Examining Commitment to Prevention, Equity, and Meaningful Engagement: A Review of School District Discipline

Policies

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Citation

Abstract

Although there is increasing awareness of policy decisions contributing to disproportionality in exclusionary practices, few studies have empirically examined common elements of discipline policies across the nation. We utilized a methodological review and the Checklist for Analyzing Discipline Policies and Procedures for Equity (CADPPE) to examine the extent to which current policies reflect recommendations from research regarding best practices for encouraging appropriate behaviors and preventing undesired behaviors, as well as correlations between those policies and exclusionary disciplinary outcomes for all students of color and students of color with disabilities. Data came from 147 district discipline policies and disciplinary outcomes (i.e., suspension and expulsion) from all 50 U.S. states and the District of Columbia. The analyses indicated the majority of policies do not include most of the research-based recommendations for preventing the overuse of exclusionary practices. Furthermore, there was no correlation found between CADPPE ratings and the risk ratios for exclusionary discipline for students of color and students of color with disabilities. Implications for policy development and implementation and limitations are provided.

The evidence detailing the disproportionate use of exclusionary practices (e.g., suspension and expulsion) with students of color (i.e., students from any non-White racial or ethnic group), particularly Black students, has been documented extensively in the literature (Skiba et al., 2013). Due to the disparities in access to instruction, academic achievement, and discipline outcomes between White and Black students (U.S. Department of Education, Office for Civil Rights, 2018), the issue of school disciplinary practices has garnered the attention of educators, administrators, researchers, state and federal education agencies, and educational organizations. While focus around this issue has mainly included the need to use alternative practices, such as positive behavioral interventions and supports (PBIS) or restorative practices, less attention has been paid to addressing these issues through policy development. Due to the inequitable receipt of exclusionary practices by students of color and lack of proven effectiveness of such punitive practices, district discipline policies or codes of conduct, especially those that include exclusionary practices, warrant evaluation and revision. The purpose of this study was to examine commonalities between district discipline policies and explore correlations between policies and the use of exclusionary discipline.

Background and Context

In 1978, the Safe School Study was conducted by the National Institute for Education in response to a request from Congress for information regarding the extent of crime or violence in schools and how these actions could be prevented. Findings from the report indicated that among other practices, administrators who instituted "a firm, fair, and

consistent system of discipline" was the difference between safe schools and violent schools (National Institute of Education, 1978, p. iv). The Safe School Study report resulted in the largest shift toward the consistent use of written policies on discipline and codes of conduct within schools and districts (National Institute of Education, 1978). Swiftly following the report, the National School Resource Network (1980) published a set of guidelines on developing effective codes of conduct for discipline. These early efforts made clear that discipline codes of conduct were to be used as a positive way of providing clear guidelines for behavior that would likely result in educational and rehabilitative practices, the consistent and equitable application of rules, and safe schools (Fenning & Bohanon, 2006).

After a series of shootings and killings in U.S. schools, federal legislators passed the Gun-Free Schools Act (GFSA) of 1994 that mandated school districts develop and adopt zero-tolerance gun policies to remove firearms from schools (Mongan & Walker, 2012). The passing of the GFSA served as an expansive approach to increase social control in U.S. schools and included two main objectives: (a) reduce possession of weapons on school campuses and (b) reduce school violence and violence at school-sponsored events (Mongan & Walker, 2012). Any violation of the policy resulted in mandatory expulsion for the student for up to 1 year unless the expulsion would violate the Individuals with Disabilities Education Act (IDEA) or if the local education agency modified the requirement for extenuating circumstances. The adoption of zero-tolerance gun policies assisted other temporal trends (e.g., get tough on crime and mass shootings) in the development of discipline policies (also termed codes of conduct) that continued to validate the removal of students for a vast array of behaviors.

After more than a decade of focusing on school shootings, the search continued for effective methods to curb other undesired behaviors found in schools. U.S. schools began adopting zero-tolerance policies for infractions such as fighting, drug or alcohol use, gang activity, possessing over the counter medications, disrespect of authority, sexual harassment, verbal threats, vandalism, and other behaviors considered to threaten the functioning of the school environment and the learning of other students (Skiba & Peterson, 2000). However, zero-tolerance policies are theoretically unsound and exacerbate the overrepresentation of students of color and students with disabilities receiving exclusionary practices for minor and subjective behaviors unrelated to weapons or drugs (Losen, 2013; Mongan & Walker, 2012; Skiba & Peterson, 2000).

