

# Disciplinary Removals for Students with Disabilities under the Individuals with Disabilities Education Act (IDEA)

SEAC Meeting  
October 18, 2024

Brikena White, D.Ed.  
Monitoring and Compliance Branch  
Hawai'i State Department of Education

Cesar D'Agord  
National Center for Systemic  
Improvement (NCSI)



# Desired Outcomes

1

A refresher on Discipline definitions and reporting requirements under IDEA

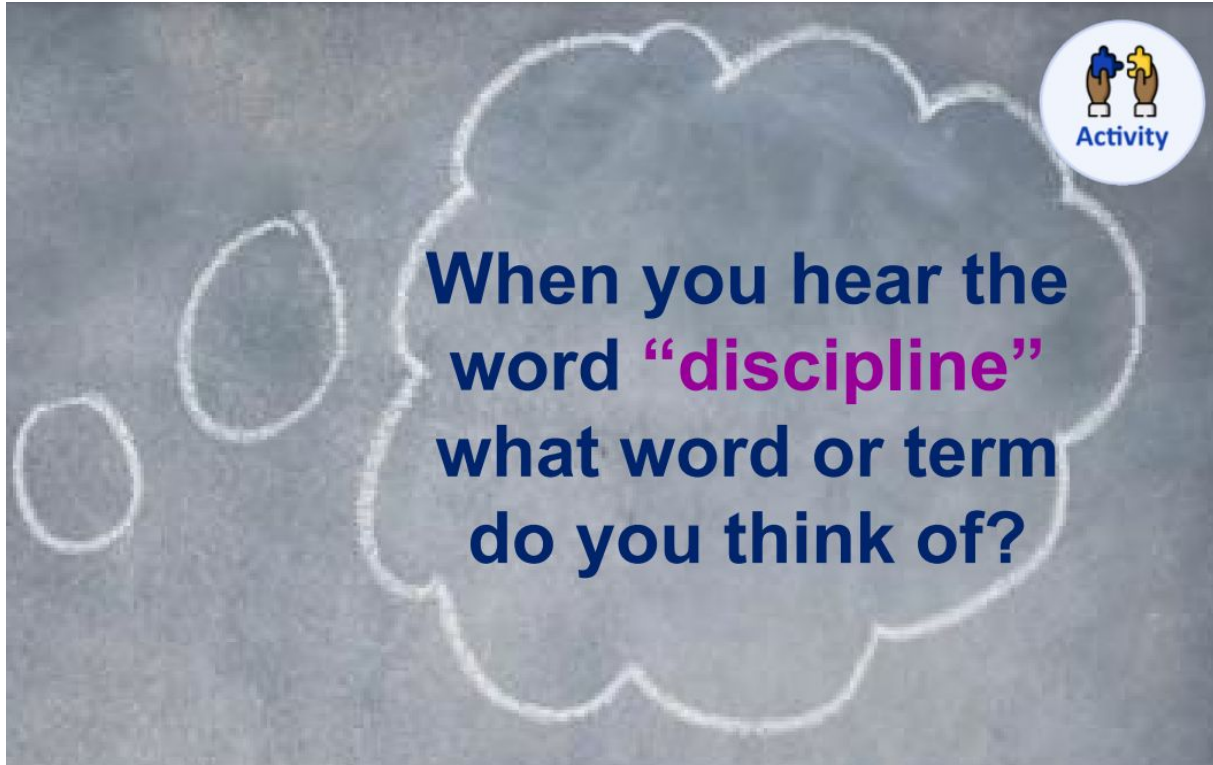
2

Deeper Analysis of Suspension Data for Students with IEPs

- Comparison of Hawai'i discipline data to other states and territories
- Disaggregation of data by race/ethnicity, English Learner status, sex, and number of times removed
- Comparison of discipline data to students without disabilities



# Wordle



When you hear the word **“discipline”** what word or term do you think of?

Activity



In 2022-23 school year, more than 8 in 10 public schools have seen **stunted behavioral and socioemotional development** in their students because of the COVID-19 pandemic.



Source: School Pulse Panel, National Center for Education Statistics, U.S. Department of Education  
<https://nces.ed.gov/surveys/spp/results.asp>



In 2022-23 school year, **minor offenses**, such as **tardiness** and **classroom disruptions**, were the most frequently cited illicit behaviors that have increased in part due to the COVID-19 pandemic.



Source: School Pulse Panel, National Center for Education Statistics, U.S. Department of Education  
<https://nces.ed.gov/surveys/spp/results.asp>



# What is a Disciplinary Removal?

- Any instance in which a child with a disability (IDEA) is removed from his/her educational placement, as written in the individualized education program (IEP) due to a violation of the student code of conduct and the student is not afforded the opportunity to:
  - Continue to be involved in and make progress in the general education curriculum
  - Receive the instruction and services specified in the IEP and
  - Participate with nondisabled students to the extent the student would have in his or her current placement



Generally, a removal is considered a disciplinary removal unless:



child is afforded the opportunity to continue to appropriately **participate in the general curriculum, and**



child continues to **receive** the **services** specified on the child's **IEP, and**



child continues to **participate with nondisabled children** to the extent they would have in their current placement.



# Impact of Suspension

“Given that the opportunity to learn is among the strongest predictors of academic achievement (Brophy, 1988; Greenwood, Horton, & Utley, 2002), it is not surprising that removing students from school for disciplinary reasons is associated with negative academic outcomes.”





# Impact of Disciplinary Removals

- ▶ Exclusionary discipline can have long-lasting negative impacts for students and their parents.
  - decreased academic achievement;
  - absenteeism;
  - not finishing high school;
  - increased involvement in the juvenile justice system;
  - family stress.



