



**NCAI's 12th Annual Tribal Leader/Scholar Forum**  
**BREAKOUT SESSION**  
**Nehantic Room**  
**1:30pm-4:00pm**

***Serving our Students: New Futures for Tribal Education & Policy***

Moderated by Councilwoman Robin Sigo, Suquamish Tribe

The future of tribal education is in our hands. How will we shape better, stronger outcomes for our youth? How will we exercise greater self-determination over schools to ensure the needs of all students are not only identified in the data but acted upon through proactive policy reform? We have reached a critical juncture; our concurrent policy concerns must interface with the latest research on education and practice. This panel of experts will share their insights on how data can inform our next steps.

Presenters:

**The Future of Ed: What do Charter Schools mean for Indian Country?**

Diana Cournoyer, National Indian Education Association

**The Misidentification of AI/ANs: Tracking and Supporting Native Students**

Barbara Aston, Washington State University

Dr. Yolanda Bisbee, University of Idaho-Moscow

Laura John, Education Northwest

Sara Marie Ortiz, Highline Public Schools

Patricia Whitefoot, Toppenish School District

**Reflections on the School-to-Prison Pipeline**

Dr. Dan Losen, Center for Civil Rights Remedies, UCLA Civil Rights Project

# Misidentification of American Indian/Alaska Natives: Tracking and Supporting Native Students

June 14, 2017

Barbara Aston, Washington State University, Pullman, WA

Dr. Yolanda Bisbee, University of Idaho, Moscow, ID

Laura John, Education Northwest, Portland, OR

Sara Marie Ortiz, Highline Public Schools, Burien, WA



# Partnership:

## ■ Education Northwest

- Regional Education Laboratory (REL-NW)
- Portland, OR based nonprofit

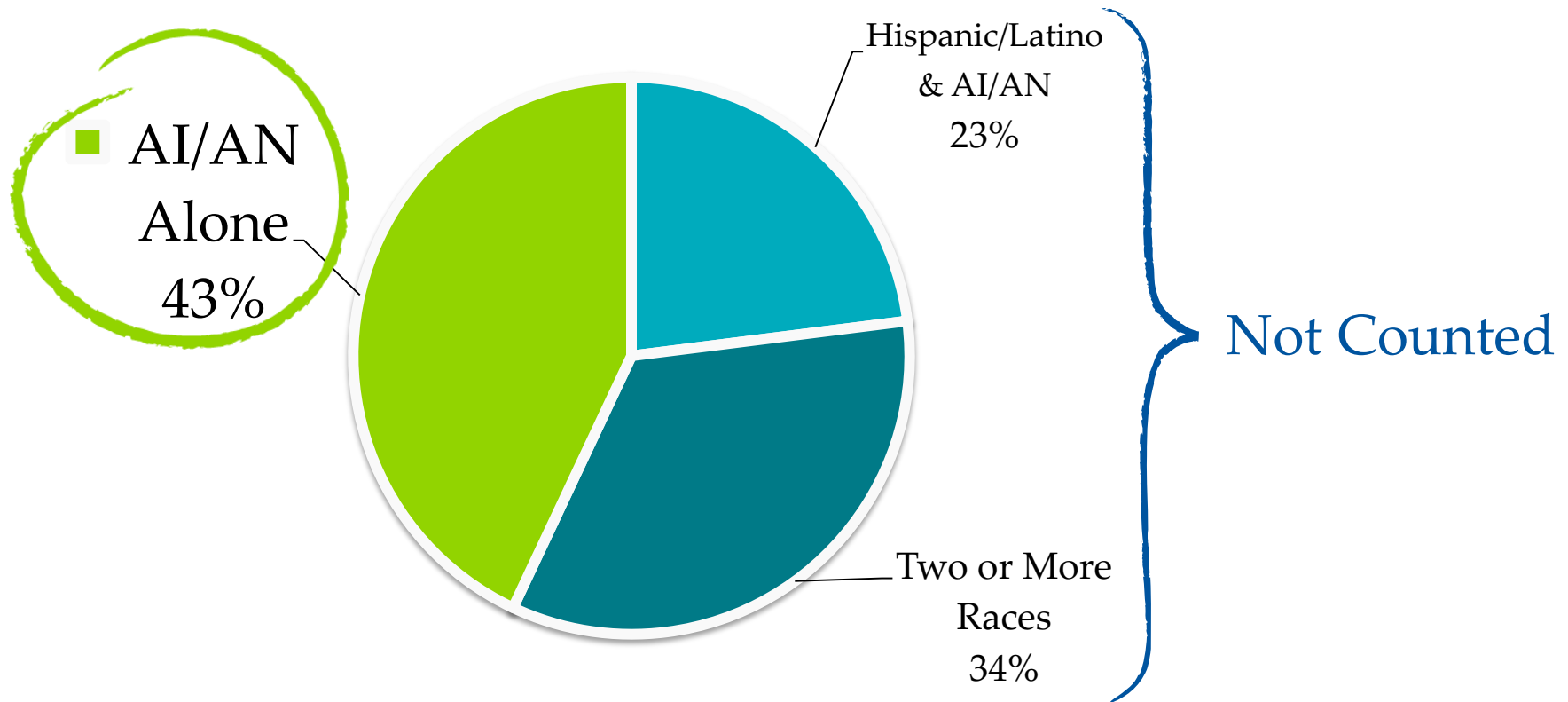
## ■ Northwest Tribal Educators Alliance

