

Suspension and Expulsion

JAN 2018

What Is the Issue and Why Does It Matter?

Suspensions and expulsions have long been employed in schools to discipline students for disruptive behavior and maintain a safe school environment. However, a growing body of research suggests that these types of disciplinary interventions negatively impact student achievement and increase both students' risk of dropping out and their likelihood of future involvement with the criminal justice system.¹

The effects of these policies are more pronounced for students of color and students with disabilities, who have historically experienced higher rates of suspensions and expulsions. Recent national data show that black students in K-12 schools are 3.8 times as likely to be suspended, and twice as likely to be expelled, as white students.² Similarly, students with disabilities are more than twice as likely to receive out-of-school suspensions as students without disabilities.³

These racial and gender disparities are evident as early as preschool, where black students are 3.6 times as likely to receive an out-of-school suspension as their white classmates.⁴ Additionally, while boys represent 54 percent of preschool enrollment, they constitute 79 percent of all suspended preschool children.⁵ Research indicates that a child's early educational experiences greatly influence their development and outcomes later in life, making these data particularly consequential.

State policymakers have attempted to address these problems through legislation aimed at striking an appropriate balance between promoting a safe school environment and reducing the adverse effects of harsh disciplinary policies. Generally, recent legislative efforts to address school discipline policies have focused on:

- Restricting suspension and expulsion by grade level and type of infraction.
- Limiting the length of exclusion.
- Implementing reporting requirements.
- Supporting re-engagement.

Because of emerging research showing the negative impacts of exclusionary and punitive school discipline policies, the conversation around school discipline reform is primarily focused on creating a safe school environment while reducing these adverse effects.

DON'T MISS THESE RELATED POLICY SNAPSHOTS:
[Restraint and Seclusion](#) [Alternative School Discipline Strategies](#)

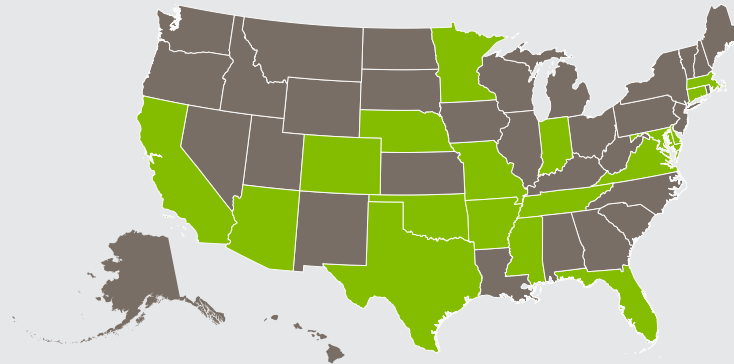


How Many States Considered Legislation in 2017?

Based on a review of 2017 legislative activity concerning suspension and expulsion:

- At least 18 states proposed legislation and five states enacted legislation directly related to suspension and expulsion.
- Approximately 34 bills were proposed.
- Of those, nine were enacted.

Which States Considered Legislation in 2017?



State	Legislation	Status
Arizona	H.B. 2395	Enacted
Arkansas	H.B. 1859 S.B. 609	Enacted Enacted
California	A.B. 576 A.B. 667 A.B. 1261 A.B. 1360 S.B. 607 S.B. 805	Pending Enacted Vetoed Enacted Pending Pending
Colorado	H.B. 1210	Failed
Connecticut	S.B. 691	Failed
Delaware	S.B. 85	Pending
Florida	S.B. 438 S.B. 1054	Failed Failed
Indiana	H.B. 1152 S.B. 274 S.B. 319	Failed Failed Failed

State	Legislation	Status
Massachusetts	H 2854	Pending
Maryland	H.B. 425/S.B. 651	Enacted
Minnesota	S.F. 1685	Pending
Missouri	H.B. 324 H.B. 1121 H.B. 1122	Failed Failed Failed
Mississippi	H.B. 558	Failed
Nebraska	L.B. 595	Failed
Oklahoma	S.B. 81	Pending
Tennessee	H.B. 872/S.B. 1394	Enacted
Texas	H.B. 4161	Failed
Virginia	H.B. 1536 S.B. 995 S.B. 996 S.B. 997	Failed Failed Failed Failed

Note: Maryland and Tennessee introduced companion bills.



