



# Leveraging Federal Funds to Disrupt Disproportionate Discipline Practices

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In U.S. public schools, children of color, and Black children in particular, are disciplined, suspended,<sup>1</sup> and expelled at significantly higher rates than their White counterparts (Anyon et al., 2014; Coles & Powell, 2019; Hines et al., 2018; Hines et al., 2022; Kunesh & Noltemeyer, 2019; McIntosh et al., 2020; Office for Civil Rights, 2024; Welsh & Little, 2018).

This disproportionality<sup>2</sup> in discipline practices has implications for the long-term academic and emotional outcomes of students. Its effects include lost instructional time, disengagement, and a lack of relational trust with school staff, which can lead to a higher likelihood of future suspensions, lower graduation rates, and higher incarceration rates upon leaving the school system (American Psychological Association Zero Tolerance Task Force, 2008; California Department of Education, n.d.-a; Kaur, 2019; Reynolds & Kamphaus, 2004; Okonofua & Semko, 2023; Washington Office of Superintendent of Public Instruction, n.d.; Wilkerson & Afacan, 2022).

One response to disproportionate discipline practices has been to design and implement policies to improve the behavior of students of color under the assumption that their behavior is more disruptive, violent, aggressive, and nonconforming than that of White students. Educators and administrators are more likely to view a Black student as a troublemaker and to levy more severe discipline upon students of color for infractions similar to those of their White peers (American Psychological Association Zero Tolerance Task Force, 2008; Skiba et al., 2002). In fact, however, research shows that among students of color and their White counterparts, rates of disruption and violence are similar (American Psychological Association Zero Tolerance Task Force, 2008; Anyon et al., 2014; McCarthy & Hoge, 1987; McFadden et al., 1992; Okonofua & Semko, 2023; Skiba et al., 2002; Welsh & Little, 2018). The evidence suggests that disproportionality is not so much a matter of meaningfully different student behavior across racial groups. Instead, it is constructed and perpetuated by the

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1 As of 2017–18, although Black children accounted for only 15.1 percent of all students in the United States, they accounted for 34 percent of out-of-school suspensions, despite exhibiting comparable behavioral patterns to their white peers (Office for Civil Rights, 2024).

2 Disproportionality refers to overrepresentation of a specific group in special education identification, placement, and disciplinary outcomes relative to the presence of this group in the overall student population (Kaur, 2019).



beliefs and practices of practitioners who employ a deficit mindset<sup>3</sup>—one that positions students of color as fundamentally deviant and in need of discipline. Such beliefs underlie school-based initiatives that position students as problems in need of fixing, thus perpetuating deficit mindsets and reinforcing the idea that the dominant school structures for discipline are the primary solution to the aforementioned social inequalities rather than the source of them (Davis & Museus, 2019; Fergus, 2018).

Another response to disproportionate discipline practices has been policy reforms that remove suspensions or expulsions entirely as a form of discipline, without any deeper training or support for staff practices. This approach eliminates the mechanism by which inequities become evident, but it does not confront the practices that lead educators to conclude that certain children *should* be disciplined more than their peers. Such reforms misidentify policy as the root issue, thus falling short of actually improving discipline practices and conditions for students (Fergus, 2018).

To disrupt disproportionate discipline practices within schools, it is critical to **collect and review robust data to understand where bias-based beliefs lie and to determine which policies uphold disproportionate discipline practices**. Such an analysis then enables educational leaders to **use resources to support strategic shifts in identified beliefs, practices, and policies**. This brief offers guidance for financing both the data collection process and the emergent interventions and policy solutions that disrupt inequities within school discipline practices (Fergus, 2018).

## Collect and Review Robust Data to Understand Where Disproportionality Manifests and Which Policies/Beliefs Uphold Disproportionate Discipline Practices

### Quantitative Data Collection

Reviewing quantitative data regarding current discipline trends at the school and local education agency (LEA) level is a preliminary step toward understanding the root causes of disproportionate discipline practices. The review includes but is not limited to aggregate discipline data, including referrals, suspensions, and expulsions; disaggregated discipline data across grade levels, racial groups, and gender; and achievement data over time for children who have been subject to multiple instances of discipline. Understanding the landscape of discipline trends across LEAs is a helpful starting point for uncovering widespread patterns within certain school sites or across student or staff populations. To provide support, **WestEd has developed a step-by-step guide for practitioners, [Using Quantitative Data to Identify and Address Inequities](#)** (Lopez et al., 2023).