Although definitions vary, general consensus posits exclusionary practices are methods of varying levels of intensity (e.g., time-out to expulsion) used by schools and districts to remove a student from their least restrictive environment (e.g., classroom or school) after having exhibited undesired behavior. Exclusionary practices have contributed to a discipline gap, in which students of color and students with disabilities receive harsher and more frequent suspensions and expulsions than their peers from dominant cultural and socioeconomic environments (Kennedy-Lewis, 2014). The focus of this study was on the use of out-of-school suspensions and expulsions, as these practices have been found to yield the most negative of long-term student outcomes, including academic failure, dropout, substance abuse, and incarceration (Noltemeyer et al., 2015; Skiba et al., 2013). Furthermore, disparities between the rates of exclusionary practices received by students of color and their White peers have been strongly documented. For example, researchers have found that school administrators often apply zero-tolerance expulsion policies disproportionately for males, students of color from low-income environments, and individuals receiving special education services (Losen & Skiba, 2010).

Suspension

Disparities in rates of suspension can be found among students in K–12 schools. Risk ratios are commonly used to measure and summarize disparity data. Risk ratios compare the proportion of students in a reference group who receive a specified exclusionary practice (i.e., in-school suspension [ISS], out-of-school suspension [OSS], and expulsion), compared with the proportion of a comparison group who also receive the specified exclusionary practice (Albrecht et al., 2012). A risk ratio greater than 1.0 communicates an overrepresentation of the reference group, while a risk ratio less than 1.0 communicates an underrepresentation of the reference group for the specified practice. Findings from the Civil Rights Data Collection survey indicate Black students are 3.8 times more likely to receive one or more OSS compared with their White peers (U.S. Department of Education, Office for Civil Rights, 2016). Other male students of color (i.e., Alaska Native, Latinx, Native Hawaiian or other Pacific Islander, and multiracial) and Native American students combined represent 15% of the population but reflect 19% of students who received OSS. These disparities continue for students of color with disabilities.

Students with disabilities represent about 12% of the K–12 population but are more than 2.0 times as likely to receive one or more OSS as students without disabilities (U.S. Department of Education, Office for Civil Rights, 2016). More than one of five Native American or Alaska Native (23%), Native Hawaiian or other Pacific Islander (23%), Black (25%), and multiracial (27%) males with disabilities received one or more OSS, compared with one of 10 White males with disabilities (U.S. Department of Education, Office for Civil Rights, 2016). About 20% of multiracial females with disabilities received OSS, compared with 5% of White females with disabilities (U.S. Department of Education, Office for Civil Rights, 2016).

Expulsion

Students of color also receive a disproportionate number of expulsions from school. According to the Civil Rights Data Collection survey (2016), when compared with their White peers, Black students receive 1.9 times more expulsions from school and are 2.2 times more likely to receive a referral to law enforcement or be subject to school-related arrests (U.S. Department of Education, Office for Civil Rights, 2016).

The application of exclusionary practices further exacerbates the negative outcomes experienced in schools by students of color and students with disabilities (e.g., increased risk of poor academic achievement due to time away from the learning environment, more likely for school dropout; Losen, 2018; Skiba et al., 2011). Furthermore, data suggest that discipline disparities across racial groups may be reflective of differential use of policies by school personnel (Skiba et al., 2011).