- Education Committee members of the Affiliated Tribes of Northwest Indians (ATNI)



# Challenge:

## Current AI/AN definitions fall short



SOURCE: Mackety, D. M., Ebarb, A., & Zenone, H. (2012).



# Impact to Education Systems

- Varying Definitions
- Determination of Funding/Budgets
- Eligibility for Programs and Services
- Accurate Data and Information Systems



# Definitions of American Indian/Alaska Native Students

<b>Dept. of Education</b>	A person having origins in any of the original peoples of North <b>and South America (including Central America)</b> , and who maintains tribal affiliation or community attachment.
<b>Title VI-Indian Education Formula Grant</b>	<ul style="list-style-type: none"><li>(1) a member (as defined by the Indian tribe or band) of an Indian tribe or band...including any tribe or bands terminated since 1940, and those recognized by the State in which the tribe or band reside; or</li><li>(2) a descendent in the first or second degree (parent or grandparent) as described in (1); or</li><li>(3) considered by the Secretary of the Interior to be an Indian for any purpose; or</li><li>(4) an Eskimo or Aleut or other Alaska Native; or</li><li>(5) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect October 19, 1994</li></ul>
<b>Johnson O'Malley Funding</b>	Eligible students are Indian students, from age 3 years through grade(s) 12, except those who are enrolled in Bureau or sectarian-operated schools, if they are one-fourth (1/4) or more degree Indian blood and recognized by the Secretary as being eligible for Bureau services.
<b>Title VII-Impact Aid</b>	A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall establish policies and procedures...

# Implications to Tribal Nations

- Within public school systems
  - ESSA Tribal Consultation (State and District)
  - Accountability
- Tribal Sovereignty
  - Accountability
  - Gov 2 Gov Relationship
  - Fiduciary Responsibility



# Report:

*Obscured Identities: Improving the Accuracy of Identification of American Indian and Alaska Native Students*

## ■ Additional Materials

—<http://bit.ly/tribal-educators-alliance>



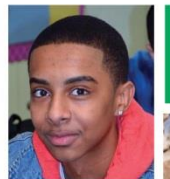


# How can tribal leaders help?

- Advocate for Federal Change
- Definition Alignment
- Improved Data Reporting Systems



# Thank you





The Center for Civil Rights Remedies

---

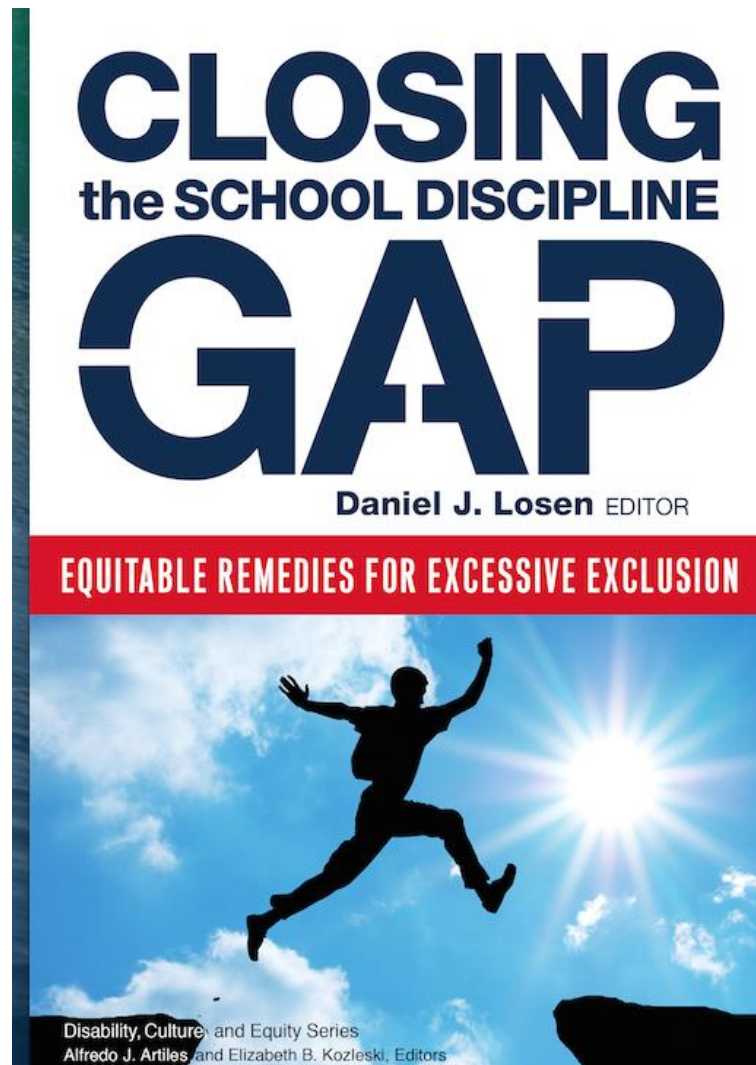
at The Civil Rights Project | *Proyecto Derechos Civiles*

