

Collateral Consequences of Exclusionary School Discipline Policies: What Administrators, Hearing Officers and School Boards Need to Know

By David Sherbo-Huggins: TeamChild Law Clerk

“Who wrote The Adventures of Huckleberry Finn,” Mr. Williams asked his 9th grade class. There were no volunteers. “Sarah, any guess?” She shook her head. “Bobby?” He shook his head. “Martin?” “Uh . . . Shakespeare,” he responded. “Stupid retard,” Jerry muttered under his breath just soft enough to avoid detection by the teacher but loud enough to be heard by both Martin and a few other students who began to laugh at Martin. Martin instantly turned and threw his pencil at Jerry. Jerry jumped out of his seat and came towards Martin shouting expletives. Martin tried to get up from his chair and Jerry pushed him back down. Martin got up kicked Jerry in the leg and started swinging his fists. Mr. Williams was able to break the fight up after less than 30 seconds. Both boys were removed from the class sent to the vice principal. The lesson was ruined for the other 31 students in the class. The vice principal suspended both students for one week, and the punishment was upheld by the hearing officer.

Were these two boys punished appropriately? Many parents, teachers, administrators, and even students would likely agree that the punishments are fitting. However, it is critical that everyone, at every level, who plays a role in deciding whether or not to exclude a child from school understand the potential devastating collateral consequences of their decision. The following statistics underscore the magnitude of using exclusionary discipline policies to address problem behaviors at school:

- **Prior suspension is more predictive of dropping out of high school than other factors commonly associated with dropout such as:**
 - **Low socio-economic status**
 - **Not living with both biological parents**
 - **Having sex before age 15**
 - **High number of school changes**
 - **Low percentage of peers planning to go to collegeⁱ**
- **Sophomores who have been suspended drop out at three times the rate of their classmates who have not been suspended.ⁱⁱ**
- **The future prospects for high school dropouts are dismal:**

- Youth who drop out are 3.5 times more likely to be arrested than graduates.ⁱⁱⁱ
- 82% of the adult prison population is composed of dropouts and 85% of the juvenile justice cases.^{iv}
- For juvenile offenders prior detention is the greatest predictor of recidivism; more than carrying a weapon, gang membership, and poor parental relationship combined.^v
- In 2004-2005 school year the white student population (19,000) in Seattle Public Schools was nearly double the African American population (10,000) however:
 - 526 African American students were short term suspended from High School while only 346 white students were.
 - 686 African American students were short term suspended from Middle School while only 328 white students were.
 - 30% of all African American middle school students were short term suspended that year while only 8% of white students were.^{vi}

The relationship between educational attainment and nearly every facet of adult productivity is very strong and very well documented.^{vii} Exclusionary discipline practices, such as suspension, perpetuate a failure cycle, severely limiting a student's ability to achieve academic and ultimately future success. Negative outcomes such as incarceration, unemployment, dependence on public assistance, drug and alcohol abuse, and lower rates of civic participation are all associated with low levels of educational attainment.^{viii} Repeated suspensions may make it nearly impossible for a student to keep up with the curriculum, complete assignments; receive credits toward graduation, and advance from one grade to the next

The Washington Office of the Superintendent of Public Instruction acknowledged that use of suspension to discipline students is a significant factor contributing to dropout.^{ix} The OSPI reported that suspension and expulsion as punishment for poor attendance, truancy, or discipline literally “pushout” some students who are overtly discharged and more subtly discourage others from continuing in school.^x

The fact that three independent studies reported suspension from school as a “major” reason in a student's decision to drop out is not surprising.^{xi} Out-of-school suspension and

expulsion removes students from school at the time they may most need stability, intervention, and guidance in their lives. By reducing adult supervision and giving students more unstructured time, suspension creates ideal circumstances for youth to get into more trouble. The strength of a child's bond to school is an important predictor of delinquency.^{xii} From both the child's developmental standpoint and from the standpoint of society at large we must confront the wisdom of school discipline policies that actively work to break that bond with troublesome students.

Are schools excluding more students today than in years past?

