

Research

disciplinary strategies and possible policy options. to make recommendations for

Key Words

school discipline, school-to-prison pipeline, zero tolerance

Introduction

The school-to-prison pipeline is prevalent in the United States (Kim et al., 2010). Students who commit infractions in school are increasingly ending up in the criminal justice system. 7KH ULVH LQ VFKRROV ¶ enforcement officer based to the criminalization of behaviors that traditionally were handled by school staff.

Zero tolerance discipline policies have also contributed to the school-to-prison pipeline. A recent study found that zero tolerance discipline policies are predictive of an increase in the proportion of students suspended (Curran, 2016). The increase was three times larger for African American students (Curran, 2016).

There is a correlation between exclusion from school and the ramifications later in life. Children perceive negative treatment in schools as a reflection on their character, and thus become more disengaged from school itself when this occurs (Rocque & Paterson, 2011). There are many education advocacy organizations and legal associations committed to confronting the school-to-prison pipeline and the other negative impacts of suspension/expulsion. One way to address these concerns is to continue to reform school discipline.

In March 2018, the U.S. Government Accountability Office released a report finding that that Black students, boys, and students with disabilities were disproportionately disciplined (e.g., suspensions and expulsions) in K-12 public schools (GAO, 2018). In 2014, the U.S. Department of Education (2014) issued guidance to help school districts ensure that their student discipline policies and practices do not discriminate against racial and ethnic groups.

The U.S. Department of Education (2014) encouraged school districts to develop policies that seek alternatives to exclusionary penalties, with a goal to keep the students from missing time within the classroom.

Some states have been proactive in promoting legislation that supports alternatives to exclusionary penalties, culturally responsive discipline, and methods to encourage a positive school environment.

Illinois is one of those states. On September 15, 2016, Illinois State Bill 100 went into effect and significantly changed Illinois School Code and local school district discipline practices. The new discipline code eliminates zero tolerance policies, promotes discipline alternatives, and has put restrictions of suspension/expulsions.

The U.S. Department of Education Office of Civil Rights data from the 2013-2014 school year shows that overall minority student and students with disabilities are disciplined disproportionately from their peers (OCR, 2013). Discipline has led to many negative consequences in the lives of youth in the United States, including the school-to-prison pipeline.

The school-to-prison pipeline occurs when school policies end up pushing a student into the criminal system (Kim et al., 2010). Some have argued that implicit biases of teachers and police officers lead to the disparity in the number of minority students suspended and arrested in the school (Kennedy et al., 2017; Cumi et al., 2017; Thompson, 2016; Berlowitz et al., 2015; Crenshaw et al., 2015; Morris, 2007, Morris 2005).

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 administrators indicated a widespread belief
 that violent forms of bullying were an intrinsic
 component of the culture of lower socio
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and suspensions to the greatest extent practicable, and it is recommended that they use them only for legitimate educational purposes. To ensure that students are not excluded from school unnecessarily, it is recommended that school officials consider forms of non-exclusionary discipline prior to using out-of-school suspensions or expulsions (105 ILCS 5/10-22.6 (b 5)).

Furthermore, Illinois law now eliminates zero tolerance policies unless required by federal law and requires the establishment of a parent-teacher advisory board to help develop school discipline policies and policies related to bullying and school searches (105 Ill. Comp. Stat. § 5/10-22.6). Illinois school administrators are also limited in the usage of suspensions. School staff can give a student an out of school suspension of three days only if the student's continuing presence in school would pose a threat to school safety or disruption to other students' learning opportunities (105 Ill. Comp. Stat. § 5/10-22.6 (b15)).

Additionally, Illinois School Code states the following

Out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school (105 Ill. Comp. Stat. § 5/10-22.6 (b20)).

The new law is a step in the right direction to minimize the negative impacts of school discipline.

Indiana is attempting to make some changes regarding discipline. According to the U.S. Department of Education Civil Rights Data Collection (2013), during the 2013-2014 school year, more than 75,000 Indian students were suspended. One in five black students was suspended compared to one in 20 white students. These suspensions were mostly for nonviolent offenses.

