



**Kansas Office of Judicial Administration**  
**Juvenile Justice Webinar Series, Session #2, February 24, 2023**  
**Selected Q&A**

1. How is “students with disabilities” being defined?
  - a. Education researchers generally use the definition from the Americans with Disabilities Act, which the Justice Department describes as follows:

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.<sup>1</sup>

2. Is there more recent data on the school suspension topic? Is there a breakdown as to state or region?
  - a. All of the most current data related to civil rights in education is available at the [Civil Rights Data Collection page](#). The basic search allows you to sort for a specific school or district. There’s also an advanced search tool, detailed data tables, data analysis tools, and more. Here is the [discipline report page for the Wichita Public School District](#), which I obtained by using the search feature. The most recent table provided by the National Center for Education Statistics specifically for suspension uses data from school year 2017-18; [review that resource here](#). The statistics for Kansas for that school year show that the race with the highest percentage of students suspended is Black students (13.97% received out of school suspension), where the overall suspension rate for Kansas was 4.51%.
3. How can I as a CASA encourage teachers to work with the biological and/or foster parents directly so that they can be in partnership for helping the student who needs extra help dealing with their stress-induced behaviors that keep the students from interacting with their peers or focusing on the classroom lessons?
  - a. This is a great question, and it certainly doesn’t have an easy answer. The American Academy of Pediatrics updated its [policy statement on toxic stress](#) in

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<sup>1</sup> [Guide to Disability Rights Laws](#), ADA.gov, U.S. Department of Justice, Civil Rights Division. Last updated February 2020. Title II of the ADA governs public education.

2021 and it's a great read for anyone needing more information on how to counter toxic stress by enabling and building safe, secure, and nurturing relationships. Students with toxic stress-based behaviors and illnesses need focused support at school and elsewhere, but toxic stress itself can be an obstacle to developing SSNRs. It's crucial that teachers, parents, and caregivers—and for that matter, lawyers and judges who work with young people—understand the symptoms and treatment of toxic stress.

4. I am surprised that this disparity is still going on in 2023. Why?
  - a. The causes (and impacts) are wide-ranging. This report is really useful: [Pushed Out: Trends and Disparities in Out-of-School Suspension](#) (Learning Policy Institute, 2022). It's a high-quality report that explores the facts/numbers and lays out some of the causes. The AAP's statement on toxic stress (see #3 above) points to the chronic, toxic impact of racism as a factor that can cause toxic stress illness and inhibit the development of healthy relationships with peers and adults. Toxic stress can also impact self-regulation/executive function and cognitive/attentional capacity in ways that can trigger suspension for disrespect/inattention/outburst reasons. In my view, the presence of implicit bias, structural racism, and toxic stress illness at least partially explains suspension disparities for racially and economically marginalized kids as well as LGBTQ children, children with disabilities, and foster children. This will be a continuing focus of these juvenile justice webinars.
  
5. Do the statistics change in schools that are majority Black vs. well-integrated?
  - a. I don't know the answer to that question, but you can research specific schools or districts using the CRDC tool above at #2.
  
6. Has there been any improvement in the past 20 years or so?
  - a. The answer is unfortunately not simple. The Pushed Out report linked in #4 above provides some great analysis. Nationwide, the use of suspension and exclusionary discipline has decreased since they peaked in 2010, but racial disparities have not. You can see the numbers at pages 4-5 of this report. If you look at page 36 of the report, you'll see that the rate of suspension in Kansas remained essentially unchanged from 2011 to 2018; the table on page 38 appears to show the racial disparity in Kansas growing during those years. (2018 is the most recent year for which CRDC data is available.)
  
7. How are other states dealing with these issues?
  - a. You can review the state-by-state table of changes in suspension rates at pages 36 and 37 of the Pushed Out report; a chart specifically addressing racial disparity is at pages 38 and 39 (for link, see #4 above). I can't claim to know what all the

states are doing. My state of California took the following steps to reduce racial disparity: eliminated suspension for wilful defiance in 2013; limits the number of days a student can be suspended from school at a time and in total; and encourages the use of MTSS (multi-tier systems of support) as a replacement for sending students home, among other steps. You can read more about California's approach in this [2021 state guidance on discipline laws](#).

8. Do school administrators have access to the data that shows racial disparity in treatment of students' infractions?
  - a. Good question. I suspect that school administrator review of these data varies by school, district, and state. But if you and I can see the data, then they can.
9. Is the 3.8x more likely to be suspended based on the same act committed or is that over the spectrum of disciplinary results?
  - a. The 3.8x figure that you're asking about is for all suspensions. I don't have access to data that exactly answer your question, but there has been a lot of work done on disparity in use of exclusionary discipline for minor infractions. In 2021, the American Psychological Association found in [one study](#) that 26% of the Black students received at least one suspension for a minor infraction over three years compared to 2% of white students. Minor infractions are things like dress code violations and cell phone use. ProPublica reported on a [state investigation](#) in Illinois that showed similar results.
10. Why is the media focused on Black students only, when there is a larger Hispanic population and many other races who have issues and discrimination?
  - a. You're absolutely right. Education researchers pay a lot of attention to Black students because the disparities are so large, and for the most part significantly larger than for other groups of students. But other student groups experience significant disparities in school discipline, as you say, including Latino/a and Indigenous students, students with disabilities, and LGBTQ students. [Here is a study](#) that specifically examines disparities for Latino/a students.
11. This is a local resource, more detailed guidelines coming out next year: <https://dmh.mo.gov/media/pdf/missouri-model-trauma-informed-schools>.
  - a. Thank you so much for sharing!
12. Doesn't having a more lenient school regarding disciplinary actions give a false sense to students that rules/laws are arbitrary actions?
  - a. From a legal perspective, I interpret arbitrary to mean applied to different people in different ways, and that's how school discipline currently works. Changing the disciplinary system to disfavor out-of-school suspensions doesn't have to

communicate to students that rules are arbitrary. Holding all students equivalently accountable for violations seems to communicate the opposite.

13. At what point are we asking too much from our teachers to deal with a child's mental health or disciplinary issues and not devoting efforts on the child's home life?
  - a. In my opinion, our teachers and our families all need more support and more efforts to reduce the stress put upon them. More behavioral health support in schools could go a long way. This requires funding. But it also bears repeating that teachers have always been a great source of safe, supportive, and nurturing relationships for children, and that is so important to student success and well-being. I recommend the updated AAP policy guidance linked at #3 above.
  
14. Really does the face of a child in pain matter? Why the big effort to divide us back into the social construct of race?
  - a. A review of the data on racial disparities in school suspension/expulsion, juvenile justice system involvement, and incarceration reveals that sadly, we have never not been divided by the social construct of race. To help children, we have to have a fully-dimensional understanding of the systems in which they live their lives, and those systems include race.