<https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf>



# Impact of Suspension: Research

“... the research evidence makes clear that out-of-school suspension and expulsion are in and of themselves risk factors for a host of negative school and life outcomes, regardless of levels of poverty, achievement, or previous behavioral history  
(Skiba, Arredondo, & Williams, 2014)”.



# IDEA Requirements when Reporting Discipline Data:

- Percent of children with disabilities (IDEA) ages 3 through 21:
  - Out-of-school suspensions/expulsions of 10 days or less
  - Out-of-school suspensions/expulsions of greater than 10 days
  - In-school suspensions of 10 days or less
  - In-school suspensions of greater than 10 days
  - Unilateral removals to an IAES:
    - By school personnel for drugs, weapons, or serious bodily injury
    - Based on a Hearing Officer finding regarding likely injury



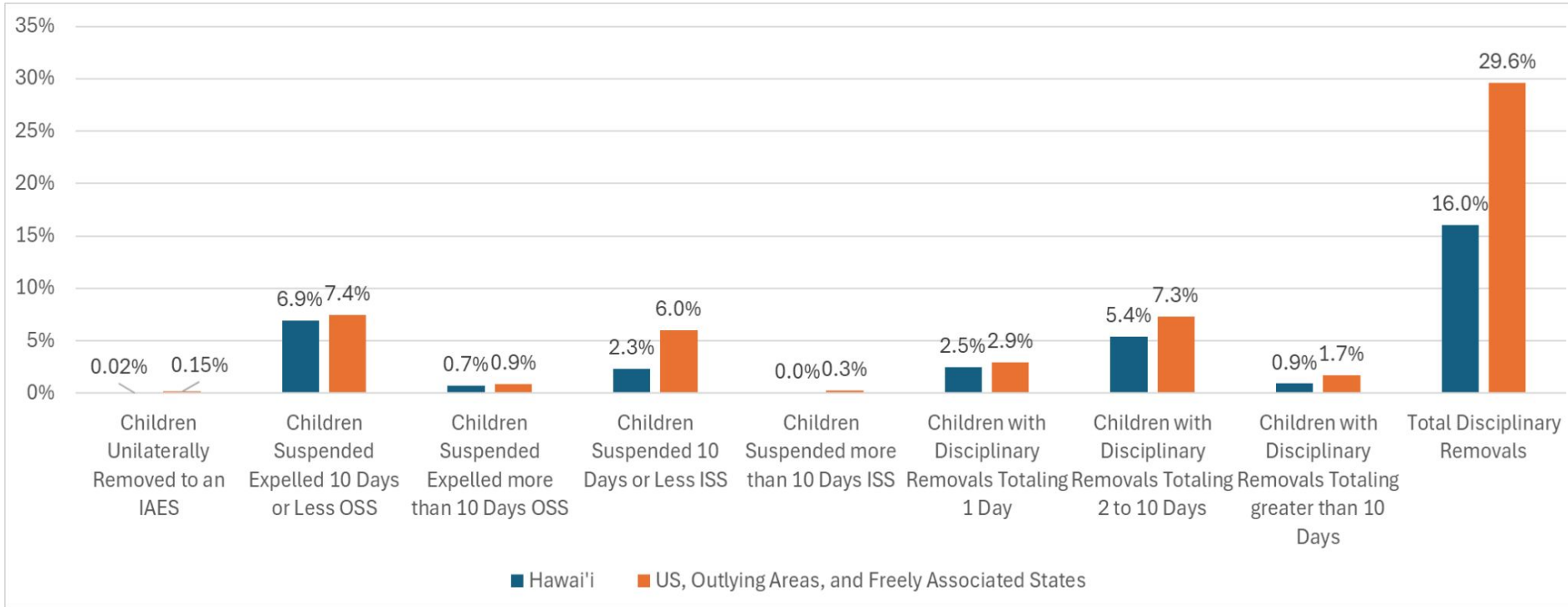
# Setting the Context

Comparing Hawai'i data with National Data  
(rates of disciplinary actions)



# National Comparison Data - SY 2022-23

Percent of students ages 3 through 21 with disabilities (IDEA) Removed ISS, OSS, & IAES  
By All Disabilities

