

## **General Guidance for Reporting Discipline Data 2019-20 Collection – Updated 7/3/19**

### **About the data**

The Discipline Collection provides the Rhode Island Department of Education (RIDE) with information about disciplinary infractions that result in any of the following (collectively referred to as “suspensions” or “removals”):

1. Out-of-school suspension – temporary removal of a student from school for one or more days for disciplinary reasons
2. In-school suspension – temporary removal of a student from the regular classroom for one or more days for disciplinary reasons, including most alternative education programs
3. Interim Alternative Educational Setting (IAES) – placement of a student with a disability in an alternative setting for a serious disciplinary infraction, bypassing usual special education safeguards – by school personnel or by a hearing officer

### **How the data are used**

These data are used for:

- Several federal reports,
- State reporting, including InfoWorks,
- Populate the accountability system, and
- Determine compliance with federal special education law by identifying districts with discrepancies in the rates of short- and long-term suspensions for students with disabilities ages 3-21, and for decisions regarding a district’s use of funds. Federal special education law requires RIDE to examine rates of short and long-term suspensions, both in school and out of school, and total removals by race/ethnicity. Based upon this data, districts may be required to:
  - (1) Review and revise policies, procedures, and practices,
  - (2) Reserve 15% of IDEA funds for coordinated early intervening services, and
  - (3) Publicly report on the revision of policies, procedures, and practices.

### **Recent changes**

1. This year two new fields were added to allow for two disciplinary actions to be applied to the same incident (e.g. if a student commits and infraction and is given two days of out-of-school suspension and two days of in-school suspension). Some validations were updated accordingly.

### Guidance on reporting the data

- **Please do not report to RIDE infractions that do not result in one of the above disciplinary actions.** Although other types of disciplinary action, such as detentions, may be captured by local data systems, they should not be reported to RIDE.
- **Use Interim Alternative Educational Setting codes very sparingly.** These codes are for a specific special circumstance required under federal special education regulations. These are generally immediate, longer-term (i.e. more than 10 days) removals of students with disabilities from their usual IEP setting, for situations that are serious enough to merit bypassing usual IEP safeguards, and which involve only one or more of the following: weapons, controlled substances, or serious bodily injury inflicted upon another person.
- **Use In-School Suspension for alternative education programs other than IAES.** RIDE's definition of in-school suspensions is fairly broad and includes most alternative education programs, such as those that meet the requirements of RIGL §16-21-27. This code includes situations in which students complete school work and/or in which there is a counseling/therapeutic component.
- **No student may be suspended out-of-school for truancy or absenteeism, per RI General Laws §16-19-1.** This includes Infraction codes 05, 06, 07, 08, 09, and 40. In-school suspensions are still allowable, though not required, for these infractions.
- **Only include suspensions of one full day or longer.** Sending a student home for part of a day does not officially count as a suspension, so long as no additional days of suspension were added.
- **For suspensions of at least one full day, use whole days and round up.** Suspensions are always reported to RIDE as whole numbers of days and are rounded up (unless it is less than one day). For example, a suspension of 2½ days is considered 3 days.
- **Report each suspension only once and only report one infraction code.** Even if an incident involved more than one infraction (e.g. fighting and weapon possession), for reporting purposes, only report one code to RIDE. If more than one infraction were reported, then it would appear that the student was suspended multiple times. This would also make the school's suspension rate appear higher than it actually is.
- **If a student is suspended and receives two disciplinary actions for one incident, you may now report it as one infraction.** For example, if a student receives two days of in-school suspension and two days of out-of-school suspension for assaulting another student, report this as one infraction and use the primary and secondary discipline and duration fields.
- **Report the most serious type of infraction.** If the incident involved more than one infraction, code it by the more serious type of Infraction code. For the purposes of this collection, from most serious to least serious, these are:
  1. Violence (codes 03, 04, 10, 18, 24, 25, 26, 27, 29, 35, 42, 43)
  2. Weapon possession (39)
  3. Drugs (13, 15)
  4. Alcohol (01)

