



INTRODUCTION

KEY COMPONENTS OF A MODEL DISCIPLINE POLICY

Across the country, school systems are shutting the doors of academic opportunity on students and funneling them into the juvenile and criminal justice systems. The combination of overly harsh school policies and an increased role of law enforcement in schools has created a “schoolhouse-to-jailhouse track,” in which punitive measures such as suspensions, expulsions, and school-based arrests are increasingly used to deal with student misbehavior, and huge numbers of youth are pushed out of school and into prisons and jails. In many communities, this transforms schools from places of learning to dangerous gateways into juvenile court. This is more than an education crisis; it is a racial justice crisis, because the students pushed out through harsh discipline are disproportionately students of color.

There is an urgent need to intervene in this devastating cycle by reforming the school policies and practices that result in excessive suspensions, expulsions, and arrests of students. Indeed, there is no credible evidence that these punitive measures are an effective means for changing student behavior. Rather, research has shown that they are associated with lower academic achievement, graduation rates, and worse student behavior schoolwide.

Alternatively, there are a variety of effective prevention and intervention techniques that have been proven to help create a positive school environment, support academic achievement, promote school safety, and protect the rights of parents and students. Many school districts have taken important steps in revising their discipline policies to focus more on these less punitive measures. From these policies, we have identified ten components of a successful discipline policy. In school districts where students are being pushed out of school by excessively punitive policies and practices, these ten components can serve as a roadmap for a more just and effective method of handling school discipline.

Below are descriptions of those ten elements and examples of each from actual school discipline policies.

Non-Punitive Approach, Emphasizing Prevention & Effective Intervention

School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs. Additionally, school safety and academic success are formed and strengthened when all school staff and personnel build positive relationships with students and are actively engaged in their lives and learning. Thus, the most successful discipline policies are those that take a non-punitive approach to addressing student misbehavior and promote the development of a positive school culture. Their policies focus more on the behaviors to be encouraged than on behaviors to be avoided. They emphasize the manner in which students will learn appropriate behavior more than the ways in which inappropriate behavior will be punished. They also promote the use of non-punitive responses to student misbehavior, rather than resorting to out-of-school suspensions, expulsions, and arrests.

Examples

Los Angeles Unified School District

LAUSD has a discipline policy that requires every school to create a school-wide positive behavior and support and discipline plan. The purpose of this policy is to “establish a framework for developing, refining, and implementing a culture of discipline conducive to learning.” The policy’s emphasis is on: reinforcing appropriate student behavior; using effective classroom management and positive behavior support strategies; and teaching social-emotional skills.

- LAUSD Policy BUL-3638.0, at http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATION_S/STUDENT_HEALTH_HUMAN_SERVICES/SHHS/DISCIPLINE_POLICY/BUL-3638.0.PDF
- LAUSD Policy BUL-3638.0_Attachment G: Top Ten Alternatives to Suspension, at http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATION_S/STUDENT_HEALTH_HUMAN_SERVICES/SHHS/DISCIPLINE_POLICY/DISCIPLINE_POLICY_ATTACHMENTS/ATTACHMENT%20G.PDF

Minneapolis Public Schools

MPS’ policy focuses on the relationship between academic success and school discipline, noting that “quality instruction . . . is the foundation of effective discipline.” The policy also states that “[e]ffective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students cause disruption or are removed from their classrooms due to misbehavior.”

- MPS Policy 5200, at <http://doc.mpls.k12.mn.us/sites/3ab69bed-343f-4692-80cb-86c05ea9cf88/uploads/5200.pdf>)

New Orleans Recovery School District

This policy is explicit that in order to “reduce the loss of instructional time due to out-of-school suspension and expulsion,” each school is expected to “utilize a wide variety of corrective strategies that do not remove children from valuable instructional time.” It then provides examples of such strategies.

- RSD Code of Conduct, pg. 13, at <http://www.stopschoolstojails.org/sites/default/files/New%20Orleans%20Student%20Code%20of%20Conduct.pdf>

Limitations on the Use of Suspensions & Expulsions

Effective policies use developmentally appropriate disciplinary techniques that keep students in the school environment and learning, limiting the amount of time spent outside of class. The use and duration of suspensions and expulsions should be limited as much as possible. Every reasonable effort should be made to correct student misbehavior through school-based resources at the lowest possible level.

Examples

Denver Public Schools

Under Denver Public Schools policy, students can only be expelled for the most serious misbehavior, and can only be suspended out-of-school for serious infractions or if misbehavior is repeated. Also, the amount of time that a student can be suspended out-of-school is limited: unless the student commits the highest level of infraction, the maximum out-of-school suspension period is three days.

