity items related to School Discipline and Implicit Bias. Unfortunately, the Special Education items were omitted from the survey when sent out to all school administrators in the district in late Spring, 2021. The evaluation team did not learn about this error until late summer due to long intervals between replies from Kelvin, and we chose to complete our report based on available data and information rather than attempt to readminister the surveys. We believe strongly that these fidelity measures are collected and will include this as a recommendation

resulting from our work. Those surveys/fidelity measures are included as Attachment A

School Discipline

Evaluation Questions. The questions (also listed above) were:

- How effective are District-wide and school-based student discipline and behavior management systems, policies, and practices?
 - Data collection and data-based decision-making practices?
 - What fidelity assessments are currently used by the district?
- Is the use of discipline and behavior management approaches for students with disabilities (and without identified disabilities) equitable, clear, and fair?
- How equitable are exclusionary discipline outcomes?
 - Race/ethnicity
 - Gender
 - Disability
 - School attended
- What is influence of implicit bias?

Procedures and Data Sources. To address these questions, we reviewed and analyzed the following:

- District policies, procedures, and practices on disciplinary exclusion. These were provided by various district personnel identified as responsible for a particular area of practice or compliance.
 - SCUSD AR 5144 - Discipline (SC248975xAAE13)
 - SCUSD AR 5144.1 - Suspension and Expulsion Due Process (SC248972xAAE13)
 - SCUSD AR 5144.2 - Suspension and Expulsion Due Process (Students with Disabilities)
 - SCUSD AR 5145.4 - Anti-Bullying (SC248964xAAE13)
 - Informal interview and discussion with Jessica Wharton, (currently Director I, Behavior and Re-Entry)
 - SCUSD BP 5131 - Conduct (SC248979xAAE13)
 - SCUSD BP 5131.1 - Bus Conduct (SC248978xAAE13)
 - SCUSD BP 5131.2 - Use of Electronic Signaling Device (SC248966xAAE13)
 - SCUSD BP 5144 - Discipline (SC248976xAAE13)
 - SCUSD BP 5144.1 - Suspension and Expulsion Due Process (SC248974xAAE13)
 - SCUSD BP 5145.4 - Anti-Bullying (SC248968xAAE13)
 - SCUSD Exhibit 5144.2 - Suspension and Expulsion Due Process Form (Students with disabilities)
- District policies, procedures, and practices on implementing disciplinary exclusion alternatives.

- SCUSD AR 5144 - Discipline (SC248975xAAE13)
- <https://naacpsac.com/wp-content/uploads/2021/01/2020-Suspension-Capitol-of-Suspensions-II-Dec-2020.pdf>
- District policies, procedures, and practices on exclusionary discipline data entry, monitoring and reporting. These were provided by district personnel identified as responsible for this area of practice or compliance.
 - Ed Eldridge Director III, Strategy, and Innovation
 - Rhonda Rode, Director, Student and Data Systems
- Consistency and overall implementation of policies, procedures, data collection and reporting and practices across school sites. These were assessed using informal interviews with selected district personnel. A fidelity of implementation survey was to be administered to building-level administrators, but the survey contractor omitted these items in the survey. This was also true for the Special Education items.
 - Ed Eldridge Director III, Strategy and Innovation
 - Rhonda Rode, Director, Student and Data Systems
- Collective bargaining agreements and contract proposals related to use of disciplinary exclusion
 - LIMITS ON SUSPENSION FOR VIOLATION OF EDUCATION CODE § 48900(k) 2/3/2020
 - Distance Learning Discipline Protocol 8/25/2020
 - 2020-2021 Standards of Behavior Document
 - Affective Statements Memo
 - Memo to Staff on Discipline 2-11-21
- A focus group interview with SCTA leadership (<https://sacteachers.org/>)
- District/site-based discipline data:
 - Office referrals, in school and out of suspension, “soft suspensions,” expulsion disaggregated by race, gender, and disability. Summary for all schools provided by Ed Eldridge
 - California Dashboard data
 - Infinite campus data provided by the district (Rhonda Rode)
- IEPs of Represented Students
 - Student records for DRC clients
- Focus groups
 - Plaintiff parents and those represented by Disability Rights California
 - BIPOC administrators group
 - Black Parallel School Board (“BPSB”)
 - The African American Advisory Board (“AAAB”)
 - Community Advisory Council (Special Education)
 - The Coalition for Students with Disabilities
- Law enforcement presence and reason for calls/interactions and enforcement by officers in or outside of the district
 - Informal Interview with Raymond Lozada

- SCUSD Reports August 2019 to May 2020 Law Enforcement Activities by School
- SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION RESOLUTION NO. 3157
 - RESOLUTION TO REIMAGINE SCHOOL SAFETY AND WORK TO DISMANTLE STRUCTURAL RACISM IN SACRAMENTO CITY UNIFIED SCHOOLS 7/16/2020

Implicit Bias

This section will describe in detail the procedures, and results of the evaluation plan regarding Implicit Bias.

Evaluation Questions. The questions were:

- Does the district achieve timely identification, assessment, and access to services for students with disabilities and Black students with disabilities, including the district's use of Student Study Team meetings?
- Do students with disabilities have timely access to effective services, programs, and activities for disabilities in the least restrictive environment?
- What is the continuum of placements for students with disabilities, particularly Black students with disabilities?
- Is there appropriate placement (FAPE/LRE) of students with disabilities, particularly Black students with disabilities, in inclusive placements?
- What is the influence of implicit, explicit, structural racial, and disability bias and the intersection of the two?
- What is the availability of a continuum of placements and inclusive placements for students with disabilities, particularly Black students with disabilities?
- If the continuum is not available in an equitable manner, what is the influence of implicit bias? What is the influence of implicit, explicit, and structural racial and disability bias and the intersection of the two?
- What policies, procedures, and practices are in place to ensure appropriate placement of students with disabilities, particularly Black students with disabilities, in inclusive placements?
- If such policies, procedures, and practices are in place, are they uniformly implemented?
- If policies, procedures, practices are not in place or unclear, what is the influence of implicit bias?
- Does the district monitor the alleged disproportionate impacts, based on race and type of disability, of previous non-inclusive placement?
- If so, how does the district monitor and address this?
- How effective are District-wide and school-based student discipline and behavior management systems, policies, and practices?
 - Data collection and data-based decision-making practices?

- How equitable are exclusionary discipline outcomes?
 - Race/ethnicity
 - Gender
 - Disability
- Is there evidence that students improve? Is the improvement equitable?
- What is the influence of implicit bias?
- Is the use of discipline and behavior management approaches for students with disabilities (and without identified disabilities) equitable, clear, and fair? Are discipline and exclusion used instead of providing students with disabilities supports and services they need? If any, what is the influence of implicit bias?
- What disparities exist in access to adequate education, special education, related services, accommodations, and modifications for students with disabilities and Black students with disabilities?
 - If disparities exist, what is the influence of implicit bias?
- Do students have access to safe and inclusive learning environments, which includes effective and appropriate measures to address bullying and harassment of students with disabilities and Black students with disabilities?
 - If not, what is the influence of implicit bias?
- What type of PD has been offered relative to bullying and harassment? Policy and Practice (Do they exist)
 - How does it impact students with disabilities?
 - How is it implemented across race and gender?
- How does the district provide reasonable accommodations and/or modifications, including through modifications to policies and procedures, to avoid discrimination against students with disabilities and Black students with disabilities?
- How does the district ensure that accommodations/modifications on a student's IEP are provided?
 - If insufficiencies are identified, what role does implicit bias play?
- What is the staff development plan?
- What is the effectiveness and sufficiency of training and ongoing development for the district's personnel who instruct, support, and/or serve students with disabilities and Black students with disabilities?
- What is the effectiveness and sufficiency of training and ongoing professional development for District administrators who are involved in the development and implementation of IEPs and Section 504 Plans?
- Is District staffing adequate, and effective in efforts to identify, instruct, and serve students with disabilities, including Black students with disabilities?
- Does the staffing pattern meet CDE standards for staffing (race; gender; grade-level teaching; caseloads and staffing ratios)?

Procedures and Data Sources. To address these questions, we reviewed and analyzed the following:

- District policies, procedures, and practices on disciplinary exclusion. These were provided by district personnel.
- Consistency and overall implementation of policies, procedures, data collection and reporting, and practices across school sites. These were assessed using informal interviews with selected district personnel and fidelity of implementation survey administered to building-level administrators.
- IEPs of Represented Students
 - Student records for DRC clients
- Collective bargaining agreements and contract proposals
- Focus groups
 - Plaintiff parents and those represented by Disability Rights California
 - BIPOC administrators group
 - Black Parallel School Board (“BPSB”)
 - The African American Advisory Board (“AAAB”)
 - Community Advisory Council (Special Education)
 - The Coalition for Students with Disabilities
 - Sacramento City Teachers Association (SCTA) leadership
- Administrator Survey, July 2021

Results

Checklist Manifesto (Gawande, 2010)

- The volume and complexity of knowledge today has exceeded our ability to effectively deliver it to people -- consistently, correctly, safely. We train longer, specialize more, use ever advancing technologies and we still fail.
- Failure type 1: Ignorance
 - We do not know what to do
- Failure type 2: Ineptitude
 - We have the knowledge and do not apply it properly

Special Education

Is there timely identification and assessment of students with disabilities and Black students with disabilities?

Interviews with families, focus group interviews with parent groups and other stakeholder groups, and a review of students' records revealed a pattern of students exhibiting behavior, social and academic challenges over time, often with multiple suspensions, prior to referrals to the Student Study Team process or formally be assessed for eligibility to receive special education services. Parents reported delays in responses to their multiple requests for assessment and in following required timelines. Furthermore, there does not appear to be a consistently implemented proactive, preventative "child find" approach to identifying and supporting students who demonstrate academic and behavioral challenges.

There is lack of clarity of how the district's Student Study Team process and its Response to Intervention efforts interface. Currently, the district has begun a new initiative and professional development for a Multi-tiered Systems of Support for academics and behavioral interventions (discussed further later); however, it is not clear how the MTSS initiative involves and is aligned with special education processes and services.

Is there timely access to effective services, programs, and activities for students with disabilities in the least restrictive environment?

