

# Foster Care & Education

## Issue Brief

### SCHOOL DISCIPLINE & YOUTH IN FOSTER CARE: NEW FEDERAL GUIDANCE FROM THE U.S. DEPARTMENTS OF EDUCATION AND JUSTICE CAN HELP<sup>1</sup>

#### Why should schools avoid harsh disciplinary practices, especially for children in foster care?

Youth in the child welfare system are disproportionately suspended, expelled, and placed in separate disciplinary school or programs. This occurs for many reasons. A history of child abuse or neglect and removal from the home can traumatize children and negatively affect their school behavior. Many of these children encounter frequent disruptive school and placement changes, social stigma and isolation in school, and do not receive needed educational supports such as special education. Disciplinary actions taken against children in care can often have far more significant consequences than intended for other students—impacting their permanency goals. In contrast non-exclusionary and supportive approaches to dealing with disruptive behavior can benefit all students. But these approaches are especially important for these youth and can help them stay in school and improve their educational outcomes.

#### What does federal law say about school discipline?

Federal laws prohibits schools receiving federal funding from discriminating in the administration of student discipline based on race, color, or national origin.<sup>2</sup> The Department of Education's Office for

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<sup>1</sup> U.S. DEPT. ED., *Guiding Principles: A Resource Guide for Improving School Climate and Discipline*, Washington, D.C. (2014), available at <http://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf> (hereinafter "Guidance").

<sup>2</sup> e.g. Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations, 34 C.F.R. Part 100, prohibit discrimination based on race, color, or national origin by recipients of Federal financial assistance.



Civil Rights (OCR) and the Department of Justice have the responsibility for enforcing these laws.<sup>3</sup> The Departments initiate investigations of student discipline policies and practices at particular schools, districts, and states based on complaints the Departments receive from students, parents, community members, and others about possible race, color, national origin, language, sex, religion, and disability discrimination in student discipline.<sup>4</sup>

## What is the goal of the new Guidance?

In January 2014, the Departments of Justice and Education issued new Guidance designed to assist states, districts, and schools in developing and implementing policies, practices, and strategies that improve school climate and comply with federal law.<sup>5</sup> Research shows that schools can effectively ensure school safety when the school climate is positive and the discipline is non-discriminatory, fair, and consistent.<sup>6</sup> In contrast, exclusionary practices like suspensions and expulsions rob students of classroom time and may lead to outcomes like truancy, decreased social development, dropping out, involvement in the juvenile justice system, and delayed employment.<sup>7</sup> Moreover, nationwide data shows racial disparities in school discipline; for example, African American students are suspended or expelled at three times the rate as their white peers.<sup>8</sup>

## What does the Guidance say?

The federal Guidance urges school districts to make changes to their discipline policies to eliminate these disparities and other problems.<sup>9</sup> It also provides resources for creating safe and positive school environments, boosting student academic success, and closing widening achievement gaps.<sup>10</sup> Specifically, the Guidance urges schools to:

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<sup>3</sup> OCR enforces Title VI with respect to schools and other recipients of Federal financial assistance from the Department of Education; Footnote 2 of the Dear Colleague letter, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>. DOJ's Office for Civil Rights at the Office of Justice Programs (OJP OCR) enforces Title VI through its administrative process. See [http://www.ojp.usdoj.gov/about/ocr/pdfs/OCR\\_TitleVI.pdf](http://www.ojp.usdoj.gov/about/ocr/pdfs/OCR_TitleVI.pdf). DOJ also enforces Title VI upon referral from another Federal funding agency, or through intervention in an existing lawsuit. DOJ also coordinates the enforcement of Title VI government-wide.

<sup>4</sup> Footnote 3 of the Dear Colleague letter, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html> gives definitions of terms in the Guidance like race, policy, program, and school.

<sup>5</sup> Specifically, the Guidance clarifies how districts can meet their obligations under Title IV and Title VI of the federal Civil Rights Act of 1964, which relate to fair and nondiscriminatory treatment among schools and recipients of federal aid.

<sup>6</sup> School Climate topics and subtopics at National Center on Safe Supportive Learning Environments website, under contract from U.S. DEPT. OF ED. to the AMERICAN INSTITUTES FOR RESEARCH, <http://safesupportivelearning.ed.gov/school-climate> (last visited Mar. 26, 2014).

