

Redefining School Discipline: Illinois and Other States' Responses to Negative Impact

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Abstract

Minority students and students with disabilities are disciplined disproportionately from their peers. Discipline has led to many negative consequences in the lives of youth in the United States, including the school-to-prison pipeline. In 2014, the U.S. Department of Education issued guidance encouraging school districts to develop policies that seek alternatives to exclusionary penalties. Some states, including the State of Illinois, have been proactive in revamping the state's discipline. In this paper, we will examine how the states are responding to the school-to-prison pipeline and the other negative effects of exclusions and suspensions. Additionally, this paper will examine the implementation of Illinois Senate Bill 100, from an administrator's point of view, to make recommendations for disciplinary strategies and possible policy revisions.

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. The rise in schools' use of law enforcement officers has led 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 in school itself when this occurs (Rocque & Paternoster, 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 redefine school discipline.

In March 2018, the U.S. Government Accountability Office released a report finding 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 revamping the state's discipline policy through 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 Senate 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).

One study found that “teachers and administrators indicated a widespread belief that violent forms of bullying were an intrinsic component of the culture of lower socio-economic Black youth” (Berlowitz et al., 2015, p. 14). Furthermore, the study finds that the beliefs “were assumed to be grounded in factors beyond the control of educators: ie., poverty, and wide-spread neighborhood violence.

Therefore, teachers and administrators were unlikely to explore the efficacy of zero-tolerance policies or possible alternatives” (Berlowitz et al., 2015, p. 14).

Scholars have argued that zero-tolerance policies have started a pattern of institutional racism (Smith, 2009; Bradley & Renzulli, 2011), overcriminalization of the classroom, and are ineffective and create many negative consequences (Smith, 2009). It is argued that radical reform may be the only thing that will break the school-to-prison pipeline (Berlowitz et al., 2015).

An American Bar Association report pointed out that a solution to the school-to-prison pipeline must focus “on ways to:

- (1) improve academic achievement and increase the likelihood that students will remain in school, graduate, and prepare to become positive, contributing members of our society,
- (2) decrease the number of suspensions, expulsions, and referrals to law enforcement; and
- (3) decrease disparities along racial and other lines relating to discipline and academic achievement” (Redfield & Nance, 2016, p. 12).

This radical reform has to take place at the state legislature level, as well as the local school district level.

State Legislatures’ Response to the Negative Impacts of School Disciplinary Action

Over the past years, there has been significant activity in the states related to school discipline law and policy. This study specifically looked at activity on the state legislative level. Several states have recently passed laws related to school discipline, and it will be interesting to look at the longitudinal impact to on the students and the local school districts.

The State of Illinois has taken action in trying to deal with the negative consequences of disciplinary actions and the school-to-prison pipeline.

In 2016, the State of Illinois legislatures passed Senate Bill 100, which drastically changed school discipline in the state of Illinois. Under the current law, school staff and administrators can only provide harsher disciplinary actions under certain circumstances.

The new bill also encouraged the use of other resources and other alternatives to deal with disciplinary situations within the school setting. Senate Bill 100 changed Illinois School Code, and specifically states the following:

Among the many possible disciplinary interventions and consequences available to school officials, school exclusions, such as out-of-school suspensions and expulsions, are the most serious. School officials shall limit the number and duration of expulsions

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 or less if “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 (b-15)).

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 (b-20)).

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

Illinois' neighbor, the State of 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 Indiana 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 function or the student's removal is necessary to restore order or protect persons on school property. The state law specifically states the following:

In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

- (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or
- (2) the student's removal is necessary to restore order or protect persons on school property; including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions (Ind. Code § 20-33-8-15).

In July 2017, Indiana House Bill 1152 (2017) was introduced. This bill if passed will require school districts to improve school discipline and behavior by developing a direct evidence-based plan. The plan may not contain zero tolerance requirements and must reduce disproportionality in discipline (Indiana House Bill 1152, 2017). The plan must also limit referrals to law enforcement (Indiana House Bill 1152, 2017).

Additionally, in 2015, the Indiana House Bill 1635 would have allowed grants to be provided to school boards to provide a school-wide program to include improved the school climate. Additionally, the bill required the Indiana Department of Education to develop guidelines for teachers to have successful classroom management strategies, including cultural responses methods and alternatives to suspension and expulsion. However, this bill did not pass (Indiana House Bill 1635, 2015).