# **Inequity in Discipline What We Know and What We Can Do**

by Daniel J. Losen

Director, The Center for Civil Rights Remedies, at  
UCLA's Civil Rights Project

# New Book Documenting the Problems and Solutions



# Suspension's Impact

- Loss of instructional time. (New OCR data point).
- **Three days of absence in month before test predicted one lower grade level in reading.**
- A leading indicator of future incarceration.
- Based on robust longitudinal studies in Florida, Texas, California and also National data.
- Predicted 6 to 7 point lower graduation rate.

# DEEPER INTO THE FUNNEL

- Pushout, not “Dropout” because suspension contributes to lower grad rates
- Counterproductive Intervention
  - Problematic behavior/issue unaddressed
- Deprives students of their RIGHT to an education (CA Constitution, case law)
- Contributes to parental stress



# Research Findings of Robert Balfanz et al., Johns Hopkins University (2013)

- Being suspended just once in grade 9 correlates with a doubling in the dropout rate from 16% to 32% (100% increase).
- While suspension was the trigger that put some on the path to dropping out, for most it co-occurred with other factors such as chronic absenteeism and course failure.
- Being suspended is one of the three core predictors of dropping out and an integral part of successful early warning systems.
- After regression analysis, suspensions predicted a 6-8 percentage point increase in failing to graduate.
- **New study by Russell Rumberger, “The High Cost of Harsh Discipline and its Disparate Impact”**

# The High Cost of Harsh Discipline and Its Disparate Impact

- By Russell Rumberger: Nation's leading researcher on why students drop out and built off papers by economist Clive Belfield.
- After controlling for the other reasons, including failing core academics, absenteeism, getting suspended predicted 7-15 point increase in risk for dropping out.
- Conservatively, \$35 billion per cohort.
- Government costs, lost tax revenue, and higher health related costs associated with non-graduates.



# Factors Controlled by Adults Predict Frequency of School Suspension

- Multi-regression analysis: High rates and large racial disparities are predicted by the beliefs and approaches of school leaders, more than any other factor (Skiba, 2015).

# Restorative Practices Work: Correlate With Higher Academic Achievement

- Study of Denver Public Schools Systemic Adoption of Restorative Practices (Gonzalez, 2015)
- Restorative practices: Hold students responsible. But strives to keep the rule-breaker in the community and remediate the cause of the misbehavior.
- Results in Denver: Reduced suspensions and racial disparities. Meanwhile, in each of six years test scores improved at every grade for every racial/ethnic group and in every subject.

# What Works?

## Common to All the Solutions

- Improving teacher-student engagement.
- Improving teacher- parent trust and collaboration.
- Improving sense of community and school climate.
- **Looking at disaggregated data.**