There is variability in terms of access to services and availability of a continuum of placements, in particular inclusive placements across school sites in the district. A relatively small number of school sites implement inclusive practices. There does not appear to be a consistent process used throughout the district to determine the least restrictive environment for individual students; rather placement appears to be determined by a student's eligibility category

Interviews with families, focus group interviews with parent groups and other stakeholder groups, and review of student records indicated that access to supports to facilitate students' success in the least restrictive environment were limited. There does not appear to be a consistent process used throughout the district to determine the least restrictive environment for individual students; rather placement appears to be determined by students exhibiting challenging behaviors, and functional behavioral assessments with the

subsequent development and implementation of positive behavioral support plans were not done proactively. There was a pattern of student suspensions and multiple parent requests prior to functional behavioral assessments being completed. When plans were developed, there is no evidence that the students' teachers received training on implementation or that plans were implemented with fidelity. There were also reports that clear offers of FAPE were not offered in a timely manner and situations where no or limited services were provided when a student was in transition between settings, especially when the student was suspended and/or awaiting placement in a more restrictive setting.

Is there the availability of a continuum of placements and inclusive placements for students with disabilities, particularly Black students with disabilities?

As previously mentioned, a relatively small number of school sites implement inclusive practices. There is currently no district wide plan to increase and strengthen inclusive service delivery. School sites vary in terms of culture, politics, procedures, and expectations for students with disabilities to receive services in the general education classroom setting. Based on data reported to the state for the annual performance report, 57.67% of students with disabilities receive their education services in the general education classroom setting 80% or more of the school day. Interviews with families, focus group interviews with parent groups and other stakeholder groups, and review of student records revealed that there is inequitable access to inclusive services and placements and access to inclusive services and placements was associated with strong parent advocacy.

According to the district disproportionality study conducted by the CDE approved facilitator, Black students with disabilities are approximately 2 times more likely to receive educational services in a segregated, special day classroom (i.e., less than 40% in the general education classroom setting) and over 2 times more likely to receive educational services 40% to 79% in general education classroom settings. This data indicates that Black students are more likely placed in a more restrictive placement.

Are policies, procedures, and practices in place to ensure appropriate placement of students with disabilities, particularly Black students with disabilities, in inclusive placements and to monitor any disproportionate impacts, based on race and type of disability, of previous non-inclusive placement?

The district has a history of disproportionality in relation to race/ethnicity, type of disability, and placement of special education services. The district reports the data to the state in terms of racial/ethnic group and disability eligibility category and of type of disability and placement of special education services. However, there is no existing, systemic plan to assess the impact of disproportionate (underrepresentation or overrepresentation) identification of students from racial/ethnic groups in a disability eligibility category or disproportionate placement in more restrictive placements based on race/ethnicity. Sadie Hedegard, Assistant Superintendent of Special Education, Innovation, and Learning shared that the district over the last six months has begun work on developing a district plan to address the significant disproportionality that exists. Specifically, the district has developed a relationship with a CDE approved facilitator/coach, Geovanni Linares, Director of Special Education Local Plan Area (SELPA) has organized a Significant Disproportionality Leadership

and Stakeholder group, and there have been some meetings with stakeholder groups.

Of note, the district board policies and administrative regulations related to special education are outdated with most not revised or reviewed since 2002. As a result, the policies and procedures do not reflect current guidelines or evidence-based practices. There is a draft of proposed changes to the district special education-related policies and procedures, but these have yet to be reviewed or adopted by the school board. Sadie Hedegard shared that she is developing a timeline for when the revised policies and procedures will be presented to the school board for first reading, second reading, and vote for adoption.

Are there disparities in access to adequate education, special education, related services, accommodations, and modifications for students with disabilities and Black students with disabilities?

As mentioned previously, there is variability in timely access to effective services, programs, and activities for students with disabilities and Black students with disabilities in the least restrictive environment. Interviews with families, focus group interviews with parent groups and other stakeholder groups, and review of student records indicated disparities in timely access to special education, related services, accommodations, and modifications. One issue raised was that not all IEP team members were present and/or fully participating in the IEP process, including the meetings and implementation.

Currently, the district does not have in place a process for ensuring that the accommodations and/or modifications on a student's IEP are provided in a timely manner. In addition, there are no specific modifications to policies and procedures to avoid discrimination against students with disabilities and Black students with disabilities. As discussed above, the district is developing a plan to address the significant disproportionality that exists. This plan could also include a process for monitoring and reviewing IEPs to ensure that reasonable accommodations and/or modifications as well as services are provided to support student's individual needs.

Is district staffing adequate and effective in efforts to identify, instruct, and serve students with disabilities, including Black students with disabilities?

As is throughout the situation throughout the state, there continues to be a need to hire special education staff, including credentialed teachers and paraeducators. Based on available CDE data, there continues to be a discrepancy between the student population, including those with disabilities, and the teaching staff population in terms of race/ethnicity. Most of the teaching staff are white, while most students are people of color.

During interviews with stakeholder groups, there was concern raised about the number of school psychologists currently available to support interventions. The current ratio of school psychologist to students is 1 school psychologist for 2,200 students. For context, the National Association of School Psychologists (NASP) recommends a ratio of 1 school psychologist per 500 students. This ratio creates challenges for school psychologists to be actively involved in the SST and IEP development and implementation processes, to collaborate on a student's functional behavior assessment and positive behavior support plan development and ongoing implementation. Interviews with stakeholder groups and review of

student records noted that outside district providers were often contracted to conduct functional behavior assessments.

What is the staff development plan?

Other than the professional development plan for Multi-Tiered Systems of Support (discussed in the subsequent section), there is no evidence of a professional development plan to provide ongoing and sustained learning opportunities for administration, teaching staff, related service providers that are consistent with a district vision and goals to meet the diverse needs of all students, including those with disabilities. There is no current plan for professional development for all school site administrators and personnel to implement evidence-based inclusive education strategies, including but not limited to co-teaching. There is also no evidence of ongoing training for district administrators related to implementation of IEPs and 504 plans to provide FAPE in the LRE.

MTSS and other proactive prevention initiatives in the district

SCUSD has in recent years initiated and has not sustained nor fully implemented (District wide) a series of prevention initiatives. These include PBIS (some PBIS elements are known as SPARK in the district, and SPARK included other practices) and restorative practice (also referred to as Restorative Justice in some policy documents and reports (Wood, Harris III, & Howard, 2018). The District's PBIS system was halted because of SCTA's objections, including the filing of an unfair practice charge with the Public Employees Relations Board.

The most recent major initiative is focused on Multi-Tiered Systems of Support (MTSS). A new cohort of District Schools had begun PBIS training with the California PBIS Coalition (<https://pbisca.org/>) out of the Placer County Office of Education and according to Doug Huscher, staff development activities were postponed by CIO Beata to allow for the MTSS training. The MTSS initiative is addressed here briefly as the discussion of planned work arose in multiple focus group conversations.

MTSS is mentioned in federal legislation, but it not required. The Every Student Succeeds Acts (ESSA), which is the federal legislation for public education, references "multi-tiered system of support" five times, and most importantly about its use in literacy in kindergarten through grade 12 as an allowable use of grant funds [Sec 2224(e)(4)]. Furthermore, ESSA language indicates that a multi-tiered system of support is an approach for improving outcomes for students with disabilities and English language learners [Sec 2103 (b)(3)(F)]. The Every Student Succeeds Act (ESSA) prioritizes the need for expanded access to comprehensive school-based psychological and behavioral and social-emotional support services within multi-tiered systems of support (MTSS). With a focus on improving outcomes for all students, especially those who have been historically underserved, ESSA suggests that schools and districts implement a tiered system of support and allow states flexibility in developing their MTSS model for both behavior and academic needs (Education, 2019).

SCUSD has a history of incomplete implementation of different prevention initiatives (SEL, RP, PBIS) and there is no clear district wide coordination of these efforts.

These initiatives were driven at least in part by grant funding and then stalled when the funding was used up. A similar finding was reported in the CCEE SIR report (https://ccee-ca.org/wp-content/uploads/2021/01/SCUSD-SIR-Report_Final.pdf).

There is a MTSS staff development initiative that reportedly has support from SCTA (<https://ccee-ca.org/services/systemic-instructional-review/sir-reports/>), but their representatives indicated in an interview with the expert team were not aware of the scope and sequence or dissemination plan. We cannot verify the level of communication or agreement with SCTA given the information we had and acknowledge the legal actions SCTA has taken in the past to stop other interventions (e.g., SPARK).

Initial implementation of the MTSS professional development with Cohort 1 did not include representative special education staff members on school sites' MTSS teams. Given the special education focus of the current evaluation activity, the omission of special education staff members on the MTSS teams is a serious oversight. It was reported that inclusive practices coaches are part of Cohort 2, but it is not clear that special education teachers are part of the school site teams receiving this professional development.

While the MTSS initiative is underway (some staff development has been provided), no fidelity assessments have been conducted to guide practice moving forward. Brian Gaunt, MTSS consultant for the district reported that implementation of the fidelity assessments has been delayed (Stockslager, Castillo, Brundage, Childs, & Romer, 2016).

School Discipline

How equitable are exclusionary discipline outcomes?

- Race/ethnicity
- Gender
- Disability
- School attended

SCUSD has a very high suspension rate overall and disproportionate use. Multiple state reports and citations note a high suspension rate with disproportionality higher in some schools than others (California Dashboard, District Provided Discipline Data Summaries for the years specified in this evaluation project, <http://bmmcoalition.com/wp-content/uploads/2019/03/Capital-of-School-Suspensions-II.pdf>). This is also observed for the reported office referrals in data submitted by the District to the evaluation team.

Given our findings about the reliability and validity of the data collection and reporting system (described below), discipline data reports as reflected in Infinite Campus, and the California Dashboard should be considered inaccurate and unreliable. In the absence of written protocols and public review of the data, it is likely that some sites over-report and others under-report actual behavior incidences. As such, at least some of the variability in outcomes from school to school is a function of poor guidance and follow up by the district in a timely matter to emerging patterns of disproportionality.

How effective are District-wide and school-based student discipline and behavior management systems, policies, and practices, including data collection and data-based decision-making practices?