Examples of Enacted State Legislation in 2017



Arkansas: [H.B. 1859](#) requires the department of education to publicly report data concerning exclusionary disciplinary actions at the school, district and state level in a manner that allows comparisons between schools and districts. These data must be disaggregated by certain demographic categories, including racial and ethnic groups, students with disabilities and economically disadvantaged students. [S.B. 609](#) prohibits the use of out-of-school suspension or expulsion for students in kindergarten through fifth grade — with exceptions for students who pose a physical risk to themselves or others, or who cause a serious disruption that cannot be addressed through other means.



Maryland: Companion bills [S.B. 651](#) and [H.B. 425](#) prohibit the suspension or expulsion of students in preschool through second grade. These bills outline exceptions — for expulsions required by federal law or for suspensions lasting no longer than five days — if experts determine there is an imminent threat of harm to other students or staff.



Tennessee: Companion bills [H.B. 872](#) and [S.B. 1394](#) prohibit the suspension or expulsion of students in preschool and kindergarten, unless the student's behavior endangers the safety of other students or school personnel. In cases where a student must be suspended, that suspension may not last longer than three days. The department of education must review current laws and policies related to exclusionary discipline practices in public schools for these early grades. Based on the findings of the review, the department must develop guidelines and standards for alternative approaches to addressing disciplinary issues for children in these grades.

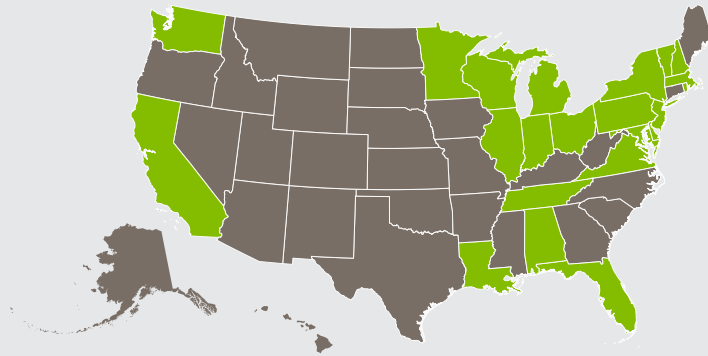


How Many States Considered Legislation in 2016?

Based on a review of 2016 legislative activity concerning suspension and expulsion:

- At least 22 states proposed legislation and eight states enacted legislation related to suspension and expulsion.
- Approximately 49 bills were proposed.
- Of those, 10 were enacted.

Which States Considered Legislation in 2016?





State	Legislation	Status
Alabama	H.B. 231 H.B. 299	Failed Failed
California	A.B. 2212 S.B. 322 S.B. 1309	Enacted Failed Pending
Delaware	S.B. 239	Failed
Florida	H.B. 625	Pending
Illinois	H.B. 4234 H.B. 5985 H.B. 6019	Failed Failed Failed
Indiana	H.B. 1355 S.B. 368	Failed Failed
Louisiana	H.B. 372 H.B. 1159 S.B. 310	Failed Failed Enacted
Massachusetts	H 355 H 4298	Failed Failed
Maryland	S.B. 832	Failed
Michigan	H.B. 5618 H.B. 5694 S.B. 407 S.B. 801	Enacted Enacted Failed Enacted
Minnesota	S.F. 2898	Failed


State	Legislation	Status
New Hampshire	H.B. 581 H.B. 1145	Failed Enacted
New Jersey	A 3790 A 3926 S 2081 S 2246	Pending Pending Enacted Pending
New York	A 5034 A 5706/S 4270 A 8396	Failed Failed Failed
Ohio	H.B. 498/S.B. 297	Failed
Pennsylvania	H.B. 2292	Failed
Rhode Island	H.B. 7056 H.B. 7057	Enacted Failed
Tennessee	H.B. 1538/S.B. 2541 S.B. 2256	Failed Enacted
Virginia	H.B. 953 H.B. 1061 S.B. 458	Failed Failed Failed
Vermont	S 194	Failed
Washington	H.B. 1541 S.B. 6244	Enacted Failed
Wisconsin	A.B. 618 S.B. 788	Failed Failed


Note: New York, Ohio and Tennessee introduced companion bills.