Currently, Indiana law allows for suspensions and expulsions when a student is engaging in unlawful activity on or off school grounds if the unlawful activity reasonably interferes with school purposes or educational functions (Ind. Code § 20-2-7-1).

In 2012, Colorado passed a measure to P L Q L P L J H W K H L A N D D I S C I P L I N A R Y policies to only have expulsion mandatory for infractions that involve a student who is determined to have brought a firearm to school or possessed a firearm at school (Colorado Senate Bill 12046, 2012).

The measure also promoted the use of measures to promote students staying in school (Colorado Senate Bill 12046, 2012). In 2017, Senate Bill 171038 was introduced and attempted to further minimize negative disciplinary action. If passed, it would have officially banned schools from using corporal punishment (Colorado Senate Bill-17038, 2017).

In 2015, the State of Connecticut passed a law that disallowed the suspension and expulsion of children in preschool through second grade. These children can only be suspended or expelled if the violation is of a violent or sexual nature that endangers the child (Connecticut House of Representatives, 2015).

The State of Delaware has taken steps toward minimizing the impact of discipline policies. The 2013-2014 Civil Rights Data shows that although African American students only made up 32% of the Delaware population, they made up 62% of all students suspended (OCR, 2013). Furthermore, although students with disabilities made up only 13% of the state's population, they comprised 32% of all school students suspended (OCR, 2013).

Additionally, 98% of all suspensions during the 2013-2014 school year in Delaware were nonviolent (OCR, 2013). In 2017, the State of Delaware made changes to its zero-tolerance policies on weapons. House Bill 176 was passed giving school districts more discretion when suspending students on weapons violation, changing from a zero-

tolerance weapons violation policy to taking into consideration how the weapon was used (Delaware House Bill 176, 2017). In May 2017, Delaware Senate Bill 85 was introduced. This bill will require school districts to create a discipline improvement plan, evaluate school discipline policies, and monitor progress toward discipline goals (Delaware Senate Bill 85, 2017). There been no action on the bill.

The State of Maryland is making efforts in combating the school-to-prison pipeline. House Bill 1287 was signed into law in May 2017. The bill establishes a Commission on School-to-Prison Pipeline and Restorative Practices (Maryland House Bill 1287, 2017). In Maryland, on July 1, 2017, House Bill 425 also went into effect. The bill prevents suspensions and expulsions of students younger than third grade (Maryland House Bill 425, 2017). It also creates a daily maximum on suspensions and mandates alternatives to suspensions/expulsions (Maryland House Bill 425, 2017).

The State of Michigan has made similar strides in the right direction. The current law requires the school board to consider using restorative practices as an alternative or along with the suspension or expulsion (Mich. Comp. Laws § 380.1310c). Furthermore, in December 2016 the government signed a bill limiting the school districts' zero-tolerance policies (Michigan House Bill 5618, 2016).

In the state of Oregon, school boards must adopt policies for discipline, suspension, and the law provides a list of infractions that students can receive suspensions and expulsions for infractions including willful disobedience (Or. Rev. Stat. § 339.250). In 2015, Oregon passed a measure to limit the use of suspension and expulsions with children fifth grade and under (Oregon Senate Bill 553, 2015).

Oregon also passed, in 2015, a measure that prohibits the use of expulsion to address truancy (Oregon Senate Bill 556, 2015).

The current law now points out that schools must limit the use of expulsions to the following circumstances:

(A) For conduct that poses a threat to the health or safety of students or school employees; (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or (C) When the expulsion is required by law (Or. Rev. Stat. § 339.250)

In New York, the current law allows suspension for insubordinate or disorderly or violent or disruptive conduct or conduct that otherwise endangers the safety, morals, health and welfare of others (New York State Consolidated Laws Education § 3214).

In January 2017, the New York Legislature introduced multiple bills to its education committee that will change disciplinary actions for minor infractions and limit the use of long-term suspension (New York Bill A03873, 2017; New York Bill S03036, 2017). They will also require the use of alternative disciplinary measure and restorative justice approaches to help keep students in the classroom (New York Bill A03873, 2017; New York Bill S03036, 2017). There has been no recent activity on these bills. This is not the first time a bill of this nature was presented. A similar bill was defeated in 2015 (New York Bill A8396, 2015).

