SWIFT Center

School Discipline Policy Considerations in a SWIFT Framework

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Abstract

School discipline has been a subject of national attention both inside and outside the field of education for years. Efforts to improve how schools and communities work together to address student discipline have shown the potential for creative and effective solutions that provide better outcomes for all—students, families, educators, and communities. Recently the U.S. Department of Justice and the U.S. Department of Education formed a unique partnership to issue joint guidance to schools on student disciplinary policies and practices that consider the many effects of behavior both inside a school and in the larger community. In this brief, we discuss the recent historical context of school discipline policies, highlight some exemplar policies, and recommend policy actions that align with the SWIFT Framework.

Issues

Historically, discipline policies and practices have been the frequent target for educational change efforts. Yet approaches to managing student discipline have swung like a pendulum while producing debatable results for students, educators, and families.

During the 1990's and 2000's, zero-tolerance policies were implemented as bold attempts to change the climate of schools that were perceived as increasingly dangerous environments for both students and staff. Initially, some people hailed these policies as much needed improvements to inconsistent approaches to managing student behavior. By 1997, at least 79% of schools across the U.S. had adopted this type of discipline policy (Boccanfuso, & Kuhfeld, 2011).

Zero-tolerance policies have, in effect, consistently linked student offenses and institutional consequences without regard for context or the individuals involved, thereby enacting "one-size-fits-all" discipline. Research quickly and resoundingly demonstrated that student outcomes in this policy context did not improve, but rather declined. Boccanfuso and Kuhfeld (2011) explained:

(S)uspension and expulsion are likely to further reinforce negative behavior by denying students opportunities for positive socialization in school and nurturing a distrust of adults, both of which inhibit adolescent development. Educational research has suggested that school discipline policies are related to student engagement. Students who trust their teachers, and feel that their teachers are respectful, fair, and attentive, are more likely to form bonds with and perform well in school (p. 2).

Further, U.S. Department of Education Office of Civil Rights (USDE, OCR, 2014) data demonstrate that children of color disproportionately bear the brunt of harsh disciplinary policies—which include suspension, expulsion, arrests and referrals to law enforcement—when compared to their white peers. For instance, OCR reports that black students are suspended and expelled at a rate three times greater than white students. These data also indicate students with disabilities are twice as likely to be suspended than students without disabilities. Especially concerning are the data surrounding the use of restraint and seclusion and the intersection between student color and disability:

Students with disabilities (served by IDEA) represent 12% of the student population, but 58% of those placed in seclusion or involuntary confinement, and 75% of those physically restrained at school to immobilize them or reduce their ability to move freely. Black students represent 19% of students with disabilities served by IDEA, but 36% of these students who are restrained at school through the use of a mechanical device or equipment designed to restrict their freedom of movement (USDE, OCR, 2014, p. 1).

Alternatives to zero-tolerance discipline policies

In light of these trends, the U.S. Department of Justice (DOJ) increasingly has become involved in school discipline policies. Although the DOJ typically intervenes in a specific incident, the agency has exercised its authority at the system or district level, which can create the opportunities to make significant changes that affect all students. By getting involved at the system level, DOJ interventions highlight the punitive and discriminatory school discipline policies and the resulting school-to-prison pipeline and inequitable influence on communities far beyond the boundaries of the schoolyard.

In January 2014, the DOJ and USDE jointly issued one of the more comprehensive school discipline guidance packages (USDE, DOJ, 2014). The guidance package includes a *"Dear Colleague"* letter, a *Guiding Principles* document, a *Directory of Federal School Climate and Discipline* Resources, an online *Compendium of School Discipline Laws and Regulations*, and an *Overview of the Supportive School Discipline Initiative*. This guidance adds to existing documents issued by USDE and the Government Accountability Office on the use of restraint and seclusion in schools (USDE, 2012; U.S. Government Accountability Office, 2009). These recommendations focus on taking a systemic approach to discipline, with particular attention to using data to inform all decisions, from student-based decisions to policy-level changes. The guidance also offers recommendations to build cross-agency collaborative and supportive relationships among law enforcement and mental health systems to more appropriately and proactively meet students' needs.