- Data collection and data-based decision-making practices?
- What fidelity assessments are currently used by the district?

Use of reporting policies and practices (Infinite Campus) is inconsistent from school to school and administrator to administrator

Data fidelity survey. The evaluation team had designed a survey to be delivered by an organization called Kelvin (<https://kelvin.education/features/>) along with fidelity items related to Special Education and Implicit Bias. Unfortunately, it was omitted from the survey when sent out to all school administrators in the district in late Spring, 2021. The evaluation team didn't learn about this error until late summer due to long intervals between replies from Kelvin, and we chose to complete our report based on available data and information rather than attempt to readminister the surveys. We believe strongly that these fidelity measures are collected and will include this as a recommendation resulting from our work. Those surveys/fidelity measures are included as Attachment A.

--Insert Attachment A Here--

Administrators have received written guidance for reporting exclusionary discipline but adoption and use of the reports is low. Administrators receive guidance on “data-based decision making” for reviewing exclusionary discipline data (Illuminate usage report) and there is a system for monitoring Illuminate usage by school/administrator discipline but use of the reports is low.

The ABC reports, which were implemented in 2018-19, are an outgrowth of PBIS (Spark) implementation and early warning (school failure risk) research (Rumberger et al., 2017). The district’s student support services and academic offices had invested significant resources to track student engagement data and requested additional district support to automate their processes as much as possible to increase their ability to “see” and “support” all students across multiple measures.

In keeping with the vision of adopting and implementing formative reporting measures aligned to the district’s Performance and Targeted Action Index (PTAI) performance management system, district personnel collaborated with UC Merced to develop the Attendance, Behavior, and Course performance (ABC) Reports within Illuminate (<https://www.scusd.edu/illuminate>). These reports are designed to be a collection of easy-to-use tools that incorporate early warning system research regarding the importance of attendance, behavior, and course performance as essential indicators for identifying and intervening with at-risk students (Balfanz, Bridgeland, Moore, & Fox, 2010; Rumberger et al., 2017). The reports are designed to help individual educators, site instructional leaders, school site councils, and other members of the school community identify trends and patterns across grade levels, ethnic and racial groups, and student programs.

The strength of the system is that data elements are linked to California Dashboard summary data and a planning/goal setting function is built into the system. This could be a powerful information management tool and has potential to link to the MTSS staff development project reportedly underway in the district. Ed Eldridge Director III, Strategy and Innovation provided a personal observation that most schools do not utilize the reports, and even when a report is generated for a site administrator, it is unlikely to be used. In addition, in an interview with Brian Gaunt, MTSS trainer and consultant for the district, he stated he was unaware of this system, even though the “year 1” MTSS training is focused data use, and data-based decision making.

Sites report and use Office Discipline Referral data differently (some are paper, computer, etc.). The district has adopted Infinite Campus (<https://www.scusd.edu/infinitecampus>) as the central data entry point for discipline (and other) data. Rhonda Rode, Director, Student and Data Systems, was very helpful in describing how the system is designed to work, and she and Ed Eldridge provided the exclusionary discipline summaries for review in this evaluation project. Informal discussions with Rhonda and Dr. Eldridge revealed that while schools are encouraged to use the data entry system for office referrals, there is not universal adoption of the system. Some sites use paper forms for some types of disciplinary actions and others make fuller use of the Infinite Campus system. Obviously, an equity lens would dictate that all sites use the system in the same manner, using the same protocol (see our recommendations later in this report).

Administrators receive limited guidance for implementing “other means of correction”. Non-reportable offenses become “other means of correction” (locally defined behaviors). There is a policy allowing use of “cool down” rooms or in school suspension but there is no common approach or clear guidance for administrators

Written Protocols for implementing Suspension Alternatives are Absent. While there are policies encouraging the use of disciplinary alternatives (see Other Means of Correction in the background section), there is little guidance in effective or equitable implementation of these practices, and no fidelity of implementation data were reported or found.

Recently (before the COVID pandemic), a Behavior subcommittee was working on consistent discipline protocols. These were shared with all principals and assistant principals for feedback 2 years ago. This committee was in the process of responding to the feedback and were asked by the Chief Academic Officer to pause. The pause coincided with the introduction of the MTSS staff development work, and the district has not returned to the Climate/Behavior workgroup. The working draft of the discipline protocols can be viewed here: <https://docs.google.com/document/d/1kZF3MtNZlx99BKgarQF2twmVDH0trvNKvK1lhJAXRI/edit?usp=sharing>. This document illustrates a sequence of “suspension alternatives” and it is recommended that this document be completed, and it’s use required and adopted district wide.

Some parents and administrators are reluctant to record exclusionary discipline events for fear of negatively impacting the student in the future. A troubling finding that emerged in our focus groups with parents and administrators is a reluctance to report and record the use of disciplinary incidences (refer to lack of clear guidance or data entry protocols) due to the belief that juvenile court judges will use these data to provide stronger sanctions for justice-involved youth.

What fidelity assessments are currently used by the district?

As described in the background section of this document, routine use of fidelity assessments is considered a critical best practice for assuring the consistency and quality of service delivery, including how exclusionary discipline (or other means of correction) is used, and how the data are reported and used for decision making. We found limited evidence of the use of such fidelity tools, and this likely contributes to inconsistent and biased use of exclusionary discipline. STOP It is also likely to contribute to either over- or under-reporting of disciplinary incidents, making the data systems used by the district (and reported to the state) unreliable and as such, invalid.

Bullying and Harassment policies, procedures, and data collection

Policies and Procedures for Bullying Reporting are in place. In October 2009, SCUSD’s Integrated Support Services Department, Safe Schools Office and Youth Development Department convened a district-wide Bullying Prevention Task Force with the goal of developing a strategic plan to help reduce bullying across the district by addressing critical policy, program, training, and funding issues. The result was a report and a 15-point plan addressing policy, program, and training, education, and awareness activities.

Many of these strategies have been put in place and the table below summarizes this progress. We observe that the system has mainly achieved methods for reporting and responding to bullying and harassment and there is a need to achieve a more coherent, district wide prevention approach.

Strategy	Progress
Develop District Bullying Policy	Administrative Regulations Approved 4/12/12, Revised 3/16/15, Revised September 2021 Board Policy adopted: June 2, 2011
Create District-Wide Committee Focused on Bullying and Harassment	Bullying Prevention Advisory Committee was changed to School Climate Collaborative (parents, district staff, community members) met regularly from 2013-2020
Create Position to Oversee Bullying Prevention and Intervention	Position hired in 2011 Position not filled since 2/2020
Develop Best Practices and Mandatory Actions for School Staff and Administrators	Each school creates a Bullying Prevention Plan that is attached to the Comprehensive School Safety Plan. Comprehensive School Safety Plans are overseen by Ray Lozada, Director of Safe Schools School Climate plans outlining a three-tiered were developed at select schools
Develop a Variety of Mechanisms for Reporting Bullying , Including a District Hotline	Bullying prevention website at SCUSD includes information and reporting procedures (https://www.scusd.edu/school-climate-and-bullying-prevention) Report of Suspected Bullying in place (paper form, on website, at school sites) We Tip Anonymous Line Text reporting system is under consideration
Support Research Connected to Bullying, Harassment and Cyber safety	Bully Prevention Specialist attended several conferences and trainings – ongoing SCUSD has partnered with bullying prevention data analysis with Sacramento County office of Education
Implement Bullying Prevention Programs at all Schools	Several prevention curricula have been utilized by various schools in the district (admin training materials include a longer list of recommended practices) <ul style="list-style-type: none"> ● Second Step ● Steps to Respect ● eVIBE Stop and Think ● eVIBE Too Good for Violence ● Safe School Ambassador Program ● School Connect ● Leader in Me ● Caring School Community *Annual Rally at the Capital/Unity Center each year “Stand Up, Speak Out youth rally”
Create a Youth Action Team to Provide Leadership on	Youth participated on the school climate collaborative

Strategy	Progress
District Bullying Prevention Efforts	
Focus on Populations at High Risk for Bullying	<p>Training and information provided specific to High Risk Populations</p> <ul style="list-style-type: none"> ● Annual Conference (No Time to Lose) ● LGBTQ/Bullying Prevention presentations given annually to interns from local universities ● LGBTQ/Other High Risk populations outlined in training events and materials ● Ongoing collaboration with the Connect Center on LGBTQ support services https://www.scusd.edu/connect-center
Enrich and Expand Partnerships with City, County and Community organizations	<p>Student Support and Health Services has over 120 community partners, many of which were for utilized for bullying prevention:</p> <ul style="list-style-type: none"> ● District Attorney’s Office ● Victims of Crime Resource Center (Legal presentations about cyberbullying) ● Sacramento County Office of Education ● Regional Coalition for Tolerance ● BRAVE Society ● STORM (Special Team of Role Models) ● Sacramento Children’s Home ● Health Education Council ● Sacramento Youth Minority Violence Prevention Collective
Provide Counseling and Other Support Services to Victims and Perpetrators of Bullying	<p>Approximately 30 schools have Student Support Centers SCUSD has a district wide support center called “Connect Center” (https://www.scusd.edu/connect-center).</p>
Provide Education and Training to Students	<p>Select schools have provided training and information, via curriculum, community partners, or a direct training. All schools are provided with “Be Internet Awesome” a free curriculum that teaches kids the fundamentals of digital citizenship and safety.</p>
Provide Training and Support to Parents	<p>Ongoing – at select schools</p> <ul style="list-style-type: none"> ● PowerPoint for Parents ● Attendance log is taken
Provide Professional Development Training for all SCUSD Staff	<p>Ongoing – classified, school staff</p> <ul style="list-style-type: none"> ● PowerPoint for Staff ● Attendance log is taken
Provide Training and Consultation to Administrators	<p>Administrator training is given annually.</p> <ul style="list-style-type: none"> ● Two hours ● Every administrator must be trained every two years ● Administrators are to provide one hour of training to teachers and any additional admin ● Sign in sheet to document attendance at the training

There is limited evidence of a clear and consistent approach to bullying and harassment prevention. While there are district-level policies in place to manage bullying and harassment response, there appears to be no consistent adoption of a comprehensive bullying prevention approach, such as those described in the background section above. In many of our focus group interviews, Jessica Wharton (currently Director I, Behavior and Re-Entry, and currently overseeing bullying prevention activities) was described by parents as helpful in achieving more consistency in responding to bullying incidences and development and implementation of Safety Plans . There also is a Title IX Coordinator, who oversees harassment for the district. Although the district has committed to hiring a Bullying Prevention Specialist to be housed in the Student Hearing and Placement Department, the position has not been filled yet. For such a critical area of need, the districts' capacity to reduce the harm done from bullying and harassment is severely under-resourced. This appears to result in a mostly reactive approach, where investigations of bullying reports are compromised, and failure to develop or implement high quality safety plans is common.