In 2017, several bills related to discipline were introduced in New Hampshire. The legislature passed House Bill 216, which requires educational assignments to

be provided to students on suspension (New Hampshire House Bill 216, 2017). Two other related bills were not passed. House Bill 270 would have established a committee to study suspensions and expulsions for middle school and high school, and House Bill 271 would have required the collection of data on suspensions and expulsions (New Hampshire House Bill 270, 2017; New Hampshire House Bill 271, 2017). In New Jersey, Senate Bill 2081 passed limited expulsions and suspensions for students that were in preschool to 2nd grade (New Jersey Senate Bill 2081, 2016).

The bill gave certain exceptions as well as required early detection

were

school districts to develop school discipline policy that is provided to all school staff (Ala. Code § 16-2-8A). It is also important to point out that in Alabama there is currently a trust called the Alabama Children First Trust Fund that comes from tobacco sales. Of the funds, 22% are allocated to the Alabama State Board of Education; the Board is required to use portions of the trust money to create alternative school programs including ones related to school discipline, counseling programs and social skills development programs (Ala. Code § 41-15B-2.2).

School districts in Georgia have been criticized as some of the worst contributors of the school-to-prison pipeline (Richey, 2016). During the 2016 legislative session, Georgia House Bill 135, Too Young to Suspend Act (2016) failed to pass. This bill would have eliminated suspensions and expulsions for students that were pre through third grade (Georgia House Bill 135, 2016). The state of Georgia is attempting to address the school-to-prison pipeline through the 2016 passage of Senate Bill 367. The main focus of the bill was to overhaul the criminal justice system.

However, it also required that Georgia State Board of Education set minimal requirements for hearing officers that oversee school discipline hearings (Georgia Senate Bill 367, 2016). The Georgia Board of Education is responsible for the development of training for the hearing officers (Georgia State Board of Education, 2017).

The law pertaining to suspensions and expulsions in the State of Georgia is somewhat lenient. The State Board of Education has the authority to remove from his or her class a student who repeatedly or substantially interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's

classmates to learn, where the student's behavior is in violation of the student code of conduct, provided that the teacher has previously filed a report pursuant to Code Section 20-7-37 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates (Ala. Code § 20-7-38 (b)). Although the law is lenient, the state does have a policy that allows for disruptive students to alternative educational settings rather than to suspend or expel such students from school (Ala. Code § 20-7-35 (f)).

In the states of Alaska and Arizona, student suspensions and expulsions are allowed with limited restrictions. Alaska law states the following:

A school age child may be suspended from or denied admission to the public school that the child is otherwise entitled to attend only for the following causes:

- (1) continued wilful disobedience or open and persistent defiance of reasonable school authority;
- (2) behavior that is inimicable to the welfare, safety, or morals of other pupils or a person employed or volunteering at the school;
- (3) a physical or mental condition that in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;
- (4) a physical or mental condition that in the opinion of a competent medical authority will cause the child to be inimicable to the welfare of other pupils;
- (5) conviction of a felony that the governing body of the district determines will cause the attendance of

When a student experiences four more categories of childhood exposure, compared to their peers who had experienced none, they have 4 to 12 times increased chance of exhibiting risky behavior such as alcoholism, drug abuse, depression, and suicide attempt, amongst other health-related issues (Felitti, 1998).

In addition to the incidents that directly affect the child, societal factors such as color blindness, suppression of emotional and behavioral expression, and systematic differences in population due to various forms of diversity amongst others impact the neuroplasticity of the brain. This growing body of research, as prioritized by the Society for Research in Child Development and National Institute for Mental Health, has been highlighting how these myriad concepts impact and often inhibit normal growth and development of the brain (Causadias, 2013).

These adverse experiences contribute to many of the unwanted behaviors that students exhibit in schools. Disciplinary treatment and racial hostility, as reported by students of various ethnic backgrounds, can also lead to misbehavior.

A conflict in racial/cultural values and the existence of stereotypes can lead to this mismatch in expectations, resulting in a perception of misbehavior on the part of adults, even when the students do not feel that they have violated rules.

