

## School Discipline Guidance Package FAQs

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## **A. Contents of the School Discipline Guidance Package**

### **A.1. What is included in the Department’s School Discipline Guidance Package?**

The School Discipline Guidance Package contains five parts:

- First, a Dear Colleague Letter, from the U.S. Departments of Education and Justice that provides information on how public elementary and secondary schools can meet their legal obligations to administer student discipline without discriminating on the basis of race, color, or national origin.
- Second, a “Guiding Principles” document that describes three key principles and related action steps that can guide efforts to improve school climate and school discipline.
- Third, a Directory of Federal School Climate and Discipline Resources that indexes the many Federal resources addressing school climate and school discipline, including technical assistance centers, webinars and Web sites, training modules, research, and Federal guidance.
- Fourth, an online tool called the Compendium of School Discipline Laws and Regulations for each of the 50 States, District of Columbia, and Puerto Rico that allows users to learn more about the various laws and regulations related to school discipline, and compare laws and regulations across States and jurisdictions.
- Finally, an Overview of the Supportive School Discipline Initiative that outlines ongoing and completed Federal efforts to address issues of school climate and school discipline.

### **A.2. What does the Dear Colleague Letter on civil rights and school discipline practice do?**

The Dear Colleague Letter explains the nondiscrimination requirements under Titles IV and VI of the Civil Rights Act of 1964 and reminds schools of their legal obligations to administer student discipline without discriminating on the basis of race, color, or national origin.

If a person thinks that a school is violating its legal obligations and administering discipline in a way that discriminates on the basis of race, color, national origin, or other bases (such as gender, age, or disability status), that individual may file a complaint with the Department of Education’s Office for Civil Rights (OCR) or the Department of Justice’s (DOJ) Civil Rights Division (CRT) (See B.3. for additional information on filing a complaint with OCR or CRT). Even without an individual complaint, OCR also sometimes initiates its own investigation, or “compliance review,” of a school’s disciplinary policies and practices.

The Dear Colleague Letter explains what OCR will do when it receives a complaint or begins a compliance review related to discrimination in the administration of student discipline, and outlines the legal framework and approach OCR will follow in its investigation. Where a violation is found,

the Dear Colleague Letter provides examples of the kinds of remedies that might be used to give an individual student relief or to ensure that the school does not continue to violate Title VI's requirements in the future.

The Dear Colleague Letter urges districts to evaluate their discipline policies, practices, and procedures to ensure they are fair and applied equally to all students. Where districts identify causes of concern, the Dear Colleague Letter's appendix provides recommendations to assist them in the fair and equitable administration of student discipline.

### **A.3. What are the Guiding Principles?**

The Guiding Principles do not set forth any legal requirements or require States, districts, or schools to take action. Instead, the Guiding Principles identify three priorities for policymakers, district officials, school leaders, and stakeholders to consider as they work to improve school climate and discipline. The following priorities reflect our experience working with safe and supportive schools across the country, a review of research, and consultation with the field:

- Create positive climates and focus on prevention;
- Develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors; and
- Ensure fairness, equity, and continuous improvement.

The Guiding Principles also identify action steps and relevant research and resources for each guiding principle. Additional resources that can assist with the implementation of the Guiding Principles can be found in the Directory of Federal School Climate and Discipline Resources (Directory).

### **A.4. What does the Compendium of School Discipline Laws and Regulations (Compendium) contain?**

The Compendium is designed to help State and local policymakers as well as school-level personnel, students, families, and advocates better understand the current legal and policy provisions surrounding school discipline practices in our country. It provides information on school discipline laws and administrative regulations for each of the 50 States, District of Columbia, and Puerto Rico effective as of May 2013.

For each jurisdiction, the Compendium provides State-level statutes, regulations, and (if available) State-sponsored Web sites and resources. In addition, the discipline laws and regulations collected for each jurisdiction have been categorized by the type of specific discipline issue they address so that users can also compare laws and regulations across jurisdictions.

## **B. Getting More Information and Technical Assistance**

### **B.1. Where can I find more information about school climate and school discipline?**

All information related to the School Discipline Guidance Package can be found at the Department's Web site at [www.ed.gov/school-discipline](http://www.ed.gov/school-discipline).

