

Part II: Civil Rights in the Classroom: Special Education, Discipline and Homelessness

Thursday, April 26, 2012
11:00 a.m. to 12:30 p.m. (Eastern Time)

Natasha Quiroga, Esq.
Associate Counsel
Educational Opportunities Project,
Lawyers' Committee for Civil Rights Under Law



mid-atlantic equity
CONSORTIUM, INC.

The Mid-Atlantic Equity Center

Housekeeping Notes

Question and Answer Opportunities

There will be opportunities to ask questions periodically during this session and there will be a dedicated Q & A period at the end.

Online Evaluation

A brief online evaluation will be presented at the conclusion of today's session. Your feedback is important to us. Please take a few minutes to complete the evaluation.

Recording of Session and Slides

A link to the recording of today's session as well as the PowerPoint presentation (PDF format) will be available within 3 days. You are welcome to view the recording and the PowerPoint at your leisure. We will email the link to the online session following today's session.



Center for Schools and Communities Online Learning

Powered by



Computer Sharing

Please type in the following for each participant at your location:

- Name
- Title
- Organizational affiliation



Center for Schools and Communities Online Learning

Powered by



Presenter



Natasha Quiroga, Esq.

Associate Counsel
Educational Opportunities Project, Lawyers'
Committee for Civil Rights Under Law
Phone: 202-662-8350
Email: nquiroga@lawyerscommittee.org



Center for Schools and Communities Online Learning

Powered by



Learning Objectives

- Learn about the relevant civil rights laws and issues as they pertain to the classroom
- Understand the impact race, ethnicity, gender, special education and discipline have on student achievement and school reform
- Recognize the role that teachers play in ensuring equitable access and opportunity for all students

Mid-Atlantic Equity Consortium, 2011.

5



Educational Opportunities Project:
Advocating for equal educational opportunities for minority and low-income youth within the nation's public schools through legal and legislative advocacy and community education



Empowering Parents to Be
Educational Advocates for Their
Children
www.parentalreadiness.org

Mid-Atlantic Equity Consortium, 2011.

6

Disclaimer

This presentation and document is intended solely to provide general information and does not constitute legal advice or address any specific situation nor does it create an attorney-client relationship with the Lawyers' Committee for Civil Rights Under Law.

Mid-Atlantic Equity Consortium, 2011.

7

Impact of Civil Rights Laws in Education

- Displayed a commitment to end discrimination in education
- Mandate to bring formerly excluded students into the mainstream of American education
- Designed to help deliver the promise that every student has the right to develop his or her talents to the fullest
- Improved the educational opportunities of millions of students

Mid-Atlantic Equity Consortium, 2011.

8

The Laws

Equal Protection Clause

- Prohibits discrimination on the basis of race, color or national origin

Title VI of the Civil Rights Act of 1964

- Prohibits discrimination on the basis of race, color or national origin

Title IX of the Education Amendments of 1972

- Prohibits sex discrimination

Section 504 of the Rehabilitation Act of 1973

- Prohibits discrimination on the basis of disability

Title II of the Americans with Disabilities Act (ADA) of 1990

- Prohibits disability discrimination

US Department of Education Office for Civil Rights (OCR)

- OCR enforces federal civil rights laws in schools and universities by responding to specific complaints from parents, students, and civil rights groups
- OCR also reviews data for possible patterns of discrimination
- 74 OCR compliance reviews since March 2010
 - 9: Disproportionate discipline against minority students
 - 14: Equal access to college-prep curricula, advanced courses, and other advanced-learning opportunities
 - 2: Disparities in students' access to charter schools

Special Education

Section 504 of the Rehabilitation Act of 1973

- Prohibits discrimination on the basis of disability in programs/activities receiving federal funds

Title II of the Americans with Disabilities Act (ADA) of 1990

- Prohibits disability discrimination in public entities

Examples of the type of discrimination prohibited:

- access to educational programs and facilities
- denial of a free appropriate public education
- Harassment of students because of a disability

Special Education

- **Child find:** duty to find students with disabilities rather than passively ignore the possibility that students may have disabilities
- **Initial Assessment:** multiple people involved to determine assessment plan
- **Special Education Program:** develop IEP (individual education program) that is directly responsive to student's needs, sets goals, and helps student achieve them
- **Due Process:** Procedural process parents can use to challenge at any step or any time and can lead to a formal due process hearing
- **Discipline:** cannot discipline students for behavior that is a result of their disability rather than just misbehavior

Special Education – Section 504

- Section 504 is an anti-discrimination statute that “protects” against discrimination toward children with disabilities
- “Discrimination” based on disability under Section 504 occurs when an individual is excluded from participation in or is denied the benefits of any school program or activity
- Even if the student does not have a disability, it is enough that the school perceives the student as having a disability and treats them differently on this perception

Mid-Atlantic Equity Consortium, 2011.