Nationally 3.4 million students were suspended or expelled in 2006-^{xiii} double the amount suspended thirty years earlier.^{xiv} One reason for the dramatic spike is the adoption of a "zero tolerance" philosophy toward student misconduct by schools. "Zero tolerance" is generally described as a system of discipline that imposes severe predetermined punishments for a variety of misconduct regardless of the circumstances surrounding the incident. The intent of such policies are to keep schools safe, to improve consistency of disciplinary action, and to improve the learning environment by removing disruptive students. The use of school exclusion, suspension, and expulsion is the cornerstone of zero tolerance policy.

Are students misbehaving more than in years past?

Clearly if schools are more dangerous today than they were twenty years ago the rise in suspensions is simply a response to increased incidents of student misbehavior.

- **A child is 3 times more likely to be struck by lightning than to be killed in school.^{xv}**
- **In 1999 71% of Americans believed that a school shooting was "likely" in their community. However, there was actually 68% decline in homicides committed by youth between 1993 and 1999.^{xvi}**
- **50% of the news stories concerning youth involved violence while only 2% of youth were either victims or offenders of violent crime that year.^{xvii}**

Youth homicide rates are at their lowest rate since 1966.^{xviii} And non-homicide youth crime is at its lowest rate in 25 years.^{xix}

The University of Michigan has conducted the *Monitoring the Future* survey for the United States Department of Justice since 1976. The purpose of the survey is to determine the frequency of victimization in high school. The survey reported that even though the rates of victimization in high schools have hardly changed between 1976 and 1998, the percentage of students suspended or expelled has doubled from 3.5% to 7% over the time period.^{xx}

- **Has something of yours (worth under \$50) been stolen?**
 - **In 1976 36.2% answered yes; in 1998 39.5% answered yes.**
- **Has someone deliberately damaged your property (your car, clothing, etc.)?**
 - **In 1976 25.8% answered yes; in 1998 26.6% answered yes.**
- **Has someone injured you with a weapon (like a knife, gun or club)?**
 - **In 1976 5.7% answered yes; in 1998 4.9% answered yes.**
- **Has someone injured you on purpose without using a weapon?**
 - **In 1976 13.6% answered yes; in 1998 15.5% answered yes.^{xxi}**

The research indicates that today's students are about as well behaved as their parents, teachers, and administrators were in the 1970s but are being excluded from school at twice the rate.^{xxii} The grim collateral consequences of suspension have not always been known to education law and policy makers, but due to the severity of the punishment itself, the issue has long been taken very seriously under both state and federal law. The courts have granted students both substantive and procedural protections against school exclusion, which reflect the profound value our society places on education. Currently, however, studies from across the country are noticing that suspension is the most common consequence for school misbehavior.^{xxiii} If suspension is an effective way of modifying a child's problem behavior, or improving the overall safety and learning environment at a school it might be an appropriate response despite its many costs to the individual and society.

Is suspension an effective way to improve student behavior?

The answer is overwhelmingly no. Approximately 41% of suspensions in a year are of students who have already been suspended in the past.^{xxiv} Suspension in elementary school is one of the strongest predictors of suspension in middle school.^{xxv} According to the American Psychological Association Zero Tolerance Task Force, “there is little or no evidence of positive effects of student removal on student behavior in either the short or long term If anything the experience of out of school suspension appears to be predictive of higher rates of future disciplinary infraction.”^{xxvi}

Do strict exclusionary policies improve overall safety in school?

Increased use of suspension and expulsion has been ineffective in reducing rates of schools victimizations, which have remained relatively constant over the last 25 years.^{xxvii} The best gauge of the failure of zero tolerance is documented in the National Center for Education Statistics’ (NCES) study of school violence. After four years the schools that implemented the most severe zero tolerance policies and security measures were much less safe than those without such policies.^{xxviii} While it is unsurprising that unsafe schools have higher rates of suspension and expulsion some researchers believe that those policies contribute to rather than ameliorate the problem. “For many students suspension functions as a reinforcer . . . rather than a punisher.”^{xxix} Ultimately there appears little evidence, supporting the effectiveness of suspension or expulsion at improving student behavior or contributing to overall school safety.^{xxx}

Does zero tolerance discipline make the school climate more conducive to learning and teaching?