<sup>7</sup> AMERICAN PSYCHOLOGICAL ASSOC. ZERO TOLERANCE TASK FORCE, *Are Zero Tolerance Policies Effective in Schools: An Evidentiary Review and Recommendations*. 63 AMERICAN PSYCHOLOGIST 9, 856 (2008).

<sup>8</sup> Statistics are drawn from data collected by the Civil Rights Data Collection (CRDC) for the 2011-12 school year. This data can be found at <http://ocrdata.ed.gov>.

<sup>9</sup> School Climate and Discipline Guidance at 1.

<sup>10</sup> U.S. DEPT. ED., *Directory of Federal School Climate and Discipline Resources* Washington, D.C. (2014), available at <http://www2.ed.gov/policy/gen/guid/school-discipline/appendix-1-directory.pdf>.



- Use exclusionary discipline *only as a last resort*. If students are removed from class, they should receive “meaningful instruction, and their return to the classroom should be prioritized;”<sup>11</sup>
- Reduce the number of suspensions, expulsions, and arrests by providing *targeted supports* and interventions with a proven track record of success (like restorative practices and Positive Behavioral Interventions and Supports);<sup>12</sup>
- Provide students with enhanced/increased access to counselors, school psychologists, and school nurses;<sup>13</sup>
- Establish *clear parameters for school and local police*; they should not be involved in “routine” school discipline matters;<sup>14</sup> and
- Collect and maintain *disaggregated data* on school discipline and report it publicly.<sup>15</sup>

## What resources does the Guidance provide?

The Guidance includes the following “tools” to assist schools:<sup>16</sup>

- A *Dear Colleague* letter on civil rights and discipline (describes the current disparities in school discipline and describes how schools can meet their legal obligations under federal law in the administration of student discipline);
- A *Guiding Principles* document (describes key principles and related action steps that can help to improve school climate and school discipline);
- A *Directory of Federal School Climate and Discipline Resources* (indexes the extensive federal technical assistance and other resources related to school discipline and climate available to schools and districts); and
- A *Compendium of School Discipline Laws and Regulations* (catalogues the laws and regulations related to school discipline in each of the 50 states, the District of Columbia and Puerto Rico and compares laws across jurisdictions).

## How can schools effectively implement the Guidance for children in care?

### 1. Connect students in the child welfare system with supportive adults

The Guidance notes that a prerequisite of a good school climate is “respectful, trusting, and caring relationships” between students and adults in the schools.<sup>17</sup> The Guidance stresses that the school’s

<sup>11</sup> Guidance, Principle 2, 14-16.

<sup>12</sup> Guidance, Principle 1, 5-6.

<sup>13</sup> Guidance, Principle 1, 6-8.

<sup>14</sup> Guidance, Principle 1, 8-10.

<sup>15</sup> Guidance, Principle 1, 11; Principle 3, 17-18.

<sup>16</sup> These resources are referred to as the “Guidance Package” and can be found at the Department’s website at [www.ed.gov/school-discipline](http://www.ed.gov/school-discipline) (last visited Mar. 26, 2014).

<sup>17</sup> Guidance, Principle 1, at 5.



discipline policies and practices should engage that network of caring adults to be “partners in the discipline process.”<sup>18</sup>

Because of their past traumas, young people in the child welfare system often find it difficult to form trusting relationships, and they often lack a “network of caring adults” engaged with their education. Sadly, children in care often experience multiple placements and frequent school changes, sometimes during the school year. Schools can help smooth these transitions by designating a single point of contact at the school and training that individual about the needs and opportunities available for youth in care. This point of contact can be a resource for communication and collaboration with the child welfare agency;<sup>19</sup> prevent discipline issues by identifying educational or behavioral health supports; ensure prompt school enrollment and accurate class assignment. That person can also make sure that credits transfer and that the student has access to the full range of course offerings and extra-curricular activities. In short, that person can be the “partner” in the discipline process that the Guidance recommends.<sup>20</sup>

## *2. Implement culturally sensitive and trauma-informed school discipline practices*

The Guidance states that school discipline should support all students, including those at risk for trauma, social exclusion, or behavioral incidents.<sup>21</sup> At-risk students include students in foster care, of color, with disabilities, and potential dropouts.<sup>22</sup> The Guidance recommends evidence-based prevention strategies,<sup>23</sup> social and emotional learning opportunities,<sup>24</sup> and regular training for all school personnel on how to engage students in positive behavior.<sup>25</sup> School discipline should employ “clear, developmentally appropriate, and proportional consequences” that help students “learn from their mistakes, improve their behavior, and achieve academically.”<sup>26</sup>