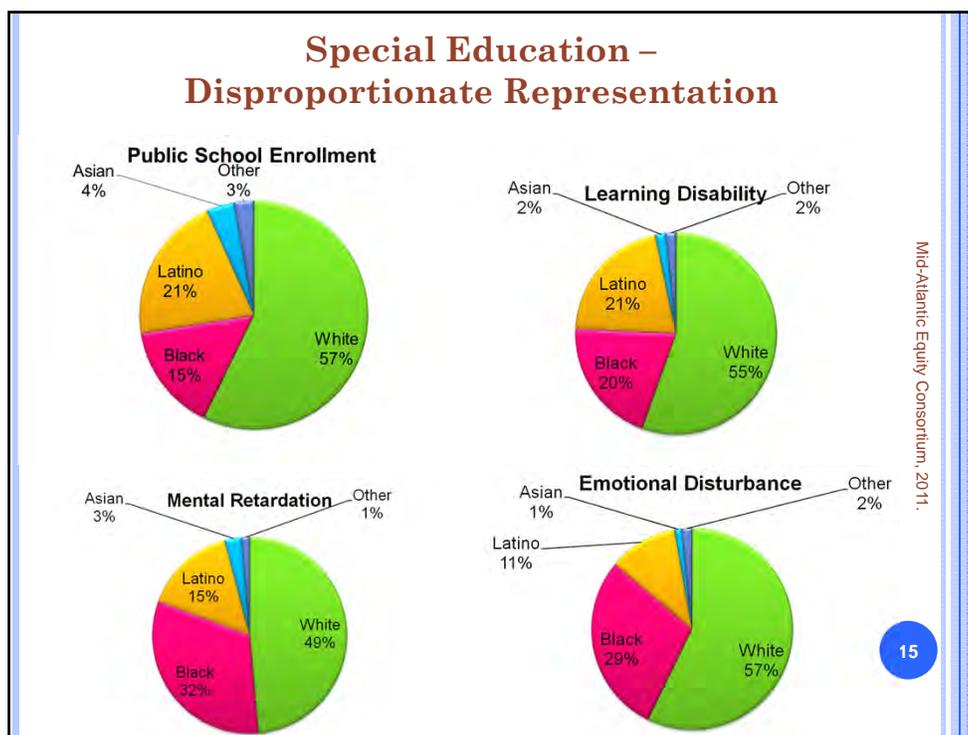
13

Special Education: IDEA & Disproportionality

- *IDEA* requires States and LEAs to address disproportionate representation of racial/ethnic groups in special education (including monitoring of identification)
- States must also collect and examine data to determine whether significant disproportionality based on race and ethnicity is occurring in the identification, placement, and discipline of children with disabilities
- If significant disproportionality is occurring, the State must:
 - Review and revise identification, placement, or discipline policies, procedures, and practices
 - Require the LEA to publicly report on the revisions
 - Require the LEA to reserve 15% of its Part B funds to provide coordinated early intervening services to over-identified students in the LEA

Mid-Atlantic Equity Consortium, 2011.

14



Special Education Disproportionality

Disproportionate Removal from General Education Classrooms

Some disabilities are more disproportionate:

- Emotional Disturbance
- Mental Retardation
- Learning Disability

Black students are:

- labeled emotionally disturbed at almost twice the rate of their White peers
- over twice as likely to receive special education services for serious emotional disturbance
- three times as likely to receive services for mental retardation

Mid-Atlantic Equity Consortium, 2011.

16

Effects of Disproportionate Placement

- Denial of access to general education
- Receiving services that do not meet needs
- Discomfort in misclassification and inappropriate labeling
- Lowered expectations
- Community perceptions of discrimination, segregation

Mid-Atlantic Equity Consortium, 2011.

17

Quiz

1. Which of the following could result in an investigation by OCR?
 - a. Examining whether a school makes autistic students pay for special education services.
 - b. Prosecuting teachers who have students with low test scores
 - c. Ensuring that a school sends out special education meeting notices 30 days before the meetings take place
 - d. All of the above

Mid-Atlantic Equity Consortium, 2011.

18

OCR Cases: Students with Disabilities

- Chicago: agreed to provide adequate transportation services to students with disabilities
- New Jersey district: agreed to scrap requirements that parents provide medical documentation or prove discrimination before students with disabilities can be evaluated for services
- New Jersey district: OCR finding that officials illegally required the family of a child with autism to pay for services

Mid-Atlantic Equity Consortium, 2011.