The State of Arkansas is also attempting to make some changes. A 2016 report on Arkansas schools found that Arkansas punishes African-American students more harshly than their white peers (Ritter & Anderson, 2016). During the 2014-15 school year, for every 100 black students, there were 29 out of school suspension compared to each out of school suspension for a white student.

The African-American students are disproportionately represented in-school suspensions, out of school suspensions, and expulsions (Ritter & Anderson, 2016). Furthermore, African American students were more likely to receive corporal punishment (Ritter & Anderson, 2016).

This research took place after Arkansas passed Act 1329, which required the school districts to evaluate and report the number of

disciplinary actions based on subgroups and the rate of disparity for each subgroup (Arkansas Act 1329, 2013). That same Act disallowed the use of out of school suspension as a disciplinary measure for truancy (Arkansas Act 1329, 2013). In 2017, the State of Arkansas passed several bills that have changed their disciplinary policy.

Arkansas legislators passed a law that restricted when school districts can suspend or expel students in kindergarten through fifth grade. The law now specifically states the following:

- (2) The school district shall not use out-of-school suspension or expulsion for a student in kindergarten through grade five (K-5) except in cases when a student's behavior:
 - (A) Poses a physical risk to himself or herself or to others; or
 - (B) Causes a serious disruption that cannot be addressed through other means. (Ark. Code § 6-18-507(b)(2))

Additionally, the Department of Education is now required to report data concerning suspensions/expulsions and corporal punishment in their annual reports (Ark. Code § 6-18-516).

The State of California made changes to its state disciplinary laws in September 2014. This law limited suspensions and expulsions for students in pre-K to third grade and for those that have been willfully defying (Cal Edu. Code § 48900). At the time of its passage, willful defiance had been responsible for 43% of the suspensions (ACLU, 2014). The state suspension rate had a disproportionate impact on African-American students, LGBTQ students, and students with disabilities (ACLU, 2014). It should be noted that the law is only in effect until July 1, 2018.

In 2012, Colorado passed a measure to minimize the state's zero-tolerance disciplinary 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 12-046, 2012).

The measure also promoted the use of measures to promote students staying in school (Colorado Senate Bill 12-046, 2012). In 2017, Senate Bill 17-1038 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 17-1038, 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 conduct is of "a violent or sexual nature that endangers persons" (Conn. Gen. Stat. § 10-233c).

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 of 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 violations—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 5-day 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 expulsion and suspension, and the law provides a long 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 and prevention programs aimed preschool through second grade (New Jersey Senate Bill 2081, 2016). In 2015, the Washington state legislature passed House Bill 1541, which put a cap on the length of expulsions to one academic term and required districts to provide services to students during any period of disciplinary expulsion (Washington House Bill 1541, 2015).

In 2016, the state of Rhode Island was successful in passing legislation related to the school-to-prison pipeline with the passage of House Bill 7056 and Senate Bill 2168. The bills required the review of discipline data to determine disparities in impact (Rhode Island House Bill 7056, 2016) and limited the instances of out of school suspensions requiring suspension to be served in school (Rhode Island Senate Bill 2168, 2016). Similar legislation had failed during the 2015 General Assembly.

Failed and Pending Attempts

During the recent years, many states have been unsuccessful in getting state laws changes in regards to disciplinary measures. Several states attempted to get legislation passed ending the use of corporal punishment (Kentucky House

Bill 393, 2017; Louisiana House Bill 497, 2017). It should be noted that at the same time in Louisiana, a bill was passed to end corporal punishment for students with disabilities (Louisiana House Bill 79, 2017).

During the 2016 legislative session, Minnesota legislators were unsuccessful in the passage of a bill that attempted to make non-exclusionary policies and practices the central focus of student discipline (Minnesota House Bill 3041, 2016). State legislators in North Carolina were unsuccessful in the passage of House Bill 1067. The bill was introduced to establish a study commission in connection with long-term suspension and dropout rates (North Carolina House Bill 1067, General Assembly 2015).

