The Education Trust

HOW **SCHOOL DISCIPLINE** IMPACTS STUDENTS' SOCIAL, EMOTIONAL, AND ACADEMIC DEVELOPMENT (SEAD)

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What is School Discipline?

Last year, Mississippi schools used corporal punishment 4,300 times — and the impact affects more than the students experiencing the abuse. According to one parent in Madison County School District, her son's perception of safety in school changed after seeing another student get paddled in his classroom. This is a prime example of harsh school discipline practices, which can harm students' social, emotional, academic, and in some cases, physical health. These practices must be reformed.

In general, school discipline refers to the rules and strategies applied in school to manage student behavior and support students in developing self-management skills. Informed by national, state, and local laws, school discipline encompasses a wide range of policies and practices — from those that are positive and evidence-based in supporting holistic development, such as restorative justice and Positive Behavioral Interventions and Supports (PBIS); to practices that are most harmful, including discriminatory codes of conduct, expulsions and in- and out-of-school suspensions, corporal punishment, seclusion, restraint, and other punitive and exclusionary measures.

School discipline policies are broadly intended to foster a high-quality learning environment by maintaining safety in the classroom; however, far too often, schools adopt measures that harm a student's social, emotional, academic, and in some cases, physical health and well-being.

To create physically safe and emotionally supportive environments for all students, schools must adopt evidence-based approaches such as restorative justice that can be used to build and repair relationships while also holding students accountable for their actions. When positive discipline policies and practices use a race-equity lens and are fairly implemented, these efforts can not only create safe and inclusive learning environments, but also support students' holistic development.

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The Impact of School Discipline

School discipline policies and practices are a critical part of creating a school's overall climate. Choosing harmful practices can result in short and long-term negative impacts on students' social, emotional, and academic development (SEAD), whereas other, evidence-based practices can support a students' holistic development and well-being.

Although the rules may be intended to be applied equally regardless of a student's race, gender, sexual orientation, socioeconomic status, disability status, or other personal characteristic, harmful school discipline policies are often disproportionately used on underserved students, particularly students of color and students with disabilities. Harsh discipline practices, such as corporal punishment, restraint, and seclusion can result in serious and life-threatening physical injuries. These and other practices, such as hardening measures (e.g., metal detectors and school police) and exclusionary discipline (e.g., suspensions and expulsions), create even more academic and psychological harms and have been linked to the school-to-prison pipeline.

While districts and schools are supposed to reserve these various school discipline policies for serious offenses, many also employ these measures for minor and subjective infractions, including dress and hair code violations, talking in class, truancy, tardiness, "willful defiance," and more.[1] In many instances, students of color and students with disabilities are targeted for these minor offenses in ways that attack their cultural identity and strip them of their rights to a safe, healthy, and inclusive learning environment.

According to the 2017-18 Civil Rights Data Collection (CRDC), Black students are corporally punished at twice the rate of White students, and students with disabilities are also more likely to be corporally punished than their nondisabled peers.[2] (Corporal punishment is still legal in 23 states.) What's more, Black boys receive in-school suspensions and out-of-school suspensions at rates more than three times their share of total student enrollment, the largest disparity across all race/ethnicity and gender groupings.[3] Additionally, Black girls are the only group across all races/ethnicities in which their rates of suspensions were greater than their enrollment figures.

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Among other school discipline statistics for P-12 students in the United States:

TOTAL ENROLLMENT (PERCENTAGE OF STUDENT POPULATION)

BLACK STUDENTS: 15% **ACCOUNT FOR…** **31%** of in-school suspensions **38%** of out-of-school suspensions	**STUDENTS WITH DISABILITIES: 13%** **ACCOUNT FOR…** **21%** of in-school suspensions **25%** of out-of-school suspensions
STUDENTS OF COLOR WITH DISABILITIES: 2% **ACCOUNT FOR…** **6%** of in-school suspensions **9%** of out-of-school suspensions	**BLACK PRESCHOOLERS: 18%** **ACCOUNT FOR…** **43%** of one or more out-of-school suspensions **38%** of expulsions

Notably, 78% of students who are secluded or restrained in the classroom are students with disabilities. Black students with disabilities account for 18% of all students with disabilities (served under IDEA), but 26% of physical restraint, 34% of mechanical restraint, and 22% of seclusion.[4]

Students of color also are limited from accessing educational opportunities due to suspensions and expulsions. Black students on average lose five times as many instructional days as White students, posing a significant barrier to academic success.[5] Being removed from the classroom also squanders social and emotional learning opportunities for students, such as learning how to positively handle the conflicts that led to them being excluded, and harms relationships between students and the adults who have excluded them.