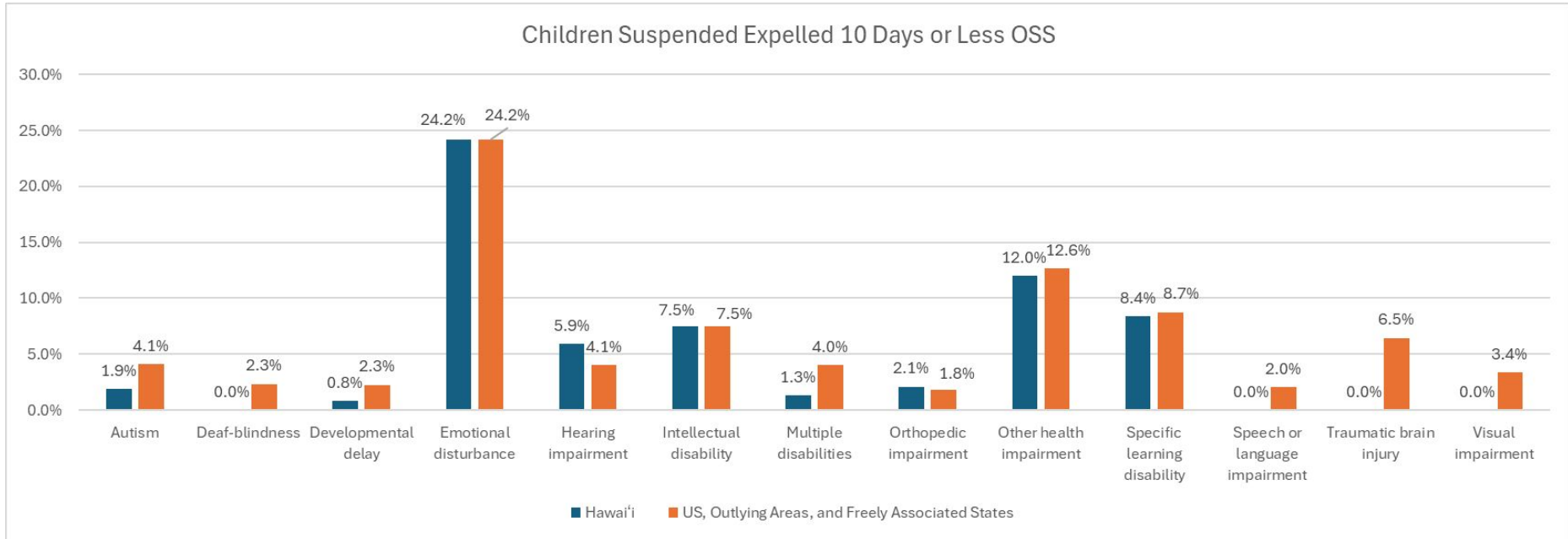


Source: <https://catalog.data.gov/dataset/idea-section-618-state-part-b-discipline-065c2>



# National Comparison Data - SY 2022-23

Percent of students ages 3 through 21 with disabilities (IDEA) Removed 10 Days or less in OSS  
By Disability

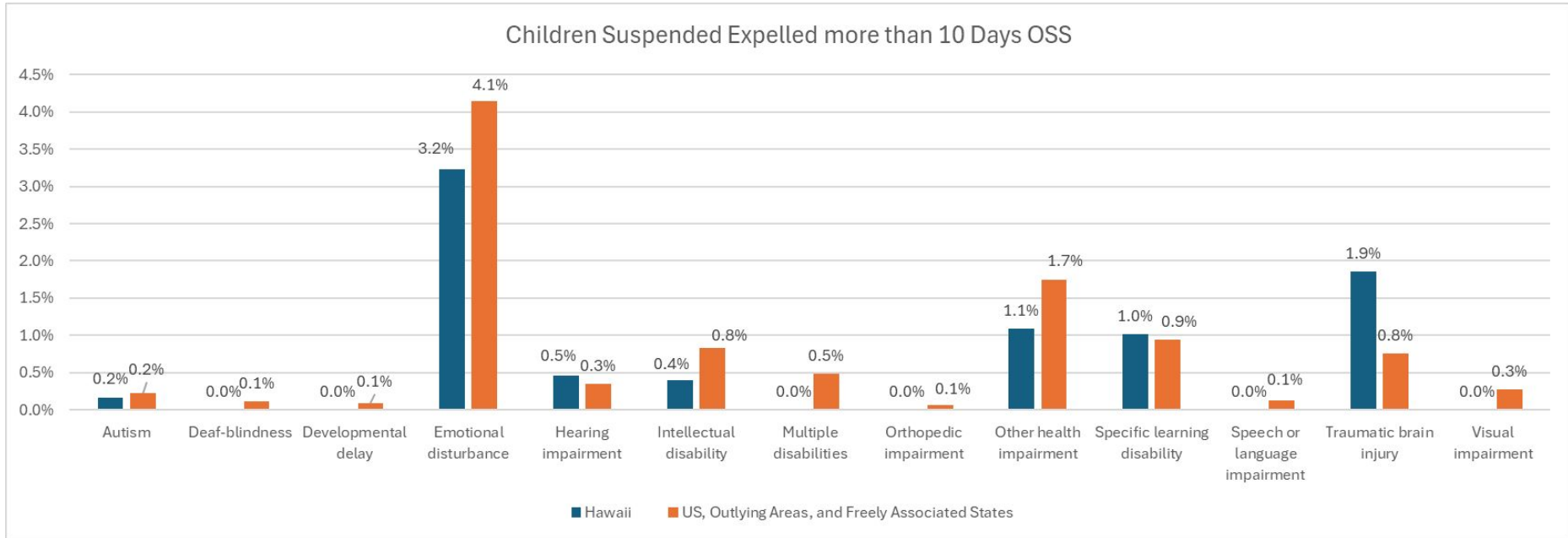


Number of children suspended or expelled, by method and cumulative length of removal (method - out-of-school suspensions / expulsions) (length of removal - less than or equal to 10 days)



# National Comparison Data - SY 2022-23

Percent of students ages 3 through 21 with disabilities (IDEA) Removed more than 10 days in OSS  
By Disability