In Pennsylvania, during the 2015 and 2016 general assemblies, House Bill 590 was introduced. This bill would have required a commission to conduct the study on school discipline policies and laws and regulations, and advise the committee making final findings and recommendations (Pennsylvania House Bill 590, General Assembly 2015; Pennsylvania House Bill 590, General Assembly 2016). The bill never made it to a vote. In 2017, Texas Senate Bills 370 and House Bill 674 were introduced with the purpose of banning suspensions on students in grades kindergarten through third grade. These bills are still pending (Texas Senate Bill 370, 2017; Texas House Bill 674, 2017).

In Virginia, during the 2017 general assembly, there were three defeated bills related to student discipline (Virginia Senate Bill 995, 2017; Virginia Senate Bill 996, 2017; Virginia Senate Bill 997, 2017). Senate Bill 995 would have cut the maximum long-term suspension from 364 days to 45 school days. Senate Bill 996 would have banned long-term suspensions and expulsions except in cases of

physical injury or credible threat. Additionally, Senate Bill 997 would have banned suspensions and expulsions for kindergartners to fifth grade except in cases of certain crimes.

Lenient Suspension and Expulsions Policies

Many states have lenient suspension and expulsion laws and policies. In this case, 'lenient' meaning that there are minimal restrictions on the use of suspensions and expulsions by the states' school districts. The leniency can contribute to the disparity in the application of the disciplinary actions and other discriminatory practices.

The State of Alabama has been under criticism for its' school districts discriminatory discipline policies. Specifically, in Jefferson County, the public schools have been unable to discipline fairly. Jefferson County is currently under a 50-year-old Federal desegregation order and has been unable to achieve their goal of receiving unitary status because of the district's disparity in disciplinary practices (Crain, 2017).

More specifically, black students are more likely to receive the most severe behavioral consequences compared to their white peers (Crain, 2017). During the 2013-14 school year, 19,000 children were paddled; black and multiracial boys made a huge portion of the paddling (OCR, 2013). Currently, in the State of Alabama, the state law does not specifically give guidance to the language of discipline codes in regards to school disciplinary action.

The Alabama state statute is broad and vague. It does, however, provide that teachers have the right to use corporal punishment and a discussion of teacher immunity to civil liability (Ala. Code § 16-28A). Furthermore, the Alabama State Board of Education requires

school districts to develop school discipline policy that is provided to all school staff (Ala. Code § 16-28A). 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-K 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. It states that “a teacher shall have 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 20-2-737 or determines that such behavior of the student poses an immediate threat to the safety of the student's classmates or the teacher” (Ga. Code Ann. § 20-2-738 (b)). Although the law is lenient, the state does have a policy that it is “preferable to reassign disruptive students to alternative educational settings rather than to suspend or expel such students from school” (Ga. Code Ann. § 20-2-735 (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 attendance of 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

the child to be inimicable to the welfare or education of other pupils (Alaska Stat. §14.30.045).

Arizona law states the following:

A pupil may be expelled for continued open defiance of authority, continued disruptive or disorderly behavior, violent behavior that includes use or display of a dangerous instrument or a deadly weapon as defined in section 13-105, use or possession of a gun, or excessive absenteeism. A school district may expel pupils for actions other than those listed in this subsection as the school district deems appropriate (Ariz. Rev. Stat. §15-841).

OCR data and local data show that minority students and students with disabilities in these states are more likely to be suspended and expelled (OCR 2013; Anchorage School District Profile, 2017) and some districts have been criticized for the disproportionality (Hanlon, 2017; Polleta & Cano, 2017).

Other states have very lenient suspensions and expulsion policies. In Mississippi, the Superintendent of schools and principal both have the power to suspend a student for “good cause” related to behaviors occurring on or off school premises (Miss. Code Ann. § 37-9-71). In Missouri, “the school board may suspend or expel a student for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of pupils” (Mo. Rev. Stat. § 167.161).

In New Hampshire, any pupil may be expelled from school by the local school board for gross misconduct or for neglect or refusal to conform to reasonable rules of the school or for

an act of death and destruction or violence” (N.H. Rev. Stat. Ann. § 193:13).

In New Mexico, school districts are allowed to establish their own discipline rules and policies providing detail with sanctions that may include in-school suspension, suspension, or expulsion (N.M. Stat. § 22-54.3).