Additionally, the Department funds two technical assistance centers to provide the public with information on how to improve school climate and discipline practice. First, the [National Center for Safe Supportive Learning Environments](#) (NCSSE) helps schools, districts, and States to improve conditions for learning in a variety of settings – through effective program implementation and school climate measurement – so that all students have the opportunity to realize academic success in safe and supportive environments. Second, the [Technical Assistance Center on Positive Behavioral Interventions and Supports](#) provides schools, districts, and States with capacity-building information and technical assistance for identifying, implementing, adapting, and sustaining a framework for effective school-wide behavioral practices.

Finally, interested persons can also send questions and comments to [schooldiscipline@ed.gov](mailto:schooldiscipline@ed.gov) to receive help from Department staff.

### **B.2. Where can I find information about the Department's School Discipline Guidance Package in a language other than English?**

You may request language assistance services for more information on any of the publicly available documents in the Department's School Discipline Guidance Package. These language assistance services are available free of charge. If you need more information about language assistance services, please call 1-800-USA-LEARN (1-800-872-5327) (press option 3 for assistance in any language, including español, 中文: 繁體版, Việt-ngữ, 한국어, Tagalog, and Русский), or 1-800 877-8339 (TTY / ASCII). You may also e-mail us at [Ed.Language.Assistance@ed.gov](mailto:Ed.Language.Assistance@ed.gov) or write to: U.S. Department of Education Information Resource Center, LBJ Education Building, 400 Maryland Ave., S.W., Washington, DC 20202.

**B.3. How can I get help if I think that a school is administering discipline in a discriminatory manner?**

If you think that a school is administering student discipline in a discriminatory manner against you, your child, or someone else, you can file a complaint with OCR or CRT. A complaint of discrimination can be filed by anyone who believes that a school that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, gender, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination, and may complain on behalf of another person or group. For information on how to file a complaint with OCR, visit <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or contact OCR's Customer Service Team at 1-800-421-3481. For information on how to file a complaint with DOJ's Civil Rights Division, visit <http://www.justice.gov/crt/complaint/> or contact the Civil Rights Division, Educational Opportunities Section at 1-877-292-3804 or [education@usdoj.gov](mailto:education@usdoj.gov).

**B.4. I'm an educator or educational administrator – where can I find technical assistance to help school(s) in my district improve school climate and discipline practices?**

The Department and the technical assistance centers it funds can provide States and districts with direct, tailored assistance:

- The [Technical Assistance Center on Positive Behavioral Interventions and Supports](#) can provide districts and States with information, tools and resources for identifying, implementing, adapting, and sustaining effective school-wide discipline practices.
- The Department funds ten regional [Equity Assistance Centers](#) that provide direct training and technical assistance in the areas of race, gender, and national origin equity at the request of public school districts and other responsible governmental entities. The Centers often develop a memorandum of understanding with the districts they serve, and generally provide services to a district over the course of six months to a year or longer.
- The Department funds the [Center for Great Teachers and Leaders](#) to support State efforts to develop effective educators and education leaders. The Center provides technical assistance to States on how to embed competencies and skills related to positive student behavior and student engagement into professional development, evaluation, and other workforce management efforts.

In addition, OCR offers technical assistance to help districts achieve voluntary compliance with the civil rights laws it enforces and works with districts to develop approaches to preventing and addressing discrimination. A district should contact the OCR enforcement office serving its

jurisdiction for technical assistance. For contact information, please visit the Department's Web site at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>.

**B.5. Does the Department provide financial assistance to improve school climate and discipline practice?**

Yes, in a number of different ways. The Office of Safe and Healthy Students administers grant programs dedicated to improving school climate (including school discipline practice), depending on funding availability. Those interested in learning more about such grant opportunities should visit the Department's [Forecast of Funding Opportunities](#) or send an inquiry to [OESE@ed.gov](mailto:OESE@ed.gov). Because safe and supportive learning environments are a key element of school reform, the Department has also taken strong steps to encourage, and in some cases require, that the recipients of our signature reform efforts – including Race to the Top and the School Improvement Grant (SIG) – engage in activities to improve school climate and discipline practice.

In the 2012 Race to the Top – District competition, a \$400 million investment to help districts implement comprehensive education reform, the Department awarded grants to districts with students of color or students with disabilities overly-represented in the district's discipline rates with the condition that the district must conduct a root cause analysis and develop a plan to address the root causes. Additionally, the competition included one competitive priority: applicants were asked to show how they would integrate public and/or private resources to augment school capacity to provide student and family supports that address the social, emotional, and behavioral needs of populations at greatest risk. These requirements and incentives are continued in the 2013 Race to the Top – District Competition. See the [FY 2013 Race to the Top – District Application for Funding](#) for more information.

