



STOPPING OUT-OF-SCHOOL SUSPENSIONS

A Guide for State Policy

DECEMBER 2012

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I. Background

As adults, we shoulder a responsibility to ensure that all of our young people graduate ready to succeed in college, a career and life. The need not just for some, but all students to succeed is more critical now than ever. A shift toward a global economy, a changing workforce, and the increasing diversity of the students we serve in our schools all call for a national commitment to two inextricably linked goals: educational equity and excellence.

Out-of-school suspensions run directly counter to those goals as they prevent far too many of our children, particularly children of color, from having an opportunity to learn. Numerous reports have shed light on the alarming number of students of color and students with disabilities who have missed time in the classroom due to the discriminatory use of out-of-school suspensions. According to the UCLA Civil Rights Projects, 3.3 million students were issued out-of-school suspensions in the 2009-2010 school year. And of those 3 million students, young Black students were found to be three times as likely as their peers to be issued an out-of-school suspension, along with almost one in 13 Latino students.

In addition to demonstrated racial disparities, the inexcusable number of students missing instructional time highlights an urgent need to stop out-of-school suspensions, a practice that has been shown through research to adversely impact student learning and drive students further away from success in the classroom. Not surprisingly, students can't learn if they aren't in school. Those students barred from the classroom are more likely to drop out of school and wind up in the juvenile or criminal justice system.

Out-of-school suspensions are indicative of gaps in supports-based reforms that must be remedied to ensure students have the necessary supports to thrive. These resources include not only positive and safe school learning communities in which students can benefit from individualized instruction, but also the health, academic, social and emotional supports that affect student motivation, engagement and their ability to retain and create new knowledge.

A growing number of advocates across the country are calling for a moratorium on out-of-school suspensions as part of the Solutions Not Suspensions initiative. State leaders should join their efforts to stop this harmful and discriminatory practice, and push a comprehensive equity frame for preventing and stopping the removal of students from school for disciplinary reasons. This guide provides state leaders with a systemic approach for stopping suspensions, including guiding questions, action steps and promising examples of state level solutions.

II. What State Policymakers Need to Know

State lawmakers need to understand both the racial implications of school discipline policies and how they impact student learning. This information can be used to identify evidence-based policies and practices that will support educators, schools and districts in promoting positive forms of student discipline. The following questions can assist policymakers in developing a legislative agenda on this issue, after which they can use examples of model state legislation included in Section IV of this guide to help formulate similar game-changing policies.

- How does our state collect and report on disaggregated suspension data, including the number and demographics of students suspended, number of instructional days lost, number of incidents and the reasons for out-of-school suspensions?
- What are the statistics on out-of-school suspensions vis-à-vis graduation rates for school districts and for the state overall?
- Does a state-wide taskforce or research group exist that has already assessed how our state can improve school discipline practices and policies?
- Are state performance measures on school climate inclusive of information on student suspensions?
- Do teachers, principals and administrators have the preparation and capacity to promote evidence-based methods of positive school discipline?
- Do schools have the support staff to stop out-of-school suspensions?
- Does the state's curriculum emphasize social and emotional learning as a tool for students and staff to promote safe and positive school learning communities?
- Are research-based approaches being supported in our schools, districts and communities to stop out-of-school suspensions?
- What other stakeholders have an interest in finding solutions on this issue?
- Who are potential allies for changing school discipline policies?
- What types of funding might be available to find solutions for this challenge?
- What is the state's responsibility on this issue?
- What federal requirements impact state school discipline policies?
- What state entities are responsible for oversight of school discipline data collection, reporting, policies and monitoring?

III. Game-Changing State Policy Strategies

This summary of state policies highlights promising legislation that promotes student growth through positive school discipline reform models. State strategies have been organized into four categories to identify thematic policy trends to address the out-of-school suspension crisis. Strategies identified do not represent a complete perspective of every type of legislation that will support a new vision for school discipline. Instead, they offers a snapshot of ideas, models and processes for policymakers to consider for use in their state.