Previous Exclusionary Policy Research

While an abundance of research has focused on alternatives to exclusionary practices to mitigate the discipline gap between students of color and their White peers (Gregory et al., 2016; Smolkowski et al., 2016), less research has explored the relationship between discipline policies and the likelihood of receiving exclusionary practices. Hoffman (2014) conducted one of the first studies examining the causal impact of expanding discipline policies to include zero-tolerance policies on racial disparities in school discipline practices among secondary students in one mid-size urban district. Results indicated that recommendations for expulsion were worsened under the expansion of the district's zero-tolerance policy. For example, Black students comprised approximately 75% of the increase in recommendations for expulsion under the expanded zero-tolerance policy despite representing just under 25% of the secondary students in the district. Additional findings indicated that Black students lost an additional 700 days of instruction after the expansion of zero-tolerance policies. Similar results were found by Curran (2016). Using state data from all 50 U.S. states, Curran (2016) examined the effect of state-level zero-tolerance laws on rates of suspension. Findings from the study indicated state zero-tolerance policies were predictive of a 0.5% increase in district suspension rates as well as larger increases in suspension rates for Black students compared with White students. In another study, Curran (2017) compared explicit zero-tolerance laws and policies (i.e., laws and policies explicitly termed "zero tolerance") across federal and state law, district policy, and media interpretation. Findings demonstrated that explicit zero-tolerance laws and policies appeared in less than 14% of states or districts. Mandatory expulsion laws and policies

(i.e., laws and policies that require expulsion for a given offense) were more common in districts serving high percentages of students of color (Curran, 2017). Disparities in practices such as these have led to federal regulation changes that include practices aimed at alleviating the disparity gaps in discipline, such as the use of PBIS.

Federal Regulations: The Call for PBIS

Due to reports of consistent disparities and negative outcomes for students of color, the U.S. Department of Education (ED) provided several guidance documents to assist local education agencies (LEAs) in mitigating discipline gaps. In 2009 with the start of the Obama Administration, the Civil Rights Data Collection survey expanded its variables to include disaggregated discipline data by race and ethnicity, sex, IDEA disability categories, and other subgroups. As a result, findings of inequitable discipline practices between students of color and their White peers emerged, leading to several documents (e.g., "Dear Colleague Letters") from ED addressing these disparities (U.S. Department of Education, Office for Civil Rights, 2016). "Dear Colleague Letters" provided guidance to LEAs on how to address and reduce disciplinary disparities, which included the revision of discipline policies. The Dear Colleague Letters strongly urged districts to abandon zero tolerance and exclusionary discipline policies in codes of conduct (Lhamon & Gupta, 2014) and replace them with preventive and instructional alternatives. In addition, the letters provided direction on how schools could manage discipline equitably and recommend the use of multitiered behavioral frameworks such as PBIS to improve school climate, culture, safety, and achievement for all students.

While previous research has analyzed school disciplinary policies and codes of conduct (Curran, 2016, 2017; Hoffman, 2014), this study extends the research base by (a) reviewing district codes of conduct across the United States and (b) directly aligning the analysis of codes of conduct to empirical and evidence-based practices used within the PBIS framework. This is important given the aforementioned links between systems-level supports and long-term sustainability and scale-up (Saldana et al., 2012). Ultimately, if policies are not founded on evidence-based practices, such as the use of PBIS frameworks, there is decreased chance of sustainability and long-term impact.

The purpose of this exploratory study was to examine commonalities between district discipline policies and explore the relationship between policies and the use of exclusionary discipline. The following research questions were addressed:

Research Question 1 (RQ1): What common elements exist in district discipline policies across the 50 U.S. states and the District of Columbia?

Table 1. Enrollment by Race/Ethnicity for All Students and Students With Disabilities.

Descriptives	White	Hispanic	African American	Asian	American Indian	Native Hawaiian	Two or more races/ethnicities
			All students				
Total	2,754,361.49	2,523,497.39	2,108,936.61	510,619.76	68,639.24	40,389.85	311,422.47
M	19,261.27	17,646.83	14,747.81	3,570.77	479.99	282.45	2,177.78
Median	13,089.60	5,411.61	4,152.75	1,005.77	226.76	66.32	1,040.88
SD	17,437.97	45,237.84	23,899.32	7,299.81	696.39	742.79	3,549.92
Min.	408.07	37.37	44.74	29.15	0.00	0.00	0.00
Max.	91,434.27	426,613.57	157,485.53	59,825.58	4,088.50	6,001.31	27,201.37
			Students with disabilities				
Total	333,270.04	308,148.00	296,319.44	26,601.66	24,456.13	8,928.45	26,016.35
M	2,330.56	2,154.88	2,072.16	186.03	171.02	62.44	181.93
Median	1,591.82	652.75	620.89	24.51	0.00	0.00	55.16
SD	2,130.64	5,235.00	3,334.99	471.34	1,486.59	676.31	308.56
Min.	7.53	0.00	0.00	0.00	0.00	0.00	0.00
Max.	10,953.51	48,858.58	24,055.64	3,899.23	17,758.00	8,087.30	2,214.87

Note. All statistics calculated from data retrieved from the 2013-2014 Civil Rights Data Collection survey. New York State school districts are excluded from the sample. Min. = minimum value; Max. = maximum value.