# ARE WE CLOSING THE SCHOOL DISCIPLINE GAP?

THE CENTER FOR CIVIL RIGHTS REMEDIES

FEBRUARY, 2015

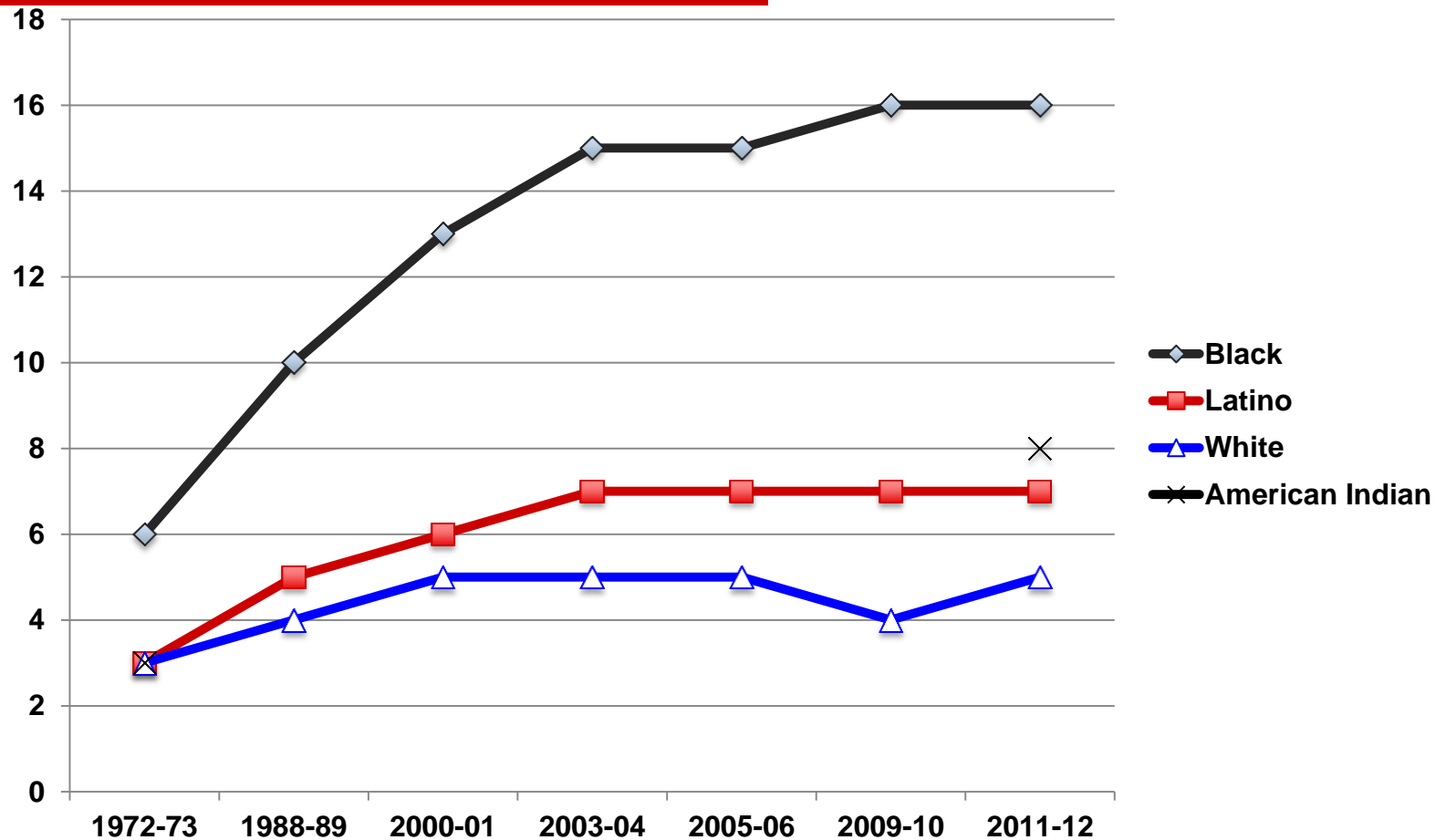
By Daniel Losen, Cheri Hodson, Michael A. Keith II, Katrina Morrison, and Shakti Belway



The Center for Civil Rights Remedies  
at The Civil Rights Project / *Proyecto Derechos Civiles*