19

Special Education & Discipline

- 3% of African American students with disabilities received at least one of the IDEA disciplinary provisions (almost 3 times higher than all other students with disabilities)
- African American students were 3.4 times as likely as their peers with a disability to receive a suspension/expulsion more than 10 days

Mid-Atlantic Equity Consortium, 2011.

20

Discipline

- Meaning of notice and opportunity to respond
- Due process
- The sliding scale of how much notice and opportunity to respond is necessary
- The need for formality with expulsion

21

Discipline

Adequate Notice:

- Notice from the school of what the child has allegedly done
- Must be given BEFORE the student is punished
- School should try to provide notice in primary language of student's family

Discipline Hearing or "Due Process" Hearing:

- The opportunity for the student and parent to respond to the allegation before a neutral party if necessary
- Depends on the nature of the offense and the educational opportunity that the student might lose

22

Discipline

Discrimination as a Limit on Punishment

- Schools cannot impose discipline in a discriminatory manner. Even if the punishment is not excessive or unreasonable, the punishment is prohibited if schools punish students differently based on race.
- Proving discipline is discriminatory is difficult, thus courts will often require a *pattern of unequal treatment* to be sure that discrimination is the cause rather than some other reason.
- Proving a policy itself is discriminatory can be easier.

23

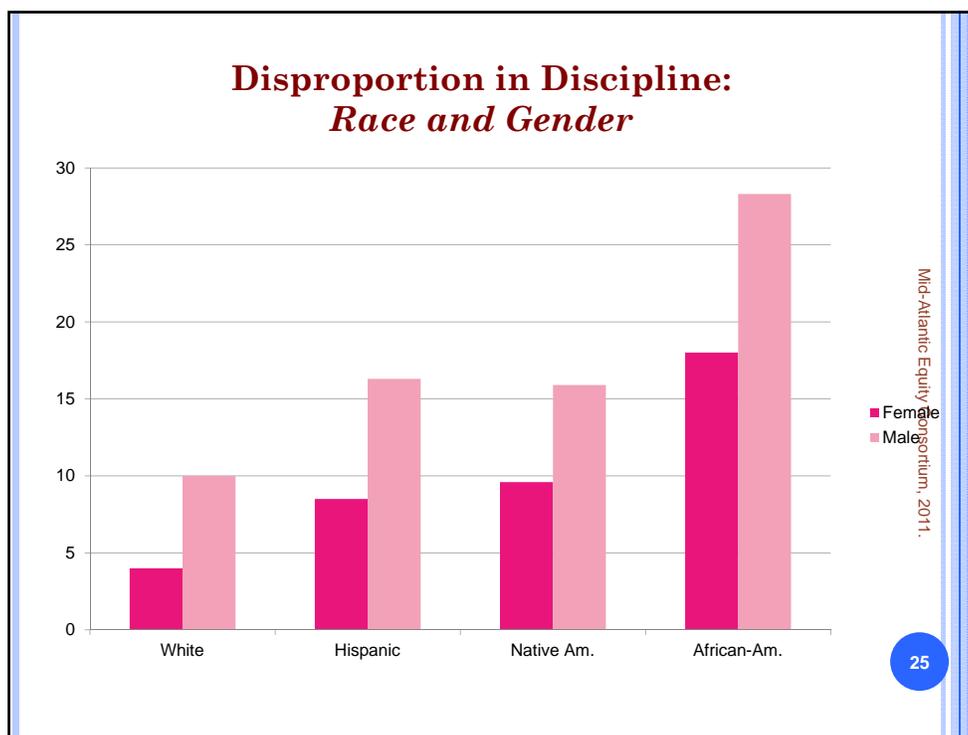
Discipline

Effects of Disproportionate Discipline

- Negatively predict school achievement
- Increased number of drop-outs
- Lower student achievement
- School to prison pipeline

Mid-Atlantic Equity Consortium, 2011.

