

Alternative School Discipline Strategies

JAN 2018

What Is the Issue and Why Does It Matter?

Exclusionary and punitive school discipline policies, such as suspensions and expulsions, allow educators to remove students from the classroom for poor behavior or misconduct. However, emerging research suggests that these practices also increase the likelihood that students repeat grades, are excessively absent from school, drop out entirely and/or get involved with the juvenile justice system.¹

National data show that historically underserved student groups — such as black students, Native students and students with disabilities — disproportionately experience punitive disciplinary measures in school.² For example, while black students comprised 16 percent of public school enrollment, they represented 31 percent of students arrested in school and 27 percent of students referred to law enforcement in the 2011-12 school year.³

In an attempt to mitigate these negative impacts, keep students in school and improve overall school climate, many states have opted to explore alternatives to punitive discipline — such as restorative practices and positive behavioral supports and interventions. In general, these practices aim to address the root causes of student misbehavior by building strong and healthy relationships with students and improving their engagement in the learning environment.

Recent state legislation related to the use of alternatives to punitive and exclusionary discipline in schools has primarily addressed three areas of policy:

- Implementing professional development and training programs for teachers, administrators, school resource officers and other school personnel.
- Establishing committees to study alternatives to punitive and exclusionary discipline.
- Reducing the use of punitive disciplinary measures by requiring the use of restorative practices, positive behavioral interventions, trauma-informed schools and other strategies in certain circumstances.

Alternatives to suspensions and expulsions — such as restorative practices and positive behavioral supports and interventions — aim to keep students engaged in the classroom while addressing the root causes of misbehavior.

DON'T MISS THESE RELATED POLICY SNAPSHOTS:

[Suspension and Expulsion](#)

[Restraint and Seclusion](#)

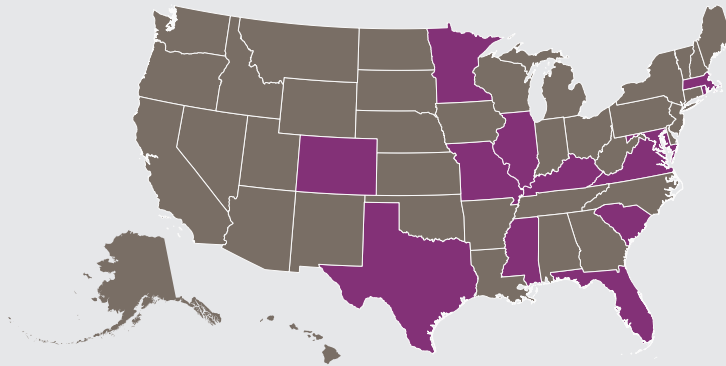


How Many States Considered Legislation in 2017?

Based on a review of 2017 legislative activity concerning alternatives to punitive and exclusionary discipline:

- At least 12 states and the District of Columbia proposed legislation and three states enacted legislation related to alternatives to punitive discipline.
- Approximately 25 bills were proposed.
- Of those, four were enacted.

Which States Considered Legislation in 2017?





State	Legislation	Status
Colorado	H.B. 1211	Enacted
District of Columbia	B22-0179	Pending
Florida	H.B. 411 S.B. 1064	Failed Failed
Illinois	H.B. 1779 S.B. 453 S.B. 704	Pending Failed Pending
Kentucky	S.B. 20	Failed
Maryland	H.B. 1287	Enacted
Massachusetts	S 312/H 3554	Pending
Minnesota	H.F. 1920 H.F. 2109 S.F. 1861 S.F. 2341	Pending Pending Pending Pending
Mississippi	H.B. 206/H.B. 277 H.B. 558 S.B. 2451	Failed Failed Failed
Rhode Island	H.B. 5666	Pending
South Carolina	H 3055	Pending
Texas	H.B. 2616 S.B. 370	Failed Failed
Virginia	H.B. 1924/S.B. 829	Enacted


Note: Massachusetts, Mississippi and Virginia introduced companion bills.



Examples of Enacted State Legislation in 2017

 **Colorado:** [H.B. 1211](#) creates the Discipline Strategies Pilot Program. This program provides money to school districts, boards of cooperative services and charter schools for teacher and principal professional development on the use of culturally responsive methods of student discipline for, and developmentally appropriate responses to the behavioral issues of, students enrolled in preschool through third grade, including students with disabilities.

 **Maryland:** [H.B. 1287](#) establishes the [Commission on the School-to-Prison Pipeline and Restorative Practices](#) to study current disciplinary practices in Maryland public schools, in addition to national best practices for training teachers and principals in restorative practices and eliminating the school-to-prison pipeline.

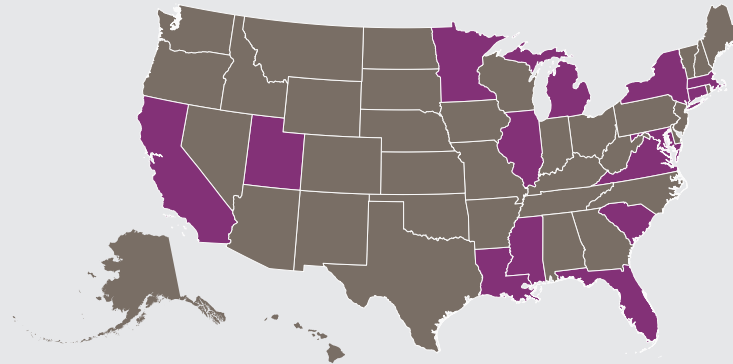
 **Virginia:** Companion bills [H.B. 1924](#) and [S.B. 829](#) require the state board of education to establish guidelines regarding alternatives to short-term and long-term suspension that local school boards can consider. The alternatives may include positive behavior incentives, mediation, peer-to-peer counseling, community service and other interventions.