Examples of Enacted State Legislation in 2016

 **Michigan:** [H.B. 5618](#) requires that, before suspending or expelling a student, a school must consider the following factors: age, disciplinary history, disability status, the seriousness of the violation and whether a lesser intervention would address the violation properly — among other considerations. [H.B. 5694](#) requires that students in grade six or above must be suspended or expelled for up to 180 days for physical assault against another pupil. The legislation requires parents of students suspended or expelled to locate an alternative educational program.

 **New Hampshire:** [H.B. 1145](#) established a committee to study suspensions and expulsions of children in licensed preschools and in kindergarten through third grade. The bill requires the committee to [report](#) findings and recommendations.


 **New Jersey:** [S 2081](#) prohibits the expulsion and out-of-school suspension of students in kindergarten through second grade, except when the suspension is based on conduct that endangers others. This bill requires school districts and charter schools to implement an early detection and prevention program to identify and provide support for students in preschool through second grade who are experiencing disciplinary problems.


 **Rhode Island:** [H.B. 7056](#) directs all district superintendents to review discipline data to decide whether there is an unequal impact on students based on race, ethnicity or disability status, and to respond to any disparity. This legislation requires all districts finding a disparity to submit a report to the state Council on Elementary and Secondary Education, describing any action taken on the disparity. The bill prohibits out-of-school suspensions, unless the student's conduct meets certain standards or the student represents a demonstrable threat to students, teachers or administrators.


 **Washington:** [H.B. 1541](#) adopts policies and procedures to implement recommendations of the [Educational Opportunity Gap Oversight and Accountability Committee](#), which include reducing the length of time students of color are suspended and/or expelled, and providing students support for re-engagement plans.


Previous Legislative and Policy Activity

This section provides a sampling of enacted legislation from the 2015 session.

 **Connecticut:** [S.B. 1053](#) prohibits out-of-school suspension and expulsion of students in preschool through second grade. This bill provides exceptions for students whose conduct is violent or sexual in nature, for students who possess weapons and for students who sell or distribute controlled substances.

 **Illinois:** [S.B. 100](#) outlines requirements for out-of-school suspensions, school districts' relationships with local law enforcement and requests for expulsion. This bill also requires districts to create policies to re-engage students who are suspended, expelled or returning from an alternative school setting. Districts must also seek to provide professional development to teachers, administrators, school board members, school resource officers and staff members on the adverse consequences of exclusionary discipline and justice system involvement and on culturally responsive discipline and practices that promote healthy and positive school climates.

 **Louisiana:** [S.B. 54](#) prohibits a public or charter school from suspending or expelling a student in preschool through fifth grade for a uniform violation that is not tied to willful disregard of school policies.

 **Oregon:** [S.B. 553](#) limits out-of-school suspensions and expulsions for students in prekindergarten through fifth grade, and requires school districts to take steps to prevent the recurrence of behaviors that lead to exclusionary discipline.

Resources

[*Realizing the Full Vision of School Discipline Reform: A Framework for Statewide Change*](#)

[*Early Childhood Suspension and Expulsion*](#)

[*State Policy's Role in Reversing Trend toward Punitive Discipline*](#)

[*Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings*](#)

ENDNOTES

1. Tony Fabelo et al., *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (New York: Council of State Governments Justice Center, July 2011), https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf.
2. *2013-2014 Civil Rights Data Collection: A First Look* (Washington: U.S. Department of Education Office for Civil Rights, December 2016), <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>.
3. Ibid.
4. *2013-2014 Civil Rights Data Collection: A First Look* (Washington: U.S. Department of Education Office for Civil Rights, December 2016), <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>.
5. *Civil Rights Data Collection: Data Snapshot—Early Childhood Education* (Washington: U.S. Department of Education Office for Civil Rights, March 2014), <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-early-learning-snapshot.pdf>.

AUTHOR

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About Education Commission of the States Legislative Tracking

Education Commission of the States tracks legislation on education issues from early learning through postsecondary and workforce. The team follows the bill's status from introduction through its final action, summarizes key provisions and assigns topics. The policy tracking helps keep an eye on trends, innovative policy approaches and the overall landscape of education-focused legislative activity. This information is leveraged for several purposes, including Policy Snapshots that offer a brief background on a topic, a visual take on recent bills and summaries of selected state legislation.

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