24



Discipline Disproportionality

Most Common Discipline Problems:

White students:

- *smoking*
- *vandalism*
- *leaving without permission*
- *obscene language*

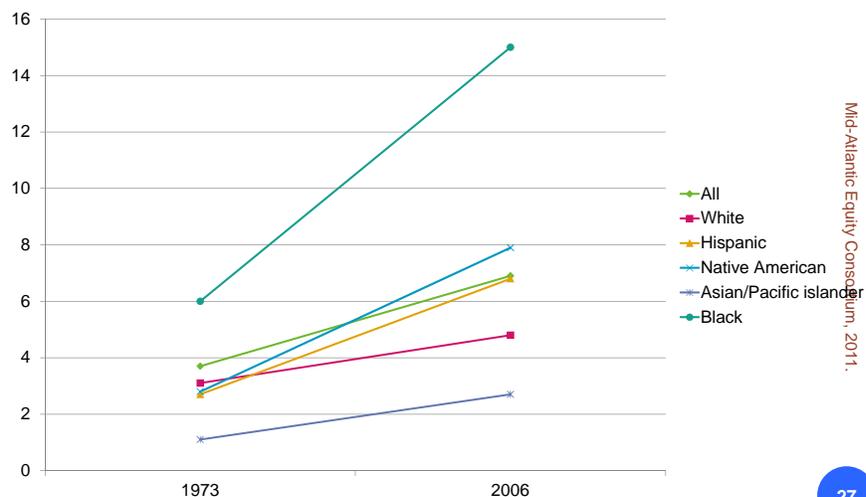
African-American students:

- *disrespect*
- *excessive noise*
- *threat*
- *loitering*

Mid-Atlantic Equity Consortium, 2011.

26

Increasing Risk of Suspension



Best Practices

- Early childhood opportunities
- Response-to-intervention (Rtl) process
- Schoolwide positive behavioral support (PBS)
- Early intervening services (EIS)
- Culturally responsive and appropriate:
 - Classroom management and teaching skills
 - Assessment techniques
 - Mental health services
 - Curriculum and language programs
- Strong parent and community partnerships

Reducing Disproportionality in Discipline

- Implementing graduated discipline systems
- Training on alternative ways to get along
- Teaching training on *culturally responsive* classroom management
- Increase discipline options before suspension
- Use data to identify disproportionate areas
- Improved communication with parents and community

Mid-Atlantic Equity Consortium, 2011.

29

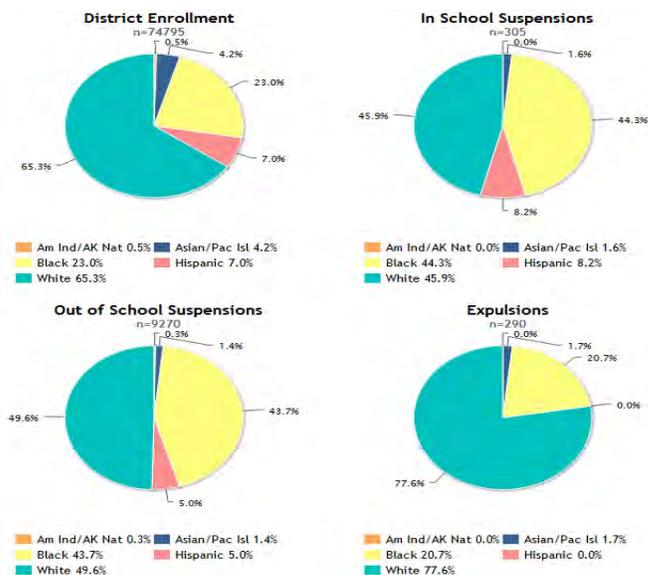
Why Consider Culture within a PBIS or Discipline Framework?

- Schools face the challenge of mediating cultural disconnect(s) between schools and students.
- There are patterns of disparate outcomes for culturally and linguistically diverse (CLD) students in data, especially in “soft” discipline infractions.
- PBIS or other discipline systems often address *behaviors* for teachers and students, but not the *context in which the behavior took place in the first place*.
- When a culturally responsive approach is taken to discipline student behavior improves and teachers’ efficacy increases (Hughes, G. , et al, 2004 & Cooper, 2002).

Mid-Atlantic Equity Consortium, 2011.

30

Please look over the following graphs:



Mid-Atlantic Equity Consortium, 2011.

31

Quiz

- 2: What conclusions can be drawn from the graphs on the previous page?
- Disproportionate discipline rates
 - Launch of an OCR investigation
 - Typical discipline rates
 - A & B
 - None of the above

Mid-Atlantic Equity Consortium, 2011.

32

Homeless Students

McKinney-Vento Homeless Assistance Act: Homeless children must receive equal access to school and school services

Goal: to ensure that that homeless students have access to the education and other services needed to meet student academic achievement standards

School districts must ensure that their educational programs for homeless children are administered in a nondiscriminatory manner

Mid-Atlantic Equity Consortium, 2011.