Schools with the highest level of school discipline also have the lowest performing students.^{xxxi} Schools often attempt to attribute this correlation to a concentration of poor and minority students who they claim are both more likely to act out and more likely to do poorly in

school.^{xxxii} An influential Indiana study reported “higher rates of school suspension are associated with lower state wide testing scores even after controlling for poverty rate, school size, school type, school locale, and percentage of African American students.”^{xxxiii}

Are zero tolerance policies applied equally across racial and ethnic groups?

Nationally, in 2006, there were nearly as many African American students (1,270,000) suspended or expelled as White students (1,340,000), though African American children make up just 17% of the total student population.^{xxxiv} This dramatic disproportionality has not been attributed to higher rates of misbehavior by African American youth. On the contrary, the data in general suggests that African American students are disciplined more frequently and more harshly for more subjective and less serious offenses.^{xxxv} The suspension rates in five school districts throughout Washington demonstrate disproportionality that mirrors the national picture:

- **Kent: 8.3% of white students are suspended; 20% of African Americans.**
- **Seattle: 3.4% of white students are suspended; 13.7% of African Americans.**
- **Spokane: 6.9% of white students are suspended; 14.8% of African Americans.**
- **Vancouver: 6.3% of white students are suspended; 13.2% of African Americans.**
- **Yakima: 11.2% of white students are suspended; 21.2% of African Americans.**^{xxxvi}

With African American students being suspended at rates two to three times higher than white students it is not surprising that the NAACP declared overrepresentation in school discipline and its connection to dropout and juvenile justice involvement “one of the most urgent challenges in education today.”^{xxxvii}

Are there other ways to punish a student other than excluding them from school?

Washington law addresses alternatives to suspension directly:

- RCW 28A.600.410:

- “School districts are encouraged to find alternatives to suspension including reducing the length of a student's suspension conditioned by the commencement of counseling or other treatment services”
- RCW 28A.600.415(1):
 - “The superintendent of public instruction shall encourage school districts to utilize community service as an alternative to student suspension” □
- WAC 392-400-245:
 - “As a general rule no student shall be suspended for a short term (or long-term) unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature.”

Few school districts have explicitly identified the early forms of corrective action or alternatives to suspension that schools should use before resorting to suspension. The examples, below provide multiple promising forms of corrective action:

1. **Coordinated behavior plans and contracts-** Creation of a structured, coordinated behavior support plan specific to the student outlining the responsibilities that both the school and the student will take on in order to address the root of the problem behavior. It should focus on increasing desirable behavior, and replacing inappropriate behaviors. It should be signed by both the student and the school administrator responsible for performing the schools responsibilities under the contract. Use of positive incentives to achieve appropriate behavior are recommended.
2. **In-kind restitution-** Rather than financial restitution, permit the student to help to restore or improve the school environment either by directly addressing the problems caused by the student’s behavior (e.g., in cases of vandalism students can work to repair things they damaged), or by having the student improve the school environment more broadly (e.g., picking up trash, washing lockers).
3. **Parent involvement/supervision-** Parents should be invited to brainstorm ways they can provide closer supervision or be more involved in their child’s schooling. Better communication and more frequent contacts between teachers and parents, as well as coordinated behavior-change approaches, are very useful and could be formalized into a disciplinary consequence.

4. **Community service-** Programs that permit the student to perform a required amount of time in supervised community service outside of school hours (e.g., volunteer at another school or an organization) should be created.
5. **Alternative scheduling-** Provide short- or long-term changes in the student schedule, classes or course content or offer the option of participating in an independent study or work-experience program
6. **Appropriate in-school or after-school suspension-** In-school or after-school suspension should be provided and include academic tutoring, instruction on skill-building related to the student behavior problem (e.g., pro-social skills).
7. **Victim-offender reconciliation-** holds misbehaving student accountable for their behavior in ways that are meaningful to their victims and their community, and provides student with the opportunity to change and grow as a healthy positive community members.^{xxxviii}