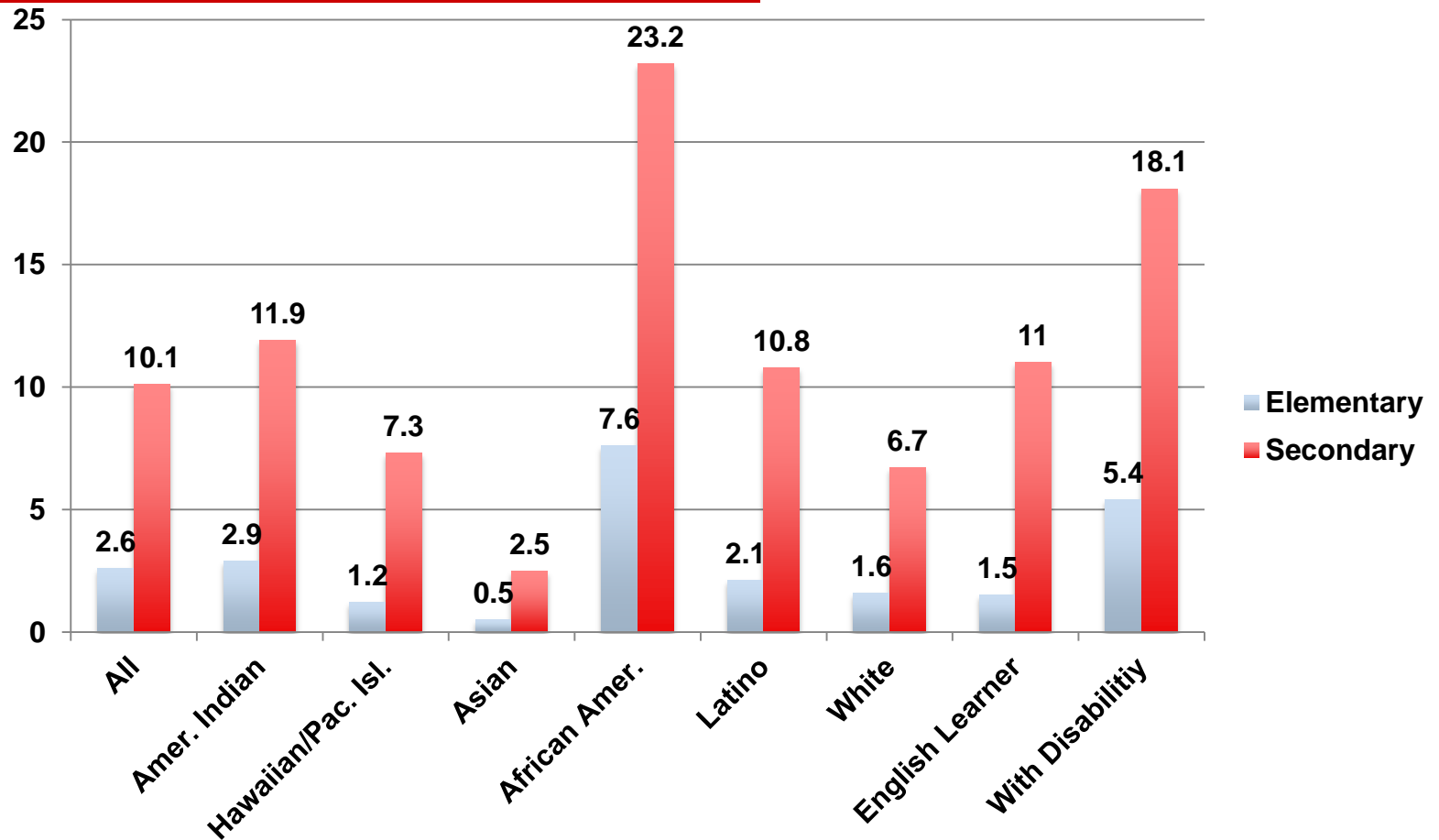
# Suspension Use Is Now Prevalent

## Increasing Disparity With Increased Suspensions (K–12 Suspension Rates)



Source: Losen, D., Hodson, C., Keith, M. A., Morrison, K., & Belway, S. (2015, February). 11  
Are We Closing the School Discipline Gap? *The Center for Civil Rights Remedies* (p. 5).

# Elementary and Secondary Rates



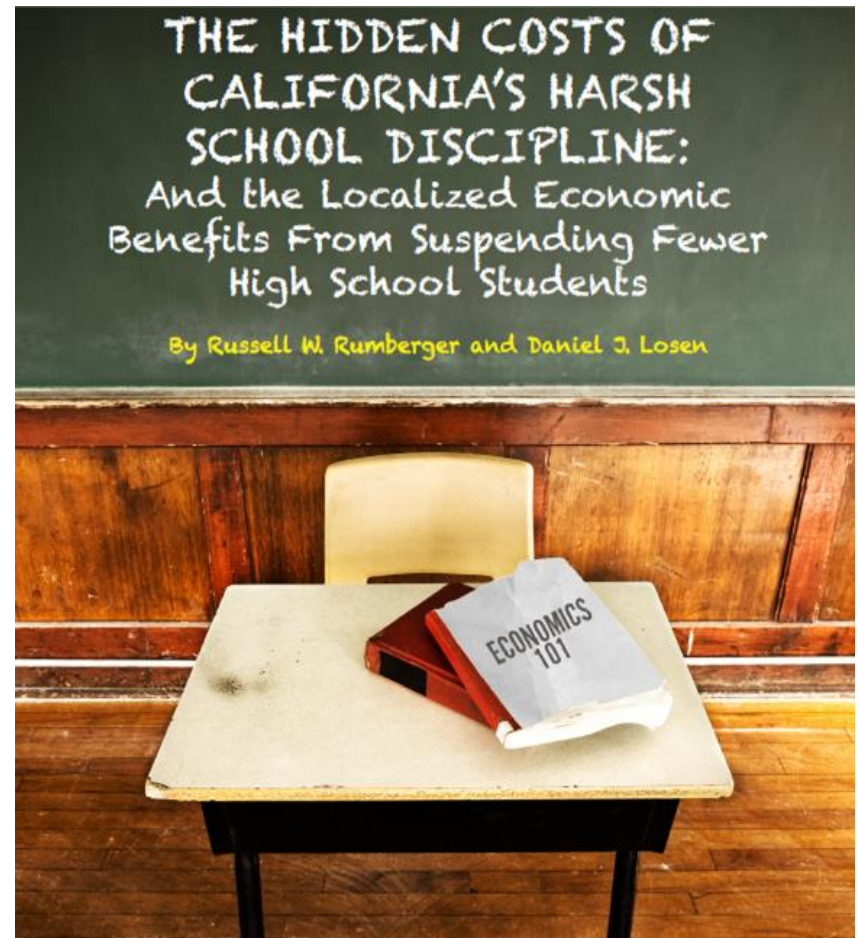
Source: Losen, D., Hodson, C., Keith, M. A., Morrison, K., & Belway, S. (2015, February). 12  
Are We Closing the School Discipline Gap? *The Center for Civil Rights Remedies* (p. 5).