SIG encourages schools to take action to improve school climate and discipline, such as through implementing a system of positive behavioral supports. Schools can use SIG funds for these activities. Schools implementing the “turnaround” model are required to provide students with social, emotional, and behavioral supports – a great benefit to schools trying to reduce their use of suspensions and expulsions. See the Department's [School Improvement Grant Web site](#) for more information.

States receiving Elementary and Secondary Education Act (ESEA) Flexibility do not receive additional funding. However, ESEA Flexibility requires priority schools to address school climate, including safety and discipline, as part of the turnaround principles. Specifically, they are to establish a school environment that improves school safety and discipline, and address other non-academic factors that affect student achievement, such as students' social, emotional, and health needs. See [ESEA Flexibility Frequently Asked Questions](#) for more information.

## **C. Implications for School Community Members**

### **C.1. I'm an educator – what does the School Discipline Guidance Package mean for me?**

This guidance package is designed with the recognition that educators cannot create positive school climates without training and support, and it therefore strives to support you in your efforts to create positive school climates and administer student discipline in ways that are fair, equitable, and help students learn and improve their behavior.

The Dear Colleague Letter included in the School Discipline Guidance Package explains your obligations under Federal civil rights law to administer student discipline without discriminating on the basis of race, color, or national origin. The Guiding Principles in the School Discipline Guidance Package identify principles and related action steps to help you and your school community improve school climate, ensure consistent and appropriate consequences are in place to address misbehavior, implement effective alternatives to suspensions and expulsions, and reduce disproportionality in discipline practice. The Guiding Principles are accompanied by a Directory, which provides information on Federal guidance, technical assistance centers, briefs, training modules, and other resources available to help your community with planning and implementing each of the Guiding Principles. For example, the Directory lists the Positive School Discipline Course for School Leaders (an online, interactive course to train principals and school climate teams) and Creating a Safe and Respectful Environment in Our Nation's Classrooms (an anti-bullying training module for teachers) as key resources for creating positive school climates and emphasizing prevention.

### **C.2. I'm a student or parent – what does the School Discipline Guidance Package mean for me?**

Students and parents should feel empowered to work with schools and districts to help create safe and supportive schools for students. The School Discipline Guidance Package provides information to help students and parents understand the legal obligations that schools have in the administration of student discipline, and the resources available to their communities when these obligations are not being met or when advocating for reform.

The Dear Colleague Letter included in the School Discipline Guidance Package explains Federal civil rights laws that guarantee a student's right to be free from disciplinary action that discriminates on the basis of race, color, or national origin. The Directory also provides information to parents and students about ways to improve school climate and advocate on behalf of students. For example, the Directory lists the Civil Rights Data Collection, which communities can use to identify schools and districts with disproportionate rates of discipline, and Three Bold Steps for School Community Change: A Toolkit for Community Leaders, which provides a framework to empower parents and other community stakeholders to organize a reform effort. The Directory also provides

a set of agreements between schools, districts, and Federal agencies to resolve complaints of disproportionality in discipline practice. Such agreements serve as models that students and parents can use when advocating for change in their own communities. Finally, the Compendium can help you to understand the State laws and regulations in your State that relate to school discipline, and allow you to compare your State's laws with those in other States.

### **C.3. I'm an educational administrator or policymaker – what does the School Discipline Guidance Package mean for me?**

The Dear Colleague Letter included in the School Discipline Guidance Package explains a school's legal obligations under Federal civil rights law to administer student discipline without discriminating on the basis of race, color, or national origin. Administrators should understand their obligations and factor them in when revising, developing and/or implementing school discipline policies and procedures. The Guiding Principles in the School Discipline Guidance Package provide action steps to inform you about the efforts schools should take to improve school climate, implement effective alternatives to suspensions and expulsions, and reduce disproportionality in discipline practice. The Guiding Principles also identify key research and Federal guidance documents related to school climate and school discipline, to help you learn more about these topics. The Compendium can help education policymakers and officials identify applicable school discipline laws in their state and compare the laws and regulations affecting school discipline in individual States and jurisdictions. Finally, we have provided an Overview of the Supportive School Discipline Initiative, which outlines ongoing and completed Federal efforts to address issues of school climate and school discipline.