

Behavioral and Mental Health in School

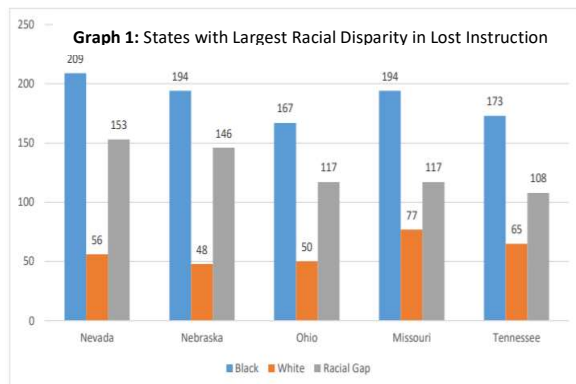
"In Nebraska, students with disabilities are more than twice as likely to receive an out-of-school suspension (14.6%) than students without disabilities (6%). While students in Nebraska receiving special education supports make up only 14% of total students, they account for 32% of all school-related arrests.ⁱ These practices lead to higher incarceration rates and "high exclusionary discipline rates are positively associated with academic failure, high school dropout, involvement with the juvenile justice system, grade retention, and illegal substance abuse".ⁱⁱ

Currently, the state of Nebraska's legislature has considered a restraint bill to address the challenging behaviors of students. The bill has been prioritized by the Education Committee and has the support of the Nebraska State Education Association.ⁱⁱⁱ Disability advocates are concerned that this bill will disproportionately impact students with disabilities which is supported by Nebraska's 2019 Kids Count report that shows of the 2,898 students physically restrained in Nebraska, 2747 had disabilities, and of the 3,216 kids secluded, 2519 had disabilities.^{iv}

There is growing evidence and concern that current discipline practices, insufficient staff training and implicit bias creates a systemic pipeline to prison for students with disabilities but especially for minority students. Yet, there are evidence-based practices that could be implemented to thwart this pipeline and provide necessary supports to children with disabilities.^v

Criterion 1: Disparities Exist Related to Health Outcomes

While exclusionary discipline has been shown to be harmful for the educational attainment of all students, students with disabilities, particularly those who are students of color, face even more adverse outcomes.^{vi} Nebraska has been identified as one of five states with the largest racial disparity in lost instruction time for students with disabilities in 2015–16 school year as illustrated in the graph below.^{vii}



Source: Daniel Losen, "Disabling Punishment: The Need for Remedies to the Disparate Loss of Instruction Experienced by Black Students with Disabilities," The Center for Civil Rights Remedies, April 2018 (citing CRDC data, U.S. Department of Education). Chart recreated by USCCR staff

Nebraska's largest school district, the Omaha

Public Schools, incurred a \$1.85 million penalty from their federal funding in 2015 for their disproportionate suspension of minority students receiving special-education services.^{viii} A district report for the 2017-18 academic year revealed blacks and Latinos are suspended at two or three times the rate of whites within the general special-education populations.^{ix}

Nebraska students experience higher rates of depression (19.1% vs. 12.9%) and anxiety (34.1% vs. 26%) than the national average.^x Further, in the 2017-2018 year, 36,000 students or 11%, of Nebraska students were chronically absent. Chronic absenteeism is defined by a student missing 10% of their time in membership. Chronic absence includes all absences – excused, unexcused, suspensions and impacts children with disabilities, students of color and those in poverty disproportionately.^{xi}

In summary, children with disabilities (especially those who are minorities) face harsher discipline practices which leads to long-standing, historical inequities including lower rates of employment, lower educational attainment and even higher rates of incarceration.^{xiii}

Criterion 2: Data Exists to Document the Problem

Sources of reliable, quantitative and qualitative data include:

The **U.S. Department of Education's Civil Rights Data Collection**^{xiii} (CRDC) includes student enrollment, educational programs and services, most of which is disaggregated by race/ethnicity, sex, limited English proficiency, and disability. The CRDC is a longstanding and important aspect of the ED Office for Civil Rights (OCR) overall strategy for administering and enforcing the civil rights statutes for which it is responsible.

In 2019, the **U.S. Commission on Civil Rights**^{xiv} commissioned a report to examine school discipline policies and connections to the school-to-prison pipeline for students of color with disabilities.

The **National Survey of Children's Health**^{xv} is a national telephone survey conducted every three years. The survey provides a broad range of information about children's health and well-being collected in a manner that allows for comparisons between states and the nation.