# Important Data Notes

- Number of American Indian secondary students: 246,213
- 22, 375 out of 33,058 secondary schools with at least one American Indian student (excludes K-8, K-12)
- Only 4,592 schools had at least 10 American Indian students enrolled.
- 1,1126 schools with at least 40 or more American Indian students (issues with rounding of enrollment and suspension #s) used in next slides.

New District Study: In California, many districts lose millions in lifetime costs from one graduating class.

Download the report at  
[www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu)





# The Hidden Cost of California's Harsh Discipline

- One cohort cost CA 2.7 billion dollars in total costs.
- Lowering the suspension rate by 1 percentage point would save 180 million dollars.
- Before adding controls, there was a 23 percentage point difference in graduation rates in CA between suspended and non-suspended students. We tracked them all for 3 years!
- After controlling for low-SES, course failures, and low-GPAs we found that suspensions predicted a 6.5 point lower graduation rate (on average).
- The range of impact to graduation rate varied as did costs to individual districts
- This is a conservative estimate because suspensions contribute to factors we controlled for.
- We did not factor in the cost of repeating a grade.
- We provide local district level costs in this new report

# **It Makes Good Economic Sense to Invest in Disciplinary Alternatives**

- Training to improve student engagement
- Restorative practices
- Social and Emotional Learning
- School Wide PBIS
- RtI with behavioral component
- Classroom and behavior management training
- Eliminate suspensions for minor offenses and replace with alternatives
- Counseling
- Quality: Behavioral Assessments Improvement Plans

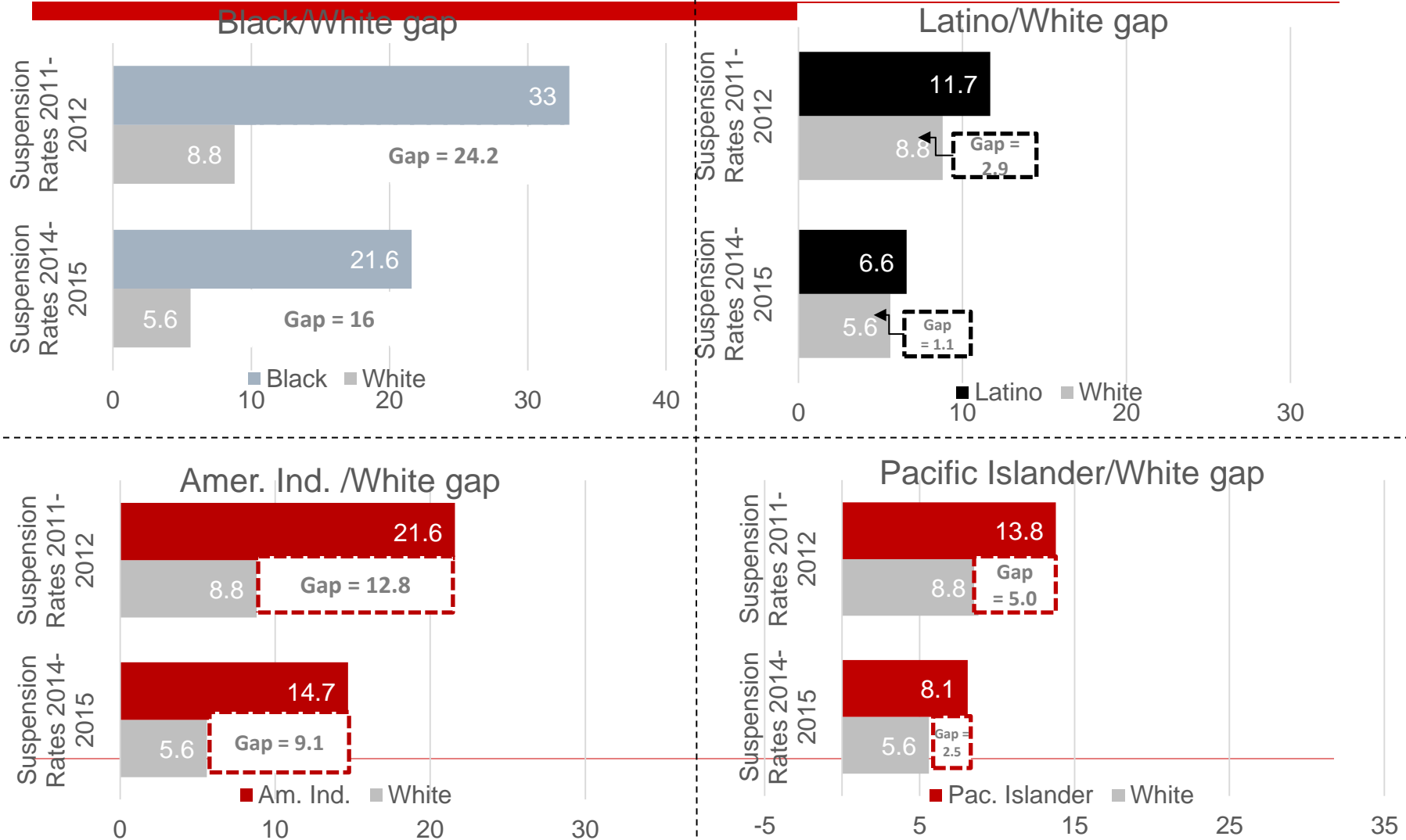
# Missing Data = Invisible Children = Cannot Tell Who is Harmed...or What Works!