Use of reporting policies and response practices is inconsistent. Given the lack of a systematic approach, it appears administrators are allowed to decide which reports are recorded, and such are the final judge of whether bullying occurred. While this may seem logical on its face, the lack of consistency from building to building and situation to situation leaves open the influence of implicit bias, and other forms of bias. Safety Plans, required to be developed to protect bullying victims, are inconsistently written, sometimes not completed, and not consistently implemented. This inconsistency was also apparent in our parent interviews, where it was common for black students to be accused of “starting a fight” (and ultimately suspended) where a competing perspective what that those students were actually bullied first, the classic “bully-victim” (Sprague & Walker, 2021).

Influence of Implicit Bias

District Policies and Procedures

Findings indicated that the district policies and procedures that are currently being used have not been updated for many years, some as far back as 2002. State and federal guidelines have since changed, and the Sacramento City Schools have yet to adopt these changes. The guidelines have not been updated to reflect the new policies on bullying, suspension, and expulsion. It is imperative that the district review its current policies to ensure they reflect the new law. There is a lack of procedural clarity around policies and procedures. School sites vary in terms of culture, policies, procedures, and expectations for students with disabilities to receive services in the general education setting. Policies and procedures are very outdated and do not reflect current guidelines or evidence-based practices and this does not support the students and staff of the district.

Implicit Bias in Special Education

The findings indicate that timely access is not evident to students and families of color. Parent, various parent group interviews, and student records indicated that access to services to facilitate success in LRE was limited and offers of FAPE often were not presented to parents. Findings also indicated that functional behavioral assessments (FBA) were not done proactively to develop and implement behavior intervention and support plans. Evidence also indicated that many times, plans were written but not followed. Student records and parent interviews indicate students were referred to NPS due to the district's inability to provide the necessary support to stay in LRE. Various interviews indicated there is limited access to less restrictive placements, reliance on Special Day Classes.

Also, school sites vary in terms of the quality of services. Parents, various parent group interviews, and student records also indicated not all students are treated with equity. They mentioned that access was related to parent involvement and advocacy for inclusive placements. Parents and various parent group interviews indicated that there is an influence of Implicit Bias when determining placement for Black and brown students. There is no evidence that the district has a plan for ensuring that accommodations/modifications on IEPs are provided. Parents and various parent group interviews reported that there is an influence of Implicit Bias when determining access, accommodations, and modifications for Black and Brown students. Also, it was indicated that IEPs are not always shared with all members of the students' team and if shared, not implemented by all the staff (i.e., general education staff).

Implicit Bias in Discipline

According to the student records and interviews with various groups, there is an indication that bias does play a role in disciplining students of color, particularly Black boys in Sacramento City Schools. Parents reported that their children were pulled out of class or sent home frequently for behavior issues. Many parents also reported that they were not informed of the consequences until it escalated to the principal and many times their child was the only one punished.

According to the District Disproportionality survey for Sacramento City, Black students are the fourth large subgroup in enrollment, however, they represent the most students in special education. SCUSD has a history of incomplete implementation of different prevention initiatives (SEL, RP, PBIS) and there is no coherent district-wide coordination of these efforts. They seem to be driven by grant funding and then stall when the funding is gone. There is a new MTSS staff development initiative that reportedly has support from SCTA, but their representatives reported they were not aware of the scope and sequence or dissemination plan. The SCTA is not adequately involved in the planning or implementation of the MTSS initiative, and this is important for the district. There are many stakeholders within the district who are aware of the work that needs to be done and are willing to do so; having them lead the charge would be beneficial for the district.

Summary of Administrator survey

The experts worked with Kelvin, the company the district has contracted for surveys to create a survey for site administrators assessing their knowledge of the district's policies and procedures regarding discipline, special education, and implicit bias. All the experts created questions and only the following questions had responses. The survey was sent to administrators at all 75 school to provide their input, however, only 33% of the participants responded to the survey, which is a very low percentage.

The following questions were asked to the site administrators to help gain their perspective regarding implicit bias (see Appendix *):

1. My school provides family engagement activities for Black families and other marginalized communities that are at risk of academic probation.
 - 1 In place: 11/32 (34%)
 - 2 Partially in place: 15/32 (46%)
 - 3 Not in place: 2/32 (6%)
 - 4 No Response: 4/32 (12.5%)
2. The district provides staff development trainings discussing systemic racism and cultural diversity and the impact on Black students and other students of color.
 - 1 In place: 12/32 (37.5%)
 - 2 Partially in place: 12/32 (37.5%)
 - 3 Not in place: 4/32 (12.5%)
 - 4 No Response: 4/32 (12.5%)
3. The district has a process to identify patterns with referrals and suspensions of Black students and other students of color.
 - 1 In place: 9/32 (28%)
 - 2 Partially in place: 13/32 (40.6%)
 - 3 Not in place: 6/32 (18.75%)
 - 4 No Response: 4/32 (12.5%)
4. My school has processes and practices in place to ensure Black students, and other students of color, have equitable access to honors, AP, and STEM classes.
 - 1 In place: 16/32 (50%)

- 2 Partially in place: 9/32 (28%)
 - 3 Not in place: 1/32 (3%)
 - 4 No Response: 6/32 (18.75%)
5. The district encourages the representation of Black teachers and teachers of color in their hiring and retention practices.
- 1 In place: 4/32 (12.5%)
 - 2 Partially in place: 12/32 (37.5%)
 - 3 Not in place: 10/32 (31.25%)
 - 4 No Response: 6/32 (18.75%)

The participants were asked to determine whether the district had certain trainings and processes in place by providing the rating of 1) in place, 2) partially in place, and 3) not in place. These specific questions were asked to understand if the site representatives feel that the district has supports in place for marginalized families, specifically Black families. The responses were confidential.

The result of the survey is a snapshot of the district as it only represents a small population of the district and should be interpreted with caution. According to the responses given by the administrator, the district does have supports in place for families, however, the survey results indicate that this is not the case for all school sites. Parent interviews and student records corroborate that each school site varies in terms of service, discipline, and parental interaction. The results of the survey indicate that the administrators that did respond to the survey do not feel that there are supports in place for the underrepresented, marginalized, groups, specifically the Black community. Perhaps, the most notable response is to question five, regarding the representation of Black teachers and teachers of color in hiring and retention. Only 12.5% of the administrators felt that the district encourages representation in their hiring and retention practices. This is an area of need for the district to focus on as the student population in the district is incredibly diverse compared to the teaching staff.

It is recommended that the district send out a survey to the staff with all the questions to understand the mindset of the staff and the supports that are needed. A survey will provide input from the staff directly in contact with the students and the parents of the district. This information can assist the district in understanding current initiatives in place and identify areas of opportunity for the district.

Recommendations

Special Education Recommendations

This section details the recommendations regarding special education services resulting from our evaluation activities. Attachment B provides a table aligning the main findings and recommendations.

A vision and plan for inclusive education/service delivery. The district should develop a comprehensive vision and plan for providing equitable inclusive education practices that values and celebrates student diversity and strengths and facilitates meaningful access and participation. The vision and plan development should be a collaborative effort between general education and special education administration and staff as well as all relevant stakeholders, including but not limited to students, family members, community leaders, SCTA representatives. The plan should include actionable steps to increase opportunities to all students with disabilities, particularly Black students with disabilities, to receive special education services and supports within general education settings in their home school. In addition, the plan should include a realistic timeline to scale-up implementation of inclusive service delivery across the district. As part of this plan, the district should provide professional development, including coaching, for all staff (general and special education teachers, administrators, related services personnel) on appropriate definitions, models, and evidence-based practices for inclusive service delivery. All professional development opportunities provided should be considered complementary and not viewed as parts of separate initiatives.

As the district moves forward with implementation of the plan, it should develop their own fidelity assessment tool or modify existing tools (e.g., SWIFT-FIA; SAM Fidelity Assessment) to monitor and evaluate progress in relationship to inclusive service delivery. The current MTSS initiative can be part of this comprehensive vision and plan. (See additional recommendations related to the current MTSS initiative later in this recommendations section.)

District policies, procedures, and guidelines. The district should continue to update policies, procedures, guidelines, handbooks, etc. to reflect the most up-to-date state and federal mandates and the district's vision. In addition, the district should develop and implement a clear process (Special Education Handbook) by which a student who has been placed in a more restrictive placement can return to the least restrictive environment of the general education classroom and to help the staff understand the various strategies and practices to support the student. This process needs to be shared and reinforced with all employees to ensure that all employees and all school sites follow procedures to limit potential bias at specific school sites.

Identification and assessment for special education services. To ensure the timely and equitable identification and assessment of students with disabilities, the district can create and consistently implement district-wide systems and policies for identification and assessment of students with disabilities. These systems and policies should support clear

processes for referring students to be evaluated for special education eligibility (i.e., when during the MTSS process it becomes evident that the student may qualify for special education services). Furthermore, the district should develop routine and consistently implemented monitoring and review of referral, evaluation, and eligibility decisions

The district should provide training on timelines and evidence-based practices for all processes, including “child find”; referral to assess for eligibility; initial, annual, and triennial assessments; and IEP development and implementation. In addition, procedures that facilitate timely response to parental requests for assessment should be developed and implemented as well as evaluated on a regular basis.

Equitable access to effective implementation of FAPE (i.e., IEPs, services, programs, activities, etc.) for students with disabilities in the least restrictive environment. The district should continue its efforts to create a district-wide system to address issues and problems that arise related to disproportionate impact of race, type of disability, etc. The goal is to create an equitable process that ensures all students receive access based on their individual strengths and needs. Therefore, increase opportunities to all students with disabilities, particularly Black students with disabilities, to receive special education services and supports within general education settings in their home school.