Research Question 2 (RQ2): What is the relationship between themes found in a district's discipline policy and the risk ratio of ISS, OSS, and expulsion for students of color with disabilities compared with White students with disabilities?

Research Question 3 (RQ3): What is the relationship between themes found in a district's discipline policy and the risk ratio of ISS, OSS, and expulsion for all students of color compared with all White students?

Method

This review was conducted in six phases beginning in the Fall of 2016 and concluded in the Spring of 2017. Phase 1 consisted of the research team (i.e., five doctoral candidates and the first author) developing the Checklist for Analyzing Discipline Policies and Procedures for Equity (CADPPE; see attached) by reviewing and adapting previous checklists and recommendations for discipline policies found in the literature (Fenning & Bohanon, 2006; Green et al., 2015; Longstreth et al., 2013). In Phase 2, the research team gathered a list of the three largest school districts in each state and the District of Columbia (D.C.) by enrollment size through a search of the National Center for Educational Statistics (NCES) website. In Phase 3, the research team searched each district's webpage and collected the most current, available discipline policy documents (i.e., code of conduct and/or parent and student handbook). In Phase 4, the research team participated in training on the use of CADPPE. In training, research team members independently coded three of the included policies to ensure consistent interpretation of the checklist. The first and second policies were used as practice for coding and clarification.

Notes related to the usability of the CADPPE were taken to make revisions in the next phase. The third policy was used to qualify (i.e., required to meet at least 80% reliability with the first author) research team members as coders. In Phase 5, we made the indicated revisions from Phase 4 to the CADPPE and analyzed each policy with the finalized CADPPE measure in electronic form. In phase six, the second author conducted a search of the Civil Rights Data Collection survey website for the 2013–2014 school year and downloaded the Discipline Report for each district for the 2013–2014 school year. Demographic and risk ratio statistics were calculated from the retrieved reports.

Sample

The sample of 147 policies included documents from the three largest public-school districts by student enrollment in all 50 states of the United States and the District of Columbia. Table 1 contains descriptive statistics for enrollment of all students and students with disabilities across all districts included in the sample. The districts included in the sample represented 0.24%–100% of the public-school districts in each state (*M* = 7.88%, *SD* = 23.43) and 0.84% of the public-school districts in the nation. We selected this sample to represent a diverse student body and the largest number of students in each state. In addition, larger districts are more inclined to have functioning websites where codes of conducts are updated and accessible to the public.

Hawaii and the District of Columbia each contained only one public school district within their geographical boundary, and the three largest districts in New York used the same policy. As a result, the review included a single discipline policy from the District of Columbia, the state of

Hawaii, and New York City Public Schools, respectively. Public school policies were used because disciplinary policies within private, parochial, and charter schools vary greatly as does the extent to which they are required to meet federal requirements. Publication dates attributed to policies reviewed ranged from 1991 to 2016.

Demographic and Discipline Data

Identifying variables collected from the Civil Rights Data Collection survey included state name, district name, and school level(s) for each policy (e.g., primary, secondary, and early childhood). After recording identifying variables for the included school districts, we calculated the district enrollment for all students in each racial/ethnic groups as defined by the U.S. Department of Education, Office for Civil Rights (2014), and calculated the number of exclusionary discipline incidents (i.e., ISS, OSS, and expulsion) for each racial/ethnic group. The survey included the total number of students enrolled and a percentage of students from each racial/ethnic group. Our enrollment data were calculated by multiplying the total enrollment by the percentage associated with the racial/ethnic group. Similarly, the survey included a total number of incidents for each exclusionary practice and percentages of incidents associated with each racial/ethnic group. Again, we calculated the number of each type of incident for each racial/ethnic group by multiplying the total number of incidents by the percentage associated with the group. The survey also included the same demographic and disciplinary information reported for only students with disabilities. We repeated demographic and exclusionary practice calculations for students with disabilities in each school district. The Civil Rights Data Collection surveys did not distinguish between the districts within New York City Public Schools. As a result, New York City Public Schools data were not included in the data set.