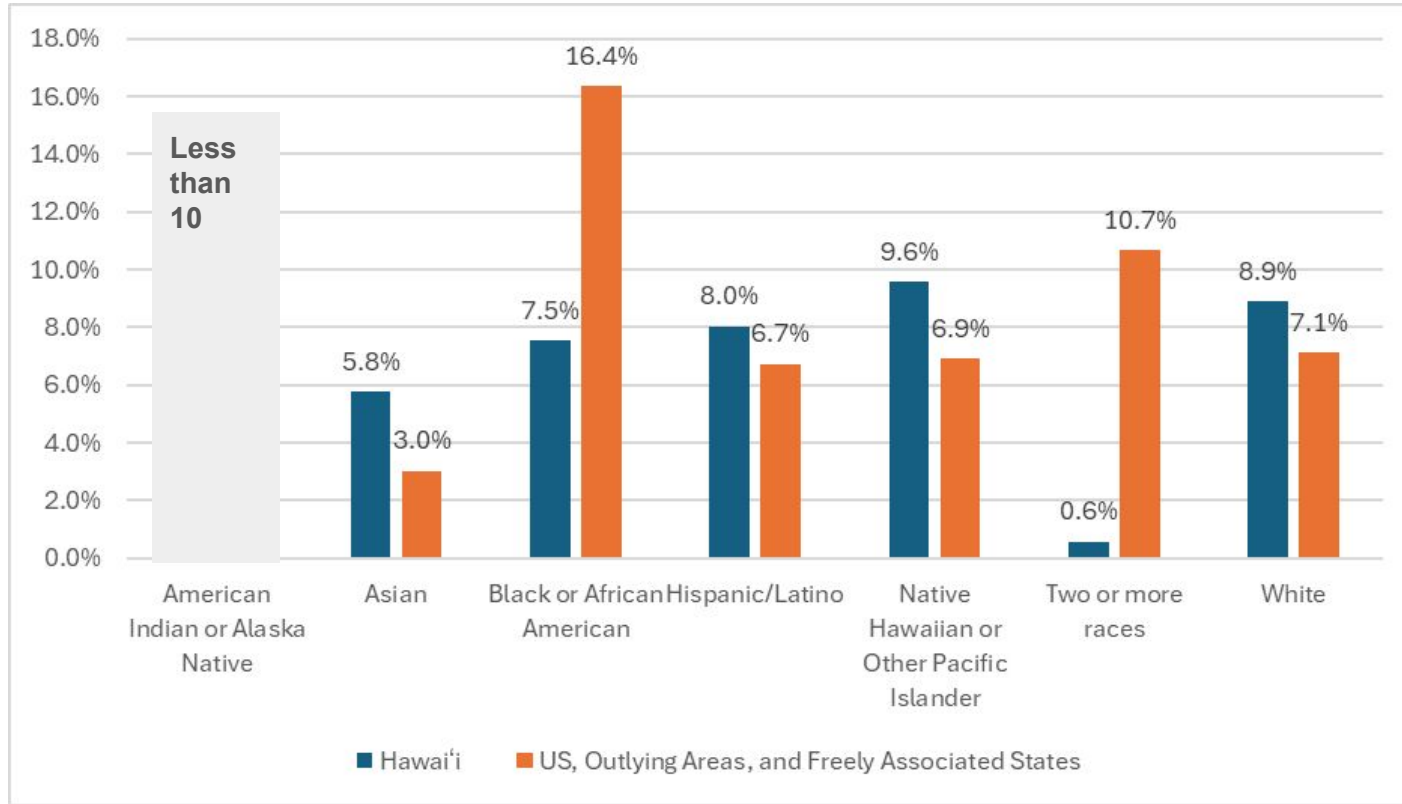


Number children suspended or expelled, by method and cumulative length of removal (method - out-of-school suspension) (length of removal - greater than 10 days)



# National Comparison Data - SY 2022-23

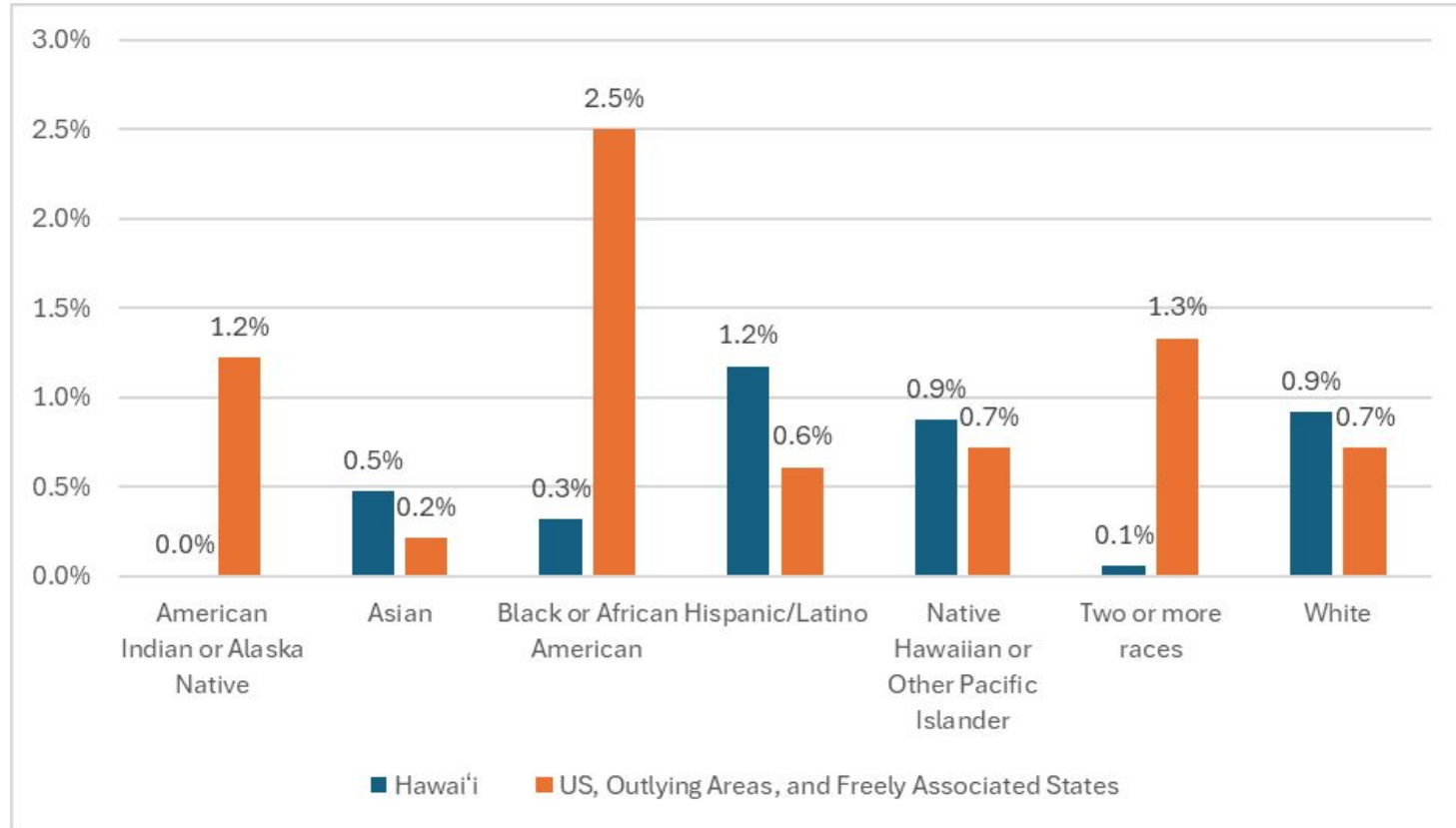
Percent of students ages 3 through 21 with disabilities (IDEA) Removed more than 10 Days in OSS  
By Race/Ethnicity