In North Dakota, students may be expelled due to “insubordination, habitual indolence, disorderly conduct or for violating weapons policies” (N.D. Cent. Code § 15.1-19-09). In Pennsylvania, a public school may temporarily suspend a student based on disobedience or misconduct (24 Pa. Cons. Stat. § 1318).

In South Dakota, the school board may suspend or expel from school any student for violations “of rules or policies or for insubordination or misconduct” (S.D. Codified Laws § 13-32-4).

In Virginia's current state law allow for suspension and expulsion for sufficient cause; not to include instances of truancy (Va. Code Ann. § 22.1-277).

Perceptions of Disciplinary Measures from the Role of School Administrator

The spectrum of challenges that children face in their daily lives impacts their ability to be successful in school. One common term for these barriers is ‘Adverse Childhood Experiences’ (ACEs). ACEs include a variety of household related matters such as mental health issues in the home, substance, physical, or emotional abuse, unstable family structures such as neglectful or absent guardians, and other developmental challenges (Perez et al. 2016).

When a student experiences four or more categories of childhood exposure, compared to their peers who had experienced none, they have a 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 colorblindness, 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 behaviors (Baker et al., 2001).

In summary: When students misbehave, due to myriad influencing factors, underlying biases and cultural disconnects may 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 misbehavior (Fenning et al., 2012). Policies that benefit one class, race, or another group of students over another can be perceived as covertly racist, beyond intent. If the intended policy does not address the mismatch in values and beliefs, it may instead reinforce the perception that the child is a menace to society and that these undesired behaviors are to be expected of him or her (Scheurich & Young, 1997).

These biases impact our ability to be fair and equitable in our actions, as evidenced by a disparity between suspension rates by race for the same behaviors exhibited. African American students are suspended significantly more than their white peers for 'disruption.' In situations like these, teachers make judgment calls whether or not the student's language is disrespectful, disruptive, or in some other way sufficiently unacceptable that the student should be referred to the office.

Furthermore, the principal must make a judgment whether the misbehavior is serious enough to merit school suspension. These factors give incredible power to adults who may believe that they are acting objectively, but underlying biases about expected behaviors reveal otherwise (Luna & Wright, 2016).

What Works and How to Implement Guiding Principles

In 2014, the U.S. Department of Education and the U.S. Department of Justice (2014) issued joint 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

revamping the state's discipline policy through 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 Senate 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 put restrictions of suspension/expulsions (Illinois Public Act 99-0456, 2016).

The U.S. Department of Education guidance laid out principles that school administrators should take into consideration when making decisions regarding school discipline policies and disciplinary actions. These guiding principles are presented in the context of school administration's implementation of Illinois Senate Bill 100 and Chicago Public Schools policy.

However, there is no 'one size fits all' approach to addressing the guidance of the U.S. Department of Education. What works for one community, legislator, administrator, teacher, or used on one student, may or may not work for another.

If we are constantly in the mindset that one prescribed approach is the best and will undoubtedly work, we are fooling ourselves. There must be room for determining the 'best practice' for each situation.

What follows is an attempt to calibrate what is recommended with what has worked in at least one community. These examples may work for others, but at the very least will serve as an example of an approach by which one could attempt to emulate or modify to meet

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 recommendations from the ‘Guiding Principles’ issued by the U.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 cultures. 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, researchers have concluded that “student suspension is a matter of student misbehavior, but it is more a matter of how the school treats its students” (Wu et al., 1982, p. 370).

A student’s positive perspectives of the 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-wide ‘vision’, ‘mission’ or motto of some kind to align all actions of the school This should tie into both the school’s and district’s improvement plan or vision document, aligning perfectly (Luna & 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 a ‘school improvement plan,’ which should be aligned back to the greater mission and vision of the district, and potentially state initiatives as well (Van Der Voort & Wood, 2014, p. 6).

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-encompassing, covering the entire range of options by which a school can support students.

On the surface, it would seem simple enough to build a list of interventions that looks comprehensive and follow the prescribed method of intervention when students struggle, to provide them with the needed support. Unfortunately, the real-world scenarios that students encounter in their daily lives in and out of school do not result in a prescribed method being followed. Myriad factors complicate the process, often resulting in customized paths towards success for students. Fortunately, the process of MTSS takes this

into account (if implemented with fidelity), understanding that all tiered levels of behavioral interventions should be adapted and tailored to the needs of the individual or a group of students (Benner et al., 2013).