Based on the findings of this evaluation, additional, specific recommendations include:

- Develop a process for routine monitoring and review of IEPs to ensure that reasonable accommodations and/or modifications are provided to support student’s learning and individual needs in the least restrictive environment.
- Develop a process to determine the least restrictive environment for individual students to be used consistently across IEP teams and schools. An example of a checklist that could be used can be found at <https://famielstogtherinc.org/least-restrictive-environment-lre-checklist/>
- Ensure all IEP team members (including family members, general education teachers) are involved when determining special education and supplementary services for students.
- Ensure that functional behavior assessments are conducted, and positive behavioral interventions and support plans are developed and implemented in a timely manner to support students' access to the least restrictive environment.
- Provide training to all staff to help identify bias in the IEP process and placement of students of color.
- Provide ongoing professional development for all areas of need, including but not limited to implicit bias, inclusive practices, IEP and 504 processes, etc. for all personnel who interact with students who have disabilities.

Adequate and effective district staffing. The district will want to develop a plan to recruit and retain staff of color. This recruitment can be done at Historically Black Universities (HBU), Hispanic Universities, and other organizations that support students of color. Moreover, the district can implement community outreach to foster relationships with the members of the community who can support students of color and can assist with efforts to recruit staff of

color. The district also can develop and implement a plan to improve the ratio of school psychologists to students, such that they can provide and support MTSS and special education interventions.

Continued implementation of the MTSS initiative. The district should continue to implement the proposed MTSS plan to include ongoing professional development for school site administrators and staff to build the capacity of schools to implement data-based decision-making. It is essential that stakeholders that represent special education (e.g., special education teachers, inclusion practices coaches, school psychologists, related service providers, etc.) are part of this professional development plan, in terms of providing input and receiving the training and on-going coaching. The district needs to collaborate with SCTA and other stakeholder groups to ensure school staff buy-in to implementation of MTSS.

The plan for MTSS implementation also needs to ensure collaboration between general education and special education staff so that the MTSS process is followed through and exhausted prior to special education referral. As part of MTSS implementation, each school should have monthly reviews of student progress data and problem-solving around outcomes. However, the MTSS process should not stand in the way of a referral for eligibility to receive special education services. MTSS can enhance but cannot supplant special education services.

School Discipline Recommendations

This section details the recommendations regarding school discipline resulting from our evaluation activities. Attachment B provides a table aligning the main findings and recommendations.

Reporting policies and practices. Given the lack of clarity and consistency regarding discipline incident reporting, data entry, and data use, the following recommendations are offered:

- **Produce a detailed guide (Data Discussion Guide) for recording and using Infinite campus with standardized behavior definitions and protocols for using “other means of correction”, and criteria for use of other consequences.** While the California Education code provides definitions of behaviors covered by that statute, other data elements related to Office Discipline Referrals are included in Infinite Campus but there are no operational definitions of those behaviors or the corrective actions that may result. The district should also provide detailed staff development and coaching for administrators on data entry and use and require consistent and common use of data entry protocols across all schools.
- **Provide a guidance document and monthly on-site review of the use of, referrals, ISS, OSS and “other means of correction”. The monthly reviews should be in person and include problem-solving discussions around data patterns of concern, such as disproportionate outcomes.** To impact the practices leading to over- and disproportionate use of exclusionary practices such as OSS, teacher suspensions, and

office referrals we recommend a monthly review of these data for each school. These reviews should preferably be in person with the admin team (or building leadership team for discipline) and involve problem-solving discussions around areas of concern. Response plans should be updated using the SPSA CCI tool described in this document and managed by Ed Eldridge.

- **Provide guidance for implementing “cool down” room procedures, including data collection and decision-making practices.** While the policy describing and allowing the use of “cool down” rooms in schools, it is unclear (or was not provided) if there is any procedural guidance regarding use of these rooms/procedures. It is recommended that all schools follow a common protocol for use of these rooms, aligned with research- supported protocols for implementation and data collection. In the absence of this guidance, it is likely that some schools will over-use and/or underreport the frequency and duration of time children and youth spend in these conditions. The protocol should include rules for when to modify or abandon the procedure if there is no evidence of improvement.

- Schools should use a “cool down room” data sheet to supplement the office discipline referral form.
 - Documentation elements should include:
 - Date
 - Student’s name
 - Race/ethnicity
 - Gender
 - Special Education Status
 - Other risk factors (homeless, LGBTQ, other)
 - When cool-down occurred
 - Start/stop/duration of the cool down period
 - Target behavior that resulted in “cool down”
 - Type of cool down used
 - Who gave cool down?
 - Student’s behavior and any emotional reactions during or after cool down
 - Types of Data Summaries:
 - Effects on target behavior
 - Use of the cool down procedure
 - Frequency
 - Duration

- **Conduct routine fidelity assessments of data use and reporting at the school level. Report these results to the school board.** We found no evidence of systematic, district-wide use of fidelity assessments related to school discipline practices. Brian Gaunt (MTSS consultant) reported that a fidelity tool designed by his team was available but had not been used yet. Our review of the items in this instrument (Stockslager, Castillo, Brundage, Childs, & Romer, 2016) suggests there is insufficient

detail around school discipline practices to fully assess the implementation of disciplinary alternatives and data-based decision making.

- **Contact local juvenile authorities and develop an agreement about how student-level discipline data are used.** Many parents in our focus groups and the administrator group we interviewed mentioned a reluctance to record disciplinary actions because there is a belief that juvenile court judges may unfairly use the information in sentencing or other forms of disposition for justice involved youth. It is critical that an interagency agreement be made and followed by all schools (Teske, 2012).

Bullying Prevention and Response. As described earlier, the district appears to have a huge range of implementation of the anti-bullying policy (SCUSD AR 5145.4 - Anti-Bullying (SC248964xAAE13). There also appears to be no coherent or formal adoption of any evidence-based bullying prevention approaches. This puts schools and district personnel in a mainly reactive mode.

- Adopt a formal bullying prevention curriculum or approach that clarifies when and when not to use “restorative justice” (C.P. Bradshaw, 2015)
- STOP Provide a clear written policy and training for administrators and staff members in bullying prevention and response procedures
- Conduct a monthly review of all bullying incidents, including how the data were reported, and whether the anti-bullying protocol was followed
- Conduct a systematic review and follow up of all safety plans for comprehensiveness and consistency of implementation
- Align the work of the Title IX coordinator and the Bullying Prevention Specialist (yet to be hired)

Procedures to reduce the use of and need for exclusionary discipline. This report described in the background section some of the evidence-supported interventions shown to have an impact on disproportionate outcomes. It is not the role of this evaluation team to specify which interventions are adopted and there is concern about the district’s recent history of adopting intervention approaches (e.g., PBIS, Restorative Justice/Practice) and then abandoning the initiative due to union or administrator resistance, or loss of grant funding.

If the MTSS staff development plan is to continue, there must be a focus on adopting evidence-supported interventions and provide staff development and coaching support. A very recent example of this approach is Implementing PBIS to Achieve More Equitable Outcomes: The ReACT Process (Kent McIntosh et al., 2021).

With ReAct, the process is as follows:

- Meet with district administrators
- Meet with school administrator(s)
- Meet with school leadership teams

- Meet with SCTA representatives (added by the author of this report)
- Attend staff and team meetings
- Complete awareness-building activities (as needed)
- Assess data to identify root causes
- Select Culturally responsive behavior support strategies
- Teach about implicit bias and strategies to neutralize it
- Develop and use a follow-up plan for each school
- Provide individual coaching (as needed)

Facilitators of Success include:

- Focus on implementing Tier 1 PBIS with fidelity (Algozzine et al., 2014)
- Monthly school based PBIS team meetings focused on using data to problem solve (not only on “acknowledgements”)
- Use a data system that allows for disaggregation, especially by race/ethnicity (e.g., SWIS <https://www.pbisapps.org/products/swis>). Our view is that if the district enhances use of the Infinite Campus and the SPSA CCI Tool it can potentially meet those criteria (see findings and recommendations above)
- Provide specialized training/coaching to PBIS/MTSS data specialists
- Monthly district level PBIS/MTSS coaches’ meetings to provide TA and coaching in a structured manner
- Consistent District Leadership Team meetings with senior leadership (Superintendent, Assistant Superintendents, etc.)
- A decision making process that allows for stakeholder input and ownership

It is important to note that PBIS researchers have worked to publish research outcomes on what PBIS practices alone have not been shown to accomplish. This is also true of all other interventions. This report included the ReACT research as an example of how PBIS systems can be integrated with other approaches to improve racial equity outcomes.

The ReACT research also demonstrates the need for an intentional focus on implementation systems and fidelity assessments, not simply choosing a labeled approach and implementing staff development activities. One recommended option for SCUSD is to use the process outlined by the National PBIS Center (<https://www.pbis.org/resource/technical-guide-for-alignment-of-initiatives-programs-and-practices-in-school-districts>) and Dr. Sprague was one of the authors. The National Implementation Research Network also offers planning documents <https://nirn.fpg.unc.edu/resources/district-capacity-assessment-technical-manual>.

It should also be made clear that NO single intervention approach has been shown to dramatically reduce black male disproportionality in secondary schools. Therefore, we also recommended taking steps to make the data collection, review and reporting process more reliable, and by definition valid. This includes regular public review of outcomes at each school (recommended monthly) and at least annual fidelity assessments (two based on data systems (Attachment A) and intervention fidelity for interventions would be specific to those chosen).

Implicit Bias Recommendations

District Policies and Procedures

It would behoove the district to ensure policies and procedures are updated to meet State and Federal Mandates supporting all students. There have been many changes regarding discipline, suspension, and expulsion, etc. that should be updated. The updated policies and procedures should be viewed through a lens of equity and should eliminate any bias that may be embedded into them. In one of the previous reports, a recommendation for District-wide training on Implicit Bias was given but has not been done. During the interviews, it was noted that all union team members acknowledge this was recommended, however, no one has ensured the training has been implemented. Ideally, the Implicit Bias training should be done by a professional 3rd party group that does Diversity, Equity, and Inclusion (DEI) training. The training should identify and define implicit biases and how it should be addressed when it shows up in disciplinary actions, especially towards Black students and students of color. In addition, having a training regarding debiasing techniques and culturally relevant pedagogy to help learn about the various types of techniques to support staff and students. These trainings should be available to all members of the district so that there can be consistent language and learning across the board.