- DPS Policy JK-R Sections 3-1 and 3-2, at <http://ed.dpsk12.org:8080/policy/FMPro?-db=policy.fp3&-format=detail.html&-lay=html&-sortfield=File&-op=eq&Category=Students&-recid=32967&-find=>
- DPS Policy JK-R Attachment B, at http://webdata.dpsk12.org/policy/pdf/Policy_JK-R_Attachment_B.pdf
- DPS Policy JK-R Attachment C, at http://webdata.dpsk12.org/policy/pdf/Policy_JK-R_Attachment_C.pdf

Baltimore City Public Schools

The Code divides inappropriate behaviors into four levels, and out-of-school suspensions are not an option for the first two levels and expulsion is only an option for the fourth level. Therefore, many low-level offenses can never result in out-of-school suspension, and many other offenses can only reach that level alternative interventions were unsuccessful and the behavior was repeated.

- BCPSS Student Code of Conduct, pgs. 15-20, at http://www.baltimorecityschools.org/News/pdf/2008_09codeofconduct.pdf

Boston Public Schools

BPS limits suspensions to 3 days for students ages fifteen and younger.

- BPS Code of Discipline, pg. 22, Section 9.3.1, at <http://boston.k12.ma.us/info/code.pdf>

Limitations on Use of Law Enforcement

Over-reliance on school police and school resource officers, or lack of clarity as to their roles in schools, has resulted in an increasing number of low-level infractions being addressed by law enforcement rather than school personnel. Many students have been criminalized for behavior that would be appropriately addressed through less severe

measures. Therefore, an effective discipline policy limits the involvement of law enforcement to only the most serious offenses.

Examples

Denver Public Schools

Denver Public Schools places express limitations on the use of law enforcement personnel. Indeed, their policy states that it “is the goal of the [District] that the juvenile and criminal justice systems be utilized less frequently to address school-based misconduct.” While state law requires the referral of some school-based crimes to law enforcement, the policy limits the involvement of law enforcement to those offenses and only a few more serious offenses. For all other offenses, school officials are prohibited from referring the student to the police.

- DPS Policy JK-R Sections 3-1 and 3-2, at <http://ed.dpsk12.org:8080/policy/FMPro?-db=policy.fp3&-format=detail.html&-lay=html&-sortfield=File&-op=eq&Category=Students&-recid=32967&-find=>
- DPS Policy JK-R Attachment B, at http://webdata.dpsk12.org/policy/pdf/Policy_JK-R_Attachment_B.pdf

San Francisco Unified School District

The Student and Parent/Guardian Handbook states that the district “recognizes the serious potential consequences for youth of juvenile court involvement and wishes to avoid unnecessary criminalization of our students.” The policy limits police involvement to situations when it is: necessary to protect the physical safety of students and staff; required by law; or appropriate to address criminal behavior of persons other than students. The policy states explicitly that “[p]olice involvement should not be requested in a situation that can be safely and appropriately handled by the District’s internal disciplinary procedures” and that “[d]isproportionate use of police intervention in inappropriate situations shall be cause for corrective action by the District.”

- SFUSD Student and Parent/Guardian Handbook, pg. 67, at http://portal.sfusd.edu/data/pupil/SFUSD_StudentHandbook_2008-2009_ENGLISH.pdf

Emphasis on Elimination of Racial Disparities

While overly harsh school discipline policies can affect all students, they have disproportionately impacted students of color. Black and Latino students, in particular, are far more likely to be suspended, expelled, and arrested than their White peers, even for the same behavior. Students of color also tend to receive longer punishments than their peers receive for the same offenses.

These problems are addressed in part by limiting the use of suspensions, expulsions, and arrests and focusing on more effective prevention and intervention measures. However, in communities with historical racial disparities in school discipline, acknowledging those disparities directly in policy and including corrective measures are important steps in eliminating the schoolhouse to jailhouse track.

Examples

Denver Public Schools

Denver Public Schools policy states: “In order to serve all students and to prepare them to be members of an increasingly diverse community, school and staff must build cultural competence” and “strive to eliminate any institutional racism and any other discrimination that presents barriers to success.” District policies also require schools to eliminate racial disparities in school discipline, and staff are charged with “monitoring the impact of their actions on students from racial and ethnic groups or other protected classes that have historically been over-represented among those students who are suspended, expelled, or referred to law enforcement.”