<sup>3</sup> Deficit mindsets perpetuate a “blame the victim” orientation toward communities that face inequalities in society. Moreover, deficit mindsets “ignore systemic influences that shape disparities in social and educational outcomes” (Davis & Museus, 2019, p. 121–122). Doing so allows pinpointing individual and cultural “deficiencies” as the problem while removing responsibility from systems or institutions that produce and perpetuate challenges for historically underrepresented families (Davis & Museus, 2019).



## Qualitative Data Collection

Understanding disproportionality in schools requires a comprehensive assessment of community and staff perceptions and experiences with discipline. To engage communities meaningfully, schools need to explicitly collect data from community members in ways that recognize and center the diverse and intersecting cultural and identity-based contexts of families and students. It is important that the engagement needs of community members with less privilege, power, or access be given priority over the needs of the institution or the agendas of community members with the most privilege, power, or access.

To ensure that student voice is at the center of data collection, schools can **engage students to illuminate their experiences with discipline, provide useful counternarratives, and identify gaps in data.** Districts and schools have used **Youth Participatory Action Research (YPAR)**<sup>4</sup> to better understand student experiences around multiple aspects of the discipline process, including chronic tardiness (Cohen et al., 2019), school violence (Dolan et al., 2015), and other factors that may intersect with the ways in which students engage with their education, such as students' experiences with homelessness (Garcia et al., 2014) or bullying (Cohen et al., 2019) and students' sense of well-being (Warren & Marciano, 2018). The Oregon Youth Health Authority provides [a step-by-step guide](#) on how to conduct YPAR in schools.

To understand staff perceptions around discipline procedures, leaders can **establish a district equity team (DET), made up of existing staff and community members, to collect and analyze data as well as cocreate recommendations for LEAs to implement** (California Department of Education, n.d.-a; Ishimaru et al., 2023; Lopez, 2022). A DET may also serve as a leadership and advisory body for policy review and development. In that role, the DET can help school systems interrogate and eliminate deficit mindsets about underrepresented students and their families and can help leaders employ more inclusive, accessible engagement methods that offer deliberative, participatory models of democracy. The DET may encompass one or more existing LEA advisory teams or be an entirely new creation. Many useful models of interdisciplinary and community-led teams can be found in LEAs across the United States, including California's District English Learner Advisory Committees. In Lansing, Michigan, DET feedback and recommendations have become part of the District Strategic Plan (Lansing School District, 2022). One tool to help guide such efforts is WestEd's framework for [Systemic Equity Reviews](#), which draws on culturally responsive data inquiry methods to evaluate systemic policies, practices, and procedures and to identify the underlying educator and staff beliefs they reflect.

The following funding streams can be used to support needed systems of data collection and professional development:

### Every Student Succeeds Act, Title I, Part A: Parent and Family Engagement

To finance robust data collection on discipline practices, LEAs can leverage funds from the Every Student Succeeds Act (ESSA). As a condition of receiving ESSA dollars, federal law requires LEAs to conduct annual outreach and meaningful consultation with members of the community. ESSA defines this outreach as a critical

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<sup>4</sup> YPAR refers to a form of community-based participatory research that enables youth to participate as researchers and collect data from other students regarding topics of interest. It is usually done through offering elective courses at high schools, with teachers acting as the research coordinators.



step in the planning and allocation of funds ([ESSA Section 1116\[a\]\[1\]](#); Every Student Succeeds Act, 2015). LEAs and schools can fulfill this requirement by using a portion of the Title I, Part A set-aside funds for parent and family engagement to review discipline data. With these funds, they can conduct a YPAR project and analysis, including convening a DET—in addition to the required LEA and school advisory committees—to better understand discipline practices that need to be addressed.

### Every Student Succeeds Act, Title II, Part A: Supporting Effective Instruction

Under [ESSA Section 2103\(b\)\(3\)\(E\)](#), LEAs can use Title II, Part A funds to provide professional development for teachers, instructional leadership teams, principals, or other school leaders that is focused on improving teaching and student learning and achievement. This includes supporting efforts to train teachers, principals, or other school leaders through the following:

- Using data to improve student achievement and understand how to ensure that individual student privacy is protected
- Effectively engaging parents, families, and community partners
- Coordinating services between school and community

## Use Resources to Support Strategic Shifts in Identified Practices and Policies

Findings from data, as well as recommendations from community members and students, should be incorporated into new policies or initiatives and implemented using available fiscal resources. Depending on the beliefs, practices, or policies an LEA has identified as catalysts for disproportionate discipline data, multiple funding sources can be leveraged to support more equitable outcomes in schools. For recommendations that require shifts in practice, LEA and school staff will need professional development and support to engage with new concepts, interrogate personal beliefs and ideas, and learn novel strategies to address ongoing issues. In addition, LEAs or schools may need to hire new staff to implement or improve systems.