Regardless of whether a state, district, or school implements MTSS, or Response to Intervention (RtI), or another of various forms of structured supports, the goal should be that the system built is comprehensive. As described above, factors beyond consequences and interventions, including policy, addressing bias, and influencing society must all be considered. In fact, without this multi-faceted approach, some inherent challenges will not be overcome. Without expanding the repertoire of options to use as alternatives to suspension, it's likely that exclusionary practices will continue to be utilized (Fenning & Johnson, 2016).

The most basic and fundamental level of tiered support is that of school-wide interventions. These 'Tier 1' strategies and celebrations should be implemented school-wide in a way that affects and benefits all students. Programs such as RtI and various incarnations of MTSS incorporate this as their base level. Posters describing expected behaviors, general social and emotional activities in all classrooms, and students remaining eligible for events like pep rallies based on agreed-upon criteria are all examples of ways in which schools promote a wall to wall positive culture through MTSS or RtI.

Beyond this basic level of intervention is what would be described in MTSS as 'Tier 2,' typically implemented as a group-type program or targeting a behavior exhibited by some students. An example of this would be a Structured Psychotherapy for Adolescents Responding to Chronic Stress (SPARCS) behavior management group for boys or girls who experience ongoing trauma. In general,

the point of group interventions such as this is to address behavioral trends as they emerge, responding to data and anecdotal observations.

Beyond 'Tier 2' group supports is the personalized approach of 'Tier 3.' Usually addressed one on one, 'Tier 3' supports are unique to each student. School-based personnel, serving in all types of capacities, help implement these structured supports. When 'Tier 1' school-wide and 'Tier 2' group supports do not prove to be successful or are deemed not to be the appropriate path to take for the individual, a custom-tailored plan should be developed. This can be done by an individual responsible for student behavior or as part of a team's collaboration possibly involving the collection of data to track the exact patterns of the behavior.

When striving to improve school climate and behavioral support strategies, consider the dual role at the school level held by mental health clinicians. While they provide direct services to students, they also have the opportunity to share their expertise with other staff, to help make them aware of what works and how to implement these interventions. At times, these clinical staff are the same ones implementing the individualized supports.

For example, a clinician with expertise in family counseling can be assigned to students whose home life is impeding school success. They often use tracking systems for monitoring the frequency of specific unwanted behaviors, to have accurate data that can then be monitored to determine the impact of an intervention implemented. One process for this, called a Functional Behavior Analysis (FBA), provides a safe, efficient, and effective means of identifying the factors surrounding challenging behavior in schools settings so that

it can be appropriately addressed (Davis et al., 2014).

Lastly, extending beyond the walls of the school is the role of the community. This exists in various forms, but a necessary step to utilize their resources is first to establish which Community Partners will serve which roles in the school. A community agent in Chicago, Communities United, aligns different neighborhood organizations to promote legislation and action towards equity of marginalized students. Their efforts include grassroots campaigns that build off of community interests and issues raised and use the power of collective voice and human experience to enact change (Communities United, 2017).

Guiding principle #2

The second guiding principle involves developing “clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors” (U.S. Department of Education, 2014, p. 1). Studies have shown a positive link between defined schoolwide behavior programs and school discipline (Bohanon et al., 2006; Lassen et al., 2006; Freeman et al., 2016; Haydon & Kroeger, 2016). One study concluded that “PBS is an effective intervention in reducing student problem behavior in urban middle schools that have high rates of student misbehavior and that improvements can be sustained over a long period of time” (Lassen et al., 2006, p. 710).

Improvements in negative behaviors have been seen in Positive Behavior Support (PBS) programs in urban schools (Bohanon et al., 2006). Another urban high school study found a decrease in student problem behavior when school supports had active supervision, pre-correction, and explicit timing (Haydon & Kroeger, 2016) A more recent study found a link between the implementation of School-

Wide Positive Behavior Interventions and Supports (SWPBIS) at high schools across 37 states and improvements in behavior outcomes for all students (Freeman et al., 2016).

MTSS, the tiered system of supports listed earlier, should also be seen as an example of how school-wide expectations can be structured to adhere to principle #2. Implemented properly, this structure may involve consequences for students that are interpreted as ‘punishments.’

