



# FAIR Evaluation

Digest of the data analyses

Version	Date	Author	Description
1	04/26/2023	AM	First draft of the report
2	04/26/2023	AM/KA	First QA of data
3	04/27/2023	AM/JC	Final QA of data
4	04/28/2023	AM/KA/JC	QA report and client-ready version 1
5	05/22/2024	AM/KA	Addressing RMW's comments

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# Introduction

Georgia Appleseed Center for Law and Justice's FAIR program (Fairness, Advocacy and Individualised Representation) aims to improve educational outcomes for children and youth in foster care by accessing educational and behavioral supports, increasing time spent in school (by reducing suspensions and exclusions) and improving school and home stability.

In furtherance of its aims, the FAIR program has three strands of work, namely, providing direct legal representation for children in care facing suspension or expulsion from school; growing a community of advocates that trains families and caseworkers to advocate for children in care; and to advocate for systemic policy reform to make the education and child care systems fairer to vulnerable young people.

Since September 2021, Get the Data (GtD) has been monitoring and evaluating elements of the FAIR program to assess their impact on the young people who were referred to the program. This report provides an independent assessment of the impact of the program's legal representation on a young person's final disposition at a school disciplinary tribunal or a manifestation determination review (MDR) hearing. In doing so, it reports on whether the representation was provided directly by a qualified attorney ("direct representation") or by a foster parent or caseworker who represented a child at a tribunal having previously been comprehensively briefed by a qualified attorney under the program's "Community Advocacy Support" (CAS) program<sup>1</sup>.

## Note on the data

The data used in the analyses presented in this report were taken from the program's intake forms. These forms are collated in the program's case management and evaluation tool, known as Validata<sup>2</sup>.

The data were sampled from the commencement of FAIR up to 28<sup>th</sup> February 2023. This end date was chosen to give at least a four-week period in which cases could be completed, and outcome data could be provided (and prevents the sample from becoming biased to cases completed early). Any records that were defined as not being relevant to FAIR were excluded from the analyses. The total achieved sample comprises 234 young people, of whom final disposition data are available for 93 young people.

## Personal characteristics of the young people

Validata recorded the personal characteristics of the young people referred to the program. Of the 234 referrals to the FAIR program, most were older teenagers, male and heterosexual. In

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<sup>1</sup> <sup>1</sup> The CAS program is used when an attorney is not available to provide direct representation, but it is also designed to build capacity among foster parents and caseworkers to advocate fully for a young person in their care.

<sup>2</sup> Validata was designed and built for the FAIR program by GtD.

addition, “black” was the most recorded race among the referrals, but there were many referrals where race was not recorded.

- **Age:** the average age of the young people was 14. 50%, aged between 15 and 17.
- **Gender:** 59% of referrals were male, 38% female, and 3% were other
- **Sexuality:** Half of the data on sexuality was missing (5%) or “unknown” (44%). Where the sexuality was recorded, 44% were recorded as “heterosexual.”
- **Race:** In 34% of cases, race was not recorded<sup>3</sup>. However, “black” was the most recorded race (42%), with “white” 19%, “biracial/mixed race” 4%, and Hispanic 1%.