The following funding streams can be used to support such initiatives:

### Coordinated Early Intervening Services Under the Individuals With Disabilities in Education Act, Part B

As leaders consider the extent of disproportionality as an issue in their schools and how to direct resources to disrupt it, a clear starting place can be found in federal Individuals with Disabilities in Education Act (IDEA) guidance. Specifically, in LEAs where significant disproportionality exists based on race and ethnicity<sup>5</sup> as

<sup>5</sup> The primary measures of disproportionality are risk ratios, which compare one racial/ethnic group's risk of receiving special education and related services to that of all other students based on rates of identification and placement for services as well as discipline rates (Bollmer et al., 2007).



determined by the state, an LEA must each year reserve 15 percent of its 611 and 619 IDEA grant funds to provide comprehensive coordinated early intervening services (CCEIS) to students in the LEA, including but not limited to students who have been significantly overidentified (Early Intervening Services, 2016; U.S. Department of Education, 2017a).<sup>6</sup>

While CCEIS provide mandates for federal compliance, LEAs do not have to be identified as significantly disproportionate to use coordinated early intervening services (CEIS) funds. Each year, LEAs that have not been identified may also use up to 15 percent of IDEA Part B funds to develop and implement CEIS. This includes support for any school staff who are responsible for K–12 students who need additional academic and behavioral supports to succeed in a general education environment but do not currently have an individualized education plan, or IEP (Center for IDEA Fiscal Reporting & IDEA Data Center, 2015; Early Intervening Services, 2016; U.S. Department of Education, 2008a, 2008b, 2017b). Districts may use CEIS funds to do the following:

- Hire coordinators and staff to implement and/or monitor Multi-Tiered Systems of Support (MTSS) and to engage teachers in training on alternative and empathetic discipline procedures in the classroom (Okonofua & Semko, 2023).
- Conduct trainings for leaders and teachers on topics identified by DETs, community groups, or leadership (i.e., trainings in culturally responsive pedagogy, implicit bias, deficit mindsets, and alternatives to discipline) that can inform policy redesign, such as reviewing zero-tolerance<sup>7</sup> discipline policies and replacing them with graduated systems of discipline (American Psychological Association Zero Tolerance Task Force, 2008; Chin et al., 2012).
- Hire substitute teachers to allow teachers to participate in activities funded by CEIS, including professional development (Colorado Department of Education, 2017).
- Procure coaching services for mentoring/coaching services to help carry out activities funded by CEIS.
- Hire staff such as guidance counselors or social workers to provide school-based support services to students.
- Provide services that supplement activities funded by and carried out under ESSA (Early Intervening Services, 2016).

<sup>6</sup> While all states are required to track significant disproportionality, each state individually defines what the threshold is to determine significant disproportionality.

<sup>7</sup> Zero-tolerance policies refer to firm guidance that prioritizes student safety by levying uniform punishment for many different infractions without regard to context. Research has shown that having limited or singular consequences for any student behavior creates a hazard wherein students may miss significant instructional time as a result of minor infractions such as classroom disruption or minor vandalism. Schools can instead provide a continuum of next steps after a student infraction—steps wherein teachers can consider many options depending on the context, urgency, and consistency of the offense. Such an approach allows students to engage in activities that may better support their understanding of the offense and take additional steps for resolution (American Psychological Association Zero Tolerance Task Force, 2008).



## Every Student Succeeds Act, Title I, Part A

Title I, Part A grant funds support schools with the highest concentrations of socioeconomically disadvantaged students. The purpose of Title I, Part A is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps (Elementary and Secondary Education Act of 1965, section 1001; United States, 1965). Funds can be used to provide a wide range of supplemental activities to help students meet state academic standards, including several that can support efforts to decrease disproportionality in discipline practices and support more culturally responsive and sustaining learning environments for students (Elementary and Secondary Education Act of 1965, section 1114; United States, 1965). Activities to support discipline initiatives include the following:

- Instructional supports such as substitute teachers to allow teachers to participate in training and professional development as recommended by DETs or community feedback
- Professional development activities that support the advancement of LEA goals, which may include actions to resolve disproportionate discipline practices identified by DET or YPAR data collection activities (North Dakota Department of Public Instruction, 2022)
- The employment of counselors and other behavior and mentoring resource staff or programs to develop competencies such as social and emotional learning (California Department of Education, n.d.-c; Oregon Department of Education, 2023)

At present, many LEAs opt to provide flat per pupil Title I, Part A allocations to schools based on their student population qualifying as socioeconomically disadvantaged. The U.S. Department of Education provides guidance that explicitly calls out the opportunity LEAs have to advance equity through such targeted allocations, stating that “the flexibility to allocate more funds on a per-pupil basis to a higher-poverty school represents an opportunity for an LEA to distribute Title I funds in a manner that may be more equitable than allocating the same amount of funds per-pupil to every school” (Office of Elementary and Secondary Education, 2022, p. 12).