In addition to these national actions, schools and districts have increasingly adopted such local alternatives to "one-size-fits-all" discipline policies as positive behavior interventions and supports (PBIS). PBIS is an evidence-based practice that provides a framework for tiered interventions to teach appropriate behavior to all students across all academic settings. "PBIS is a prevention-oriented way for school personnel to (a) organize evidence-based practices, (b) improve their implementation of those practices, and (c) maximize academic and social behavior outcomes for students. PBIS supports the success of ALL students" (National Technical Assistance Center on PBIS, 2014, p. 1).

PBIS reflects a shift in the approach to managing student behavior from expecting students to "know how to behave" to providing a supported environment in which to teach expected behavior. This shift moves school policy and practices from a reactive approach to student behavior to a proactive approach, while also engaging the supportive framework to focus on outcomes, data-based decisions, effective practices, and systemic application of the policy (National Technical Assistance Center on PBIS, 2014). Grounded in the work of supporting school environments to become safer and more welcoming, PBIS also focuses on establishing learning environments that are (a) highly predictable; (b) consistent across people, place, and time; (c) extremely positive; and (d) provide behavioral options that result in students reporting that their school is both physically and emotionally safe (Horner, 2014;

Skiba & Sprague, 2008). Such learning environments have positive, reciprocal relationships with high quality instruction that is sufficiently differentiated so all students can access the instructional experiences (Lane, Oakes, & Menzies, 2014).

Alternative approaches to discipline issues are available from outside the education field as well. For instance, the mental health community has been examining the incidence of children experiencing trauma and its impact on student behavior and learning. The National Association of State Mental Health Program Directors and the National Center for Trauma Informed Care (2014) describe the issue as follows:

> Trauma occurs when an external threat overwhelms a person's coping resources. It can result in immediate psychological or emotional distress, or it can affect the person's life over a period of time. Examples of traumatic experiences include any type of physical, emotional, or sexual abuse or neglect; witnessing or experiencing deliberate violence; natural disasters; chronic stressors like racism or poverty; and intergenerational or historical trauma. (p. 1)

Trauma-informed practices can support an entire school community in recognition of the likelihood that the children in their school and their adult colleagues may have experienced trauma or violence at some point in their lives. In a trauma-informed program, everyone, regardless of job level or specific role, is educated about trauma and its consequences. The role of peers—other people who have experienced trauma or violence—is very important in planning and implementing trauma-informed practices. The goal is to create an environment of respect and safety (NASMHPD, 2014), where everyone thrives without the need for zero-tolerance or other harsh practices. Trauma-informed practices show the stark contrast between environments that are created to build respect and environments that are created to build compliance and conformity.

The evidence seems clear that zero-tolerance and other types of unilateral disciplinary policies have a negative impact on students. Alternatives to such polices are also readily available. Therefore, schools, districts, and states have significant incentive to re-imagine their student discipline policies in a context that establishes equity for all students as the cornerstone.

Two Exemplars

Engaging in the work of re-imagining and re-examining school and district disciplinary policies may seem like a daunting and overwhelming process. Not only does it take policy changes, but those policy changes need to be supported and reinforced by changes in educator and administrator practices. Accordingly, this process requires a considerable investment from schools and districts. However, a growing body of evidence suggests that schools and districts can reap considerable returns on these investments. Reduced disciplinary incidents is often a secondary outcome to the much more meaningful changes in student achievement, student and teacher attendance, and over-all improvements in school culture. Two examples of such efforts are Madison Metropolitan School District Behavior Education Plan, and the Colorado Smart School Discipline Law.