The Guidance contrasts this type of “instructional discipline” with “zero-tolerance” discipline policies (a specific consequence for specific action regardless of circumstance).<sup>27</sup> The Guidance cautions that zero tolerance policies “may prevent the flexibility necessary to choose appropriate and proportional

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<sup>18</sup> Guidance, Principle 2, Action Step 2, at 12

<sup>19</sup> See Guidance, Principle 1, Action Step 5 at 8 (highlighting that collaboration with the child welfare agency can help youth in care).

<sup>20</sup> See Guidance, Principle 2, Action Step 2, at 12 (explaining the importance of involving partners in the development and implementation of discipline policies).

<sup>21</sup> Guidance, Principle 1, Action Step 1, at 6.

<sup>22</sup> Those with such risks also include lesbian, gay, bisexual, and transgender (LGBT) students, homeless and unaccompanied youth, corrections-involved students, pregnant and parenting students, migrant students, English language learners, and others. Principle 1, Action Step 1, at 6.

<sup>23</sup> Guidance, Principle 1, Action Step 2, 6-7, e.g. tiered supports.

<sup>24</sup> Guidance, Principle 1, Action Step 3, at 7, e.g. encouraging partnerships with mental health agencies or employing school counselors, school psychologists, behavioral interventionists, school social workers, and school nurses.

<sup>25</sup> Guidance, Principle 1, Action Step 4, at 7.

<sup>26</sup> Guidance, Principle 2, at 11-13.

<sup>27</sup> Guidance, Principle 2, Action Step 3, at 13.



consequences.”<sup>28</sup> While these approaches are advantageous for all students, they are particularly critical for youth in care who, as a result of past trauma, are more likely to engage in disruptive behavior in school and to need special understanding and supports.<sup>29</sup> Cross-systems collaboration is needed to ensure that the help provided by the child welfare agency complements the help provided at school.<sup>30</sup> Research has also shown that addressing the needs of traumatized youth, regardless of whether they are in care, can have positive consequences for all students in a school.<sup>31</sup>

### *3. Make sure there is an engaged education decision-maker for all children in care*

School policies should include appropriate procedures for students with disabilities and procedural protections that meet legal requirements for all students.<sup>32</sup> For most students, the parent participates in school proceedings and makes education decisions for the child in the school discipline arena. But this doesn’t work for children in care if there are no engaged parents to act on their behalf. For example, when a parent is unavailable or unwilling to make special education decisions, federal special education law – the Individuals with Disabilities Education Act – requires that schools ensure that there is another qualified individual to participate in the special education process. That person is needed to provide mandatory consents, participate in the development of the child’s program, and agree or disagree with the child’s proposed Individual Education Program.<sup>33</sup>

Education decision-makers can play an important role in general education decisions as well, such as where a child should attend school, whether the child should remain in the same school, or even whether the child can go on a field trip. Education decision-makers can and should play a key role in ensuring that any disciplinary responses to a child are appropriate. For a child with disabilities, the education decision-maker is a vital part of ensuring that a child is not disciplined for manifestations of his or her disability, and that the child’s procedural rights are protected.<sup>34</sup>

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<sup>28</sup> *Id.*

<sup>29</sup> See NATIONAL CHILD TRAUMATIC STRESS NETWORK, *The Child Trauma Toolkit for Educators* (2008) available at [http://www.nctsn.org/sites/default/files/assets/pdfs/Child\\_Trauma\\_Toolkit\\_Final.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/Child_Trauma_Toolkit_Final.pdf) (providing school administrators, teachers, staff, and concerned parents with basic information about working with traumatized children in the school system).

<sup>30</sup> See e.g., Guidance, Principle 1, Action Step 5, at 8 (highlighting that partnerships with child welfare agencies can help schools better support students in foster care).