- DPS Policy JK Section II.F, at <http://ed.dpsk12.org:8080/policy/FMPro?-db=policy.fp3&-format=detail.html&-lay=policyview&-sortfield=File&File=JK&-recid=32883&-find=>
- DPS Policy JK-R Section 1-4, at <http://ed.dpsk12.org:8080/policy/FMPro?-db=policy.fp3&-format=detail.html&-lay=html&-sortfield=File&-op=eq&Category=Students&-recid=32967&-find=>

Minneapolis Public Schools

Minneapolis Public Schools has similar language as Denver Public Schools in their policy. Additionally, the policy states that “MPS expects that staff will use strategies to increase positive behavior for all students and to employ strategies that are known to be effective with students from African American, Native American, Latino, Hmong, Somali and other cultural communities.”

- MPS Policy 5200A Section I.F, at <http://doc.mpls.k12.mn.us/sites/3ab69bed-343f-4692-80cb-86c05ea9cf88/uploads/5200a.pdf>

Emphasis on Protections for Students with Disabilities

Another group that has been particularly impacted by overly harsh discipline policies is students with disabilities. There are federal and often state laws that provide additional protections to these students. While almost all districts have a separate policy or regulation regarding students with disabilities, we recommend that school districts include these specific procedures and processes in a readable format along with other discipline policy materials so that all parties can easily discern any differences regarding disciplining students with disabilities as compared to other students.

Examples

New Orleans Recovery School District

This policy presents the procedures required for suspending and expelling students with disabilities in a very clear and accessible format.

- RSD Code of Conduct, pgs. 24-26, at <http://www.stopschoolstojails.org/sites/default/files/New%20Orleans%20Student%20Code%20of%20Conduct.pdf>.

Boston Public Schools

BPS lays out, in detail, the protections afforded to students with disabilities, including a user-friendly chart that explains, step-by-step, what happens when a student behavior is deemed to be a manifestation of the disability vs. when it is not.

- BPS Code of Discipline, pgs. 46-51, at <http://boston.k12.ma.us/info/code.pdf>

Strong Due Process Protections

Most school discipline policies provide only the bare minimum of protection for the due process rights of parents and students. This has resulted in a breakdown of trust between schools and the communities they serve. To restore that trust, and ensure correct results in disciplinary proceedings, policies should include strong safeguards such as parental notification, disciplinary hearings, appeals processes, and other due process rights.

Examples

Boston Public Schools

The district's Code of Discipline provides an extensive description of parent and student rights when facing suspension or expulsion. Students are given a hearing prior to being suspended (except in the case of emergency), and there is an emphasis on timely parental notification in the language of the home.

- BPS Code of Discipline, pgs. 21-45, at <http://boston.k12.ma.us/info/code.pdf>

Denver Public Schools

In easily accessible language, this policy outlines, step-by-step, the protections afforded to students and their parents/guardians during suspension or expulsion proceedings. Special emphasis is given to notification, the right to appeal, and the right to a fair hearing.

- DPS Policy JK-R Section 6, at <http://ed.dpsk12.org:8080/policy/FMPro?-db=policy.fp3&-format=detail.html&-lay=html&-sortfield=File&-op=eq&Category=Students&-recid=32967&-find=>

No Academic Penalties During Removal from School

When students are removed from school, they often fall behind academically, resulting in even more misbehavior when the student returns to class. To break this pattern, some districts emphasize that when students are suspended from school they must still be provided their academic work and be allowed to make it up without penalty. This allows suspended students the opportunity to reintegrate into the educational program if they have been suspended and helps protect against them falling behind academically.

Examples

Baltimore City Public Schools

This policy states that “[w]hen students are removed from class because of inappropriate or disruptive behavior, school staff is to provide the student with missed assignments and the opportunity to make up those assignments without penalty.”

- BCPSS Student Code of Conduct, pg. 14, at http://www.baltimorecityschools.org/News/pdf/2008_09codeofconduct.pdf

Chicago Public Schools

“Students must be assigned homework during in-school or out-of-school suspension and must be given the opportunity to make up any statewide tests, final exams, and in-class tests or quizzes given during the period of suspension.”

- CPS Student Code of Conduct, pg. 7, at <http://policy.cps.k12.il.us/documents/705.5.pdf>

Miami-Dade County Public Schools

“Students have the right to make up classwork within three days of returning to school in the case of an excused absence or absence because of suspension.”