---

- ❑ Discipline rates for expulsions, arrests, referrals to law enforcement
- ❑ Data, by race, broken down by type of offense
- ❑ Days of lost instruction due to suspension
- ❑ Tracking of students who enter the juvenile justice system and attempt to return from it.
- ❑ Harshest treatment for those returning after juvenile justice involvement.(Meridian).
- ❑ **Data on American Indian students is inconsistent and often missing.**
- ❑ **BIE schools typically do not report OCR data!**

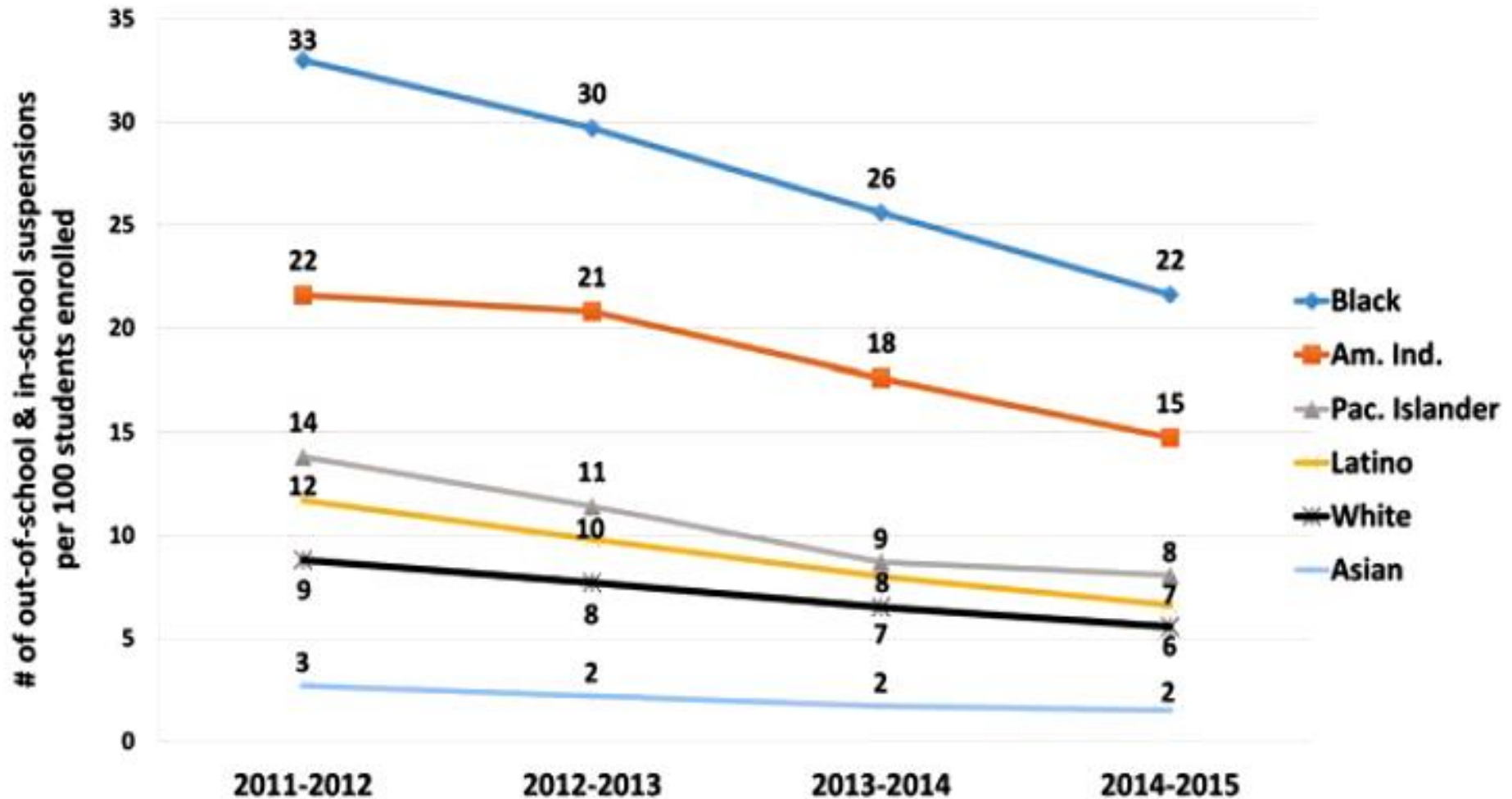
# Decrease in racial disparities in suspension rates across all groups