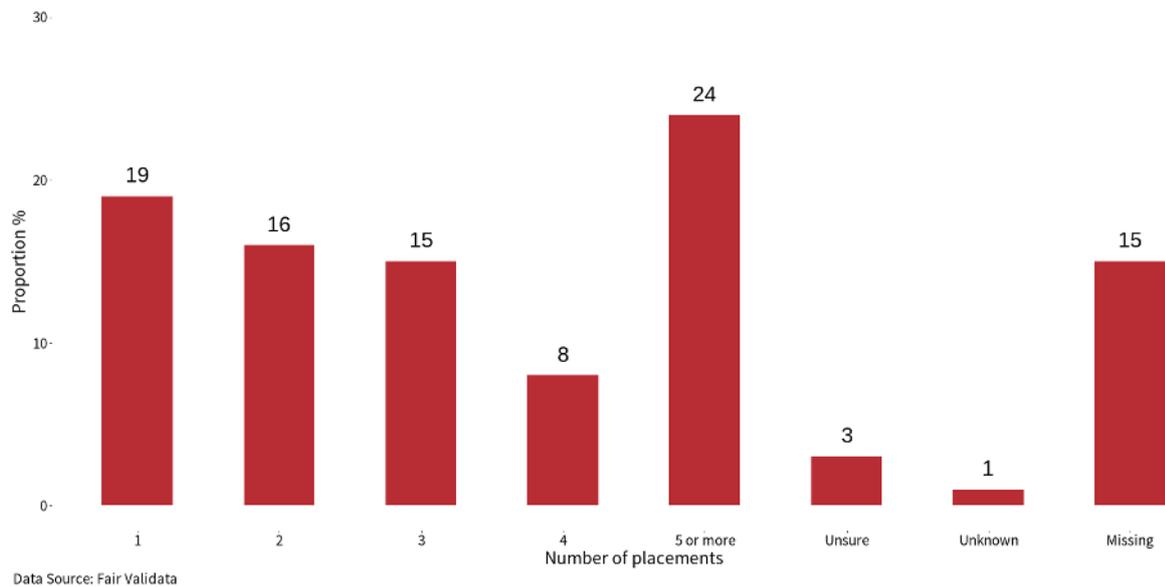
## Foster placements

One of the outcomes of the FAIR program is to “maintain foster care placements.” Accordingly, the descriptive analyses examined the number of foster placements the young person had prior to referral. Figure 1 below shows a variable pattern of placements, with 19% having received one placement and 24% having received five or more placements.

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<sup>3</sup> The number of cases where race is not recorded should be a matter of concern and efforts should be made to ensure it is routinely captured on the intake form.