Madison Metropolitan School District, Madison, Wisconsin

Madison Metropolitan School District (MMSD) released its new Behavior Education Plan (BEP) in the spring of 2014, and the school board quickly and unanimously adopted it. MMSD was motivated to quick action once they identified significant disproportionality among its suspension rates for children of color compared to their white peers; African American students were eight times more likely to be suspended than white students (Schneider, 2014).

In a letter to MMSD families and community members, district superintendent Jennifer Cheatham wrote, "We know, from national research and our own experience, that zero-tolerance policies that result in frequent removal from school are ineffective in changing student behavior and in fact have a negative impact on student outcomes—lower academic achievement, [increased] dropout rates, and increased likelihood that a student will enter the criminal justice system" (Cheatham, 2014, p. 5).

The new BEP starts with a vision statement that clearly articulates not only the school district's ideal circumstances and outcomes for each of its students, but also defines the district's responsibility in achieving those outcomes. The Plan states:

> The BEP moves us from a singular focus on safety to a comprehensive focus on creating the conditions that make every classroom and every school a great place to learn and grow. It embodies our belief as a school district that children learn by pushing and testing limits, getting feedback about their

behavioral choices and making the changes needed to become contributing members of a community of learners (Cheatham, 2014, p. 6).

The BEP lays out fundamental values and beliefs, a purpose statement and the scope. In addition to naming disruptive behaviors and response levels, as expected in a more traditional school discipline codes, BEP also spells out a series of "Rights and Responsibilities" for a variety of named stakeholders. The named stakeholder groups include students, parents/guardians, teacher/staff, school administrators, central office staff, and the board of education, and each group has an articulated list of Rights and Responsibilities. Students have the right to: "be treated with courtesy, respect and dignity" and "participate in decision-making to determine which interventions and consequences will be used in response to disciplinary issues". Students also have the responsibility to: (a) "show respect and courtesy to all students, staff and school visitors," by respecting individual differences, cultural diversity, and the property of others, and (b) "contribute to a safe learning environment by managing their own behavior and reporting harmful or dangerous situations to an adult" (Cheatham, 2014, p. 10). In total, students have 10 articulated rights and 6 responsibilities. By contrast, school administrators have three articulated rights and 15 responsibilities. As displayed in the following Figure 1, these rights and responsibilities are inversely related as groups move higher through the authority structure of the district. For example, students have more rights and fewer responsibilities than school board members. Likewise, parents have more rights and fewer responsibilities than school administrators. Every stakeholder group has the right to "be treated with courtesy, respect and dignity" and the responsibility to "show respect and courtesy to all students, staff, parents and administrators" (Cheatham, pp 10-15).

MMSD will begin district-wide implementation of the new Behavior Education Plan beginning in the 2014-2015 school year and corresponding data trends will be available the next school year.
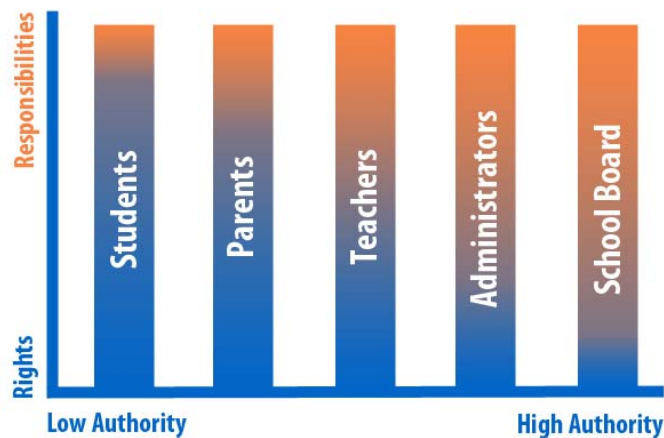
Figure 1. Rights and responsibilities by role-defined authority level.