Conclusion

Over the last decade and a half, in response to both real and perceived threats of violence in schools, many districts adopted a philosophy of zero tolerance. This philosophy demanded strict and severe punishment of students under the assumption that removing troublemakers from school would improve school safety and the learning environment for those who remained. The assumptions about the effectiveness of school exclusion have not stood up to the data. Record high suspension and expulsion rates are not making schools safer or improving academic performance, and they are depriving African Americans children of educational access in mass. Furthermore, nearly all of the data surrounding zero tolerance and school exclusion demonstrate that these policies alienate students from school, contribute to further misbehavior in school, lead to high school dropout and eventually into juvenile and criminal justice systems. The current system of school exclusion not only sacrifices troubled students, but achieves no positive returns. In light of the collateral consequences of the punishment, school exclusion should be used only when school safety is truly threatened. It should not continue to be used as a routine punishment for non-violent misbehavior.

ⁱ Suhyun Suh, Jingyo Suh, and Irene Houston, *Predictors of Categorical At-Risk High School Dropouts*, 85 JOURNAL OF COUNSELING AND DEVELOPMENT 196, 196-203 (Spring 2007).

ⁱⁱ AMERICAN PSYCHOLOGICAL ASSOCIATION ZERO TOLERANCE TASK FORCE, ARE ZERO TOLERANCE POLICIES EFFECTIVE IN SCHOOLS? AN EVIDENTIARY REVIEW AND RECOMMENDATIONS 49 (2006), *available at* <http://www.apa.org/releases/ZTTFReportBODRevisions5-15.pdf>.

ⁱⁱⁱ COALITION FOR JUVENILE JUSTICE, ABANDONED IN THE BACK ROW: NEW LESSONS IN EDUCATION AND DELINQUENCY PREVENTION 2 (2001).

^{iv} Christine Christle, Kristine Jolivette, & Michael Nelson, *Breaking the School to Prison Pipeline: Identifying School Risk and Protective Factors for Youth Delinquency* 13(2) EXCEPTIONALITY 69, 70 (2005).

^v BARRY HOMAN AND JASON ZIEDENBERG, JUSTICE POLICY INSTITUTE, THE DANGERS OF DETENTION: THE IMPACT OF INCARCERATING YOUTH IN DETENTION AND OTHER SECURE FACILITIES, 3 (2006) *available at* http://www.cfjj.org/Pdf/116-JPI008-DOD_Report.pdf

^{vi} SEATTLE PUBLIC SCHOOLS DATA PROFILE: DISTRICT SUMMARY, 94 (2005) *available at* <http://www.seattleschools.org/area/asiso/disprof/2005/DP05all.pdf>.

^{vii} BRETT BROWN, KRISTIN MOORE, & SHARON BZOSTEK, CHILD TRENDS, A PORTRAIT OF WELL BEING IN EARLY ADULTHOOD: A REPORT TO THE WILLIAM AND FLORA HEWLETT FOUNDATION 4 (2003) *available at* <http://www.hewlett.org/NR/rdonlyres/B0DB0AF1-02A4-455A-849AAD582B767AF3/0/FINALCOMPLETEPDF.pdf>

viii *Id.*

ix SUE G. SHANNON & PETE BYLSMA, OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION, HELPING STUDENTS FINISH SCHOOL: WHY STUDENTS DROPOUT AND HOW TO HELP THEM GRADUATE 33 (2003) *available at* www.k12.wa.us/research/pubdocs/pdf/dropoutreport2003.pdf.

x *Id.*

xi Christine Christle, Kristine Jolivette, & Michael Nelson, *Breaking the School to Prison Pipeline: Identifying School Risk and Protective Factors for Youth Delinquency* 13(2) *Exceptionality* 69, 70 (2005).

xii R.F. Catalano, K.P Haggerty, S Oesterle, C.B Fleming, & J.D. Hawkins, *The Importance of Bonding to School for Healthy Development: Findings From the Social Development Research Group*, 74 *JOURNAL OF SCHOOL HEALTH* 252, 252-261 (2004).

xiii UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS, STATE AND NATIONAL PROJECTIONS FOR ENROLLMENT AND SELECTED ITEMS BY RACE/ETHNICITY AND SEX (2006) *available at* <http://ocrdata.ed.gov/ocr2006rv30/VistaDim/dimension.aspx>.

xiv JUSTICE POLICY INSTITUTE, SCHOOL SUSPENSION: SELF-REPORTED CRIME AND THE GROWING USE OF SUSPENSIONS 3 (2001).

xv RALPH C. MARTIN, II, AMERICAN BAR ASSOCIATION, ZERO TOLERANCE POLICY REPORT 2 (2001) *available at* <http://www.abanet.org/crimjust/juvjus/zerotolreport.html>

xvi JUSTICE POLICY INSTITUTE, SCHOOL SUSPENSION: SELF-REPORTED CRIME AND THE GROWING USE OF SUSPENSIONS 1 (2001).

xvii *Id.*

xviii *Id.*

xix *Id.* at 2.