Supporting students socially, emotionally, and academically, with evidence-based approaches such as restorative justice, can keep students in the classroom and allows students to learn from conflicts. Building relationships with and among students also creates safer, more inclusive environments where adults can better understand the needs of their students and support them with the right resources.

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Improving School Discipline Beyond COVID-19

The impact of the COVID-19 pandemic continues to take a toll on students' mental health and well-being. The National Center for Education Statistics found that 56% of school leaders said the pandemic led to increased classroom disruptions from student misbehavior. And 48% said it led to more acts of disrespect toward teachers and staff.

Even though school leaders have reported a dramatic uptick in students "acting out," it is not without valid reasons. Whether it's the devastating impact of losing a loved one, or the disruptions to routines, relationships, and learning environment due to months-long quarantines, the pandemic resulted in economic and health challenges, increased stress, social isolation, and anxiety for students. It's no surprise the COVID-19 pandemic deeply affected student behavior in school.

As reports demonstrate, school staff has had increasing challenges with responding to student behavior.[6] While stricter school discipline policies are broadly intended to foster a safe and manageable learning environment, discipline is far too often used in ways that further harm students' social, emotional, academic, and in some cases, physical and mental health and well-being.

Right now, students need safe, healthy, and inclusive learning environments: 87% of public schools reported that the pandemic has negatively affected student social and emotional development.[7] Chronic absenteeism has more than doubled over the course of the pandemic.[8] Unprecedented levels of unfinished learning further compound this unique moment, making relationship-building more crucial than ever to improve academic outcomes.[9] To do so, schools must move away from harmful exclusionary discipline policies and double down on evidence-based policies that are restorative and relationship-focused, which are critical to students' holistic development and academic learning.[10]

The Role of the Federal Government Regarding School Discipline

The federal government plays a key role in supporting the social, emotional, and academic needs of students. Congress, the U.S. Department of Education (ED), and other federal entities can support students and states in the development of positive school discipline policies in a variety of ways:

1. The federal government must ensure that students are free from school discipline policies that threaten their physical health and well-being by prohibiting corporal punishment, seclusion, and various forms of restraints in any school that receives federal funding. These punitive discipline measures can not only result in serious and life-threatening physical injury, but they can also cause damaging long-term outcomes for students.[11] Several bills in the 117th Congress provide examples of how the federal government can support the health and safety of students, including:

Protecting our Students in Schools Act (formerly H.R. 3836/S. 2029), which prohibits corporal punishment in any school that receives federal funding, establishes a series of enforcement protections for students and families, and invests in states and school districts to improve school climate and culture by implementing positive, proactive measures.[12]

The Keeping All Students Safe Act (formerly H.R. 3474/S. 1858), which prohibits any school receiving federal funding from secluding a child, as well as using mechanical restraints, chemical restraints, or prone, supine, or physical restraints that restrict breathing, stop blood flow to the brain, or is life threatening. The bill also provides grants to invest in professional development, training, and certification for effective, evidence-based school climate policies.[13]

2. The federal government should end harmful discipline policies or practices, including zero-tolerance policies, exclusionary discipline for non-violent offenses and for young learners (P-5), and for subjective/minor offenses like defiance or truancy, and discriminatory disciplinary practices like grooming, dress, or hair codes. Too often, these practices are used disproportionately against students of color and students with disabilities, stripping them of opportunities to learn and develop. Legislation from the 117th Congress models how the federal government can shift away from harmful policies, such as:

The Ending PUSHOUT Act (formerly H.R. 2248), which prevents the criminalization and pushout of students from school, particularly girls of color, by providing federal grants to states and schools that commit to reducing the use of unfair and discriminatory school discipline practices, including by prohibiting the use of at least one of the following: out-of-school suspensions or expulsions for young children (P-5) for incidents that do not involve serious bodily injury; out-of-school suspensions or expulsions for P-12 children for subjective or non-violent offenses; corporal punishment; seclusion; mechanical or chemical restraint; or physical restraint on a student.[14] The legislation also requires ED to collect discipline data annually under the CRDC, and establishes a Federal Interagency Taskforce to End School Pushout.

Also, ED must continue to help states and districts improve school climate and culture, including by reinstating a strengthened version of the Departments of Education and Justice's 2014 guidance related to the nondiscriminatory administration of school discipline.[15] This improved guidance should include clear and evidence-based directions on how to build anti-racist, anti-sexist, and anti-discriminatory schools; promote culturally sustaining and restorative practices; regularly hold anti-bias training for educators and school leaders; invest in staff and structures that support student needs instead of structures that criminalize them; effectively engage students, families, and the community in creating and implementing discipline policies; discontinue discriminatory dress and grooming code policies; and use healing-centered engagement in place of punitive or deficit-based practices to support students who experience chronic stress or acutely harmful experiences.