Once all demographic and exclusionary practice values were calculated, we calculated risk indices and risk ratios using formulas provided by the Office of Special Education Programs (OSEP) Technical Assistance Center on PBIS (McIntosh, Barnes, Eliason, & Morris, 2014). Typically, the risk index is described as the proportion of students from a target group who have experienced the outcome of interest (Girvan et al., 2019). The Civil Rights Data Collection survey reports the number of incidents rather than the number of individual students experiencing exclusionary practices. Therefore, for the purposes of this study, we calculated the risk index for incidents, as described by Girvan et al. (2017) using the following equation:

$$\text{Risk Index} = \frac{\text{No. of Incidents Associated with Students in the Target Group}}{\text{Total No. of Students in the Target Group}}.$$

While these risk indices provide a measure of the risk of an exclusionary practice involving a student from the target group, they do not allow comparison between multiple target groups (Boneshefski & Runge, 2014; Girvan et al., 2019). Therefore, we also calculated risk ratios. We calculated risk ratios using the following equation:

$$\text{Risk Ratio} = \frac{\text{Risk Index for Target Group}}{\text{Risk Index for Comparison Group}}.$$

As with the demographic data, we calculated risk indices and risk ratios for the total student enrollment and repeated the calculations for students with disabilities. For the risk ratios for all students, White students served as the comparison group. For the risk ratios for students with disabilities, White students with disabilities served as the comparison group.

Policy Coding

The CADPPE was used to analyze the district policies. The CADPPE was developed using Green et al.'s (2015) "7 Key Elements of Effective Policy to Enhance Equity in School Discipline" and revised items from previously developed policy assessments and checklists (Fenning & Bohanon, 2006; Longstreth et al., 2013) and is aligned with *Rethinking School Discipline: School District Leader Summit on Improving School Climate and Discipline, Resource Guide for Superintendent Action* (U.S. Department of Education, 2015). The CADPPE is composed of 45 checklist items scored dichotomously (i.e., present and not present) and covers the following eight elements: (1) specific commitment to equity; (2) family/community partnerships in policy and procedure development and practice; (3) focus on implementing positive, proactive behavior support practices; (4) clear, objective discipline procedures; (5) absence, removal, or reduction of exclusionary practices; (6) graduated discipline systems with instructional alternatives to exclusion; (7) procedures with accountability for equitable student outcomes; and (8) equity in early childhood settings.

Interrater Reliability

To measure reliability, 28.5% ($n = 42$) of the district policies were independently coded twice by two members of the research team for exact agreement on each CADPPE item. Interrater reliability (IRR) was calculated using percent agreement; dividing the number of agreements by the total number of items on the checklist and multiplying by 100 (agreements ÷ 45 total checklist items × 100). When there was a disagreement between the two coders, a third member of the research team independently coded the

discrepancy item within the policy a third time to reach 100% agreement.

Data Analysis

District discipline policies were coded to examine a variety of policy components referred to as Elements on the CADPPE. The CADPPE was used to analyze policies that may promote equitable school discipline practices. For example, policies including family and community involvement in the creation and implementation of evidence-based discipline practices may promote a more equitable environment when compared with policies that include the blind use of exclusionary discipline.

After all policies were coded and data entry completed, basic descriptive statistics were calculated for each question and each scale of CADPPE. In addition, a Pearson product–moment correlation was run to determine the relationship between the total percentage score on the checklist and the risk ratios for ISS, OSS, and expulsion.

Results

RQ1: What Common Elements Exist in District Discipline Policies Across the 50 U.S. States and the District of Columbia?