Types of Legislation for Stopping Out-Of-School Suspensions

- A. Stopping suspensions & promoting alternatives
- B. Improving data collection & reporting
- C. Building the capacity of students, teachers & principals
- D. Pushing comprehensive approaches

A. Stopping suspensions & promoting alternatives

State policymakers should promote new alternatives to school discipline aligned with restorative justice practices and positive forms of school discipline. These types of discipline interventions can give students the tools to reflect and learn from their mistakes, and develop new self-regulation tools to prevent incidents from happening again in the future. Benefits can extend beyond the school setting, helping youths to nurture positive relationships with peers, family and significant others. Additionally, policymakers can improve the way in which the state takes responsibility for improving school discipline policies. This can include providing discipline guidance to school districts, establishing processes for preventing out-of-school suspensions or ensuring that key stakeholders — including parents, community members, teachers and principals — have a say in developing locally relevant discipline policies.

EXAMPLES:

1. Connecticut: H.B. 7350

Requires student suspensions to automatically be in-school suspensions rather than out-of-school suspensions unless it is determined that the student poses “such a danger to people or property, or causes such a disruption of the educational process.”

Effective: 2008

LEARN MORE: <http://1.usa.gov/S761b8>

2. California: A.B. 1729

Requires that administrators in most cases use suspensions only after alternative disciplinary practices fail to correct student misbehavior. The law expands those alternatives to include community service, restorative justice programs and positive behavior incentives.

Effective: 2013

LEARN MORE: <http://bit.ly/XuHQb8>

3. Louisiana: S.B. 67

Adds restorative justice practices to options for disciplinary measures when students are removed from classrooms. Indicates disciplinary measures that need to be implemented before students can return to classrooms. Requires school boards to adopt rules and guidelines pertaining to willful disobedience by students. Indicates that K-5 students shall not be suspended in-school or out-of-school for school uniform violations or for being habitually tardy or absent. Requires school boards to publish student discipline policies and other specified information on their websites.

Vetoed by the Governor

LEARN MORE: <http://bit.ly/TNib59>

4. Florida: SB 1540

Discourages schools from arresting students for minor offenses such as classroom disruption and fighting. Encourages schools to use alternatives to expulsion and referral to law enforcement such as restorative justice. Requires schools to take the particular circumstances of the student's misconduct into account before issuing punishment. Responds to the harsh truth of racial disparities in discipline in Florida by stating that zero tolerance policies must apply equally to all races; and requires districts to rewrite their discipline codes and change their zero tolerance policies.

Effective: 2009

LEARN MORE: <http://bit.ly/QqLzUg>

5. Arkansas: State Guidance on School Discipline

Sets forth guidelines to assist school districts with developing, reviewing and revising student discipline and school safety policies. Requires that parents, students and school district personnel be involved in the development of district student discipline policies, and that the policies be reviewed annually by a district's committee on personnel policies. Outlines the minimum offenses to be included in a student discipline policy, as well as guidelines for punishment.

Effective: 2011

LEARN MORE: <http://bit.ly/RPNnDb>

6. Indiana: H.B. 1419

Requires the governing body of a school corporation to develop an evidence-based plan for improving behavior and discipline in the school corporation, and a school within the school corporation to comply with the plan in developing the school's plan. Requires school corporation discipline rules to incorporate a graduated system of discipline, which includes actions that may be taken in lieu of suspension or expulsion. Requires the Department of Education to develop a master evidence-based plan for improving student behavior and discipline upon which school corporations may base plans.

Effective: 2010

LEARN MORE: <http://bit.ly/SL6UmL>

7. Delaware: H.B. 120

Amends the zero tolerance provision in the Delaware Code to give discretion to school boards to modify the terms of expulsions when a school board determines that it is appropriate to do so.

Effective: 2009

LEARN MORE: <http://1.usa.gov/S767Qb>

B. Improving data collection & reporting

States need an accurate picture of discipline data disaggregated by school, race, gender, ethnicity, and disability in order to identify and monitor whether discipline policies are adversely impacting certain subgroups of students or to determine if particular schools and districts are making progress in addressing disciplinary challenges. Data should be collected accurately and shared with the public in a meaningful way that supports community conversations around preventing school suspensions and allows teachers and principals to share promising practices. States should collect the type of data that it deems necessary to advance positive disciplinary reforms.

EXAMPLE:

1. Virginia: H.B. 367

Requires the Board of Education to annually publish disciplinary offense and outcome data by race, ethnicity, gender, and disability for each public school in the state on its website.