In situations like these, the desired impact of a student learning from his or her mistakes, taking ownership of behavior, and preventing it from recurring is less likely. This incongruity of culturally influenced expectations can lead to disengagement from school and ultimately a preference towards

criminal activity outside of the school (Rocque & Paternoster, 2011).

The very way that school is structured also either encourages or inhibits the ability of students to foster and develop healthy habits. It is imperative that schools consider the supports in place that directly address students when they struggle to manage behavior (Baker et al., 2001).

In summary: When students misbehave, due to myriad influencing factors, underlying biases and cultural disconnects prevent them from getting the help they need.

To ensure that students have their needs met in school, one place to start would be at the legislative level. Before and after legislation is enacted, the mere creation does not necessarily ensure a change in practice as related to underlying beliefs. Bias and treatment of students based on race and ethnicity, for example, has been bred into us for hundreds of years.

How this plays out in school, when a student misbehaves, is that the disciplinarian often resorts to extreme options, such as suspension. This has been a culturally acceptable go-to solution that they know will likely not have the desired impact. Despite this, the exclusionary option may still be chosen to temporarily remove the problem (Noguera, 2003).

Though legislation and policy can be part of the solution, other factors need to be addressed before they are used as the driving force for improving outcomes. Codes of conduct that result from policy do not always have the desired impact of either reducing misbehavior or causing a supportive environment. In fact, written policies can at

times instead promote a punitive approach to

their similar yet unique needs. The resulting impact of the actions on the part of the school community has shown the ability to greatly reduce the occurrence and recurrence of misbehavior, and a greater chance that students will succeed in all aspects of their high school careers.

One of the most important UHF R P P H Q G D W L R Q V I U R P W K H 8 3 U L Q F L S O H V T . S. Department of Education (2014) was that states, school districts, and schools implement the guidance in this document as they see fit.

Providing localized control for the extent to which this is implemented should involve professional judgment within the confines of legal obligation due to race, gender, and other forms of federal, state, and local regulation.

Beyond this, the guiding principles themselves are broken into three categories by which we can impact school culture. Below are brief descriptions of these, including what works from the perspective of the school level where these have been implemented with positive outcomes, broken down principle by principle.

Guiding principle #1

The first principle describes prevention and a focus on improving general school climate (U.S. Department of Education, 2014). Studies have linked the school climate to student behavior (Wu et al., 1982; Haynes et al, 1997; Irvin et al., 2004; G. D. Gottfredson et al., 2005; Wang, 2009; Gage, et al., 2016). School climate variables have been significantly related to student discipline. As early as 1982, U H V H D U F K H U V K D Y H F R Q F O X G H G W K D W 3 V W X G H Q W suspension is a matter of student misbehavior, but it is more a matter of how the school treats L W V V W X G H Q W (Gage, 1982, p. 370).

\$ V W X G H Q W T V S R V L W L Y H S H school has been linked to a decrease in negative behaviors (Wang, 2009). Focusing on improving the general school climate can be initiated through the promotion of a school Z L G H μ Y L P L L R V Q L R Q T R U P R W W R R to align all actions of the school. This should tie L Q W R E R W K W K H V F K R R O T V D Q C improvement plan or vision document, aligning perfectly (Gina & Wright, 2016).

The Chicago Public Schools Vision Statement serves as one type of this coalescing document, bringing together the needs and desires of a variety of stakeholders (Chicago Public Schools, 2017). Schools also often develop their own guiding documents such as μ V F K R R O L P S U R Y H P H Q W S O D Q T aligned back to the greater mission and vision of the district, and potentially state initiatives as well (Van Der Voort & Wood, 2014, p6).

