

National Association of State Boards of Education

➔ State Policy's Role in Reversing Trend toward Punitive Discipline

By Kimberly Charis and Geanette Foster

As state policymakers strive to provide students with equal educational opportunities, they must look beyond test scores and graduation rates to assess the school environment more broadly, and particularly the role of discipline policies and practices within it. By backing efforts to provide students academic and social supports and by strengthening educators' capacity to create environments where all students can learn, school discipline reform policy holds promise for keeping students in school and on track to pursue college and careers.

Discipline disparities in US public schools have sparked ongoing national conversation and concern (see box). Since at least the 1980s, suspensions, expulsions, and school-based arrests have disproportionately affected students from certain ethnic groups as well as those receiving special education. Zero-tolerance policies adopted

in the 1980s and after the Columbine mass school shooting are said to have sparked a rise in exclusionary discipline. Students who brought weapons of any type to school were expelled. Students accused of disrupting the classroom or school environment were cast as threats to school safety, and schools began suspending and expelling students for behaviors that principals once handled with phone calls to parents and caregivers.

The effects of these disparities extend beyond a student's school years. School-to-prison pipeline is a term used to describe a phenomenon in which overly harsh disciplinary sanctions in school translate to young people's continuing interactions with the justice system. At the same time, exclusionary discipline has impeded many students' chances to pursue postsecondary success. These discipline practices go hand in hand with poor academic performance, low student engagement, increased behavior problems, and high dropout rates.

STATE POLICY IMPLICATIONS

Using their policymaking authority and convening power, state boards of education can build consensus on the importance of improving school climate by assessing all school-based factors that affect teaching and learning. States should encourage local systems to use data they already collect on student discipline, attendance, truancy, dropout rates, and other school climate measures to create

a complete picture of the school environment.

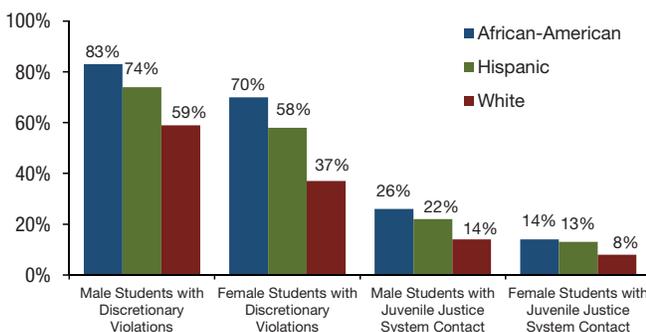
State education agencies that collect disaggregated school climate data from local jurisdictions are already supporting efforts to close the achievement gap. By regularly reviewing data to identify persistent challenges, state policy can begin to address key questions: Does state policy provide clear rules and procedures for student misconduct and eschew vague terminology? Broad offenses like "willful defiance" and "disruptive behavior" often allow administrators and school police to punish minor offenses (e.g., texting in the classroom) just as severely as more violent infractions (e.g., fighting in the hallway). These discretionary discipline categories unnecessarily push many students, particularly students of color, into the juvenile justice system (see figure 1).

Does state policy promote restorative justice practices and other positive behavioral supports? Does state policy encourage local jurisdictions to allocate significant funds for professional development, particularly for school police and educators in high-needs schools? Are there incentives for educators to obtain training and instruction in trauma-informed classroom practices and cultural competency? A checklist with these and other indicators can provide valuable information that state policymakers will want to explore.

Attendance, truancy, and student engagement data are also useful school climate indicators. Not all behavioral problems, poor academic performance, and low attendance should or can be attributed to family dysfunction, poverty, or community violence. Sometimes students have conflicts with other students or adults within the school community that discourage them from attending class and thriving.

In **Pinellas County, Florida**, a female high school student with a history of chronic absence came to the attention of the school truancy magistrate response team. They

Figure 1. Discretionary Violations and Juvenile Justice System Contact by Gender and Race



Source: The Council of State Governments Justice Center, 2011

BOX 1. WHAT RESEARCH SHOWS

- Higher rates of disciplinary sanctions against students of color are not the result of more frequent or serious incidents of misconduct.
- African American students without disabilities are nearly four times as likely to be suspended or expelled as white students without disabilities.
- African American students represented 15 percent of the student population but received more than a third of all suspensions.
- More than 50 percent of the arrests that took place on school campuses involved African American and Hispanic students.

