



# Issues of Discipline

The Role of the Board in Stewarding the Public Interest and Maintaining Accountability



The National Charter School Resource Center ([www.charterschoolcenter.ed.gov](http://www.charterschoolcenter.ed.gov)) is dedicated to supporting the development of high-quality charter schools. The NCSRC provides technical assistance to sector stakeholders and has a comprehensive collection of online resources addressing the challenges charter schools face. The NCSRC is funded by the U.S. Department of Education and led by education consulting firm Safal Partners.

### Prepared By:



Safal Partners ([www.safalpartners.com](http://www.safalpartners.com)) is a mission-driven strategy consulting firm that supports education reform efforts at the federal, state, district, and school levels.



Charter Board Partners ([www.charterboards.org](http://www.charterboards.org)), a national nonprofit that works to ensure that the boards governing public charter schools are focused on quality, equity, and accountability.

### Authors

Carrie Irvin

### Acknowledgments

The authors wish to thank the individuals involved in the production of this report: Stefan Huh and Soumya Sathya of the U.S. Department of Education for guidance and feedback; Mukta Pandit for her leadership as Project Director; and Safal Partners staff for editing and design.

This toolkit was produced under U.S. Department of Education Contract No. ED-OII-13-C-0065 with Safal Partners, Inc. Soumya Sathya served as the contracting officer's representative. The content of the publication does not necessarily reflect the views or policies of the U.S. Department of Education, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government. This toolkit is in the public domain. While permission to reprint this publication is not necessary, it should be cited as:

Irvin, C. (2018). Issues of Discipline: The Role of the Boards in Stewarding the Public Interest and Maintaining Accountability

## TABLE OF CONTENTS

---

### **Opening Statement**

The Issue

Why Is It Important?

Role of the Board

Relevant Charter Board Partners' Standards

### **Critical Questions**

### **Implementing Good Governance**

Strategies That Make Sense

# Opening Statement

## THE ISSUE

---

Creating a positive learning environment and strong culture is at the foundation of every successful school. Discipline policies and practices, such as when and if to expel or suspend students for long periods of time, have a huge impact on the culture, learning environment, and relationships within a school.

Each school must decide for itself the best approach to discipline. Indeed, part of the premise of the charter school movement is that one size does not fit all; there is no requirement that all schools handle discipline in the same way. Some schools use a “no-excuses” approach—a strict set of rules that offers a low bar for suspending students. There are concerns, including on the part of leaders in some of these schools, that these discipline policies and practices have had a negative impact on school culture, and have resulted in removing from the classroom the children who most need all available instructional time and support and who will be most hurt by missing class. Other schools focus on restorative justice, an approach to handling discipline infractions that focuses on inclusion, peaceful conflict resolution, peer mediation, and student-led conflict resolution. And there is a difficult balance to achieve between maintaining safety and a classroom environment conducive to learning and not overreacting to discipline policy infractions. Oftentimes, the best interests of all students cannot be met at the same time, presenting school staff and leadership with tremendously challenging decisions.

Regardless of approach, there are legal, regulatory, and policy parameters that must guide all charter schools in establishing and implementing discipline policies. And each school has an obligation to state its policies clearly and implement them consistently, firmly, and fairly. Data to date indicate that there are serious problems with how discipline policies are set and implemented in charter schools; in particular, students with special needs and students of color are disciplined far more often than white, non-special needs students.

Boards need to ensure that their schools’ approaches to student behavior are as deliberate and thoughtful as approaches to academic content delivery. These issues are complicated, challenging, tense, and outside the expertise of most board members. However, how a school deals with discipline issues is a core part of the functioning and the culture of a school, not to mention its adherence to federal and local laws. While boards are not responsible for implementing policies or managing the school, they are responsible for providing oversight in this area.