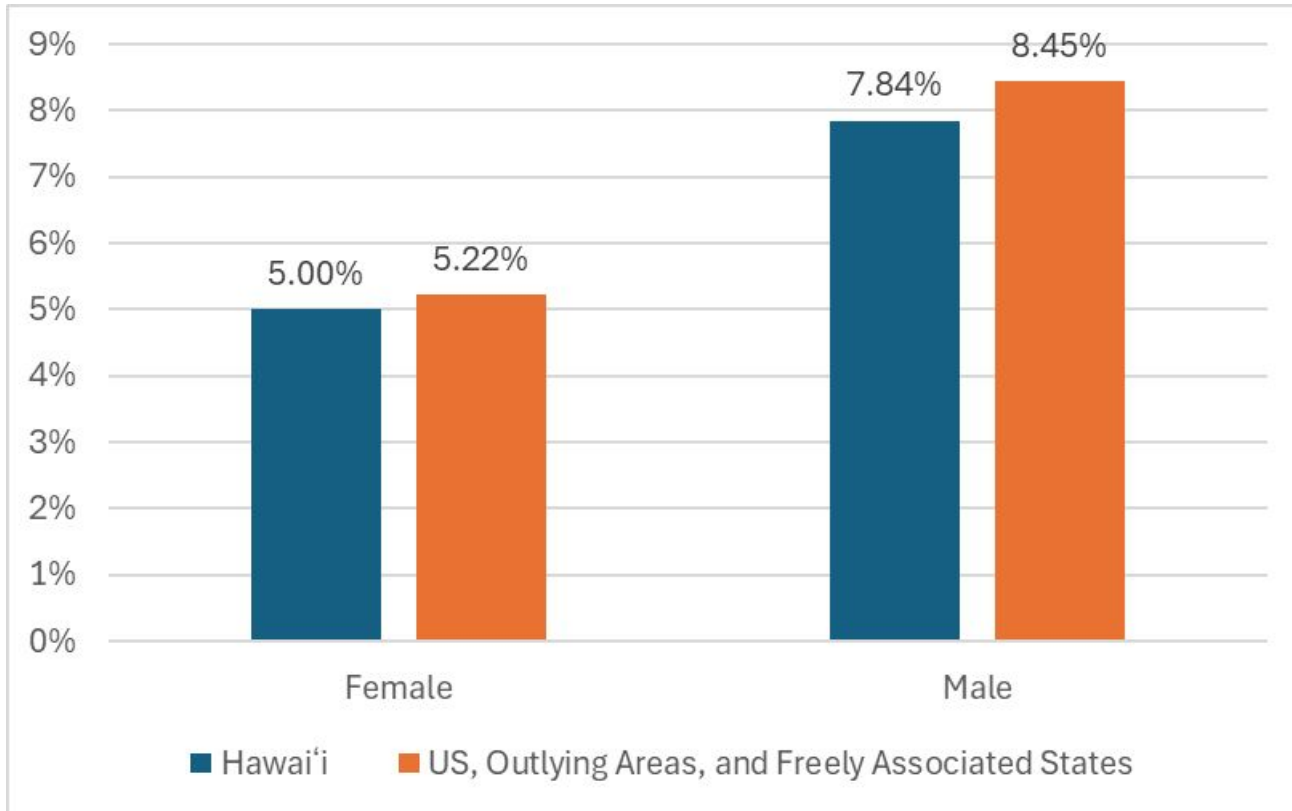
# National Comparison Data - SY 2022-23

Percent of students ages 3 through 21 with disabilities (IDEA) Removed 10 days or less in OSS  
By Race/Ethnicity