Figure 1: Proportion of foster placements prior to referral to FAIR

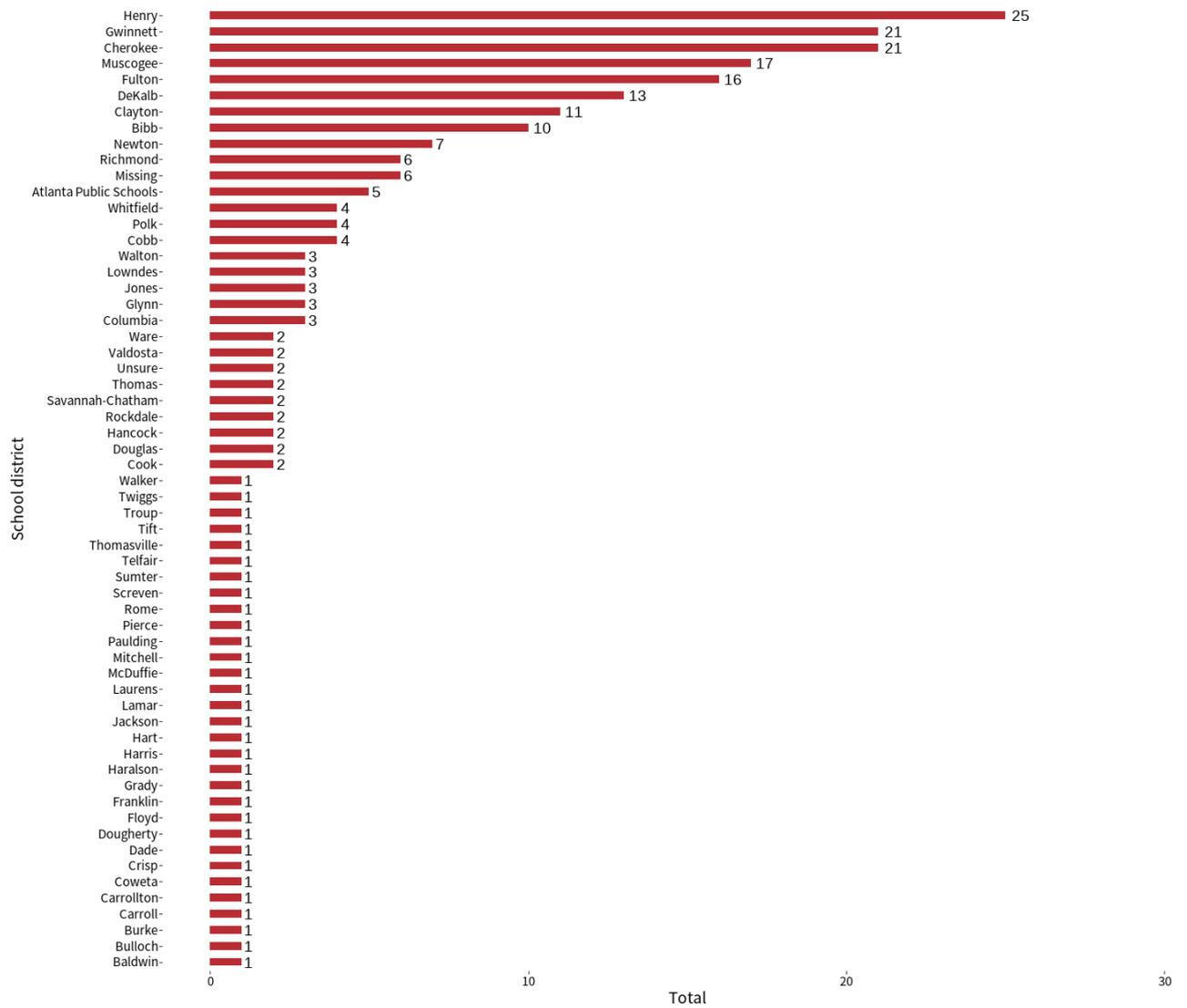


Base Number=234

## School districts & county of origin

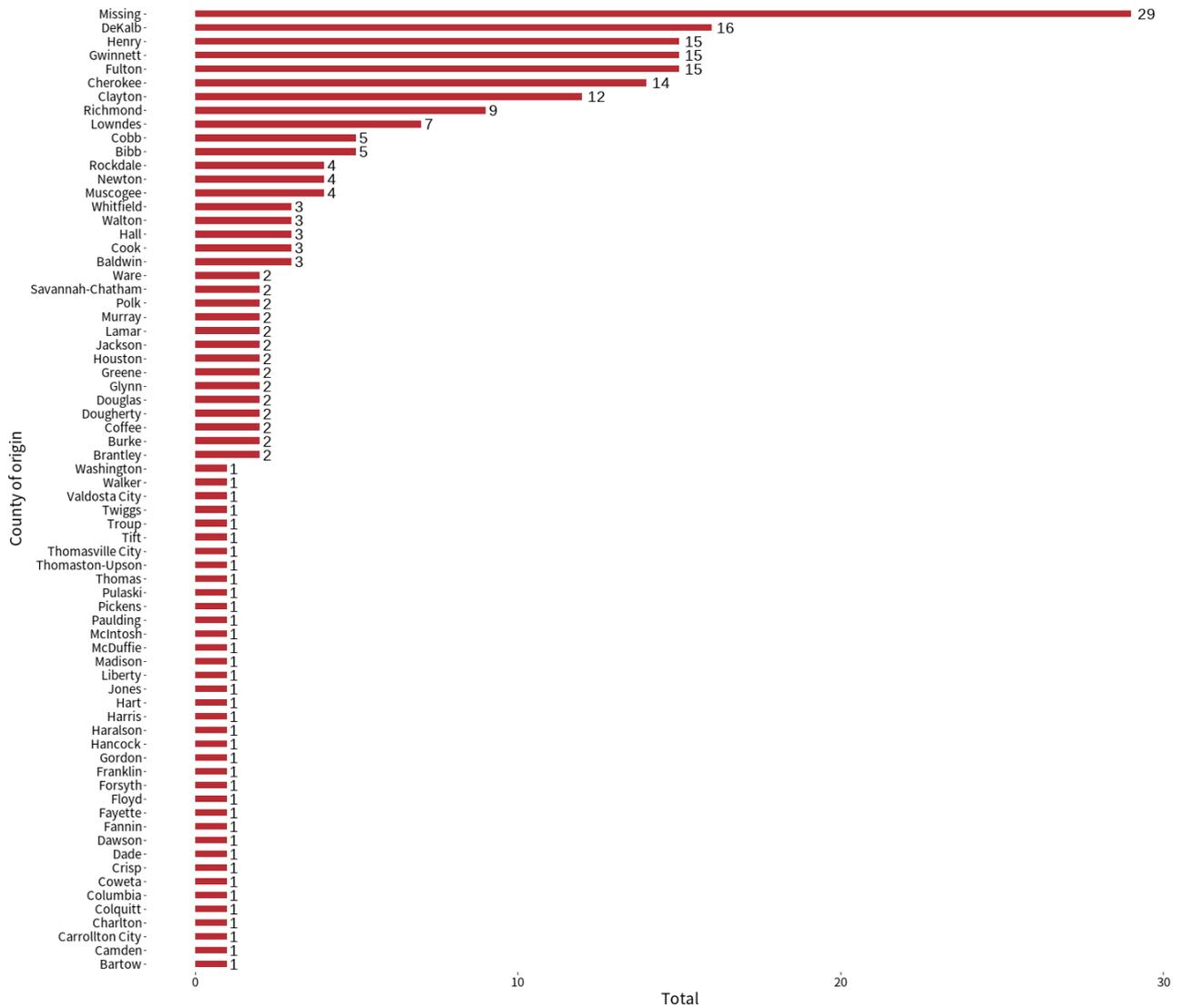
Figure 2 below shows the school districts where the young people had been attending school at the time of their alleged misconduct. Figure 3 shows their county of origin as stated on the in-take form.