<sup>31</sup> Catherine P. Bradshaw, et al., *Examining the Effects of School-wide Positive Behavioral Interventions and Supports on Student Outcomes Results from a Randomized Controlled Effectiveness Trial in Elementary Schools*. 12 J. POSITIVE BEHAVIOR INTERVENTIONS 3, 133–48, (2010), available at [http://www.wrightofer.com/uploads/2/0/5/6/20561318/examining\\_the\\_effects\\_of\\_school-wide\\_positive\\_behavioral\\_interventions.pdf](http://www.wrightofer.com/uploads/2/0/5/6/20561318/examining_the_effects_of_school-wide_positive_behavioral_interventions.pdf).

<sup>32</sup> Guidance, Principle 2, Action Step 4, at 14.

<sup>33</sup> For more information on this issue, see Janet Stotland, et al., *Special Education Decisions for Children in Foster Care: Everyone Has a Role*, 26 ABA Child Law Practice 2, 21-26 (2007), available at [http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file\\_20120829\\_141730\\_LTccZs\\_0.pdf](http://www.fostercareandeducation.org/portals/0/dmx/2012/08/file_20120829_141730_LTccZs_0.pdf).

<sup>34</sup> For more on this issue, see NATIONAL DISSEMINATION CENTER FOR CHILDREN WITH DISABILITIES, “Questions and Answers about IDEA: Parent Participation” <http://nichcy.org/schoolage/qa-series-on-idea/qa2> (last visited Mar. 26, 2014).



Moreover, youth in care may inadvertently be punished when there is no parent to play an advocacy role. For example, the Guidance underscores that an “individualized” discipline determination should be made.<sup>35</sup> If a parent is not available to help clarify the child’s “individualized” needs, the school should identify another decision-maker with knowledge of the child’s strengths and weaknesses.

#### *4. Be vigilant about the special needs of youth in residential placements*

Some youth in the child welfare system attend school on-site at residential placements such as group homes or residential mental health facilities<sup>36</sup>. Although the Guidance does not address this issue directly, its language and underlying policy goals suggest that attendance in the local public school is preferable to an alternative school setting and that the positive disciplinary approaches described in the Guidance should apply in alternative settings as well.<sup>37</sup> The Guidance asserts that:

- Removal should be a last resort because there “may be more effective alternatives,”<sup>38</sup> collateral costs are high,<sup>39</sup> and removal is delegitimized as punishment if it is used too widely.<sup>40</sup>
- Academic instruction in alternate settings should be “meaningful.”<sup>41</sup> Such instruction should be “comparable . . . to that provided to students in the regular school program” and should follow appropriate procedures for youth with disabilities.<sup>42</sup>

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<sup>35</sup> Guidance, Principle 3, Action Step 1, at 16.

<sup>36</sup> Many of these schools do not meet federal education standards because they do not receive Federal financial assistance like local school districts, local educational agencies (LEAs), charters, or “alternative” schools. Some states have recognized this discrepancy in standards and presume against transitioning students to on-grounds schools. *See e.g.* Pennsylvania under 24 P.S. § 13-1306; PA DEPT. ED. & PA DEPT. PUBLIC WELFARE, *Bulletin regarding Educational Programs for Students in Non-Educational Placements*,

[http://www.portal.state.pa.us/portal/server.pt/community/pa\\_codes/7501/educational\\_portions\\_of\\_non-educational\\_placements/507372](http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/educational_portions_of_non-educational_placements/507372) (last visited Mar. 27, 2014).

<sup>37</sup> Guidance, Principle 2, 14-16. (“Research suggests that time spent in rigorous and relevant instruction can impact student achievement.”). For additional information, *see* ED’s Guidance, *Restraint and Seclusion: Resource Document* (2012) available at <http://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

<sup>37</sup> Many of these schools do not meet federal education standards because they do not receive Federal financial assistance like local school districts, local educational agencies (LEAs), charters, or “alternative” schools. Some states have recognized this discrepancy in standards and presume against transitioning students to on-grounds schools. *See e.g.* Pennsylvania under 24 P.S. § 13-1306; PA DEPT. ED. & PA DEPT. PUBLIC WELFARE, *Bulletin regarding Educational Programs for Students in Non-Educational Placements*,

[http://www.portal.state.pa.us/portal/server.pt/community/pa\\_codes/7501/educational\\_portions\\_of\\_non-educational\\_placements/507372](http://www.portal.state.pa.us/portal/server.pt/community/pa_codes/7501/educational_portions_of_non-educational_placements/507372) (last visited Mar. 27, 2014).