Colorado Smart School Discipline Law

In 2003, Padres y Jóvenes Unidos (2014a) released a report, in partnership with The Advancement Project, which exposed the school-to-prison pipeline that existed in Colorado. This report became a major catalyst for change beginning in the Denver Public School (DPS) system. Advocates began to successfully partner with DPS to secure funding for the implementation of a Restorative Justice program pilot in six schools. They refocused their efforts on the state legislature beginning in 2008, and in 2012 the Colorado General Assembly passed the Smart School Discipline Law (SB 46), which they called "one of the first and most comprehensive state bills to reform school discipline" (p. 3). According to Padres y Jóvenes Unidos (2014a), the law:

- advises schools to avoid referring students to law enforcement for minor misbehavior; it sends a clear message that districts need to reduce referrals to law enforcement
- reduces exclusionary punishments by matching punishments with the level of the offense (e.g., writing on a desk and pushing another student cannot both be punished with suspensions)
- collects data on discipline incidents and tickets, and tracks the information by race/ethnicity, age, and gender
- increases training for school resource officers that can be developed with input from the community.

In Section 1 of this new law, the General Assembly of the State of Colorado declares:

> The use of inflexible "zero-tolerance" policies as a means of addressing disciplinary problems in schools has resulted in unnecessary expulsions, out-of-school suspensions, and referrals to law enforcement agencies.

This law gave schools greater discretion for when to involve law enforcement in school-based discipline issues as a direct attempt to correct the shocking number of school-based police referrals. Colorado's history of referring nearly 100,000 students to law enforcement became the rallying cry for change.

In 2014, Padres y Jóvenes Unidos (2014b) issued an analysis of 179 Colorado schools districts to illustrate the early impact that the new state law was having on student discipline. Findings showed marked improvements, including a 25% decrease in expulsion rates, a 10% decrease in suspension rates, a 9% decrease in referrals to law enforcement, and a 3-7% decrease in racial group disparities. The report highlights data that reflect only one year of implementation of the new state law. Although the report showed progress in many areas, the writers were quick to acknowledge that the law is not perfect. The report highlighted further work that is needed to intervene when it comes to students of color; "...the available data inspires hope that additional improvements will be evident in future years" (Padres y Jóvenes Unidos, 2014b, p. 7).

Colorado and MMSD provide two valuable perspectives on the systemic approach to addressing discipline policies. They approached their work from different perspectives—Madison at the district level and Colorado at the state legislature. However, both examples offer clear and instructive criteria for establishing an exemplar discipline process with the following criteria in common:

- Values statement that clearly articulates student benefit
- Board and genuine stakeholder engagement at all phases of the process
- Explicitly inclusive of all populations
- Focused on outcome data
- Aligned with Department of Education guidance.

SWIFT Framework: Preventive, Positive Discipline

The SWIFT Center (Schoolwide Integrated Framework for Transformation) provides intensive technical assistance to state education agencies (SEAs), local educational agencies (LEAs) and schools to bring about educational excellence and equity for all students, including students with the most significant support needs. SWIFT Center

currently partners with five SEAs, 18 of their LEAs, and 64 schools to unify teaching and learning for all students. This goal is accomplished by bridging general and specialized education to create powerful learning opportunities for students and teachers, as well as promoting active and engaged partnerships among families and community members.

The SWIFT Domains and Features represent building blocks of effective inclusive education. Research supports the five domains—administrative leadership, a multi-tiered system of support, an integrated educational framework, family and community partnerships, and inclusive policies and practices—that effectively meet the needs of all students, including those living in poverty, English learners, and students with the most extensive support needs (swiftschools.org, 2014).

The SWIFT framework offers an over-arching system that, if implemented with fidelity, can support schools, districts, and states in establishing or improving positive, predictable and supportive discipline policies and practices that create physically and emotionally safe learning environments for all students as well as improve student outcomes.

SWIFT Domain: Administrative Leadership

The SWIFT framework defines Administrative Leadership as strong and actively engaged leaders committed to improving teaching and learning within a system that empowers educators and school personnel. Recommendations for education leaders to improve discipline policies and practices are (a) consider school community cultures, and (b) continuously evaluate data used in decision making.

