

Your Question:

You asked for information on actions other states are taking on school discipline, particularly around positive support interventions as well as implicit or unconscious bias.

Our Response:

The 'school to prison pipeline' is a term used to describe students' continued contact with the criminal justice system after being exposed to the system through harsh disciplinary practices in school. According to a [data snapshot](#) from the Civil Rights Data Collection, black students are suspended and expelled at a rate three times greater than white students; while black students only represent 16% of student enrollment, they make up 31% of students subjected to a school-related arrest. Similar disparities exist for other minority groups, including native students and students with disabilities. These disparities are even more pronounced in the preschool years.

Several states have recently enacted legislation aimed at interrupting the school-to-prison pipeline and reducing disciplinary disparities between student groups. Below, we have gathered examples state action on this topic as well as resources on school discipline reform and implicit bias.

State Policies

Many state policymakers have prioritized school discipline reform over the last few years, perhaps due to the emergence of research suggesting the long-term negative impacts of harsh school discipline policies and the disproportionate affect these policies have on minority students. States have enacted policies supporting three main goals: 1) *reducing exclusionary discipline actions such as suspensions and expulsions*, especially in the early grades, 2) *addressing disciplinary disparities*, and 3) *establishing or improving alternatives to disciplinary action, including positive behavioral support systems and restorative justice practices*.

ECS tracks and summarizes enacted and vetoed education policies in all 50 states. Below, we have gathered a sampling of state policies related to your specific question. For a more comprehensive list of school discipline related state policies, please visit the [state policy database](#) or the [suspensions/expulsions](#) and [school discipline](#) pages.

2017 legislation:

- [Arkansas SB 609](#) prohibits the use of out-of-school suspensions or expulsion for a student in grades K-5, with exceptions for a student who poses a physical risk to him/herself or others and who causes a serious disruption that cannot be addressed through other means. [HB 1859](#) outlines reporting requirements for exclusionary discipline actions, including the requirement to report demographic data such as racial or ethnic group, students with disabilities, and economically disadvantaged students.
- [Tennessee HB 872](#) requires the department of education to review exclusionary discipline policies in public schools for students in pre-K and kindergarten to develop alternatives to those practices.

2016 legislation:

- [Michigan SB 801](#) requires a district to implement a plan to reduce suspensions and expulsions that exceed ten days. [HB 5618](#) requires that, before suspending or expelling a student, schools must consider age, disciplinary history, disabilities, seriousness of violation, safety concerns, and whether restorative practices

or a lesser intervention would address the violation. [HB 5619](#) requires that a school board or designee consider using *restorative practices* for certain offenses and outlines what those practices might look like, including victim-offender conferences, participation in consequence setting, restoration of emotional or material losses, etc.

- [Rhode Island HB 7056](#) directs school superintendents to review discipline data to determine whether there is an *unequal impact on student groups* and to respond to any disparity. Districts that find a disparity must report to the council on elementary and secondary education describing action taken to address the disparity. This bill also prohibits out-of-school suspensions unless the violation represents a threat to the safety of other students, teachers or administrators.
- [New Hampshire HB 1145](#) established a committee to study suspensions and expulsions of children in *preschool through grade three*.

2015 legislation:

- [Illinois SB 100](#) outlines requirements around out-of-school suspensions, school districts' relationship with local law enforcement, and requests for expulsion. This bill also requires districts to create policies to facilitate the re-engagement of students who are suspended, expelled or returning from an alternative school setting. Districts must also make an effort to provide professional development to teachers, administrators, school board members, school resource officers and staff on the adverse consequences of exclusion and justice-system involvement, as well as on culturally responsive discipline and practices that promote healthy and positive school climates.
- [Georgia SB 164](#) encourages local boards of education to implement *positive behavioral interventions* and response to intervention programs and initiatives, especially in high needs schools as it relates to school discipline and improved learning environments.
- [Louisiana SR 130](#) requested that the Board of Elementary and Secondary Education and the state department of education study the effectiveness of *positive behavioral interventions* and supports in Louisiana public schools. [SB 54](#) prohibits a public or charter school student in grades *pre-K-5* from being suspended or expelled for a uniform violation that is not tied to willful disregard of school policies.
- [Indiana HB 1635](#) requires that teachers be prepared to apply classroom behavioral management strategies, including culturally responsive methods, *restorative practices*, and *positive behavioral supports*, to provide alternatives to suspension, expulsion, and school based arrests.
- [Connecticut SB 1053](#) prohibits out-of-school suspension and expulsion of students *in grades preschool through two*. This bill provides exceptions to this rule for students whose conduct is violent or sexual in nature, for students who possess weapons, and for students who sell or distribute controlled substances.
- [Oregon SB 553](#) limits out-of-school suspensions and expulsions for students *in fifth grade and lower*, and requires school districts to take steps to prevent the recurrence of behaviors that led to exclusionary discipline.

Further Resources

The Center for American Progress released a report in 2016, [Counsel or Criminalize? Why Students of Color Need Supports, Not Suspensions](#), providing an overview of how trauma impacts student learning and the extent to which students of color lack access to the proper mental health supports for effective treatment of trauma.

The [2016 Policy Update](#) from the National Association of State Boards of Education outlines the state's role in reversing the trend toward punitive discipline. This concise piece provides state boards with specific recommendations on how to positively affect school discipline reform efforts by helping to assess and improve school environments. The report gives examples from West Virginia, Florida and Pennsylvania.

The Education Next Article, "[What Do we know about school discipline reform? Assessing the alternatives to suspension and expulsion.](#)" outlines discipline reforms that have been implemented at the state, district and school levels and assesses various alternatives to suspension and expulsion. The article indicates that as of the 2015-16 school year, 23 of the largest 100 school districts nationwide had implemented policy reforms requiring nonpunitive discipline strategies. This article finds that the evidence on effectiveness of alternative strategies is mixed, but postulates that because these reforms are recent, a thorough assessment of their effects is not yet possible.

This [NPR article](#) summarizes the findings of a recent study out of the Yale Child Study Center which suggests that preschool teachers exhibit implicit biases, or subconscious stereotyping, when looking for disruptive behavior.

This [Education Week article](#) provides data on which sub-groups of students are arrested the most, which students get referred to law enforcement the most, and which percentage of schools have sworn police officers.