Figure 2: Total referrals from each school district



Data Source: Fair Validata

Figure 3: County of origin of FAIR referrals



Data Source: Fair Validata

# The disciplinary process

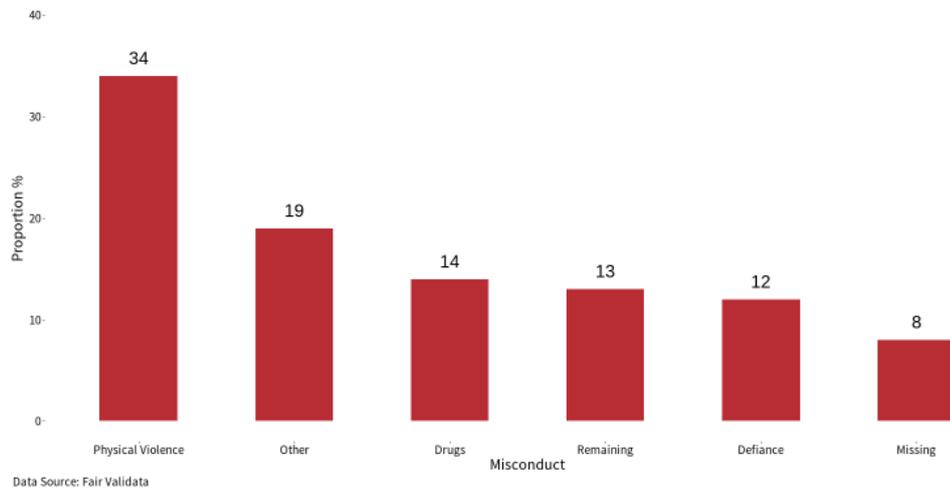
This section describes the alleged misconduct of the young person, the type of tribunal (disciplinary hearing or manifestation determination review (MDR) hearing that was scheduled), and the type of representation received (direct representation or CAS)

## Alleged misconduct

The principal alleged misconduct for each referral was recorded in Validata (see Figure 4). While some were low level in nature, such as “defiance” and truancy, others were more serious and could place the young person in jeopardy of also becoming involved in the juvenile justice system (e.g., physical violence, drugs, and weapons). The seriousness of such alleged misconduct indicates the importance that the young people should have representation and a fair hearing at the tribunal.

The most common alleged misconduct among the 234 referrals was “physical violence” (34% of referrals), with “drugs” and “defiance” being the misconduct alleged in 14% and 12% of referrals, respectively. “Other” instances of alleged misconduct were recorded in 19% of referrals, but the type of misconduct that was alleged is not known. The analysis grouped the remaining instances of misconduct – terroristic threats, weapon possession, theft, property damage, truancy - in the “remaining” category (13% of referrals). In 8% of referrals, the alleged misconduct was not recorded.