- M-DCPS Code of Student Conduct, pg. 27, at http://ehandbooks.dadeschools.net/policies/90/csc_sec.pdf

Limitations on Suspensions for Off-Campus Misconduct

Too many districts now suspend large numbers of young people not only for their school behavior but for conduct away from school. In many instances, this represents an over-reach of authority by schools. Therefore, we recommend prohibiting the use of such suspensions except in extreme cases where the off-campus conduct could seriously threaten the safety of students or staff.

Examples

Denver Public Schools

“A student may not be suspended for conduct that occurs off of school property and outside the school day unless the conduct substantially disrupts, or will substantially disrupt, the school environment, or seriously endangers the welfare or safety of other students or school personnel.”

- DPS Policy JK-R Section 6-1, at <http://ed.dpsk12.org:8080/policy/FMPro?-db=policy.fp3&-format=detail.html&-lay=html&-sortfield=File&-op=eq&Category=Students&-recid=32967&-find=>

Montgomery County Public Schools

You cannot be disciplined by school authorities for things that you do outside of school hours and off school grounds, unless there is a reasonable belief that the health and/or safety of others in school will be in danger.”

- MCPS Student’s Guide to Rights and Responsibilities, pg. 8, at <http://www.montgomeryschoolsmd.org/students/rights/pdf/StudentRightsResponsibilities.pdf>

Parental Outreach, including Translation & Distribution of Policies

Many schools and districts fail to communicate their discipline policies effectively with parents and students. Again, this leads to an erosion of the relationship between school and communities. Copies of discipline policies should be provided to parents and students at the beginning of the school year. These copies should also be in a language they can understand. This helps ensure that parents/guardians are informed and aware of school policies, rules, and procedures, and that they have full opportunity to be involved in their child's education.

Examples

Seattle Public Schools

The Code of Prohibited Conduct is offered in twelve languages:
<http://www.seattleschools.org/area/discipline/index.dxml>

New York City Department of Education

The Discipline Code is offered in nine languages:
<http://schools.nyc.gov/RulesPolicies/DisciplineCode/default.htm>

Data Collection & Monitoring

School discipline data collection and monitoring is critical to identifying problems, monitoring progress, and crafting solutions related to the discipline process. Policies should provide for the collection of data disaggregated by race, gender, grade, age, teacher, school, type of misbehavior, and consequence. That data should be made easily accessible to the public, and a process for monitoring it should be developed to ensure the policies are having the desired result of eliminating the schoolhouse to jailhouse track.

Examples

Denver Public Schools

District policy requires individual schools and the district to “evaluate and monitor the effectiveness of the school discipline plan using school disciplinary data disaggregated by race, ethnicity, and sex of student.” Schools are also required to submit annual reports detailing the following: intervention and prevention strategies; the number of referrals, in-school suspensions, out-of-school suspensions, expulsions, tickets, and arrests, disaggregated by race, ethnicity, age, grade, disability, and gender of the students, where available; differences in referrals among staff members; and the extent to which discipline policy is consistently applied to all students. Schools are also “encouraged to establish a discipline committee of school personnel, parents, and students to develop, monitor, and evaluate school discipline policy and school climate.”

- DPS Policy JK-R Section 7, at <http://ed.dpsk12.org:8080/policy/FMPro?-db=policy.fp3&-format=detail.html&-lay=html&-sortfield=File&-op=eq&Category=Students&-recid=32967&-find=>

Minneapolis Public Schools

“All decisions in the district, including those regarding discipline, should be driven by data. Schools and staff are expected to use data to identify problems and successes and to inform practice. Previously the district has recorded suspension data and results of student and staff climate surveys to understand discipline related issues. Schools are now being required to record and review data on all out of class behavior referrals in order to broaden their understanding of the issues and to identify and respond to problems earlier.”

- MPS Policy 5200A Section I.D, at <http://doc.mpls.k12.mn.us/sites/3ab69bed-343f-4692-80cb-86c05ea9cf88/uploads/5200a.pdf>

San Francisco Unified School District

“Schools will analyze data related to school referrals on a quarterly basis to identify those students and teachers who need assistance with discipline. The District and schools will provide professional development to assist school staff. Schools will create Site Based Disciplinary Committees composed of teachers, parents, school administrators and students (except elementary level). These committees will quarterly analyze student behavior indicators, i.e. student attendance, referrals, and suspensions and identify possible interventions.”

- SFUSD Student and Parent/Guardian Handbook, pg. 58, at http://portal.sfusd.edu/data/pupil/SFUSD_StudentHandbook_2008-2009_ENGLISH.pdf