Implicit Bias in Special Education

As shown in the findings, there is a strong indication that Implicit Bias is present during the referral process and special education placement. There are many ways the district can rectify this and ensure this does not continue to occur. The district should provide professional development, including coaching, for all staff (general and special education teachers, administrators, related services personnel) on appropriate definitions, models, and evidence-based practices for inclusive service delivery. The district should develop and implement a clear process (Special Education Handbook) by which a student who has been placed in a more restrictive placement can return to a less restrictive placement and to help the staff understand the various LREs and placement options. The district should work to ensure that functional behavior assessments are conducted, and positive behavioral interventions and support plans are developed and implemented in a timely manner to support students' access to LRE.

Implicit Bias training specifically, bias in the IEP and process, should be done for the Special Education staff members to understand how our own biases show up in the IEP. The district would benefit from Increasing opportunities for all students with disabilities, particularly Black students with disabilities, to receive special education services and supports within the general education settings in their home school. Also, the district should develop a plan to scale up the implementation of inclusive service delivery across the district. To support students, it would be beneficial to create an equitable process that ensures all students receive access based on their individual strengths and needs. Also, it is important to ensure all IEP team members are involved when determining special education and supplementary services for students.

Implicit Bias in Discipline

Based on the findings, it is important that the district look at its current discipline policies to see how they impact all students. It is important that the district support policies that support student learning and are equitable for all students. As each school site has its own policies, it would behoove the district to create a district-wide initiative to ensure fair and equitable treatment for all students. The district has a plan that needs to be put into place and should include all stakeholder's input. There should be collaboration between District, SCTA, and other entities needs to occur for the school staff to buy-in to implementation. There needs to be collaboration between general education and special education staff to ensure MTSS is followed through and exhausted prior to special education referral. For MTSS to be successful, each school will have monthly reviews of student progress data and problem-solving around outcomes.

To specifically support the exclusionary discipline that impacts Black boys in the district, including mental health professionals when working on the policies can ensure an objective lens of support. Proposed intervention strategies that school-based mental health professionals can use to change the trajectory of African American males within the educational system include a) the review of discipline data to make informed decisions about whether student interventions are necessary; and b) an assessment to determine whether teacher consultations would better address issues surrounding disproportionate discipline practices towards African American males. (Darensbourg, et al. 2010). Providing cultural competency trainings for staff members and community members would help ensure anyone who has access to the diverse student population would know how to work with them. Training should be provided by a 3rd party organization that supports working with students of color, specifically Black students to help understand cultural differences and they can be used to support the student, rather than punish them.

Limitations of This Evaluation Activity

It is important to note some limitations to this evaluation project:

- The project was carried out during the COVID pandemic.
- We were not able to visit any school sites in person, nor conduct in person interviews.
- The comments on policy and student records were derived only from material provided by the district. It is possible that some of our findings are limited by lack of access to, or discovery of important information.

As stated in the previous section on limitations, this evaluation activity was completed during the ongoing COVID pandemic, creating numerous difficulties in data collection, particularly the opportunity to visit families, teachers, administrators, and district staff members face to face. That said, we collectively found all district staff members to be very willing to help with honest responses to our question and by providing data as available. We are most grateful for that.

We also acknowledge that the solutions proposed from our findings represent a complex set of choices and activities that will require cooperation from all stakeholders in the district (students, families, union, administrative personnel) to have any chance for improving the negative outcomes that led to the implementation of this evaluation activity and the two other major reports (Great City Schools and the California Collaborative for Educational Excellence).

List of Attachments

Attachment A: Discipline Data Collection and Reporting System And Special Education Practices Fidelity Assessment

Attachment B: Summary of Findings and Recommendations

Attachment C: Administrator Survey Results

Attachment D: Admin Survey Responses July 2021

Attachment A: Discipline Data Collection and Reporting System Fidelity

PBIS TFI Data System Fidelity Measures		
Feature	Possible Data Source	Scoring Criteria
<p>1.5 Problem Behavior Definitions School has clear definitions for behaviors that interfere with academic and social success and a clear policy/procedure (e.g., flowchart) for addressing office-managed versus staff-managed problems.</p>	<ul style="list-style-type: none"> • Staff handbook • Student handbook • School policy • Discipline flowchart 	<p>0 = No clear definitions exist, and procedures to manage problems are not clearly documented 1 = Definitions and procedures exist but are not clear and/or not organized by staff-versus office-managed problems 2 = Definitions and procedures for managing problems are clearly defined, documented, trained, and shared with families</p>
<p>1.6 Discipline Policies: School policies and procedures describe and emphasize proactive, instructive, and/or restorative approaches to student behavior that are implemented consistently.</p>	<ul style="list-style-type: none"> • Discipline policy • Student handbook • Code of conduct • Informal administrator interview/focus group 	<p>0 = Documents contain only reactive and punitive consequences 1 = Documentation includes and emphasizes proactive approaches 2 = Documentation includes and emphasizes proactive approaches AND administrator reports consistent use</p>
<p>1.12 Discipline Data: Tier 1 team has instantaneous access to graphed reports summarizing discipline data organized by the frequency of problem behavior events by behavior, location, time of day, and by individual student.</p>	<ul style="list-style-type: none"> • School policy • Team meeting minutes • Student outcome data 	<p>0 = No centralized data system with ongoing decision making exists 1 = Data system exists but does not allow instantaneous access to full set of graphed reports 2 = Discipline data system exists that allows instantaneous access to graphs of frequency of problem behavior events by</p>

PBIS TFI Data System Fidelity Measures		
Feature	Possible Data Source	Scoring Criteria
		behavior, location, time of day, and student
1.13 Data-based Decision Making: Tier 1 team reviews and uses discipline data at least monthly for decision-making.	<ul style="list-style-type: none"> • Data decision rules • Staff professional development calendar • Staff handbook • Team meeting minutes 	<p>0 = No process/protocol exists, or data are reviewed but not used</p> <p>1 = Data reviewed and used for decision-making, but less than monthly</p> <p>2 = Team reviews discipline data and uses data for decision-making at least monthly. If data indicate a problem, an action plan is developed to enhance or modify Tier 1 supports</p>
2.11 Student Performance Data: Tier 2 team tracks proportion of students experiencing success (% of participating students being successful) and uses Tier 2 intervention outcomes data and decision rules for progress monitoring and modification.	<ul style="list-style-type: none"> • Student progress data (e.g., %of students meeting goals) • Intervention Tracking Tool • Daily/Weekly Progress Report sheets • Family Communication 	<p>0 = Student data not monitored</p> <p>1 = Student data monitored but no data decision rules established to alter (e.g., intensify or fade) support</p> <p>2 = Student data (% of students being successful) monitored and used at least monthly, with data decision rules established to alter (e.g., intensify or fade) support, and shared with stakeholders</p>
3.14 Data System: Aggregated (i.e., overall school-level) Tier 3 data are summarized and reported to staff at least monthly on (a) fidelity of support plan implementation, and (b) impact on student outcomes.	<ul style="list-style-type: none"> • Reports to staff • Staff meeting minutes • Staff report 	<p>0 = No quantifiable data</p> <p>1 = Data are collected on outcomes and/or fidelity but not reported monthly</p> <p>2 = Data are collected on student outcomes AND fidelity and are reported to staff at least monthly for all plans</p>
3.15 Data-based Decision Making: Each student's	<ul style="list-style-type: none"> • Student progress data 	<p>0 = School does not track proportion, or no students</p>

PBIS TFI Data System Fidelity Measures		
Feature	Possible Data Source	Scoring Criteria
individual support team meets at least monthly (or more frequently if needed) and uses data to modify the support plan. to improve fidelity of plan implementation and impact on quality of life, academic, and behavior outcomes.	<ul style="list-style-type: none"> Tier 3 team meeting minutes 	have Tier 3 plans 1 = Fewer than 1% of students have Tier 3 plans 2 = All students requiring Tier 3 supports (and at least 1% of students) have plans

This checklist was adapted from <https://www.pbisapps.org/Pages/Default.aspx>
<https://www.pbisapps.org/resources/swis%20publications/forms/allitems.aspx>

Discipline Data Collection and Reporting System Feature	Possible Data Source	Scoring Criteria
1. Building administrator supports the implementation and use of the Discipline Data Collection and Reporting System.	Administrator Interview	1 = Not in place 2 = Partially in Place 3 = In place
2. A school/facility-wide behavior support team exists and reviews the Discipline Data Collection and Reporting System referral data at least monthly.	Team Roster & Meeting Schedule	1 = Not in place 2 = Partially in Place 3 = In place
3. The school/facility has an incident referral form and definitions for behaviors resulting in administrative-managed (major) vs. staff-managed (minor) incidents in	-Incident Referral Form(s) -Problem Behavior Definitions	1 = Not in place 2 = Partially in Place 3 = In place

Discipline Data Collection and Reporting System Feature	Possible Data Source	Scoring Criteria
place that is compatible with the Discipline Data Collection and Reporting System data entry.		
4. Within three months of adopting the data collection and reporting system , the school is committed to having in place a clearly documented, predictable system for managing disruptive behavior (e.g., School-wide PBIS).	Written Guidelines	<p>1 = Not in place 2 = Partially in Place 3 = In place</p>
5. Data entry time and staffing are scheduled to ensure that incident referral/suspension data will be always current to within a week. Data entry staff have access to all necessary information (e.g., student records).	Data Entry & Report Generation Schedule	<p>1 = Not in place 2 = Partially in Place 3 = In place</p>
6. The school/facility agrees to maintain technology (i.e., internet browsers, district permissions) compatible with Discipline Data Collection and Reporting System.		<p>1 = Not in place 2 = Partially in Place 3 = In place</p>