<sup>38</sup> Schools may find that approaches such as restorative justice are more effective ways to prevent misbehaviors than exclusionary discipline sanctions like suspensions and expulsions. Guidance at 12.

<sup>39</sup> Students who are frequently expelled or suspended are less likely to graduate on time and more likely to repeat a grade, drop out, or become involved in the juvenile justice system. High rates of suspension are linked with lower school-wide academic achievement. Communities bear the costs of grade retention and dropouts. Guidance at 15.

<sup>40</sup> *See* Guidance, Principle 2, Action Step 5 (“Reserve for Serious Infractions”).

<sup>41</sup> Guidance, Principle 2, Action Step 5, at 15.

<sup>42</sup> *Id.*



- Transition back to the regular classroom should be a “high priority.” To facilitate that return, schools should “strive to provide individually tailored intensive services and supports for students entering the classroom from alternative school placements or the juvenile justice system.”<sup>43</sup>

It follows, then, that foster youth are best-served when they remain in the least restrictive environment rather than being removed or transitioned out to treatment facility’s on-grounds school.

The Guidance explicitly acknowledges the need for support for youth returning from both alternative placements and the juvenile justice system.<sup>44</sup> As schools develop their approaches for supporting the smooth transition back from these placements, school personnel will be well-positioned to address similar issues affecting youth in residential settings.

On-grounds schools may be run by a school district or state educational agency, or may be run as a private school. In the first case, this Guidance applies, and districts should ensure that on-grounds schools are following the Guidance. For schools run privately, these recommendations are instructive and will help to position their students for success.

### *5. Build school staff’s capacity to support youth in care*

School personnel (including administrators) need training and feedback to respond to student misconduct fairly, equitably, and without regard to a student’s personal characteristics (*e.g.*, race, color, national origin, religion, disability, ethnicity, sex, gender, gender identity, sexual orientation, or status as an English language learner, migrant, or homeless student). Although the Guidance does not explicitly include involvement with the child welfare system as such a “personal characteristic,” school staff need to understand the implicit or unconscious biases and the harms associated with using or failing to counter stereotypes that children in care experience.<sup>45</sup>

To the extent that School Resource Officers or police are within schools, the Guidance is clear that the officers should be trained on child and adolescent development, age-appropriate responses, disability concerns, and conflict resolution and de-escalation techniques.<sup>46</sup> Such training will benefit youth in care who have a disproportionately high rate of referral to the juvenile justice system. These police should be familiarized with the specific challenges and needs of youth in foster care and trauma-informed responses.

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<sup>43</sup> *Id.* at 15-16.

<sup>44</sup> Guidance, Principle 2, Action Step 5, at 16 (“To facilitate return, schools should strive to provide individually tailored intensive services and supports.”).

<sup>45</sup> For further discussion of the types of training, *see* Guidance at 16-17.

<sup>46</sup> Guidance, Principle 1, Action Step 5, at 8.



*6. Schools should collaborate with local mental health offices, child welfare agencies, and other stakeholders to align resources, prevention strategies, and intervention services*

The Guidance underscores that appropriately designed partnerships with local mental health offices, child welfare agencies, and other stakeholders can assist schools in supporting students in foster care.<sup>47</sup> It further explains that such partnerships can help schools identify students coping with trauma or with mental health or emotional issues; allow schools to expand interventions offered as part of a school's tiered supports;<sup>48</sup> ensure a continuum of care between school and community-based mental health providers; and fill the gap when schools lack mental health professionals.<sup>49</sup>

The Guidance suggests that schools and agencies develop written agreements or memoranda of understanding (MOUs) to formalize these partnerships.<sup>50</sup> The MOUs should clarify roles, areas of responsibility, procedures, scope of work, staffing and leadership, and lines of communication and “can also prove essential to ensuring that data-sharing complies with privacy laws.”<sup>51</sup> But, the Guidance cautions that MOUs should be reviewed regularly and updated to reflect the needs of the community and of the signing agencies.<sup>52</sup>

Under the federal *Fostering Connections to Success and Increasing Adoptions Act of 2009*, child welfare agencies are required to collaborate with schools to ensure that youth are enrolled in school and can remain in that school even if they change living placements.<sup>53</sup> As a result, many jurisdictions already have MOUs in place at the state, local, or school district level directed to these issues. In such jurisdictions, partnering agencies should examine their MOUs to assess whether they sufficiently

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<sup>47</sup> Guidance, Principle 1, Action Step 5, at 8; Note that “[a]ppropriate” refers to compliance with privacy laws, such as the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and the Federal Drug and Alcohol Regulations (42 CFR Part 2).