## WHY IS IT IMPORTANT?

---

In recent years, there has been an increasing focus on discipline policies in public schools due to the concern that some students are treated differently from others, and that the most at-risk

students in some schools are subject to the harshest discipline. Since charter schools fall outside the jurisdiction of school districts, some are concerned that there has not been enough transparency about how charter schools handle discipline, and there have been concerns that charters suspend or expel challenging students at higher rates than traditional public schools.

These concerns relate not only to fair treatment of students, but to the consequences of suspensions and expulsions, which research shows can have significant negative impact on the academic success of students and beyond. Excluding students from school as part of punishment for disciplinary infractions can sometimes be justifiable, and perhaps arguably necessary, but always has undeniable implications for students' learning, trajectory, and likelihood of academic success. It also runs the risk of violating students' rights, applicable laws and regulations, and the school's own policies.

## ROLE OF THE BOARD

---

Public charter school boards are ultimately responsible for the impact of the school's discipline policies and for the academic outcomes that are inextricably intertwined with the school's approach to discipline. The board must take concrete steps to ensure that the discipline policies that were outlined in the charter school are implemented consistently and fairly, and that if the school's policies change, the authorizer is notified. To fulfill this responsibility, the board must be familiar with these policies, frequently revisit them (at least annually), and ask appropriate questions on a regular basis to ensure that the policies are followed consistently and fairly.

Generally speaking, every charter school board needs training to understand these complicated issues, and to stay current with emerging concerns and considerations. Boards need to proactively seek high-quality training and up-to-date, balanced information to better understand issues related to discipline, inclusion, and students' rights. Board members should actively seek out resources and information.

In addition to understanding the issues related to student discipline, boards must fully understand what is happening in their own school. The board should regularly receive clear and complete data about discipline in the school. Every board should know how its school's suspension and expulsion rates compare to citywide averages. Boards also should have a sense of trends: are suspension and expulsion rates going up or down over time in their school? Once boards have this information, they can ask appropriate and important follow-up questions about why. They also need a clear picture of attendance, re-enrollment, and how implementation of discipline policies impacts who is in school and who is not as well as data to indicate the length of suspensions and the correlations between suspensions and incidences of students dropping out or falling behind academically.

Once boards understand the context around these issues, know their own school's policies, and have the data about implementation and impact, they must act to hold the school accountable for using the data, implementing the policies fairly, acting in the best interests of students, and adjusting as necessary. Boards should ensure that their school leaders are collecting relevant data regularly and routinely, sharing it with the board, and using it to make decisions about culture around and approach to discipline. School leaders should include discipline statistics on their monthly dashboard, along with other data like academics and attendance.

## RELEVANT CHARTER BOARD PARTNERS' STANDARDS

---

There are several standards of good governance that apply to the boards' role in discipline.

- **Standard 1: Focus Relentlessly on Student Achievement.** How schools handle discipline issues is enormously relevant to a school's academic performance. High rates of suspension keep students out of the classroom, leading them to miss valuable instructional time and impacting the academic performance of those students and the school as a whole. Of course, disruptive students in the classroom can also impact learning. Boards need to engage with school leaders in discussions about how to balance discipline issues, students' rights, school culture, and maintaining a classroom environment conducive to learning. These are challenging issues without easy solutions—all the more reason boards need to be engaged with them over time.
- **Standard 2: Ensure Exceptional School Leadership.** Boards need to include measures of success regarding discipline in their annual evaluation of the school leader. They might also consider providing professional development and support for leaders in dealing with these complicated issues.
- **Standard 6: Maintain Legal and Regulatory Compliance.** There are a host of laws and regulations, as well as authorizer requirements, that are relevant to the implementation of discipline policies. The board must gather enough information to assure compliance and protection of students' rights.

## Critical Questions

While the school leader plays the leading role in handling discipline, it is the role of the board to know what the school's policies are, how often they are reviewed, what support and training the school leader received in creating strong and compliant policies, how the school administration and teachers implement those policies, and what training they receive on an ongoing basis. Boards should also regularly ask tough questions about the data they are seeing, especially if the overall discipline incidents are high or it is apparent that certain sub-groups are being suspended or expelled at higher rates than others. It is the board's responsibility to ensure that the school has a clear and thorough discipline policy in place, and that it is followed consistently and without bias. Changes in the way discipline is handled must be reflected by changing the official policy, which could require informing the authorizer. It is up to the board to ensure that the school does not informally change its approach to discipline over time, acts in accordance with its official policy at all times, implements the policy fairly and without bias, and calls in legal advice or assistance when necessary.