3. Instead of investing in hiring or funding school resource officers (SROs), or supporting behavioral threat assessments, the federal government should invest in supportive personnel, such as school counselors, social workers, school psychologists, and others, as well as in trauma-informed and restorative practices.[16] These hardening practices have not been shown to increase school safety; instead, they have disproportionately negative impacts on underserved students, exacerbating school discipline disparities and increasing risks to students' mental health and well-being.[17] Legislation from the 117th Congress models how the federal government can ensure all students can learn in a safe and inclusive environment, such as:

The Counseling Not Criminalization in Schools Act (formerly H.R. 4011/S. 2125), which prohibits the use of federal funds to support the hiring, recruitment, and placement of police officers in K-12 schools, and establishes a grant program to target funds toward school districts that replace law enforcement officials with adequately trained personnel and trauma-informed services.[18]

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How to Evaluate a State's School Discipline Policies

School discipline practices are determined by policies at all levels — federal, state, district, school, and even in individual classrooms. State leaders can have strong influence in how districts adopt and implement school discipline practices and policies by:

- Creating clear goals
- Adopting evidence-based guidance and policies
- Publicly reporting discipline data

In 2022, building on Ed Trust's 2020 seminal report titled, *Social, Emotional, and Academic Development Through and Equity Lens*, in partnership with CASEL, Ed Trust released Is Your State Prioritizing Social, Emotional, and Academic Development?, a 50-state scan that shows how states support the social, emotional, and academic needs of students in their discipline policies, as well as four other key policy areas:[19]

- Professional development
- Rigorous and culturally sustaining curriculum
- Student, family, and community engagement
- Wraparound services

Educators, advocates, and policymakers at all levels of government can use the 50-state scan to evaluate how their state's school discipline policies compare to other states in holistically creating safe, supportive, and inclusive environments for students.

> " *In many instances, students of color and students with disabilities are targeted for minor offenses in ways that attack their cultural identity and strip them of their rights to a safe, healthy, and inclusive learning environment* "

7 Ways States Can Improve School Discipline Policies

While some states have made impressive strides to shift their school discipline policies and practices toward more equitably focused efforts that support the social, emotional, and academic development of their students, many states fall short. State leaders who want to build a healthier, safer, and more inclusive school environment for students, particularly students of color and students with disabilities, should prioritize these seven criteria:

1. Set clear goals for decreasing the use of exclusionary discipline and reducing disparities in discipline.
- **New York clearly states in its ESSA plan that it aims to reduce exclusionary discipline and reduce disparities in discipline.[20]**

2. Provide human resources within the state education agency to support districts with technical assistance for positive discipline practices.
- **Massachusetts has a task force that addresses discipline disparities and provides technical support or support for implementation to districts.[21]**

3. Ban corporal punishment and limiting the use of restraints, including prohibiting prone restraints, and limiting who can implement the practice (i.e., only staff trained in both de-escalation and safe restraint), as well as when restraints can be implemented (i.e., only instances of immediate harm to oneself or others).
- **Delaware has banned corporal punishment and prohibits using restraints except when a student poses imminent danger of physical injury to themselves or others, requires the person using restraints to have received de-escalation and restraint training, and for the restraints to be discontinued immediately when the student no longer poses imminent danger of physical injury.[22]**

4. Ban zero-tolerance policies and the use of exclusionary discipline for non-violent offenses, for young learners (P-5), and for subjective or minor offenses, like defiance, talking in class, truancy, tardiness, and more; and explicitly prohibit discriminatory hair and grooming codes.
- **Washington prohibits districts from adopting zero-tolerance discipline policies and exclusionary discipline for grades K-4. The state also requires districts to consider alternative forms of discipline before excluding a student and has passed legislation to prohibit discrimination based on hair.[23]**

5. Provide guidance and funding for schools and districts to adopt positive discipline policies and practices, including restorative justice policies and practices and co-developing clear, student-centered codes of conduct.
- **The District of Columbia (DC) provides guidance and funding for implementing positive discipline in schools. DC also provides guidance for co-developing clear, student-centered codes of conduct that align with a restorative justice approach.[24]**

6. Provide evidence-based guidance and funding for professional development in positive discipline practices or provide free training modules on restorative practices.
- **The District of Columbia partners with an external organization to provide free opportunities for professional development to support educators in implementing positive disciplinary approaches.[25]**

7. Publicly report, and make accessible online, district-level data on categories of offenses and punishments, including type of offense, length and type of punishment, and number of students suspended or expelled more than once. This data should be disaggregated and cross-tabulated for race, gender, English learner status, socioeconomic status, and disability status.
- **California publicly reports specific types of district-level discipline data on their website and allows for disaggregation and cross-tabulation by race, gender, English learner status, socioeconomic status, and disability status.[26]**