Kids Count^{xvi}, a project of the Annie E. Casey Foundation, provides comprehensive data on children and families across states. Each year, Nebraska's Family Voices organization works with the Foundation to produce the comprehensive KIDS COUNT Data Book that assesses child well-being in the United States. Data comes from the local, state and national data sources.

Criterion 3: Alignment, use the priority to maximum advantage

There are many processes and partners that have also prioritized improved access for children's mental health which in turn means that there are opportunities to maximize and align efforts. For example, the **Nebraska legislature** is seeking

strategies to address restraint, mental health, behavior health, and equipping teachers in schools. The legislature, at the behest of their constituents, have continued to seek solutions to the various aforementioned problems. For example, legislation like LB 998 from the 2017-2018 session sought to provide resource and mental health supports in schools. LB 998 from the 2019-2020 session seeks to provide funding for increased behavioral awareness and intervention training for teachers and school administrators. Even LB 147 from the 2019-2020 legislative session is intended to address the behavior issues of students and the challenges they provide to teachers.

The **Nebraska System of Care (SOC)** is the chosen philosophical approach to serving children and families as defined in the Governor's current business plan. As a result, the state received an implementation grant from SAMSA for the purpose of creating a system of care approach to serving children with severe emotional disabilities. Initiatives include placing mental & behavioral health providers in schools, providing telehealth technology to rural schools, providing clinical and therapeutic case management via the Therapeutic and Professional Consultation service framework.

Nebraska Partnership for Mental Healthcare Access in Pediatrics is a state Title V project that brings stakeholders across the state to build increased infrastructure to inform, advise and advance the works of the **UNMC Munroe-Meyer Institute's Pediatric Mental Healthcare Access Grant**; to increase access to pediatric mental healthcare across Nebraska.

Disability Rights NE, the state's federally-designated Protection and Advocacy Agency that defends the rights of individuals with disabilities, issued a 2014 report on restraint and seclusion policies in schools. The report identified that Nebraska needed more than just guidance to school districts and instead recommended that

specific guidelines get implemented into state law and monitored.

The **Nebraska Department of Education's Multi-Tiered Systems of Support (MTSS)** is a framework which includes all components of teaching and learning such as a student's academic, social-emotional and behavior needs.^{xvii} It is a system where resources and services are organized based on students' academic and behavioral needs. MTSS includes concepts such as Response to Interventions (RTI), Positive Behavior Interventions and Supports (PBIS) and Special Education determinations. These are evidence based, tiered approaches to providing support to students in a manner that meets their needs.^{xviii xix} The Nebraska Department of Education offers technical assistance for MTSS implementation to schools as requested by school leadership.

Criterion 4: Strategies Exist to Address the Problem/An Effective Intervention is Available

There are many evidence-based/informed initiatives underway in our state and identified by respected institutions at the federal and state level:

The **National Education Association** has identified five principles that should be adopted to curb the school to prison pipeline.^{xx} These include eliminating disparities in discipline practices, creating a supportive and nurturing school climate, professional training and development, partnerships and community engagement, and student and family engagement.

The 2019 **US Commission on Civil Rights** report that alternative practices such as PBIS, restorative justice, and other strategies that focus on teaching students social-emotional skills have also been found to be more beneficial than exclusionary disciplinary measures.

The **Nebraska Department of Education** is currently utilizing evidence-based systems

including **MTSS, PBIS, and RTI** (described in Criterion 3).

Pilot projects that have been supported by **Nebraska's System of Care** grant could also be maintained or scaled up.

Finally, and likely most importantly the **role of families** cannot be overlooked. The best predictor of student success is the extent to which families encourage learning and involve themselves in their child's education.^{xxi} Parents of children with disabilities have specific rights guaranteed through **Nebraska's Rule 51** and federally by the **Individuals with Disabilities Education Act (IDEA)**.^{xxii} Both of these laws detail specific rights related to parental participation in meetings related to the evaluation, identification, and educational placement of their child and procedural safeguards. However, more outreach and education to support families is needed.

Criterion 5: Severity of Consequences

The lack of addressing this priority has multiple consequences impacting children with disabilities, their families, peers and professionals. Children with disabilities who do not get the appropriate services and supports in schools experience additional barriers than simply having a disability. They frequently are pushed into more restrictive environments and their choices are further limited. Data indicates that children who are not identified or who do not receive intervention frequently experience trauma, are pushed out of school into the child welfare or juvenile justice system and/or branded as a 'trouble maker'.