## Number of In School and Out of School Suspensions per 100 Students by Race: 11-12 vs. 14-15



Slide courtesy of Tia Martinez, Forward Change

## Decrease in Suspension Rates Across All Racial Groups in California



Slide courtesy of Tia Martinez, Forward Change

# Rededicate Resources

---

- ❑ Supports for children and training for teachers
- ❑ *Educational* consequences for children of all ages.
- ❑ Resources for restorative justice and other problem solving approaches.
- ❑ Social and emotional learning
- ❑ Training on using data constructively

# Cops or Counselors?

- Blog (The 74) reporter found that many large districts employ far more police per pupil than counselors.
- NYC; Miami-Dade; Chicago; Houston
- A growing concern...

# Will ESSA be Implemented?

---

- ❑ States are required to address the overuse of suspension pursuant to the Federal Every Student Succeeds Act of 2015
- ❑ Data reporting including arrests and referrals to police...but at least one state was surprised...

<http://www.fixschooldiscipline.org/>

- . Funnel Effect Handouts
- . Toolkit for Educators & Community
- . Model policies on data collection



### Statewide LEAs' Student Groups Performance (Suspension)

Student Groups	Total*	Red	Orange	Yellow	Green	Blue
LEAs – All Students	1,980	8%	16%	19%	25%	29%

## Statewide LEAs' Student Groups Performance (Suspension)

Student Groups	Total*	Red	Orange	Yellow	Green	Blue
LEAs – All Students	1,980	8%	16%	19%	25%	29%
African American	795	22%	17%	24%	12%	25%
Hispanic/Latino	1,694	7%	19%	19%	24%	30%
Native American	335	27%	16%	26%	10%	20%
White	1,490	9%	17%	18%	24%	33%
Socioeconomically Disadvantaged	1,809	11%	19%	21%	20%	28%
Students with Disabilities	1,287	24%	20%	23%	12%	22%

\*Total = Number of schools with 30 or more students enrolled

Note: For all percentages calculated above, the total number of LEAs (1,980) includes single school districts and charter school and was used for the denominator.

# Major Cuts to Federal Education Funding

---

- ❑ BIE cuts
- ❑ Draining Title I to support vouchers
- ❑ Would include schools that violate federal civil rights laws and regulations
- ❑ Civil rights enforcement reductions
- ❑ Money to charters, private schools and for profit virtual schools.

# Students in Alternative and Virtual Schools

- Are students being sent to virtual schools in lieu of suspension or expulsion?
- Charters and non-charters
- Involuntary transfers to alternative placements?
- Transfers to schools run by the juvenile justice system?

# Virtual Schools

- Denial of FAPE = Discrimination
- Look for high numbers of students and either very high or very low numbers of students with disabilities.
- What are the feeder school districts?
- With the expansion of opportunities through legitimate use of technology and charter schools, will also come fraudulent and artificial activities that violate civil rights.
- We will also see a spectrum of potentially unlawful policies and practices.

# The Difference Training Can Make

- Randomly controlled study of teacher training program (Gregory 2015).
- Rigorous and Sustained
- Concentrated on improving student engagement
  - Lowered suspensions
  - Eliminated racial disparities in suspensions.

# The End

Recent Book of Research: Closing the School Discipline Gap (2015)

Charter Schools, Civil Rights and School Discipline (2016)

**New Report: The High Cost of Harsh Discipline and its Disparate Impact. (2016)**

New Reports:

Suspended Education in Massachusetts (2017)

The Hidden Costs of California's Harsh School Discipline:  
And the Localized Economic Benefits From Suspending  
Fewer High School Students, by Russell Rumberger and  
Daniel Losen (2017)

[www.schooldisciplinedata.org](http://www.schooldisciplinedata.org)

[http://www.civilrightsproject.ucla.edu/  
losendan@gmail.com](http://www.civilrightsproject.ucla.edu/losendan@gmail.com)