Figure 4: Principal alleged misconduct on referral to FAIR



Base Number=234

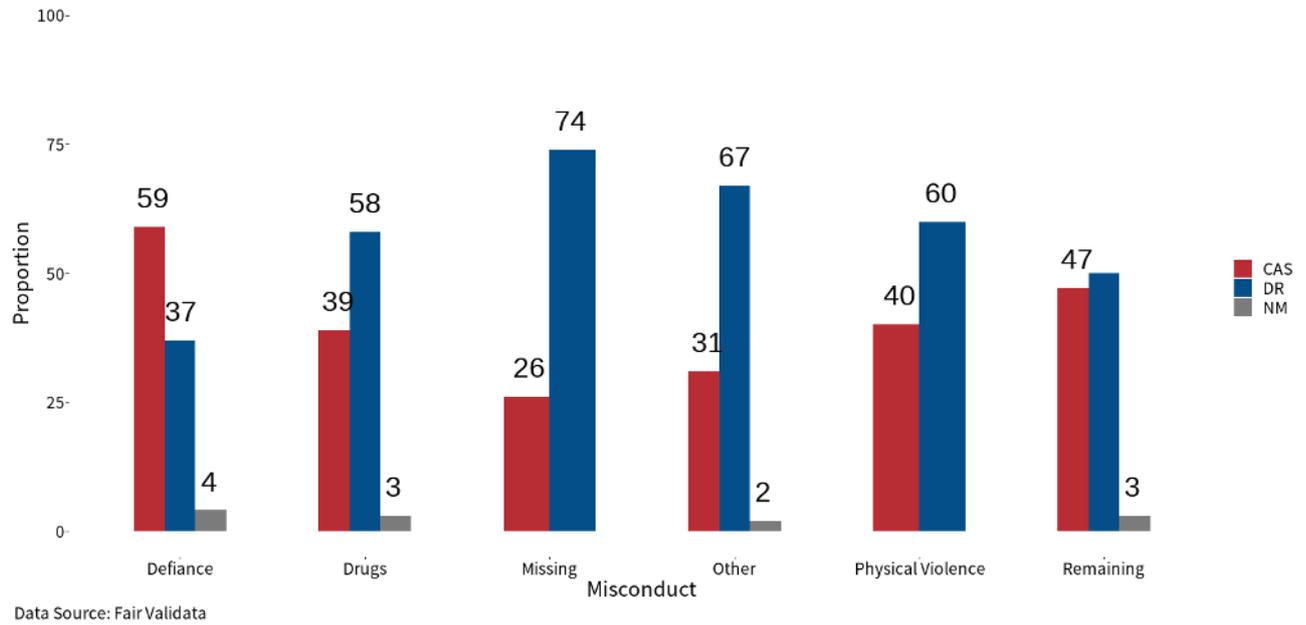
## Type of tribunal

Of the 234 referrals, 35% (n= 82) had a tribunal set at the time the intake form was completed. The analysis revealed that out of these 82 tribunals, 29 took place after their referral to FAIR. In contrast, four tribunals had occurred prior to the FAIR referral. For the remaining 49 referrals, there was an absence of data for the actual date of the tribunal. Among the same group of 234 referrals, 27% (n= 63) had an MDR scheduled when they had completed their intake form. Twenty-one MDRs occurred after their referral to FAIR, three occurred prior, and there is an absence of data for the remaining 39. Twenty-two referrals had both an MDR and a tribunal scheduled.

## Type of representation

Of the 234 referrals, 58% received direct representation, and 40% received CAS. The remaining 2% had no match (“NM”). The analysis suggests that the FAIR program allocated young people to either direct representation or CAS depending on the seriousness of their alleged misconduct: Figure 5 shows that in allegations of “defiance,” more young people received CAS than direct representation. The regression analyses found that allegations of “defiance” were less likely to receive direct representation. For all other categories of alleged misconduct (including “drugs” and “physical violence”), more young people received direct representation.