Some schools with high concentrations of poverty may require additional funds to carry out policy changes, provide specialized professional learning, or provide incentives and rewards to attract and retain qualified and effective teachers to resolve disproportionate discipline practices. In such cases, ESSA allows for Title I, Part A funding allocation methods to concentrate dollars on schools whose data demonstrate a need for additional resources after all qualifying schools receive allocations under the “Rank and Serve” requirements.<sup>8</sup> This detail allows LEAs the autonomy to design and offer unique combinations of per pupil allocations to target supplemental funding toward the highest need schools and grade spans in high-need schools that have elevated rates of discipline (California Department of Education, n.d.-c; Colorado Department of Education, 2023; Florida Department of Education, 2009; Oklahoma State Department of Education, 2023; Oregon Department of Education, 2022; Washington Office of Superintendent of Public Instruction, 2020).

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<sup>8</sup> LEAs must rank all eligible schools according to their percentage (concentration) of socioeconomically disadvantaged students and first serve schools with the highest concentrations.





## Every Student Succeeds Act, Title II, Part A: Supporting Effective Instruction

Under [ESSA Section 2103\(b\)\(3\)](#), LEAs can use Title II, Part A funds to provide professional development—for teachers, instructional leadership teams, principals, or other school leaders—focused on improving teaching and student learning and achievement. These funds may support efforts to train teachers, principals, or other school leaders in several areas, including the following:

- Designing and implementing evaluation tools, such as classroom observation rubrics, which can be adapted to capture culturally responsive practices and highlight areas of improvement in discipline practices
- Creating and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, particularly around application and use of training on implicit bias or culturally responsive pedagogy
- Developing policy with school, LEA, community, or state leaders (these funds may be of particular value for designing shifts in policy, such as eliminating certain forms of discipline while simultaneously introducing alternative methods through professional development, training, and DET recommendations)

## Every Student Succeeds Act, Title IV, Part A, Student Support and Academic Enrichment Program

A primary intended use of Title IV, Part A funds is to promote activities to support safe and healthy students. To this end, a portion of Title IV, Part A funds may be used to implement the following activities specific to developing social and emotional learning competencies for staff and students ([ESSA Section 4108](#)):

- Culturally responsive Positive Behavioral Interventions and Supports (PBIS) that explicitly center racial and cultural assets as a key component of implementation. These supports include but are not limited to the following:
  - Designating a site resource coordinator at a school or LEA to provide PBIS services
  - Engaging with families and community members

*Note:* The Center on PBIS has developed a [field guide for trainers and coaches](#) to support equity in school discipline (Center on Positive Behavioral Interventions and Supports, 2016).

- Trauma-informed practices in classroom management
- Crisis management and conflict resolution
- School-based violence prevention strategies



## Conclusion

The disproportionality in discipline practices across the United States highlights a greater need for revisions in LEA culture and procedures. This brief is not a guide on how to quickly fix an acute issue but rather a starting point for LEAs working to develop larger initiatives to address systemic problems. By beginning with robust data collection and designing interventions that focus on changing systems rather than students, schools and their communities can take preliminary steps toward understanding and resolving the root causes of disproportionate discipline practices. Although the grants discussed are likely familiar to educational leaders, this brief lays out guidance for optimizing these funds with an explicit focus on culturally responsive and sustaining education, equity, and best practices in social and emotional learning. Integrating the funding sources identified here with existing LEA work and fiscal planning will tether shifts in policies, practices, and procedures to an LEA's larger strategic vision and help advance its trajectory. Each of the grants identified intersects with multiple areas of need in a student's life, such as disability and poverty—which is important since disproportionality in discipline, with its multifaceted systemic roots, is more likely to impact students with higher needs.

**Table 1. Summary of Federal Funding Sources and Their Eligibility to Support More Equitable Discipline Practices**

Funding stream	Community engagement	Data collection	Hiring staff	Policy reform and implementation	Professional development	Behavioral supports and staff for students
<b>ESSA: Title I, Part A—Improving Basic Programs Operated by LEAs</b>	x	x	x	x	x	x
<b>IDEA, Part B—Coordinated Early Intervening Services (CEIS)</b>	x		x		x	x
<b>ESSA: Title II, Part A—Supporting Effective Instruction</b>	x	x		x	x	
<b>ESSA: Title IV, Part A—Student Support and Academic Enrichment Program (SSAE)</b>	x		x			x

*Note.* The “x” indicates that the funding source is eligible to be used for that respective activity.



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