Though this may sound like it runs counter to a restorative approach, the consequences may be justified, even in the eyes of a restorative disciplinarian. If a litany of options is presented, then they can more easily become tailored to the infraction that occurs. These consequences should be paired with an intervention that teaches students to reduce the likelihood of recurrence of the undesired behavior (Mason, 2015).

It is important to make behavioral expectations explicitly clear to all stakeholders to avoid confusion or inconsistent implementation (Thomas, 2015). This process starts with a clear definition, stemming from a vision or mission. What policies and procedures will help achieve that mission or vision? Then, the articulation of a clear policy developed from that mission and vision needs to be created, communicated, and reinforced to all adults first and foremost. The teaching of school-wide expectations should follow this.

Having everyone clearly understand how and why a policy is being implemented avoids any misinterpretation that will only perpetuate the status quo of some students feeling that policies are unfairly being applied to them. Calibration and practice, by adults in groups or one-on-one with a trainer or

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

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 ‘coding’ scenarios as different types of infractions in a 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 as needed) why certain consequences are assigned or why certain behavior will or will not result in a given consequence.

Regarding the harshest of consequences, there has been a growing trend in both policy and practice to ensure that codes of conduct look beyond exclusionary practices as ‘go to’ consequences. In fact, 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).

With ‘zero tolerance’ policies having 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

consensus guidance of organizations such as the U.S. Department of Education and others in recent years is evidence that their guidance is based on research showing that the desired impact is not taking effect (Anyon et al., 2016).

Stated directly, suspensions alone do not reduce the recurrence of the types of behaviors that they are designed to address. In extreme situations such as law violations and when the safety of others is at risk, it may be more necessary than at other times to remove the student to an alternative location temporarily. Even in these situations, however, the perception of people beyond the offender plays a role, as well as the mental and cognitive abilities of the student offender.

A student in need of mental health supports for making a threat of harm to her or himself or others has a priority of receiving support for eliminating this atypical behavior through mental health services over a harsh punishment. Similarly, students with special cognitive needs may exhibit unwanted behaviors as manifestations of their disability, once again not justifying a harsh consequence as a primary punishment (Christle et al., 2004).

To aid in this process, regular evaluation of the referral process should take place. Evaluating the processes themselves and their resulting data to determine the effectiveness of the interventions is key.

For example, an In-School Personal Development (ISPD) session, which could involve a period of time where a student is removed from class with the explicit purpose of teaching them how to take ownership of their behavior and prevent a certain type of infraction from happening again, may or may not have the desired impact. If over time it is determined that the same students are ending up in the same situations, then alternatives

should be considered, or revisions to the process may be needed

Another factor of exclusionary practices that inhibits academic growth is that the associated loss of instructional time inevitably impacts academic achievement. Students missing out on this important foundation of their learning will suffer, and only perpetuates the likelihood that they will fall further behind and struggle in school (Losen et al., 2012). Though there is no way around this if these consequences are chosen, their ability to impede progress can be limited.

When students are taught academic content during an ISPD session, they are more likely to remain on track.

At the very least, time can be provided for students to work on classwork. Logistical issues may arise (how to acquire the work, deliver it to the student, sufficiently explain how to complete it, etc.), but regardless, it can be provided along with an adult in the room who can help support a student in need. At the very least, the instruction and work missed during ISPD should be provided to the student, to ensure access to an appropriate education is not denied due to the exclusion.

To determine which policies are implemented as alternatives to arrest, expulsion, and suspension, the role of the community is key. Involving families in the development and enforcement of policy provides the opportunity to see viewpoints not represented in the school as well as hear their perspective on the impact that these practices have (Davis, 2017).

Community hearings, presenting both evidence and case studies of what works and what does not, can help dispel and calibrate any side of the discussion, ranging from those in

favor of harsh practices to ‘enforce’ rules versus those who see the necessity of supports precluding punishment.

Guiding principle #3

The third guiding principle focuses on continually striving toward fairness and equity (U.S. Department of Education, 2014). Studies have shown that improving school equity promotes positive youth development (Haynes et al., 1997; Debnam et al., 2014).

This process involves cyclical planning, implementation, and reflection. To adequately achieve this, underlying assumptions regarding the what and why of policies and practices put into place must be challenged.