33

Homeless Students

All school districts must:

- Appoint a homeless liaison (even if they do not receive McKinney funds)
 - Expedite the enrollment of homeless students
 - Allow enrollment in student's new district or remain enrolled in original school
 - Provide transportation to the student's school
- Students will not necessarily self identify as homeless for obvious reasons
 - Teachers are in the best position to recognize a sudden change in student performance or emotions and should recognize the school has an obligation to help homeless students through this period

Mid-Atlantic Equity Consortium, 2011.

34

Impact in the Classroom

- Disproportionally in Discipline and Special Education
- Achievement Gap
- Dropout Rates
- Student Participation in Advanced Placement
- Higher Education Participation

Mid-Atlantic Equity Consortium, 2011.

35

Takeaways

- Be an advocate for ALL children
- Know and understand civil rights laws
- Assumptions about students are at the core of student success
- Research shows that a teacher's beliefs and expectations in a student's ability is fundamental to his/her success
- Be proactive when you see violations and help colleagues correct their behavior/attitude
- Be cognizant of and review your school and district's data

Mid-Atlantic Equity Consortium, 2011.

36

Equality in education ... the pursuit continues



Mid-Atlantic Equity Consortium, 2011.

37

Resources

- U.S. Department of Education Office for Civil Rights
www2.ed.gov/about/offices/list/ocr/index.html
- OCR Civil Rights Data Collection www.ocrdata.ed.gov
- OCR Disability Discrimination Resources
www2.ed.gov/about/offices/list/ocr/disabilityresources.html
- Homeless Students Guidance
www2.ed.gov/programs/homeless/guidance.pdf
- Lawyers' Committee for Civil Rights Under Law Educational Opportunities Project
www.lawyerscommittee.org/projects/education
- PREP www.parentalreadiness.org

Mid-Atlantic Equity Consortium, 2011.

38



Boosting Success for 21st Century Learners: Equitable Practices for High Achievement

Friday, May 4, 2012

Special focus on:

- Updated application of Civil Rights Laws
- Cultural validity in assessment
- Developing culturally competent leaders
- Creating a college-going culture
- Effective practices for ELL students
- Culturally responsive pedagogy
- Family, school and community engagement to increase academic achievement
- Access to STEM for all students

Keynote speaker Dr. A. Wade Boykin;
Special guest Michelle Shearer, National Teacher of the Year

National 4-H Conference Center
7100 Connecticut Avenue
Chevy Chase, MD 20815

Register Online at
www.maec.org/conference!

39



Next Webinar:

Dissonant Harmony: A conversation about what we must do to enhance the achievement of African American males

Tuesday, May 24, 2012; 2:30p.m. – 04:00p.m.

Presenters:

Robert Murphy, specialist, school completion and alternative programs, MSDE;
Joshua Parker, English/Language Arts Department Chair, Windsor Mill Middle School, Baltimore County Public Schools, MD Teacher of the Year;
Lisa Williams, Director, Office of Equity and Cultural Proficiency, Baltimore County Public Schools

Synopsis

Secretary Duncan has stated that “the high drop-out rate is the Civil Rights issue of this decade.” Research indicates that, nationwide, less than 50% of African American males graduate from high school and even fewer make it to and complete college. The implications resonate in all sectors of our economy. As educators, we need to confront this failing. The webinar will explore specific engagement challenges related to African American males via the historic, social, and academic context. The presenters will offer suggestions for implementing positive approaches to engage African American males in the classroom.

At the end of this webinar, participants will be able to:

- Recognize specific social, economic and academic engagement challenges related to African American males
- Learn interpersonal skills and verbal scripts that will enable African American males to invest, and achieve in, education
- Implement strategies to improve the academic performance of African American males



mid-atlantic equity consortium, inc.

Mid-Atlantic Equity Consortium, Inc.

The Mid-Atlantic Equity Center

Our Programs

Resources

Early Childhood Initiatives

about the consortium

our programs

resources

contact us

promoting equitable education for all

MID-ATLANTIC EQUITY CONSORTIUM, INC.

Mid-Atlantic Equity Consortium, Inc. (MAEC) is a private, not-for-profit with 20 years of success aiding educators, families, communities, and students to increase cross-cultural understanding, engagement and social capital to improve student achievement and further school reform.

MAEC's mission as a capacity building organization is to improve academic outcomes for all students so that they can complete college or pursue careers to be successful and productive citizens. We seek to build the capacity of educators and families to ensure equity for all students.

Join us for our first online webinar December 12, 2011!
**Boosting Success for 21st Century Learners:
The Mid-Atlantic Equity Assistance Center 101**

News Events Contact Us

© 2011 Mid-Atlantic Equity Consortium, Inc. All Rights Reserved.

FOR MORE
INFORMATION,
VISIT OUR NEW
WEBSITE AT:
WWW.MAEC.ORG