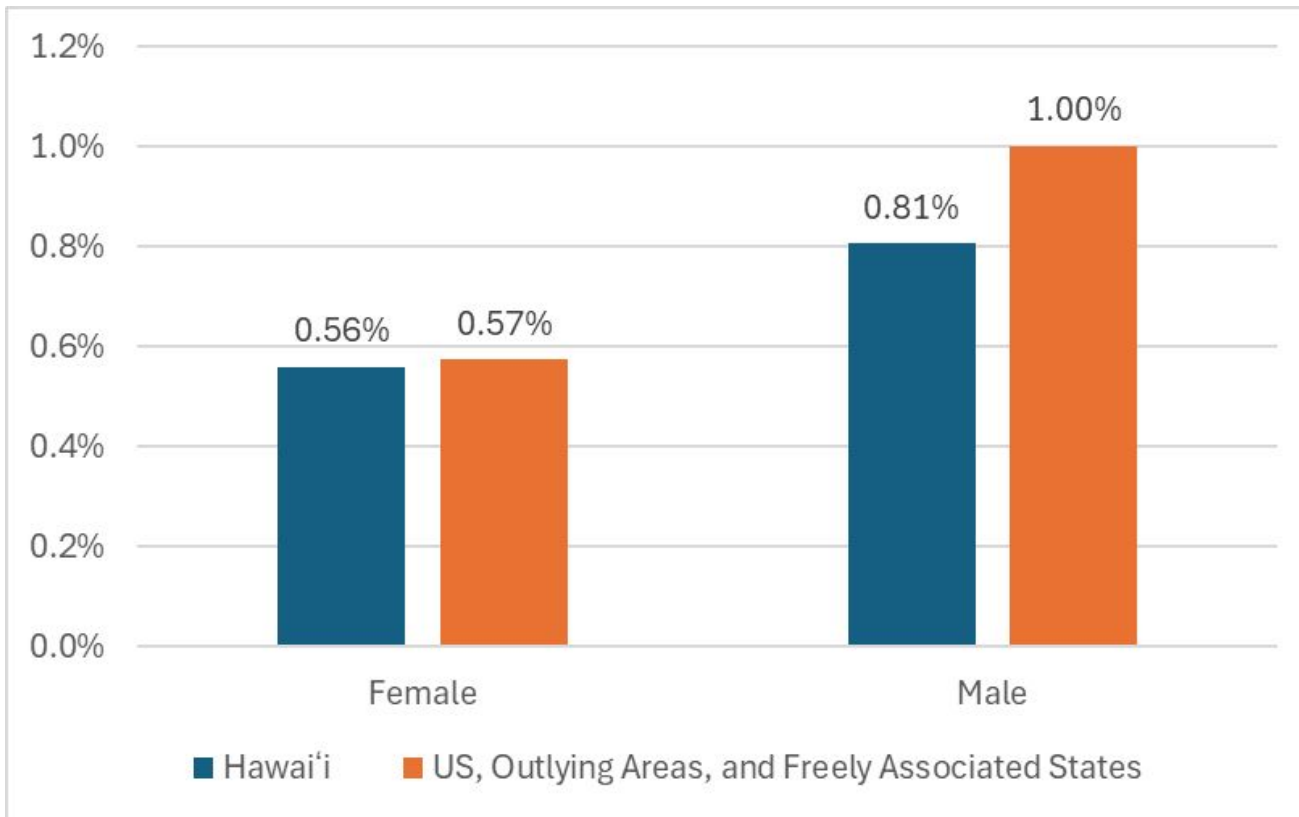
## National Comparison Data - SY 2022-23

Percent of students ages 3 through 21 with disabilities (IDEA) Removed 10 Days or less in OSS  
by Gender



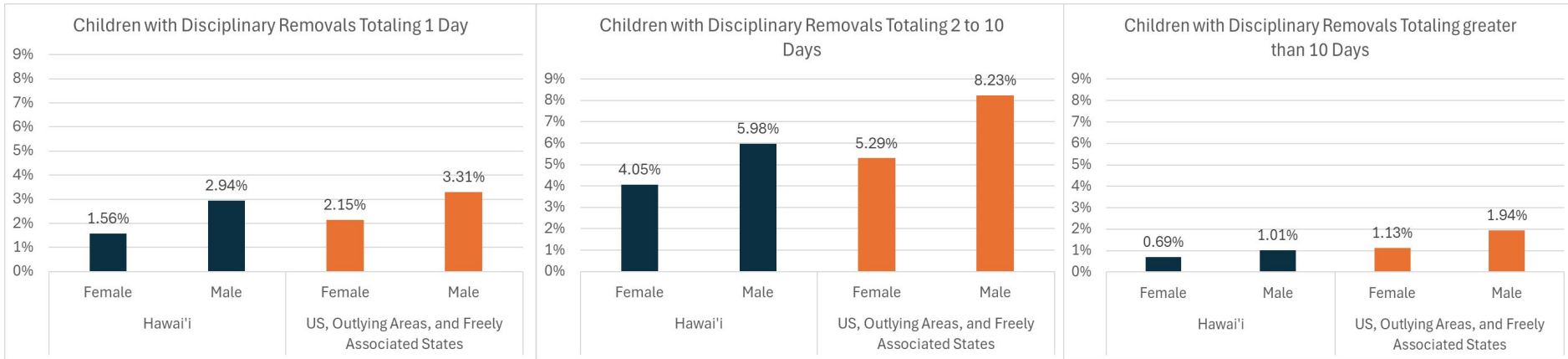
## National Comparison Data - SY 2022-23

Percent of students ages 3 through 21 with disabilities (IDEA) Removed more than 10 Days in OSS  
by Gender



# National Comparison Data - SY 2022-23

Percent of students ages 3 through 21 with disabilities (IDEA) subject to any disciplinary removal  
by Gender