Consider School Community Cultures

Culture means more than just race and ethnicity; culture makes up the individual threads of a community and it exists in many different dimensions. If educators, even whole communities, begin to understand culture in this sense, their approach to school discipline and student behavior will have a broader context for interpretation. Likely, disproportionality in the application of discipline among student groups may decrease when staff have a richer understanding of the community that they serve. Discipline policies must account for the cultures in the school community (Kozleski & Thorius, 2013).

Continuously Evaluate Data Used for Decision Making

School and district leadership teams often have a great deal of data available for their use in continuous improvement practices. However, those data and the decisions that are based upon them can only be meaningful if they are relevant, timely, accurate, and complete. Leadership teams need to consider the quality and the completeness of discipline-related data used in decision-making processes. An established process supplemented by district policy should support regular examination of the school and district data collection procedures to determine if data are complete. School data collection directly connected to the reporting requirements of the Civil Rights Data Collection from the U.S. Department of Education is strongly recommended.

Multi-tiered System of Support

SWIFT Domain: Multi-Tiered System of Support

Multi-Tiered System of Support represents a continuum of research-based, system-wide practices of data-based decisions for providing appropriate academic and behavioral supports to all students. MTSS is implemented by both general and specialized educators on a schoolwide basis. Recommendations for improved discipline policies and practices are (a) implement evidence-based strategies and supports and (b) add social emotional learning opportunities.

Implement Evidence-Based Strategies and Supports

Strategies to support student behavior must include academic strategies as well as behavior strategies. When students are academically engaged and provided supports that are appropriate for their needs, their behaviors improve (Lane, Oakes, & Menzies, 2010). Conversely, when students are frustrated because they are struggling with the academic content because they are not appropriately supported, their unwanted behaviors may increase. Therefore, targeting student needs and providing tiered levels of academic and behavior evidence-based strategies and supports are important preventive measures.

Add Social/Emotional Learning Opportunities

According to the U.S. Department of Education's Guiding Principles document:

Social and emotional learning refers to the development of non-cognitive student competencies—including self-awareness, self-management,

resilience, social agility and responsible decision making—which collectively support healthy interpersonal relationships, community participation, and the successful pursuit of individual goals (USDE, 2014).

In districts where social and emotional learning has not been established in the curriculum, leadership teams may systemically approach selection and implementation of new approaches to teaching and learning that incorporate this practice (Durlak, Weissberg, Dymnicki, Taylor, & Schellinger, 2011).

SWIFT Domain: Integrated Educational Framework

Integrated Educational Framework

An Integrated Educational Framework is organized to encompass all students, personnel, and stakeholders within a positive school culture. Further, the framework ensures full access for all students to participate in all culturally responsive school related or sponsored activities with an expectation of collaboration among students of all abilities. Recommendations for improved discipline policies and practices in this domain relate to facilitating a positive school culture.

Facilitate a Positive School Culture

It is often said that a student's behavior is an attempt to communicate. This observation is most often applied to students with disabilities, but can be appropriately generalized to all students. Further, given the evidence indicating the rates of trauma among students, educators can safely make the assumption that every student's behavior is a form of communication. If, in fact, educators approach behavior as communication, opportunities for inquiry to better understand students can emerge. Curiosity, by nature, demands further investigation rather than the imposition of behavioral change. Educators who are curious about student behavior have the implied chance to build a relationship and work to further build and/or establish a positive school culture in which all members feel safe and secure.

SWIFT Domain: Family and Community Engagement

Family & Community Engagement

Family and Community Engagement is established by, and built upon relationships that are mutually beneficial and supportive of one another. Such engagement is a value that is expressed through the culture both inside the school building and within the community at large. Recommendations related to improved discipline policies and practices in this regard

are (a) active engagement of stakeholders, and (b) involvement of law enforcement and child-serving organizations.