How Many States Considered Legislation in 2016?

Based on a review of 2016 legislative activity concerning alternatives to punitive and exclusionary discipline:

- Approximately 14 states proposed legislation and three states enacted legislation related to alternatives to punitive discipline.
- At least 30 bills were proposed.
- Of those, six were enacted.

Which States Considered Legislation in 2016?





State	Legislation	Status
California	A.B. 1014	Enacted
	A.B. 2489	Failed
	A.B. 2698	Failed
	S.B. 463	Failed
	S.B. 527	Enacted
Connecticut	H.B. 5308	Failed
Florida	H.B. 1139	Failed
	S.B. 490	Failed
Illinois	H.B. 5617	Failed
Louisiana	H.B. 372	Failed
	H.B. 833/H.B. 1159	Failed
Massachusetts	H 4298	Failed
	S 2348	Failed
Maryland	H.B. 1136	Failed
	H.B. 1466	Failed


State	Legislation	Status
Michigan	H.B. 5618	Enacted
	H.B. 5619	Enacted
	H.B. 5620	Enacted
Minnesota	H.F. 3041	Failed
	H.F. 3313	Failed
	S.F. 2898	Failed
Mississippi	H.B. 67	Failed
	H.B. 1071	Failed
New York	A 6791	Failed
	A 8396	Failed
	S 5447	Failed
South Carolina	H 4828	Failed
Utah	H.B. 460	Enacted
Virginia	S.B. 458	Failed

Note: Louisiana introduced companion bills.

Examples of Enacted State Legislation in 2016


 **California:** [A.B. 1014](#) establishes the [Learning Communities for School Success Program](#). The program provides grants to local education agencies for planning, implementing and evaluating activities in support of evidence-based, nonpunitive programs and practices to keep students in school who are most at risk for dropping out. These activities include implementing restorative practices, restorative justice models, positive behavioral interventions and supports, trauma-informed strategies or other programs to reduce suspension, school removal and referrals to law enforcement.


 **Michigan:** [H.B. 5619](#) requires that a school board or designee consider using restorative practices — including victim-offender conferences, participation in consequence settings, or restoration of emotional or material losses, among other interventions — for certain offenses.


 **Utah:** [H.B. 460](#) requires the state board of education to create — with input from local schools and law enforcement agencies — a training program on restorative justice, among other things, for law enforcement officers who provide police services to schools and the principals of those schools. This bill also requires school resource officers to emphasize the use of restorative justice to address negative behavior.


Previous Legislative and Policy Activity


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

 **Georgia:** [S.B. 164](#) encourages local boards of education to implement behavioral supports and interventions and [Response to Intervention](#) programs and initiatives, especially in high-need schools, as it relates to school discipline and improved learning environments.

 **Illinois:** [S.B. 100](#) 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 exclusion and justice system involvement and on culturally responsive discipline and practices that promote healthy and positive school climates.

 **Indiana:** [H.B. 1635](#) allows grants from the [Secured School Safety Grant Program](#) to provide both schoolwide programs to improve school climate and professional development and training in alternatives to suspension and expulsion. This bill also requires the department of education to develop guidelines for preparing teachers to successfully apply classroom behavioral management strategies, including culturally responsive methods, that are alternatives to suspension and expulsion.

 **Louisiana:** [S.R. 130](#) requests that the state board of elementary and secondary education and the state department of education study the effectiveness of positive behavioral interventions and supports in the state's public schools and [report](#) findings to the legislature.

 **Texas:** [H.B. 2684](#) requires the development of a model training curriculum for school district peace officers and school resource officers. The curriculum is required to include learning objectives on restorative justice techniques and positive behavioral interventions, among other topics.

Resources

[Addressing the Root Causes of Disparities in School Discipline](#)

[National Clearinghouse on Supportive School Discipline](#)

[Restorative Justice in U.S. Schools: A Research Review](#)

[The Council of State Governments Justice Center](#)

[Unlocking the Door to Learning: Trauma-Informed Classrooms and Transformational Schools](#)

[Trauma-Informed Classrooms](#)

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. *Civil Rights Data Collection: Data Snapshot—School Discipline* (Washington: U.S. Department of Education Office for Civil Rights, March 2014), <https://ocrdata.ed.gov/downloads/crdc-school-discipline-snapshot.pdf>.

AUTHOR

Alyssa Rafa is a policy analyst at Education Commission of the States. She has her master's degree in international relations from the University of Denver. When she's not investigating trends in school discipline legislation, you can find her refining her rock-climbing skills or enjoying a day of snowshoeing with her husband. Contact Alyssa at arafa@ecs.org or **303.299.3691**.

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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