Also, within the first principle, is the method in which a school or district builds interventions. Multiple Tiered Systems of Support (MTSS), a term for a process commonly used to categorize interventions provided for students in schools at various levels of need, is a massive concept. MTSS at the school or district level should be all

into account (if implemented with fidelity),
understanding that tiered levels of
behavioral interventions should be adapted and

supervisor, helps to ensure that all are striving towards common implementation

consensus guidance of organizations such as the U.S. Department of Education and others in

When one teacher believes that a certain type of behavior warrants a disciplinary referral and another does not, this disparity in expectations creates an unfair system. On the contrary, with every situation being unique, there is no way to guarantee that all students will be treated similarly since the associated factors with any infraction can influence the disciplinarian when choosing the appropriate consequence

One way to assist with calibration is to have an activity during professional development that explicitly addresses this, such as student code of conduct. Following up on the training a disciplinarian should then assist with ongoing calibration by clarifying to adults (and students, parents, and any other stakeholders needed) why certain consequences are assigned or why certain behavior will or will not result in a given consequence

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Regarding the harshest consequences, there has been a growing trend in both policy and practice to ensure that codes of conduct look beyond exclusionary practices. Documentation used by many parts of the country now explicitly state that these types of punishments should be used as a last resort only when all other options are exhausted (except for in certain extreme situations)

been popularized in the 1980s and now on the decline, there has been ample research done on the effectiveness of this time period and what has resulted from arrests, expulsions, suspensions, and other forms of removing students from instructional time. The

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As needed, seek advice from those who have chartered this journey and come out successful in regards to implementing a progressive discipline policy. In addition, educators must be in a reflective, open-minded state when they engage in professional development around this issue.

protect the emotional safety of the adults involved. If the ultimate goal is to avoid discrimination in the implementation of school policies, educators must be in a reflective, open-minded state when they engage in professional development around this issue.

After acknowledging and confronting biases, as suggested above, consider the true impact of policy and practice in place. They serve only to reinforce the status quo of discrimination and segregation, then how do they potentially conflict with locally stated visions? These should be reflected upon, addressed, revised, and used as a compass to drive change.

Another immediate actionable step that practitioners can take is to continue to build relationships with students in any form, both integrated into the curriculum and as a la carte activities.

A vision that falls under the umbrella of readily achievable if policies in place negatively impact certain demographics of students over others. Similarly, the supports that are in place and those created as a result of legislation, policy, and local decision-making should specifically address these inequities. Then and only then can we hope to see a reduction in the school-to-prison pipeline.

A fully integrated activity could include literature that features different ethnic groups and cultures and involves discussion where students reflect on how they would act or feel in a certain situation similar to that of characters from the story, to empathize.

To implement the guidance provided by the U.S. Department of Education, there are several practical steps that educators and school leaders can take, immediately as stated above, whether it be from district leadership on down to the school level or vice versa, a team of dedicated professionals can convene to determine what professional learning would be necessary to confront biases.

A separate activity could involve students sharing likes and dislikes, and generally getting to know one another, facilitated by the teacher or by peers, with the teacher taking an active role in the discussion.

The greater community should be involved in this planning process as well, even if to just give feedback on the current status of school climate. This planning alone is critical, to ensure that the plans are crafted in a way to

Yet another activity could focus purely on a day for ten days, getting to know a student directly related to the curriculum.

These authentic activities that tap into the personality of the students will help enhance the relationship and expose adults to the true character of all students, making it more likely to overcome bias and assumptions.

A third practical step for school staff would be to revisit and revise, as needed, all school structures around discipline. Set goals. If one goal is to maximize the amount of time that students are focused on instruction, then inspect structures to ensure that exclusion (such

as removal from classroom or suspension) is truly a last resort option. If the student is not disrupting the learning of others, when making a behavioral choice, do they need to have their behavior addressed at that moment, or could it wait until after the learning concludes? Consider whether or not the structures in place always couple a consequence with an intervention.

While the consequence may be necessary to show students that our choices the intervention (evidence based) will reduce the recurrence of the undesired behavior.

Also, when revising these policies and procedures, do they reflect the equitable goals that are stated above? Do they result in a reduction of the disparity of students from different ethnic groups being referred? If all of these practical actions happen simultaneously, improvement should be evident.

Conclusion and Future Study

With the U.S. Department of Education's Guiding Principles having been released three years ago, there are further opportunities to study the impact of this landmark document. Some of the states listed in this paper (as well as others), including their local municipalities within, and countless school districts, have found success implementing interventions such as those listed in this paper.

The result has been undoubtedly a limited impact on school culture. Making the sequence of these actions as well as the outcomes will help build a research base of

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