<sup>48</sup> Guidance, Principle 1, Action Step 2, at 6.

<sup>49</sup> Guidance, Principle 1, Action Step 5, at 8 (“These partnerships can also ensure the smooth delivery of services between school and community-based mental health providers, and fill in staffing gaps for schools facing shortages of school-based mental health professionals”).

<sup>50</sup> *Id.* at 9

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> The child’s case plan must contain: “(I) an assurance that the State [or local child welfare agency] has coordinated with appropriate local educational agencies ... to **ensure that the child remains** in the school in which the child is enrolled at the time of placement; or (II) if remaining in such school is not in the best interests of the child, assurances by the State agency and the local educational agencies to provide **immediate and appropriate enrollment** in a new school, with all of the educational records of the child provided to the school.” 42 U.S.C.A. 675(1)(G)(ii)(emphasis added). See LEGAL CENTER FOR FOSTER CARE AND EDUCATION, *State Implementation Checklists for Education Provisions of Fostering Connections Act*, available at

[http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/fc\\_implementation\\_checklists\\_final.auth\\_checkdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/child/education/publications/fc_implementation_checklists_final.auth_checkdam.pdf).



address the issues of positive discipline and support.<sup>54</sup> For jurisdictions that haven't yet established MOUs, this is an opportunity to develop them.

### *7. Collect and publish data on youth in care to create and evaluate programs*

Discipline prevention strategies should be evidence-based and data-driven.<sup>55</sup> The Guidance explains that schools should regularly collect, review, and analyze information about all discipline incidents to “prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences.”<sup>56</sup> This collection should be in addition to the data collected for the Department of Education’s Civil Rights Data Collection (CRDC).<sup>57</sup> The Guidance also lists the types of demographic information and incident information that should be collected.<sup>58</sup> Although the Guidance states that schools should “analyze the data to assess the impact [school] discipline policies and practices [have] on students, especially students of color, students with disabilities, and students at risk for dropping out of school, *trauma*, social exclusion, or behavior incidences.” (Emphasis added)<sup>59</sup> By separately assessing the progress of youth in the child welfare system, schools will be better positioned to address the needs of this highly vulnerable group of students.<sup>60</sup> Data sharing is an effective way to monitor the consequences of school discipline across systems and for specific student populations.

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<sup>54</sup> Guidance, Principle 1, Action Step 5, at 8-9.

<sup>55</sup> Guidance, Principle 1, Action Step 2 at 5-6 (“Prioritize the use of evidence-based prevention strategies, such as tiered supports, to promote positive student behavior”). This action step highlights Positive Behavioral Interventions and Supports (PBIS), which is a behavioral framework anchored by components, including data-driven decision-making systems, professional development opportunities, school leadership, state and district policies, and evidence-based instructional strategies. For additional information about PBIS, see the PBIS website hosted by ED’s Office of Special Education Programs at <http://www.pbis.org>.

<sup>56</sup> Guidance, Principle 3, Action Step 2 at 17-18 (“Use proactive, data-driven, and continuous efforts, including gathering feedback from families, students, teachers, and school personnel to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences”).

<sup>57</sup> Guidance at 17; The CRDC collects data (de-identified, not personally identifiable information) from a sample of school districts on key education and civil rights issues in our nation’s public schools, including student enrollment, disciplinary actions, and educational programs and services, disaggregated by race/ethnicity, sex, limited English proficiency and disability. More information about the CRDC is available at <http://ocrdata.ed.gov/>.

<sup>58</sup> Examples of items to collect, Guidance at 17.

<sup>59</sup> Guidance at 16 –18.

<sup>60</sup> LEGAL CENTER FOR FOSTER CARE AND EDUCATION, *Solving the Data Puzzle: A “How to” Guide on Collecting and Sharing Information to Improve Educational Outcomes for Children in Out-of-Home Care*, available at [http://www.fostercareandeducation.org/Database.aspx?EntryId=1543&Command=Core\\_Download&method=inline](http://www.fostercareandeducation.org/Database.aspx?EntryId=1543&Command=Core_Download&method=inline) .