Implementing Fair and Positive Discipline at the Local Level

A crucial part of implementing positive discipline practices with fidelity is ensuring all adults in schools and districts develop a race equity lens with which to implement those skills. A long history of research in school discipline shows that disproportionate disciplinary outcomes for students of color are not due to differential rates of behavior, and that the role of discrimination and bias in discipline outcomes must be taken seriously.[27] Furthermore, research shows that using an approach that is racially and culturally conscious is the key to addressing disparities in discipline.[28] A race-equity approach should therefore be embedded in all actions districts take to address discipline policies and practices.

For actionable guidance, district leaders can use the toolkit from the Alliance for Resource Equity (ARE), a partnership between Ed Trust and Education Resource Strategies.[29] ARE has developed a series of tools and guidebooks that outline specific actions to create a more equitable student experience, starting with a diagnostic tool that identifies areas for growth in a district's current policies and practices.[30] Then, district leaders can then reference the guidebook on creating a positive and inviting school climate that demonstrates how to further these goals.[31] In particular, district leaders should consider the following key question in the ARE diagnostic tool and guidebook:

Does each student experience a safe school with transparent, culturally sensitive, and consistently enforced rules and discipline policies?

Decisions at the local level can ensure that state and federal discipline policies are implemented with fidelity or can even go beyond current policies by utilizing better or more evidence-based practices. District leaders have the power to set equity-focused policies and develop educator capacity for implementing positive discipline practices. These actions can create positive and inviting school climates where students feel safe and are held accountable for their actions in ways that best support their social, emotional, and academic development.

> " *Using an approach that is racially and culturally conscious is the key to addressing disparities in discipline. Therefore, race equity should be embedded in all actions districts take to address discipline policies and practices* "

Endnotes

1. https://edtrust.org/resource/and-they-cared-how-to-create-better-safer-learning-environments-for-girls-of-color/

2. Black students were 2.3 times more likely than White students to experience corporal punishment, and students with disabilities (served under IDEA) represented 13.2% of total student enrollment but 16.5% of the students who received corporal punishment. For more information, visit: https://www2.ed.gov/about/offices/list/ocr/docs/corporal-punishment-part-4.pdf

3. https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf

4. https://www2.ed.gov/about/offices/list/ocr/docs/restraint-and-seclusion.pdf

5. https://www.aclu.org/sites/default/files/field_document/final_11-million-days_ucla_aclu.pdf

6. https://www.edweek.org/leadership/threats-of-student-violence-and-misbehavior-are-rising-many-school-leaders-report/2022/01; https://www.chalkbeat.org/2022/7/6/23197094/student-fights-classroom-disruptions-suspensions-discipline-pandemic

7. https://edtrust.org/the-equity-line/the-case-for-increasing-school-safety-by-investing-in-student-mental-health/; https://nces.ed.gov/whatsnew/press_releases/07_06_2022.asp

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11. https://www.splcenter.org/20190611/striking-outlier-persistent-painful-and-problematic-practice-corporal-punishment-schools; https://files.eric.ed.gov/fulltext/ED544755.pdf

12. https://www.congress.gov/bill/117th-congress/house-bill/3836/related-bills; https://www.congress.gov/bill/117th-congress/senate-bill/2029

13. https://www.congress.gov/bill/117th-congress/house-bill/3474; https://www.congress.gov/bill/117th-congress/senate-bill/1858

14. The use of physical restraints within the legislation is permitted only in specific, limited instances. For more information, please visit: https://www.congress.gov/bill/117th-congress/house-bill/2248

15. https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html

16. https://edtrust.org/resource/school-counselors-matter/

17. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6597313/; https://www.edworkingpapers.com/ai21-476

18. https://www.congress.gov/bill/117th-congress/house-bill/4011; https://www.congress.gov/bill/117th-congress/senate-bill/2125

19. https://edtrust.org/social-emotional-and-academic-development-through-an-equity-lens/; https://edtrust.org/is-your-state-prioritizing-sead/#BP

20. http://www.nysed.gov/essa/nys-essa-plan

21. https://www.doe.mass.edu/sfs/discipline/?section=view-all

22. https://regulations.delaware.gov/AdminCode/title14/600/610.shtml

23. https://www.k12.wa.us/sites/default/files/public/student-discipline/pubdocs/Student%20Discipline%20Rules%20Technical%20Guide%202019.pdf

24. https://osse.dc.gov/page/opportunities-schools-receive-technical-assistance-restorative-justice-implementation

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