The board should regularly review the following data:

- Number of suspensions/trends over time
- Number of expulsions/trends over time
- Length of all suspensions (e.g., x one-day suspensions, y two-day suspensions, etc.)/trends over time
- Any correlation between long-term suspensions and students dropping out
- Any issues regarding discipline (lawsuits, parent complaints, attorney involvement of any kind)
- Attendance data
- Re-enrollment data

Questions the board might ask include:

- Are suspensions/expulsion rates increasing or decreasing? Why?
- How does this school's data for suspensions/expulsions compare to the city/state average?
- Is the school tracking data by sub-group?
- Are there differences in implementation of the discipline policy by race, gender, or other student characteristics?
- What are the school leader's concerns regarding discipline? What support does he or she need to address these?

- What are the school's goals in terms of discipline?
- Are our policies in line with federal/state/authorizer regulations?
- Have the policies been reviewed by an attorney? When was the last time we revisited our policies?
- Have there been parent complaints, concerns, or problems arising from discipline issues?
- Are there students in the school who have been suspended for multiple days and multiple times?
- Is the school tracking all withdrawals from school and the reasons for each withdrawal? Is there a connection between withdrawals and repeated discipline infractions/suspensions?

# Implementing Good Governance

## STRATEGIES THAT MAKE SENSE

---

First, every board must assign the issue of oversight of discipline policies to a specific committee, most likely the academic or program committee. This helps ensure that the issue becomes part of board meetings, dashboards, goals, and strategic planning. Information and discussion about discipline should be part of the board's review of dashboards and data and should be part of the school leader evaluation and review of goals and progress each year.

Second, boards must seek training and support to understand issues related to discipline, inclusion, and potential problems that can arise. The National Charter School Resource Center has a host of tools and resources. The National Center on Special Education in Charter Schools and the National Alliance for Public Charter Schools also publish information and resources that can be useful. Finally, state charter support organizations often provide consulting support around issues of discipline. And every charter school should consult with its authorizer or sponsor to seek out information about specific requirements and training opportunities. Third, board chairs can seek out conversations with the chairs of other boards to learn successful strategies for approaching these complicated and high-stakes issues.

Finally, and perhaps most importantly, every board must commit to fully understanding and reviewing all data regarding its school's implementation of discipline policies and having the sometimes uncomfortable conversations that can result. The Washington, D.C. charter school sector has become a national leader in the area of transparency around discipline data. The traditional public-school district, the sole charter authorizer, and the state office of education work together to produce annual School Equity Reports. These reports provide data on suspension and expulsion rates for all D.C. public schools, including public charter schools, and compare each school's rates to the city's average. The reports go to every school leader and board chair and are available publicly and to parents. They present the data in a format that is easy to understand and allows users, including board members, to identify and focus on the areas that need improvement. Since these reports were first issued over three years ago, there has been a decline in suspensions and expulsions in charter schools. The percent of students suspended dropped from 14.5 percent in school year 2012-13 to 10.9 percent in 2014-15. Similarly, expulsions declined, from 0.8 percent of students during school year 2011-12 to 0.3 percent in 2014-15. The charter authorizer believes that providing transparent, public data about suspensions and expulsions has contributed significantly to this decline.

The key for charter school boards is that they must seek out, understand, and use this information in their oversight and decision-making. The charter authorizer in D.C. has created a process to ensure that boards of schools with higher than average suspension/expulsion rates are in fact engaged with these issues; they require a meeting with board members of these schools. These

meetings are intended to provide an opportunity for candid and proactive discussion and to build a strong partnership between board members and the authorizer.