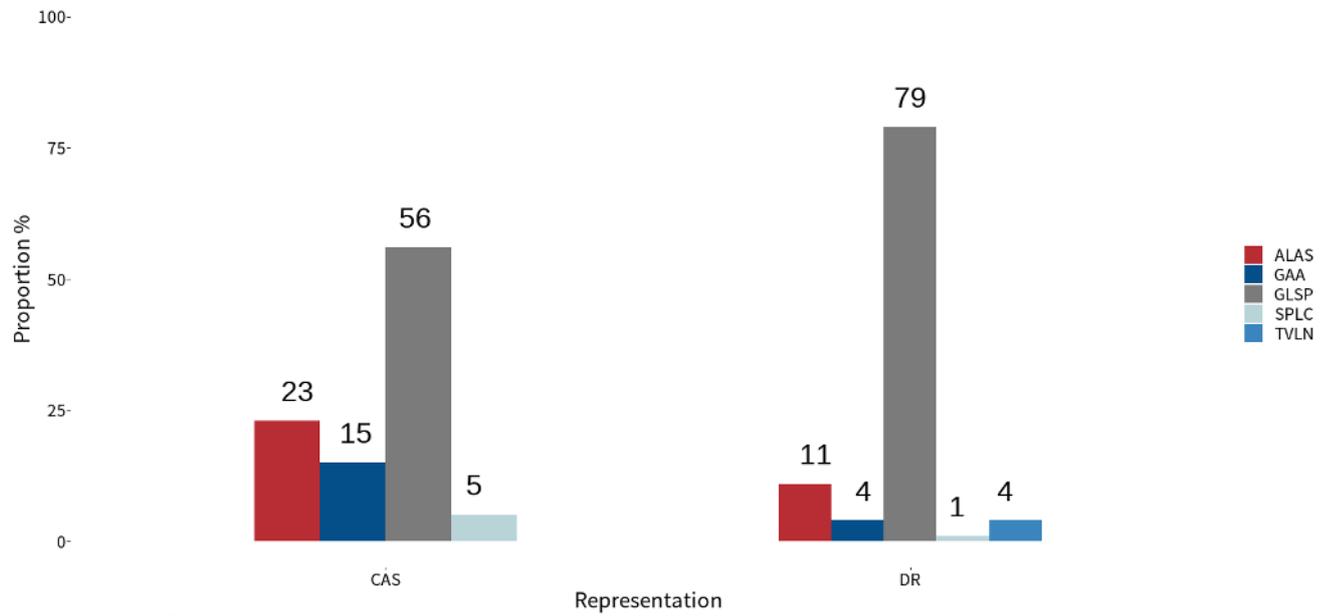
Figure 5: Type of representation by the alleged misconduct



Base Number= Defiance (27), Drugs (33), Missing (19), Other (45), Physical violence (80), Remaining (30)

The analyses also revealed that Georgia Legal Services Project (GLSP) were undertaking most of the direct representation and CAS cases, compared with the other providers of legal representation and assistance (ALAS, SPLC, Georgia Appleseed’s TVLN network and Georgia Appleseed’s attorneys). Figure 6 shows the proportion of referrals each agency received, with GLSP taking a commanding majority of the direct representation cases.

Figure 6: Distribution of referrals received by providers of legal services.



Base Number= CAS (94), DR (136)

## Program outcomes

The analyses looked at the tribunal's changes to the school's recommended discipline following a hearing where the young person had received either direct representation or CAS. The analyses looked at 93 young people who had been represented through FAIR and for whom data on their final disposition at the tribunal or MDR were available.