Effective: 2012

LEARN MORE: <http://1.usa.gov/T8dHrd>

2. Colorado: S.B. 46

Streamlines reporting and data collection of school discipline practices disaggregated by race and other factors, offering new data on how and why kids are disciplined in schools. *See further discussion of S.B. 46 on page 7.*

Effective: 2012

LEARN MORE: <http://bit.ly/SaMa9B>

3. Kentucky: H.B. 91

Requires school districts to formulate a code of acceptable behavior and discipline and requires the code of acceptable behavior to prohibit harassment, intimidation or bullying of a student. Includes procedures for identifying, reporting, investigating and responding to complaints.

Effective: 2008

LEARN MORE (BILL): <http://1.usa.gov/RvBbL3>

LEARN MORE (LAW): <http://1.usa.gov/VfB5mE>

C. Building the capacity of students, teachers & principals

State leaders should develop policies that guarantee educators and school leaders have the knowledge, skills and expertise to encourage whole-school prevention of suspensions and to promote learning models where students can cultivate positive relationships with their peers. Strengthening school capacity to promote positive forms of discipline requires ongoing training and support, targeted resources and intentionality around building capable professionals and schools.

EXAMPLES:

1. Louisiana: S.B. 527

Requires local school districts to provide certain classroom management training to school personnel. School master plans must make provision for pre-service and ongoing grade appropriate classroom management training for teachers, principals, and other appropriate school personnel regarding positive behavioral supports and reinforcement, conflict resolution, mediation, cultural competence, restorative practices, guidance and discipline, and adolescent development.

Effective: 2010

LEARN MORE: <http://bit.ly/Whcmz7>

2. Ohio: H.B. 1

Extends to public middle and high schools a requirement that previously only applied to public elementary schools, which stipulates a school nurse, teacher, counselor, school psychologist or administrator to complete four hours of in-service training in the prevention of child abuse, violence and substance abuse, and in the promotion of positive youth development. Directs districts and schools to also incorporate training in school safety and violence prevention.

Effective: 2010

LEARN MORE: <http://bit.ly/1YJHNg>

3. Maryland: S.B. 132

Requires that districts adopt a positive behavioral and intervention support program or an alternative behavior modification program in specific schools where suspension rates or truancy rates reach a specified percentage.

Effective: 2007

LEARN MORE: <http://bit.ly/S76dae>

D. Pushing comprehensive approaches

Lawmakers should promote policies that combine a number of comprehensive approaches to discipline into a single piece of legislation. Policies can push positive behavioral interventions and supports by ensuring discipline data is accurately collected and reported. They can also change state standards on discipline to encourage restorative justice practices. This can support the ability of schools and staff to work with students to grow a culturally responsive, healthy and supportive school climate.

EXAMPLES:

1. Colorado: S.B. 46

Gives schools discretion over suspensions and eliminates mandatory expulsion (with the exception of cases involving firearms). Establishes graduated discipline systems where the punishment matches the level of the offense and gives communities fairer, more just discipline standards to which to hold their school districts accountable. Streamlines reporting and data collection of school discipline practices disaggregated by race and other factors, offering new data on how and why students are disciplined in schools. Enhances the training program for school resource officers so they are better equipped to work with school administrators and reduce the number of kids going to court.

Effective: 2012

LEARN MORE: <http://bit.ly/SaMa9B>

2. Colorado: HB 1032

Defines “restorative justice.” Encourages each district to implement training and education in the principles and practices of restorative justice to ensure that capable personnel and resources are available to successfully facilitate all steps of the restorative justice process. Encourages each district and the state charter school institute to develop and utilize restorative justice practices that are part of the disciplinary program of each district school and institute charter school.

Effective: 2012

LEARN MORE: <http://bit.ly/T8dMuY>

3. Alaska: Statute 14.22.110 and Statute 14.33.120

Mandates the involvement of students, parents, the community, teachers and administrators in developing behavior standards. Requires schools to periodically review and revise these standards with a multi-stakeholder group. Creates policies for student conflict resolution and nonviolent resolution procedures. Requires standards be in place to address student mental health and substance abuse concerns.