The impacts to children who are suspended are profound. Most immediately, the child misses out on the educational opportunities that had been available if present. Further, students who experience out-of-school suspension and expulsion are as much as 10 times more likely to ultimately drop out of high school than are those who do not.^{xxiii} This in turn leads to diminished

wages, under-employment and missed life opportunities.

In 5 years:

A collaboration of students with disabilities, families, agencies, organizations and state programs will organize to identify a formalized, statewide support structure that maximizes funding, resources, and information. The goal of this collaborative will be to enhance the

knowledge of families, identify and provide a continuum of supports that could include education, advocacy and legal supports. The group will inform the development of: 1.) Website/information repository, 2.) Formalized statewide partnerships, 3.) Medical/community-legal partnerships, 4.) Training and outreach and, 5.) Data collection.

ⁱ Nebraska Kids Count (2017). Voices for Children in Nebraska. <https://voicesforchildren.com/wp-content/uploads/2018/01/2017-Kids-Count-in-Nebraska-Report.pdf>

ⁱⁱ Noltemeyer, A., McLouglin, C. (2010). Patterns of Exclusionary Discipline by School Typology, Ethnicity, and their Interaction. University of Pennsylvania, Graduate School of Education. 3700 Walnut Street, Philadelphia, PA 19104. Retrieved from <https://eric.ed.gov/?id=EJ894465>

ⁱⁱⁱ Stoddard, M. (2020). Omaha World Herald. Nebraska Teachers Union Backs Bill Allowing Physical Intervention to Counter Violence in Schools. Retrieved from https://www.omaha.com/news/education/nebraska-teachers-union-backs-bill-allowing-physical-intervention-to-counter/article_35ec9238-782a-5136-be96-3b900bb56009.html

^{iv} Ibid. Kids Count.

^v National Council on Disability. (2015). Breaking the School to Prison Pipeline for Students with Disabilities. Retrieved from https://www.ncd.gov/sites/default/files/Documents/NCD_School-to-PrisonReport_508-PDF.pdf

^{vi} U.S. Commission on Civil Rights. (2019). Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities. Retrieved from: <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>. (graph. page 119)

^{vii} Ibid.

^{viii} Duffy, E. (2015). Omaha World Herald. Penalty puts pressure on OPS to address suspensions of black special education students. Retrieved from https://www.omaha.com/news/education/penalty-puts-pressure-on-ops-to-address-suspensions-of-black/article_330677ab-b470-5fb0-96d9-6f1f46f66763.html

^{ix} Ibid.

^x Data Resource Center for Child and Adolescent Health. (2020). National Survey of Child's Health. Retrieved from <https://www.childhealthdata.org/learn-about-the-nsch/NSCH>

^{xi} NE Dept. of Education. (2019). Chronic Absenteeism: Every Day Counts. Retrieved from <https://www.education.ne.gov/csds/chronic-absenteeism/>

^{xii} Ibid. Noltemeyer.

^{xiii} United State Dept. of Education. Office for Civil Right. Civil Rights Data Collection. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/data.html>

^{xiv} U.S. Commission on Civil Rights. (2019). Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities. Retrieved from: <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>. (graph. page 119)

^{xv} Ibid. Data Resource Center for Child and Adolescent Health.

^{xvi} Ibid. Kids Count.

^{xvii} Nebraska Department of Education. (2020). NeMTSS Framework. Retrieved from <https://www.education.ne.gov/nemtss/>

^{xviii} Center on PBIS. (2019). What is PBIS? Retrieved from <https://www.pbis.org/>

^{xix} RTI Action Network. (2020). What is RTI? Retrieved from <http://www.rtinetwork.org/learn/what/whatisrti>

^{xx} National Education Association. (2016). Discipline and School to Prison Pipeline. Retrieved from: <https://ra.nea.org/business-item/2016-pol-e01-2/>

^{xxi} Waterford.org. (2018, Nov). How Parent Involvement Leads to Student Success. Retrieved from <https://www.waterford.org/education/how-parent-involvement-leads-to-student-success/>

^{xxii} Pacer Center. (2019). Questions and Answers about IDEA: Parent Participation. Retrieved from <https://www.parentcenterhub.org/qa2/#ref4>

^{xxiii} American Academy of Pediatrics. (2013, March). Out-of-School Suspension and Expulsion: Council on School Health. Pediatrics. 131 (3) e1000-e1007; DOI: <https://doi.org/10.1542/peds.2012-3932>