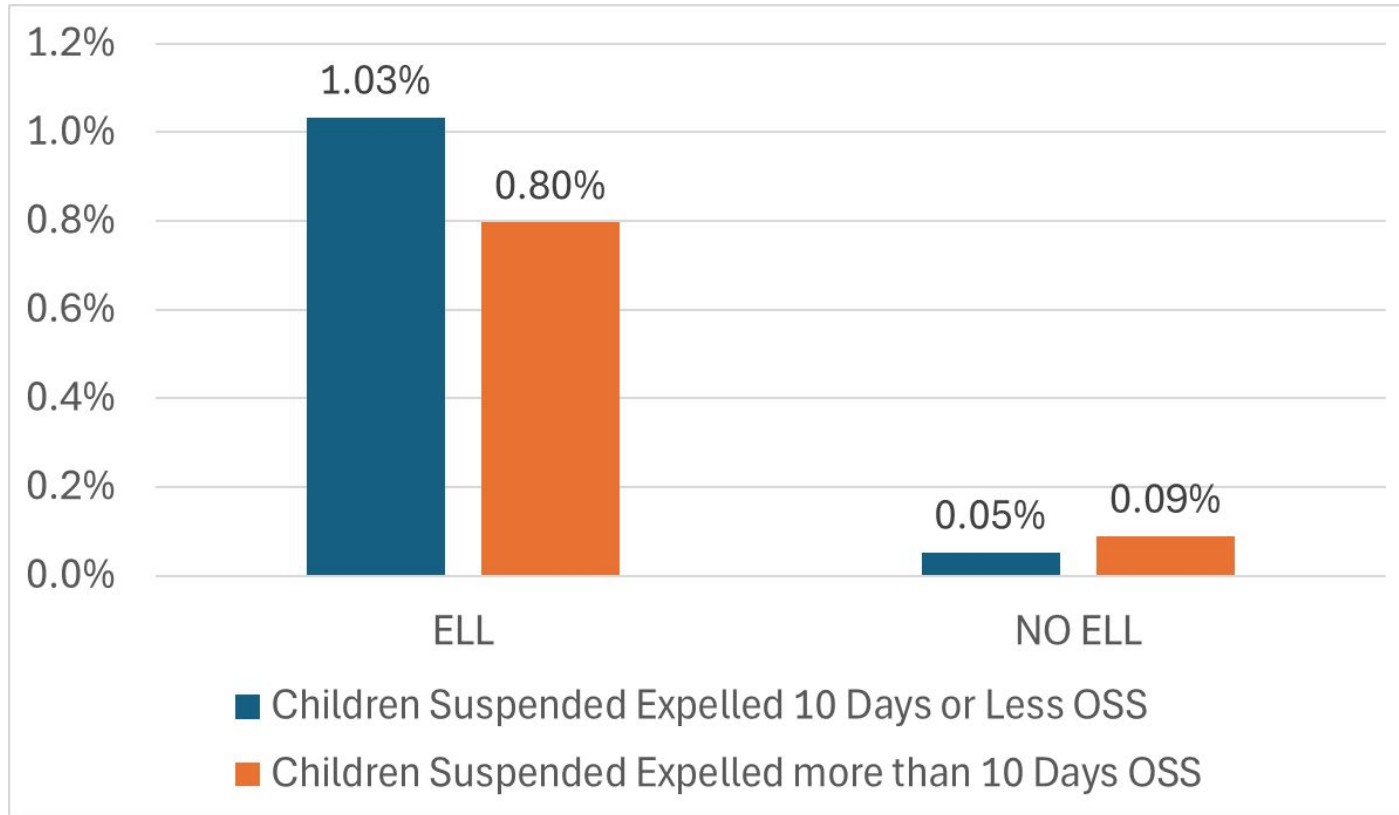


The unduplicated number of children with disabilities (IDEA) who are ages 3 through 21 who were subject to any kind of disciplinary removal during the school year.