Effective: 2009

LEARN MORE (.110): <http://bit.ly/XXzzvo>

LEARN MORE (.120): <http://bit.ly/S76cml>

4. Massachusetts: H.B. 4332

Provides guidance on disciplinary exclusion, requiring that principals develop an education service plan for students suspended beyond 10 days involving the student’s parent or guardian and develops a state mechanism for suspension reporting. Requires that students not miss more

than 90 days of instructional time and that they have access to a fair process for reviewing their disciplinary case.

Effective: 2014

LEARN MORE: <http://1.usa.gov/Px2XUR>

5. Massachusetts: H.B. 4284

Addresses the need to create safe and supportive learning environments where positive behaviors are taught and reinforced. Gives schools the tools they need to align their efforts to reduce suspensions and expulsions with other essential initiatives necessary to create safe and supportive school environments. Tools include bullying prevention and intervention, the promotion of positive behavioral health, drop-out prevention, truancy reduction, social and emotional learning and the inclusion of students with disabilities.

Active Bill

LEARN MORE: <http://1.usa.gov/S76eLy>

IV. 10 Action Steps to Stop Out-Of-School Suspensions

1. Ask researchers, community organizations and thought leaders to give a thorough evaluation of the impact of current school disciplinary practice on student learning.
2. Help establish a statewide task force to examine the issue in greater detail involving key stakeholders.
3. Sign the pledge to stop out-of-school suspensions and join the nationwide Solutions Not Suspensions initiative in calling for a moratorium at www.stopsuspensions.org.
4. Host hearings or briefings on school discipline to encourage community engagement and to garner greater awareness and public interest on the topic.
5. Use your constituent newsletter and the information in this guide to educate parents and opinion leaders about the negative impact of out-of-school suspensions.
6. Write a “Solutions Not Suspensions” op-ed for your local media.
7. Work with local and state advocates, experts and policymakers to make appropriate policy changes, including supporting existing efforts that may need more policy champions.
8. Promote policies that support alternative school discipline models.
9. Ask your state leadership the kinds of questions listed in this guide.
10. Develop a comprehensive positive school discipline strategy that includes building the capacity of students, parents, teachers, principals and communities to promote greater academic, social, emotional and physical health.

V. Research

In recent years, state policy trends have started to become more aligned with what research has been informing lawmakers about for decades: punitive and reactive disciplinary measures heighten the incidence and severity of the behaviors they are designed to reduce. Out-of-school suspensions are also clearly connected to increased student pushout. Recently, there has been a movement toward positive behavioral supports to replace disciplinary practices like out-of-school suspensions. Positive Behavior Supports (PBS) recognize the broad set of variables that can affect students' behavior, their interaction with peers and teachers and their ability to learn. This way of viewing school discipline is built on the understanding of a more positive, collaborative and holistic framework for understanding how students connect with their school community. It is designed to be student-centered and proactive to prevent problem-causing behavior. It can also help to stop a potential school conflict before it escalates by teaching students alternatives for handling difficult situations. This disciplinary method doesn't place complete responsibility on students, but instead acknowledges the skillset educators need to effectively deal with school conflict.

Research continues to emerge on how to build successful local systems around positive behavioral supports. These findings can provide a helpful foundation for thinking about creating integrated state systems that focus on whole-school prevention when it comes to discipline issues. A report from the National Association of School Psychologists concludes that the schools that effectively prevent discipline problems and promote positive relationship-building are ones that provide evidence-based supports around four primary goals:

- 1) **Developing self-discipline within the school community**
- 2) **Preventing misbehavior**
- 3) **Correcting misbehavior**
- 4) **Remediating and responding to chronic misbehaviors**

In support of these four goals, research on effective strategies for a supportive school climate focuses on a number of key areas such as community engagement, school partnerships, strengthening human capital (teachers, staff and administrators) and carefully integrating student supports. The Dignity in Schools Campaign's Model Code also provides a helpful research-based framework for developing learning environments that foster meaningful student relationships and promote self-worth, emotional well-being and responsible citizens. It also acknowledges the need for schools to be culturally responsive places for students of color. Moving forward, the challenge for policymakers is to translate evidence on cultivating effective local positive behavioral supports into a state policy vision that is coordinated, strategic and designed to meet the individual needs of young people.

VI. Resources

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