5. Non-violent, non-drug/alcohol related criminal activity (02, 20, 30, 37, 38)
  6. Tobacco (36)
  7. Non-violent gang activity (22)
  8. Other violations (05, 06, 07, 08, 09, 12, 16, 19, 21, 28, 31, 32, 34, 40, 41, 44)
- **Threat of violence is violence.** Threats, intimidation, instilling fear in others, bullying, and harassment are all considered violent acts and should be coded as such.
  - **What happened is more important than where it happened.** If an event occurs outside of the regular school building (e.g. on a school bus, on a field trip, or at a school event), code the incident using the type of infraction that occurred (e.g. Alcohol or Disorderly Conduct). Please note that there is no separate Bus Code violation.
  - **Enter infractions into the system on a daily basis.** This is required. The longer after the incident that it is entered into the system, the more likely that there will be a data quality error. Preferably, these should be entered directly into a computer, rather than writing them on paper and then entering them into a computer after the fact.
  - **Double check the infraction code and the length of the suspension.** Switching those numbers is a common mistake.
  - **Rhode Island state law only allows for Suspension, not Expulsion.** If a student is removed for the remainder of the school year, it must be reported as a suspension of a defined length.
  - **District data managers should work with their Student Information System vendors to ensure correct reporting.** Please double check that the duration fields are calculated correctly (i.e. weekends and holidays are not included) and that all codes have been mapped correctly to include changes made in the past few years. This includes:
    - Infraction codes that have been added (40-44)
    - Infraction codes that have been deleted (00, 11, 14, 17, 23, 33)
    - Weapon codes that have been added (B, C, E, M)
    - Weapon codes that have been deleted (O)
    - Injury codes that have been added (M, S)
    - Injury codes that have been deleted (Y)
    - Discipline codes that have been deleted (X, Z)
    - Discipline codes that have been renamed and redefined (C,D,E)
    - Secondary discipline and duration fields have been added

### **Other Considerations**

Suspensions, alternative education programs, and placements in IAES all represent disruptions from students' regular educational placement and, in the case of students with an IEP, from their IEP determined placement. LEAs must report all such removals, one day or more in duration, to RIDE, and RIDE must report them to the US Department of Education. LEAs are strongly encouraged to minimize disruptions from students' regular educational placements, while maintaining a safe and positive learning environment, by:

- Implementing strategies to prevent behavior problems;
- Developing alternatives to suspension;
- Treating suspensions as a last resort and avoiding their use for infractions that do not involve violence, weapons, or drugs or otherwise threaten the safety of students and staff;
- Using in-school suspension instead of out-of-school whenever appropriate; and
- Providing high-quality academic instruction, behavioral intervention services, counseling or therapeutic services whenever possible during in-school suspensions and placements in interim alternative educational settings. More information on these options is on the [Discipline in Schools page of the RIDE website](#).

LEAs should be aware of the following state legal requirements around student discipline:

- RI General Laws [§16-21-27](#) requires LEAs to develop a plan for alternative education programs to ensure the continued education of students who have been suspended more than 10 days consecutively (or who are chronically truant) and requires that that plan be adopted by the school committee.
- RIGL [§16-2-17.1](#) requires that a student not be suspended out-of-school unless the student's actions represent a demonstrable threat to others or impedes the rights of others to a safe school.
- RIGL [§16-2-17\(d\)](#) requires LEAs to analyze their discipline data annually for disparities based on race, ethnicity, or disability status and take various actions to address disparities, if they are found.

LEAs should be aware that special requirements apply under both state and federal law for disciplinary removals of children with disabilities totaling more than ten (10) days cumulatively over the course of the school year. This includes, but is not limited to:

- A plan for continued educational services;
- Determination by the IEP team of the modified setting for the provision of continued educational services, a functional behavioral assessment, behavioral intervention services and modifications, a behavioral intervention plan, and a manifestation determination;
- For removals of more than ten (10) days *consecutively*, additional due process considerations also apply.