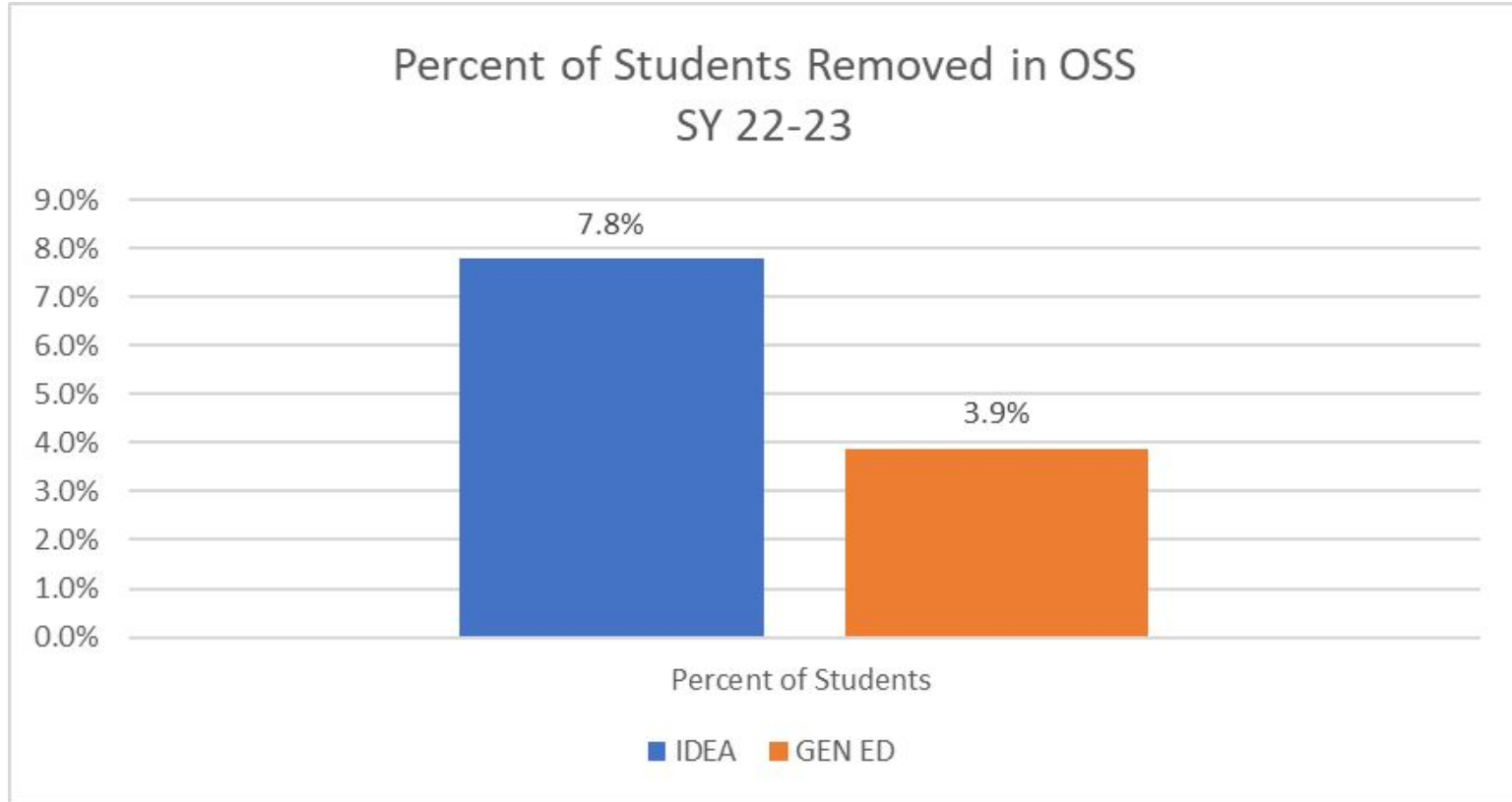


# Hawai'i Comparison Data - SY 2022-23

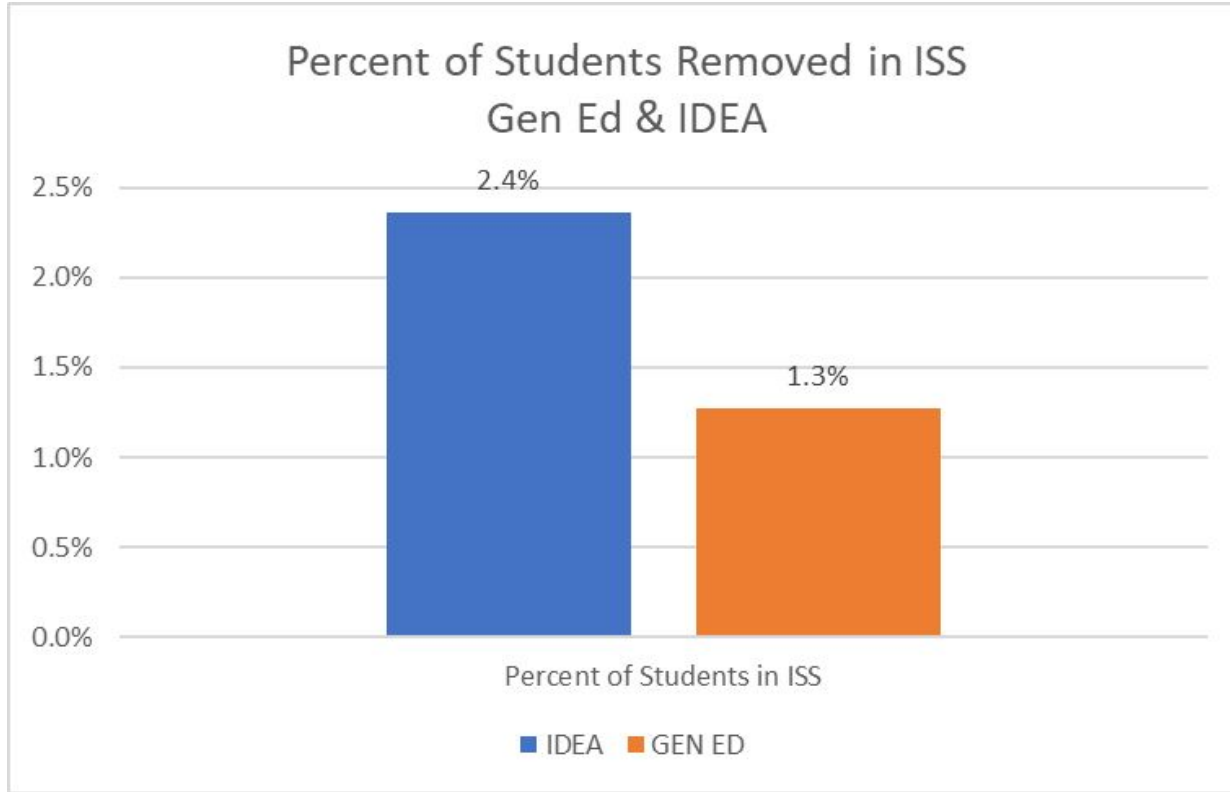
Percent of students ages 3 through 21 with disabilities (IDEA) Removed in OSS  
By English Learners



## Hawai'i Comparison Data - SY 2022-23 Removed in OSS Gen Ed & IDEA



## Hawai'i Comparison Data - SY 2022-23 Removed in ISS Gen Ed & IDEA



From the information shared, what was one major take-away or any surprises?





# Resources

- [Hawai'i Administrative Rules, Chapter 19](#)
- [Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions](#), 81 IDELR 138 (OSERS 2022)
- [IDEA Section 618 State Part B Discipline Data](#)
- [45th Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, 2023](#)