Discipline Data Collection and Reporting System Feature	Possible Data Source	Scoring Criteria
7. The school/facility agrees to both initial and ongoing coaching on the use of Discipline Data Collection and Reporting System for school/facility-wide decision making.	Administrator/ Coordinator Interview	1 = Not in place 2 = Partially in Place 3 = In place
8. The school/facility agrees to maintain Discipline Data Collection and Reporting System compatibility and maintain communication with a certified Facilitator who agrees to provide ongoing support to the school/facility on the use of the System.	Administrator/ Coordinator Interview	1 = Not in place 2 = Partially in Place 3 = In place

Attachment B: Summary of Findings and recommendations

Evaluation Component	Findings	Recommendations
<p>District-wide and school-based student discipline and behavior management systems, policies, and practices</p>	<ul style="list-style-type: none"> ● Use of reporting policies and practices (Infinite Campus) is inconsistent from school to school and administrator to administrator 	<ul style="list-style-type: none"> ● Produce a detailed guide (Data Discussion Guide) for recording and using Infinite campus with standardized behavior definitions and protocols for using “other means of correction”, and criteria for use of other consequences
	<ul style="list-style-type: none"> ● Sites report and use Office Discipline Referral data differently (some are paper, computer, etc.) 	<ul style="list-style-type: none"> ● Provide detailed staff development and coaching for administrators on data entry and use ● Require consistent and common use of data entry protocols
	<ul style="list-style-type: none"> ● Administrators have received written guidance for reporting exclusionary discipline, but use of the reports is low <ul style="list-style-type: none"> ○ ABC Report ○ SBAC ● Administrators receive guidance on “data-based decision making” for reviewing exclusionary discipline data (Illuminate usage report) and there is a system for monitoring Illuminate usage by school/administrator discipline but use of the reports is low <ul style="list-style-type: none"> ○ ABC Report ○ SBAC 	<ul style="list-style-type: none"> ● Provide a guidance document and monthly on-site review of the use of, referrals, ISS, OSS and “other means of correction” ● Conduct routine fidelity assessments of data use and reporting at the school level. Report these results to the school board

Evaluation Component	Findings	Recommendations
	<ul style="list-style-type: none"> ● Administrators receive limited guidance for implementing “other means of correction”. Non-reportable offenses become “other means of correction” (locally defined behaviors) ● There is a policy allowing use of “cool down” rooms or in school suspension but there is no common approach or clear guidance for administrators 	<ul style="list-style-type: none"> ● Provide a guidance document and monthly review of the use of “in school suspension” ● Need more consistency and guidance for implementing “cool down” room procedures, including data collection and decision-making
	<ul style="list-style-type: none"> ● Some parents and administrators are reluctant to record exclusionary discipline events for fear of negatively impacting the student in the future 	<ul style="list-style-type: none"> ● Contact local juvenile authorities and develop an agreement about how student-level discipline data are used
Equity of Exclusionary Discipline Outcomes	<ul style="list-style-type: none"> ● Discipline data reports as reflected in Infinite Campus, and the California Dashboard should be considered inaccurate and unreliable ● Multiple state reports and citations note a high suspension rate with disproportionality higher in some schools than others 	<ul style="list-style-type: none"> ● Implement monthly data reviews with each school regarding exclusionary discipline practices and problem solving around outcomes ● Adopt evidence-supported interventions and provide staff development and coaching to prevent the need for disciplinary exclusion
Bullying and Harassment	<ul style="list-style-type: none"> ● Many strategies from the 2010 Creating Caring Schools document are in place, mostly focused on 	<ul style="list-style-type: none"> ● Maintain strategies in place and expand a focus to a unified district wide response to bullying prevention

Evaluation Component	Findings	Recommendations
	<p>reporting and response to bullying and harassment</p> <ul style="list-style-type: none"> ● Limited evidence of a clear and consistent approach to bullying and harassment prevention (no formal program has been adopted) ● Use of reporting policies and practices is inconsistent ● Administrators are allowed to decide which reports are recorded ● Administrators appear to be the final judge of whether bullying occurred ● Safety Plans are inconsistently written, sometimes not completed, and not consistently implemented 	<ul style="list-style-type: none"> ● Adopt a formal bullying prevention curriculum or approach that clarifies when and when not to use “restorative justice” (C.P. Bradshaw, 2015) ● Provide a clear written policy and training for administrators and staff members in bullying prevention and response procedures ● Monthly review of all bullying incidents, including how the data were reported, and whether the protocol was followed ● Systematic review and follow up of all safety plans for comprehensiveness and consistency of implementation
Influence of Implicit Bias	<ul style="list-style-type: none"> ● Lack of procedural clarity and guidance ● No training on Implicit Bias 	<ul style="list-style-type: none"> ● Ensure policies and procedures are updated to meet State and Federal Mandates supporting all students. ● District wide training on Implicit Bias should be done by a professional 3rd party group that does Diversity, Equity, and Inclusion (DEI) training.

Evaluation Component	Findings	Recommendations
<p>MTSS and other proactive intervention/prevention initiatives in the district</p>	<ul style="list-style-type: none"> ● SCUSD has a history of incomplete implementation of different prevention initiatives (SEL, RP, PBIS) and there is no coherent district wide coordination of these efforts. They seem to be driven by grant funding and then stall when the funding is gone ● There is a new MTSS staff development initiative that reportedly has support from SCTA, but their representatives reported that they were not aware of the scope and sequence or dissemination plan ● SCTA may not be adequately involved in the planning or implementation of the MTSS initiative 	<ul style="list-style-type: none"> ● District has a plan that needs to be put into place and should include all stakeholder's input. ● Collaboration between District, SCTA, and other entities needs to occur for the school staff to buy-in to implementation ● Collaboration between general education and special education staff to ensure MTSS is followed through and exhausted prior to special education referral
<p>Special Education systems, policies, and practices</p>	<ul style="list-style-type: none"> ● MTSS may enhance, but cannot supplant Special Education Practices ● No clear, comprehensive vision and/or plan for district wide inclusive practices ● Focus on compliance versus commitment to inclusive practices ● Poor communication systems for general education and special education staff members ● No specific interventions are advocated for adoption, increasing the 	<ul style="list-style-type: none"> ● Ensure policies and procedures are updated to meet State and Federal Mandates supporting all students. ● Develop a clear process for referring students for Special Education eligibility in a timely manner (i.e., when during the MTSS process it becomes evident that the student may qualify for special education services)

Evaluation Component	Findings	Recommendations
	<p>risk of poor implementation and inconsistent implementation from site to site</p>	<ul style="list-style-type: none"> ● Develop a vision for providing inclusive practices that values and celebrates student diversity and facilitates meaningful access and participation of all students in general education curriculum and settings
<p>Timely identification and assessment of students with disabilities and Black students with disabilities, including the district’s use of Student Study Team meetings?</p>	<ul style="list-style-type: none"> ● Not evident that there is timely identification and assessment ● Clear “child find” process not evident ● Parent interview indicated delays in response to request for assessment and following timelines ● Student files showed that parents requested SST multiple times prior to a meeting being set ● No evidence of the use of RTI/MTSS or consistent interventions implemented prior to referral and placement in restrictive placement. ● No consistent assessment system used across the district. 	<ul style="list-style-type: none"> ● Provide training on timelines for all processes, including “child find”; referral to assess for eligibility; initial, annual and triennial assessments; IEP development and implementation ● Develop and implement procedures that promote/facilitate timely response to parent request ● Create and consistently implement district wide systems and policies for identification and assessment of students with disabilities

Evaluation Component	Findings	Recommendations
<p>Timely access to effective services, programs, and activities for disabilities in LRE</p> <p>What is the continuum of placements for students with disabilities, particularly Black students with disabilities?</p> <p>Is there appropriate placement (FAPE/LRE) of students with disabilities, particularly Black students with disabilities, in inclusive placements?</p> <p>What is the influence of implicit, explicit, structural racial and disability bias and intersection of the two?</p>	<ul style="list-style-type: none"> ● Timely access is not evident ● Clear offers of FAPE often were not presented to parents. ● Parent, various parent group interviews, and student records indicated that access to services to facilitate success in LRE was limited. ● Functional behavioral assessments were not done proactively to develop and implement behavior intervention and support plans. ● Evidence that plans were written but not followed. ● Students referred to NPS due to the district's inability to provide necessary support to stay in LRE. 	<ul style="list-style-type: none"> ● Provide professional development, including coaching, for all staff (general and special education teachers, administrators, related services personnel) on appropriate definitions, models, and evidence-based practices for inclusive service delivery ● Develop and implement a clear process by which a student who has been placed in a more restrictive placement can return to a less restrictive placement. ● Ensure that functional behavior assessments are conducted, and positive behavioral interventions and support plans are developed and implemented in a timely manner to support students' access to LRE. ● Provide training to all staff to help identify bias in the IEP process and placement of students of color.
<p>What policies, procedures and practices are in place to ensure appropriate placement of students with disabilities, particularly Black</p>	<ul style="list-style-type: none"> ● Clear offers of FAPE often were not presented to parents ● No services provided when the student was in transition between 	<ul style="list-style-type: none"> ● Adopt updated policies (reports show policies and procedures have been drafted but not adopted) as most policies and procedures

Evaluation Component	Findings	Recommendations
<p>students with disabilities, in inclusive placements?</p> <p>If such policies, procedures, and practices are in place, are they uniformly implemented?</p> <p>If policies, procedures, practices are not in place or unclear, what is the influence of implicit bias?</p>	<p>settings, specifically when students were suspended or awaiting placement in a more restrictive setting</p> <ul style="list-style-type: none"> ● No district wide plan for inclusive education service delivery ● School sites vary in terms of culture, policies, procedures, and expectations for students with disabilities to receive services in the general education setting. ● Policies and procedures are very outdated and do not reflect current guidelines or evidence-based practices 	<p>haven't been updated since 2002.</p> <ul style="list-style-type: none"> ● State and Federal guidelines have been updated to identify the role of Implicit Bias in education that need to be adopted and implemented by the district
<p>What is the availability of a continuum of placements and inclusive placements for students with disabilities, particularly Black students with disabilities?</p> <p>If the continuum is not available in an equitable manner, what is the influence of implicit bias? What is the influence of implicit, explicit, and structural racial and disability bias and intersection of the two?</p>	<ul style="list-style-type: none"> ● There is limited access to less restrictive placements; reliance on Special Day Class ● School sites vary in terms of quality of services ● Parents, various parent group interviews, and student records indicated not all students are treated with equity. ● Access was related to parent involvement and advocacy for inclusive placements ● Parents and various parent group interviews indicated that there is an influence of Implicit Bias when determining placement for Black and brown students 	<ul style="list-style-type: none"> ● Increase opportunities to all students with disabilities, particularly Black students with disabilities, to receive special education services and supports within the general education settings in their home school ● Develop a plan to scale-up implementation of inclusive service delivery across the district ● Share the process for LRE with all employees and ensure all school sites follow procedures to limit potential bias at specific school sites