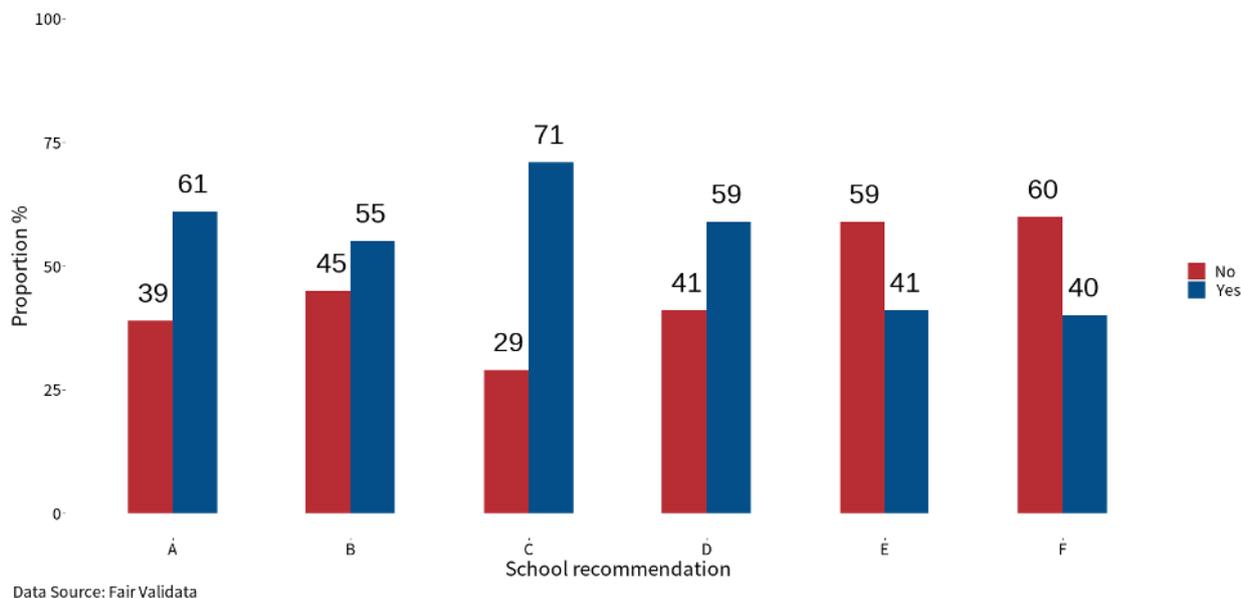
The children's discipline as recommended by the school or the tribunal's final disposition could be a set period for a suspension (e.g., days or semesters) or they might not be time bound (no suspension or permanent). To enable analysis the data were coded to six groups: A (no suspension); B (suspension of less than 1 semester); C (suspension of 1 semester to less than 2 semesters); D (suspension of 2 semesters to less than 3 semesters); E (suspension of 3 semesters to less than 4 semesters); F (suspension of four semesters to permanent suspension).

### Factors related to schools recommending harsher discipline

GtD's regression analyses sought to identify the factors that were related to harsher recommendations by the schools. The regression model included the following variables, the young person's gender, age, race, IEP/504 status, number of foster placements, their alleged misconduct, and whether the tribunal or MDR hearing had been scheduled prior to the young person's referral to the FAIR program.

The results of the analyses showed that the young person's age correlated to a harsher recommendation from the school, but if a child was on an IEP/504 plan, they were less likely to receive a harsher recommendation (see Figure 7).

Figure 7: School-recommended discipline level disaggregated by whether the children had an IEP/504 plan.



Base Number= A (139), B (12), C (9), D (25), E (37), F (12)

## Changes in the school's recommended discipline

From the 93 children for whom we possess complete disposition information, we can estimate that 57% (n=53) of students<sup>4</sup> receive a less severe final disposition than what was initially recommended following their representation by FAIR, either through direct representation or the CAS program. Those with an original school discipline of level C (two semesters to less than three semesters) saw the greatest reduction. The mean reduction in days for all children was 122 (n=93)<sup>5</sup> and the mean for those who had an improvement was 214 (n=53)<sup>6</sup>.

## Factors associated with reductions in discipline

The analysis investigated whether a range of factors were associated with a reduction in the length of discipline.<sup>7</sup> Having controlled for the length of the recommendation (because longer recommendations have a greater potential to be reduced), the analysis found that boys were more likely to have their discipline reduced than girls: 60% (n=34) of boys had a reduction compared with 48% (n=17) of girls. Direct representation is more likely to go to those with longer recommendations, who are also more likely to be boys, which could help explain this.

<sup>4</sup> The 95% confidence interval is 46.7% - 67.2%.

<sup>5</sup>  $P < 0.001$ ,  $t = 11.041$

<sup>6</sup> The analysis assumed a semester was 90 days (average length in Georgia), and a permanent exclusion was equivalent to 8 semesters. If a permanent exclusion were assumed to be four semesters, the mean reduction for all children would be 128 days.

<sup>7</sup> In our study, any reduction of a day or more was initially defined as an improvement. However, this might include minor reductions that may not be significant from a student's viewpoint. So, we also considered an improvement as a disciplinary category change, which decreased the count of improved cases by six. Despite this, the regression analysis consistently demonstrated that boys were more likely to experience a reduction in their disciplinary actions.