Training can be provided to introduce or reinforce restorative practices to stakeholders at all levels, to develop an understanding of the concept, and how it can be incorporated into all aspects of student supports (Johnstone et al., 2007).

The Chicago Public Schools Restorative Practices Toolkit serves as a resource to develop the understanding of school staff using key principles, rationale, and specific actionable strategies.

As a necessary condition for restorative practices, the power of building trust cannot be understated. When students develop and exhibit trust for adults who show care for them in schools, they are more likely to abide by rules and less likely to be defiant (Romero, 2014; Okonofua et al., 2016). Peer to peer trust can also either reinforce or undermine the social support structures for students (Ladd et al., 2014).

Before new learning such as the concept of restorative practices is introduced, it is important to address the underlying beliefs that

preclude our equitable intentions. Well-meaning decisions and plans can be undermined by these implicit biases bestowed upon us by society, our experiences, and unintentional influences.

It is possible to confront implicit bias through inclusive conversations that address how to overcome them (Shotter, 1998). The National Equity Project, for example, provides training for school leaders by building capacity to help develop school-level training that involves active listening and probing of core beliefs (von Frank, 2010).

If biases can be acknowledged for their presence and can remain part of the conversation, then the way in which revisions to policy and structures take place can be more equitable. As strategic as these can be (Crossley, 2013; Huber & Conway, 2015), at times they are done based with a priority on perception and feeling over hard evidence, thus making it more important for biases to be surfaced (Coburn et al., 2009).

A well-developed team at the district or school level that meets regularly can continue to revise existing structures by finding ways that they could be enhanced and can be the vehicle to implement this action.

Data collection and usage is instrumental to this process to ensure that accurate information complements the perceptions that can cloud facts (Park, Daly & Guerra, 2012). This localized team can use various software systems within the district to collect quantitative data and combine this data with qualitative observations and surveys, and summarize findings. Information can then be shared at community meetings and informally through conversations to promote a positive culture.

Adding these components together, a thoroughly involved process should evaluate root causes for disparities between desired outcomes and current states, then implementing improvements at all levels from policy to in schools (Wagner, 2014). This school-based team, armed with an equitable mindset and strong use of data, should be primed to see through to the root of a problem and be ready to implement systemic change.

To add a layer of complexity, perspective, and buy-in, involve various stakeholders (families, community partners, etc.) in the policy and procedure revision process (Barrett, A., 2014). Host community meetings and invite each type of stakeholder group. Remind all of vision and goals, present data, discuss actionable steps, and commit to action. Monitor the progress of the plan, and make revisions as needed, always staying focused on the vision created.

Implications and Recommendations

Consider the landscape of this country, in regard to how school discipline is addressed. There are variations in policy across our country. There are also variations in interpretation, implementation, and impact, due to the types of factors presented above. The ‘Guiding Principles’ (2014) should be viewed as a unifying vision for how to progress towards a more equitable model of discipline. Doing so would make strides towards fairness for all students, regardless of race, childhood experiences, or region of origin within this country.

Local actors (legislators, researchers, administrators, community agents, etc.) should band together to inspect, revise, and enact change. Numerous examples above show how this was done.

As needed, seek advice from those who have chartered this journey and come out successful in regards to implementing a progressive discipline policy. Though it's true that there is no 'one size fits all' approach to progress, nor language of policy, the stories of what has worked serve as potential paths to consider.

After acknowledging and confronting biases, as suggested above, consider deeply the true impact of policy and practice in place. If 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.

A vision that falls under the umbrella of 'all children will succeed,' for example, is not 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 truly hope to see a reduction in the school-to-prison pipeline.

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.

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

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.

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

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.

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.

Yet another activity could focus purely on individual relationships, such as the "two by ten" activity, where teachers spend two minutes a day for ten days, getting to know a student and asking them about anything that's not 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 come with consequences, it's more likely that 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 mixed impact on school culture. Sharing the sequence of these actions as well as the outcomes will help build a research base of 'what works' in terms of improving student discipline outcomes. While this research will never be comprehensive, this collaborative effort will help provide a rationale for stakeholders, including those that ultimately make decisions that impact legislation, policy, and ultimately the lives of youth.

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