Source: Office for Civil Rights, Civil Rights Data Collection.

noted that she had a history of fighting in school and had been suspended several times. Further inquiry revealed that she and several classmates were not getting along. The truancy response team suggested that the administration change the students' class schedules to minimize their interaction. Unfortunately, the school had little knowledge about supportive school discipline tools like restorative justice practices that teach conflict resolution, so the issue went unresolved for three years.

Vague definitions and misunderstandings about the role of police in schools are another probable cause for the increase in disciplinary sanctions, including ticketing and arrests. Although school districts employ school police to ensure safety, many are asked to deal with angry outbursts, cell phone use, dress code violations, and other nonviolent behaviors.

Philadelphia is addressing these issues through its School Diversion Program, a collaborative effort between the school district, police, the Department of Health Services, and local child-serving agencies. When a student commits a low-level or misdemeanor offense, the principal or school police officer contacts the Philadelphia Police Department.

If the student does not have prior offenses, a social worker visits with the student and their parent/guardian within three days to determine whether the student suffers from underlying issues or trauma.

After the assessment, the social worker refers the student to a community-based Intensive Prevention Services provider (IPS). The provider directs the student to individualized support and services including a case manager, mentorship, academic support, and other social and emotional competency-building resources. For example, when school administrators found marijuana in the backpack of a 17-year-old student, the visiting social worker found that the student thought self-medicating would help her cope with the emotional stress of her parents' difficult divorce. Because she received trauma-informed care rather than arrest, the girl completed the program, graduated from high school, and enrolled in a university the following fall.

While 2014–15 was the program's first full year of implementation, the district has already seen a 54 percent decrease in school-based arrests and a 75 percent decrease in expulsions and discipline-related transfers. School-based behavioral incidents have decreased by 17 percent, indicating that the program has also improved school climate.

West Virginia recently launched an effort to marshal data to improve discipline practices. With NASBE's support, the West Virginia Board of Education in partnership with the West Virginia Department of Education launched the State-Level Initiative to Promote School Climate and Safety Project in 2014. They created a task force to raise awareness of best practices for schools working with law enforcement agencies. The task force reviewed disaggregated data on school-based arrests, citations, and searches, and it collected data on the number of local jurisdictions that employ law enforcement personnel, have formal agreements with local law enforcement agencies, and provide school-based officers with training on child and youth development. The task force also developed a model memorandum of understanding between school districts and law enforcement agencies and a toolkit for districts.

SCHOOL JUSTICE PARTNERSHIPS

NASBE has partnered with the National Council of Juvenile and Family Court Judges, the National Center for Mental Health and Juvenile Justice, the International Association of Chiefs of Police, and the National Child Traumatic Stress Network to create the National Resource Center for School Justice Partnerships. This center fosters partnerships between education, mental health, law enforcement, and judicial systems and gives them tools to keep students engaged in school and out of the juvenile justice system.

NASBE and the four other organizations provide technical assistance to demonstration sites selected by the US Department of Justice's Office of Juvenile Justice and Delinquency Prevention: Mahoning County, Ohio; Philadelphia; Pinellas County, Florida; and Las Vegas.

NASBE's role is twofold: 1) bring an education perspective to discussions on keeping students in school and out of court, and 2) share information with state boards of education about challenges at the local school systems level and suggest ways to better support their efforts to meet the intellectual and social needs of students while diverting them from the juvenile justice system.

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RESOURCES

National Resource Center for School Justice Partnerships, www.schooljusticepartnership.org.

Philadelphia Police School Diversion Program. "Keeping Kids in School and Out of Court." Philadelphia, October 2015.

International Association of Chiefs of Police, Office of Juvenile Justice and Delinquency Prevention. "The Effects of Adolescent Development on Policing." Alexandria, VA, February 2015.

Daniel J. Losen et al. "Are We Closing the School Discipline Gap?" Los Angeles: Center for Civil Rights Remedies at the Civil Rights Project, University of California Los Angeles, February 2015.

Greta Colombi and David Osher. "Advancing School Discipline Reform." *Education Leaders Report* 1, no. 2 (August). Alexandria, VA: NASBE, 2015.