Actively Engage Stakeholders

Schools and districts benefit when they bring families and community partners into discipline policy decision-making processes early and in genuinely collaborative ways. The benefits of these stakeholder partnerships go beyond simply obtaining buy-in to new approach from the larger community. They instead create the opportunity for schools to build more effective and responsive systems because families and community members develop "ownership" through contributing their experiences, perspectives, and knowledge to the policy and practices.

School leaders are encouraged to expand their definition of "stakeholder" as they examine their work in improving behavior outcomes for all students. Schools are typically situated in neighborhoods that may contribute to the student population. Therefore, engaging with neighbors can be a valuable strategy. Likewise, area business owners can offer important context within a school and district environment. When relationships are established among groups, members of those groups can share their perspectives and find common ground and a unifying purpose. Even within close-knit communities, these relationships have the potential to make important and lasting impacts.

Involve Law Enforcement and Child-Serving Organizations

Law enforcement organizations are key stakeholders to involve in helping schools more effectively support student needs and maintaining safe environments. Child-serving organizations, which may include local mental health agencies, child welfare systems, and broad social service agencies, likewise are important stakeholders. These are organizations that may likely come into contact with students and families when crises arise. Established partnerships and lines of communication serve to deepen the commitment to supporting students' needs as well as strengthen the supports that are offered. For example, some schools now have county mental health professionals located in their school buildings. Appropriately designed partnerships with local mental health agencies can assist schools in identifying students coping with trauma, or mental health or emotional issues. In addition, these partnerships may allow schools to expand the range of targeted and intensive interventions that the school offers as part of its tiered supports (USDE, 2014).

SWIFT Domain: Inclusive Policy Structure and Practice

Inclusive Policy Structure and Practice includes a supportive, reciprocal partnership between the school and LEA. One recommendation related to improved school discipline is to use developmentally appropriate and consistent expectations and consequences.

Develop Clear, Developmentally Appropriate and Consistent Expectations and Consequences

Every school has an established discipline policy or code of conduct, however the clarity and effectiveness of those policies vary dramatically. A discipline policy can serve as a very useful tool in a schoolwide approach to supporting improved behavior outcomes for all students. As seen in the MMSD example, well-written policies do more than just lay out which behaviors are and are not accepted. A well-written policy can set a tone; it can be one more avenue to articulate the values of a district. Additionally, the writing of the policy is an excellent opportunity for broad stakeholder engagement.

Discipline policies must establish clear and consistent expectations and consequences that interrupt and redirect problem behaviors to build safe and supportive environments for all students. But, if there is anything to be learned from the implementation of zero-tolerance policies, it is that "consistent" expectations and consequences all too often become rigid and detrimental under the guise of "equality." When administrators, families, and students learn to expect that "X" behavior will receive "Y" consequence and that if student "A" received that consequence, then student "B" must receive the same consequence, schools have abandoned the evidence base.

When discipline policies are constructed to support school leaders in examining and understanding the function of the student's behavior, consequences can be determined and delivered in ways that are developmentally appropriate and supportive of teaching the student expected behavior. MMSD's Behavior Education Plan demonstrates that students and others have rights and that those rights must be considered and maintained in the administration of any behavioral consequence.

Conclusion

SWIFT's driving force for policy alignment is equity for all students. Equity does not involve issuing the same consequence to different students simply because the behavior was the same. Rather, equity promotes fairness among disciplinary consequences by considering the full context in which the behavior occurred: the student, the situation, and the behavior. When policies are based in equity, then students, staff, family members, and the community will be more likely to experience positive outcomes.

Critical Reflections

- In what ways does our school or district vision for school discipline policies promote equity for all students?
- How do our discipline policies account for the various cultures represented in our school and community?
- Do we regularly examine data to ensure discipline policies do not lead to over-representation of students of color in disciplinary actions?
- Do we continuously and meaningfully engage students' families, school neighbors, local law enforcement, and other community organizations in setting and supporting school discipline policies?
- How do our policies and practices emphasize positive, preventive measures over negative consequences?

Suggested Citation

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