^{xx} *Id.*

^{xxi} *Id.* at 3.

^{xxii} *Id.* at 2.

^{xxiii} DAVID RICHART, KIM BROOKS, & MARK SOLER, BUILDING BLOCKS FOR YOUTH, UNINTENDED CONSEQUENCES: THE IMPACT OF ZERO TOLERANCE AND OTHER EXCLUSIONARY POLICIES ON KENTUCKY STUDENTS 5 2003; RUSSELL J. SKIBA, INDIANA EDUCATION POLICY CENTER, ZERO TOLERANCE, ZERO EVIDENCE: AND ANALYSIS OF SCHOOL DISCIPLINARY PRACTICE 10 (August, 2000).

^{xxiv} AMERICAN PSYCHOLOGICAL ASSOCIATION ZERO TOLERANCE TASK FORCE, ARE ZERO TOLERANCE POLICIES EFFECTIVE IN SCHOOLS? AN EVIDENTIARY REVIEW AND RECOMMENDATIONS 48 (2006), *available at* <http://www.apa.org/releases/ZTTFReportBODRevisions5-15.pdf>.

^{xxv} *Id.*

^{xxvi} *Id.* at 49.

^{xxvii} JUSTICE POLICY INSTITUTE, SCHOOL SUSPENSION: SELF-REPORTED CRIME AND THE GROWING USE OF SUSPENSIONS 3 (2001).

^{xxviii} ADVANCEMENT PROJECT & THE CIVIL RIGHTS PROJECT, OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE POLICIES 18 (2000) *available at* www.advancementproject.org/reports/opsusp.pdf.

^{xxix} AMERICAN PSYCHOLOGICAL ASSOCIATION ZERO TOLERANCE TASK FORCE, ARE ZERO TOLERANCE POLICIES EFFECTIVE IN SCHOOLS? AN EVIDENTIARY REVIEW AND RECOMMENDATIONS 49 (2006), *available at* <http://www.apa.org/releases/ZTTFReportBODRevisions5-15.pdf>.

^{xxx} RUSSELL J. SKIBA, INDIANA EDUCATION POLICY CENTER, ZERO TOLERANCE, ZERO EVIDENCE: AND ANALYSIS OF SCHOOL DISCIPLINARY PRACTICE 13 (August, 2000).

^{xxx} M. Karega Rausch & Russell J Skiba, The Academic Cost of Discipline: The Relationship Between Suspension/Expulsion and School Achievement 6-10 (2006).

^{xxxii} Russell Skiba, *When is Disproportionality Discrimination? The Overrepresentation of Black Students in School Suspension*, in ZERO TOLERANCE: RESISTING THE DRIVE FOR PUNISHMENT IN OUR SCHOOLS, 176, 182 (William Ayers, Bernardine Dohrn, and Rick Ayers eds., 2001).

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^{xxxiv} Data from Office of Civil Rights, United States Department of Education. State and National Projections for Enrollment and Selected Items by Race/Ethnicity and Sex. Data is from 2006. Available at <http://ocrdata.ed.gov/ocr2006rv30/VistaDim/dimension.aspx>

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^{xxxvii} NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, DISMANTLING THE SCHOOL-TO-PRISON PIPELINE 1 (2006) *available at* naacpldf.org/content/pdf/pipeline/Dismantling_the_School_to_Prison_Pipeline.pdf

^{xxxviii} REECE L. PETERSON, WHAT EVERY ADMINISTRATOR NEEDS TO KNOW ABOUT ALTERNATIVES TO SUSPENSION AND EXPULSION, (2006) *available at*

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