However, the analysis suggests the effect exists across all cases and should be investigated further by Georgia Appleseed. It should be noted that the rate of reduction for girls appears to be good, but it is just not as good as for the boys and, therefore, could potentially be improved.

# Appendix A

Poisson regression investigating the factors driving the count of school-recommended disciplines.

	<i>Dependent variable:</i> schoolRec
intakeGenderMale	0.069 (0.126)
intakeGenderOther	0.246 (0.338)
as.integer(intakeAge)	0.054* (0.031)
raceBiracial or Mixed Race	16.982 (689.117)
raceBlack	16.440 (689.117)
raceBlack or African American (e.g., African American, Jamaican, Haitian, Nigerian, etc.)	16.539 (689.117)
raceHispanic, Latino or Spanish origin (e.g., Mexican or Mexican American, Puerto Rican, Cuban, Dominican, Brazilian, Portuguese, etc.)	17.444 (689.118)
raceMissing	16.898 (689.117)
raceWhite	16.477 (689.117)
raceWhite (e.g., German, Irish, English, Italian, Polish, French, etc.)	16.595 (689.117)
intakeIEPUnsure	-0.130 (0.172)
intakeIEPYes	-0.369** (0.161)
intakePlacements2	-0.042 (0.200)
intakePlacements3	0.140 (0.203)
intakePlacements4	-0.167 (0.274)
intakePlacements5 or more	-0.038 (0.201)
intakePlacementsMissing	0.193 (0.230)
intakePlacementsUnknown	-16.240 (1,434.304)
intakePlacementsUnsure	-0.007 (0.450)
intakeMisconductDrugs	-0.131 (0.256)
intakeMisconductMissing	0.325 (0.277)
intakeMisconductOther	-0.351 (0.251)
intakeMisconductPhysical Violence	-0.110 (0.231)
intakeMisconductRemaining	0.125 (0.285)
tribunal	0.759*** (0.127)
ndr	0.028 (0.150)
Constant	-17.307 (689.118)
Observations	234
Log Likelihood	-377.096
Akaike Inf. Crit.	808.191
Note:	*p<0.1; **p<0.05; ***p<0.01

## Appendix B

Binomial regression investigates the factors associated with having a reduction in the discipline.

	<i>Dependent variable:</i>	
	changeBin	
intakeDRCASGIDR	1.626	(1.185)
as.integer(intakeAge)	0.667*	(0.347)
intakeGenderMale	2.974**	(1.275)
intakeGenderTrans Female	-15.359	(6,522.639)
intakeGenderTransgender Female	1.204	(7,028.765)
raceBlack	2.236	(2.866)
raceBlack or African American (e.g., African American, Jamaican, Haitian, Nigerian, etc.)	20.979	(2,618.917)
raceHispanic, Latino or Spanish origin (e.g., Mexican or Mexican American, Puerto Rican, Cuban, Dominican, Brazilian, Portuguese, etc.)	24.623	(4,520.021)
raceMissing	1.297	(2.459)
raceWhite	4.115	(2.989)
raceWhite (e.g., German, Irish, English, Italian, Polish, French, etc.)	19.942	(6,522.639)
schoolRec	1.585**	(0.775)
tribunal	-1.999*	(1.185)
mdr	-2.736*	(1.454)
intakeMisconductDrugs	-1.070	(1.523)
intakeMisconductOther	-3.084*	(1.798)
intakeMisconductPhysical Violence	-1.439	(1.718)
intakeMisconductProperty Damage	-24.441	(6,522.639)
intakeMisconductSexual Offenses	3.370	(3.149)
intakeMisconductWeapons	-3.155	(2.695)
intakePlacements2	0.611	(1.524)
intakePlacements3	-0.776	(1.531)
intakePlacements4	-0.032	(1.692)
intakePlacements5 or more	0.017	(1.301)
intakePlacementsUnsure	-5.938*	(3.235)
intakeAttorneyTypeGAA	1.713	(2.376)
intakeAttorneyTypeGLSP	-0.463	(1.327)
intakeAttorneyTypeSPLC	-1.235	(2.536)
intakeAttorneyTypeTVLN	-22.347	(2,618.930)
Constant	-15.807**	(7.093)
Observations	69	
Log Likelihood	-24.902	
Akaike Inf. Crit.	109.803	

Note:

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