Evaluation Component	Findings	Recommendations
<p>Does the district monitor the alleged disproportionate impacts, based on race and type of disability, of previous non-inclusive placements?</p> <p>If so, how does the district monitor and address this?</p> <ul style="list-style-type: none"> This means disproportionate impact by race and type of disability, e.g., emotional disturbance. 	<ul style="list-style-type: none"> No evidence that there is a plan to monitor disproportionate impact of race and/or type of disability. District requested the Council of the Great City Schools to review services for students with disabilities, but does not appear to have implemented recommendations related to disproportionality 	<ul style="list-style-type: none"> Develop a process for routine monitoring and review of referral, evaluation, and eligibility decisions Create a district wide system to address issues and problems that arise related to disproportionate impact of race, type of disability, etc.
<p>What disparities exist in access to adequate education, special education, related services, accommodations, and modifications for students with disabilities and Black students with disabilities?</p> <p>If disparities exist, what is the influence of implicit bias?</p>	<ul style="list-style-type: none"> Evidence of disparities in terms of timely access to appropriate services and accommodations Parents, various parent group interviews, and student records indicated that not all IEP members were present and/or fully participating in the meetings. Parents and various parent group interviews reported that there is an influence of Implicit Bias when determining access, accommodations, and modifications for Black and Brown students. 	<ul style="list-style-type: none"> Create an equitable process that ensures all students receive access based on their individuals strengths and needs Ensure all IEP team members are involved when determining special education and supplementary services for students
<p>How does the district provide reasonable accommodations and/or modifications, including through modifications to policies and procedures, to avoid discrimination against</p>	<ul style="list-style-type: none"> No evidence that the district has a plan for ensuring that accommodations/modifications on IEPs are provided. 	<ul style="list-style-type: none"> Adopt updated policies (reports show policies and procedures have been drafted but not adopted) as most policies and procedures

Evaluation Component	Findings	Recommendations
<p>students with disabilities and Black students with disabilities?</p> <p>How does the district ensure that accommodations/modifications on a student's IEP are provided?</p> <p>If insufficiencies are identified, what role does implicit bias play?</p>	<ul style="list-style-type: none"> ● IEPs not always shared with all members of the students' team <ul style="list-style-type: none"> ● If shared, not implemented by all the staff (i.e., general education staff). ● Parents and various parent group interviews reported that there is an influence of Implicit Bias when determining access, accommodations, and modifications for Black and Brown students. 	<p>haven't been updated since 2002.</p> <ul style="list-style-type: none"> ● Develop a process for routine monitoring and review of IEPs to ensure that reasonable accommodations and/or modifications are provided to support student's learning and individual needs. ● State and Federal guidelines have been updated to identify the role of Implicit Bias in education that need to be adopted and implemented by the district

Evaluation Component	Findings	Recommendations
<p>What is the staff development plan?</p> <p>What is the effectiveness and sufficiency of training and ongoing development for the district’s personnel who instruct, support, and/or serve students with disabilities and Black students with disabilities?</p> <p>What is the effectiveness and sufficiency of training and ongoing professional development for District administrators who are involved in the development and implementation of IEPs and Section 504 Plans for students with disabilities?</p>	<ul style="list-style-type: none"> ● No evidence of consistent and sustained PD for inclusive education and providing FAPE in the LRE. ● History of separate PD efforts for SEL, restorative practices, co-teaching, etc. ● High rate of turnover of staff and lack of sufficient training for new staff ● No follow-up trainings to support efforts, such as co-teaching ● No evidence of specific or ongoing training for District administrators related to implementation of IEPs and Section 504 plans ● There is a new MTSS staff development initiative that reportedly has support from SCTA, but their representatives are not aware of the scope and sequence or dissemination plan 	<ul style="list-style-type: none"> ● Provide ongoing PD for all areas of need, including but not limited to implicit bias, inclusion, IEP and 504 processes, etc. for all personnel who interact with students with disabilities ● Implement the proposed MTSS plan to include ongoing professional development for administrators and staff to build capacity of school to implement data-based decision-making ● Provide professional development, including coaching, for all staff (general and special education teachers, administrators, related services personnel) on appropriate definitions, models, and evidence-based practices for inclusive service delivery ● Ensure that the professional development opportunities provided are complementary and not viewed as parts of separate initiatives
<p>Is District staffing adequate, and effective in efforts to identify, instruct, and serve</p>	<ul style="list-style-type: none"> ● Concern expressed about the number of school psychologists available to 	<ul style="list-style-type: none"> ● Ensure the ratio of school psychologists to students is such that

Evaluation Component	Findings	Recommendations
<p>students with disabilities, including Black students with disabilities?</p> <p>Does the staffing pattern meet CDE standards for staffing (race; gender; grade level teaching; caseloads and staffing ratios)?</p>	<p>support interventions (ratio 1 school psychologist to 2200 students)</p> <ul style="list-style-type: none"> ● Evidence that the district is under-staffed. ● Based on CDE data, there continues to be discrepancy between the student population and the teaching population in terms of race, with most teachers being White. 	<p>they can provide and support MTSS interventions (NASP recommends a ratio of one school psychologist per 500 students to provide comprehensive school psychological services)</p> <ul style="list-style-type: none"> ● To hire and retain staff of color, recruitment should be done at Historic Black Universities (HBU), Hispanic Universities, and other organizations that support educators of color. ● Community outreach to foster relationships with members of the community who can support students and staff of color

Attachment C: SCUSD Administrator Survey Questions Regarding Special Education

Adapted from SWIFT—Fidelity Integrity Assessment (FIA)

Scale: **Not in place/Partially in place/In place**

1. Our school has a school-wide system to promote academic success for all students and responds with additional supports for all students when warranted.
2. Our school personnel use instructional strategies for both reading and math to include all students with various needs in the general education curriculum and coursework.
3. All students in our school including those with IEPs have equal access to the general education curriculum and extra-curricular learning activities with appropriate supports.
4. All students in our school participate in the general education curriculum/coursework and activities of their peers in grade level and/or content courses.
5. Our school embraces non-categorical service delivery to support diverse needs of students.
6. All school personnel in instructional and other roles share responsibility to educate all students in our school and employ culturally appropriate and sustaining practices.
7. Our district has a clear vision for inclusive practices that values and celebrates student diversity and facilitates meaningful access and participation of all students in general education curriculum and settings.
9. Our district has guidance for IEP teams to ensure placements decisions are in the students' least restrictive environment (LRE).
10. Our district actively and adequately supports our school's implementation of equity-based multi-tiered systems.
11. Our district supports equity-based MTSS by linking multiple initiatives, revising policies, and extending the practice to other schools.
12. Our district uses school level information to support and ensure professional development regarding research or evidence based practices.

Attachment D: Admin Survey Responses July 2021

Schools	My school provides family engagement activities for Black families and other marginalized communities that are at risk of academic probation.	The district provides staff development trainings discussing systemic racism and cultural diversity and the impact on Black students and other students of color.	The district has a process to identify patterns with referrals and suspensions of Black students and other students of color.	My school has processes and practices in place to ensure Black students, and other students of color, have equitable access to honors, AP, and STEM classes.	The district encourages representation of Black teachers and teachers of color in their hiring and retention practices.
Matsuyama Elementary	Partially in place	Partially in place	In place	In place	In place
Will C Wood MS	Partially in place	In place	In place	In place	Partially in place
Leataata Floyd Elementary	In place	In place	In place	Partially in place	In place
Golden Empire Elementary	In place	Not in place	Partially in place	In place	Not in place
Hollywood Park Elementary	Not in place	In place	In place		
O W Erlewine Elementary					
Crocker/Riverside Elementary	Partially in place	Partially in place	Partially in place	Partially in place	Partially in place
Pony Express Elementary	Partially in place	In place	In place	In place	In place
NO NAME	Partially in place	In place	In place	Partially in place	Not in place
Caleb Greenwood Elementary	Partially in place	In place	Partially in place	In place	Partially in place
John D Sloat Elementary	Not in place	Not in place	Not in place	Partially in place	Not in place
Peter Burnett Elementary	Partially in place	Partially in place	Not in place	In place	Not in place
Washington Elementary	In place	Not in place	Not in place	In place	Not in place
Nicholas Elementary	Partially in place	In place	In place	In place	Not in place
Bowling Green Elementary	In place	Partially in place	Not in place	Partially in place	Partially in place

David Lubin Elementary	Partially in place	Partially in place	Partially in place	In place	Not in place
Leonardo da Vinci K - 8 School					
Pacific Elementary	Partially in place	Partially in place	Not in place	Partially in place	Partially in place
Ethel Phillips Elementary	Partially in place	In place	In place	In place	Partially in place
Sequoia Elementary	Partially in place	In place	Partially in place	Not in place	Partially in place
Phoebe A Hearst Elementary	In place	In place	Partially in place	In place	Partially in place
Oak Ridge Elementary	Partially in place	Not in place	Partially in place		Partially in place
Bowling Green-Chacon	In place	In place	Partially in place	In place	Partially in place
Rosa Parks K-8 School	Partially in place	Partially in place	Not in place	Partially in place	Not in place
John H. Still K-8					
Woodbine Elementary	Partially in place	Partially in place	Partially in place	Partially in place	Partially in place
Edward Kemble Elementary	In place	Partially in place	Partially in place	Partially in place	Not in place
Fern Bacon MS	In place	Partially in place	Partially in place	In place	Not in place
Hiram W Johnson HS	In place	In place	In place	In place	In place
C K McClatchy HS					
West Campus HS	In place	Partially in place	Partially in place	In place	Partially in place
The Met High School	In place	Partially in place	Partially in place	In place	

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