The average score for each element of the CADPPE is reported in Table 2. Table 2 also includes the number of policies reviewed for each item and the number of policies in which the item was rated present are reported. The mean percentage of items rated present, for the entire instrument, was 19.14% (SD = 12.76, range = 0%–58.54%). The mean percentage of items rated present for each element ranged from 4% to 59.18%. Element 4 (clear, objective discipline procedures) and Element 5 (absence, removal, or reduction of exclusionary practices) had the highest average scores (59.18% and 33.16%, respectively). Element 7 (procedures with accountability for equitable student outcomes) had the lowest average score at 3.99%.

RQ2: What Is the Relationship Between Themes Found in a District's Discipline Policy and the Risk Ratio of ISS, OSS, and Expulsion for Students of Color With Disabilities Compared With White Students With Disabilities?

Table 3 contains descriptive statistics regarding the risk ratios for ISS, OSS, and expulsion for students with disabilities. For students with disabilities, the risk ratios for ISS ranged from 0.86 to 3.89 indicating students from most racial/ethnic groups were disproportionately involved in

more incidents compared with their White peers with disabilities. A similar trend was evident for OSS where risk ratios ranged from 1.23 to 3.65. However, the risk ratio for expulsion ranged from 0.30 to 3.39.

Correlations between the score on the CADPPE and risk ratios for each form of exclusionary practice for students with disabilities are reported in Table 4. None of the correlations between the CADPPE ratings and the risk ratios for exclusionary practice were statistically significant (p = .05). In addition, all the correlations were extremely small, ranging from −0.19 to 0.23.

RQ3: What Is the Relationship Between Themes Found in a District's Discipline Policy and the Risk Ratio of ISS, OSS, and Expulsion for All Students of Color Compared With All White Students?

Table 3 contains descriptive statistics regarding the risk ratios for ISS, OSS, and expulsion for all students. For all students, the risk ratios for ISS ranged from 1.09 to 4.00 indicating students from all racial/ethnic groups were disproportionately involved in more incidents compared with their White peers. Similar trends were evident for OSS where risk ratios ranged from 0.87 to 5.82, and expulsions where risk ratios ranged from 0.84 to 7.69. In particular, the risk ratio for each type of exclusionary practice was highest for students identifying as African American. Correlations between the score on the CADPPE and risk ratios for each form of exclusionary practice for all students are reported in Table 4. None of the correlations between the CADPPE ratings and the risk ratios for exclusionary practice were statistically significant (p = .05).

IRR

For the policies coded by two coders, mean agreement was 87.93% (range = 66.66%–100.00%). After the third coder reviewed the discrepancies, there was a discussion between the third coder and the coder whose coding was in disagreement, and agreement was reached yielding 100% agreement on all policies coded for IRR. Most disagreements were from checklist Item 1 (i.e., Does the discipline policy/procedure contain a mission/goal statement?); Item 2 (i.e., Does the mission statement have specific language that expresses a commitment to equity or equitable outcomes [e.g., racial, cultural, ability, decrease suspension for a certain group]?); Item 13 (i.e., Are behavioral expectations provided?); and Item 14 (i.e., Are the behavioral expectations defined positively, clearly identifying what successful demonstration of skills looks like in context, vs. identifying what not to do?) where criteria or definitions were less clear.

Table 2. CADPPE Element Average Score and Item Frequencies.

Item	Descriptor	# Scored	# Present (%)
Element 1: Specific commitment to equity			
M = 0.56 (*SD* = 0.91, range = 1-3)			
1	Mission/goal statement	147	49 (33.33)
2	Language expressing commitment to equity	49	15 (30.61)
3	Explicit language related to equity	49	3 (6.12)
4	Clearly articulated long-term objective	49	16 (32.55)
Element 2: Family/community partnerships in policy and procedure development and practice			
M = 1.67 (*SD* = 1.35, range = 0-6)			
5	Seeking input from a range of families	147	17 (36.17)
6	Writing plan for providing information to families	147	44 (29.93)
7	Regular evaluation of efficacy of family involvement	147	7 (4.76)
8	Opportunity to develop, implement, review, and revise	147	20 (13.60)
9	Proactive collaborations to promote prosocial behavior	147	26 (17.68)
10	Reactive collaborations to promote prosocial behavior	147	126 (85.71)
11	Obtaining contextually/culturally relevant information	147	3 (2.04)
12	Embedding behavior plan goals/objectives into home routines	147	2 (1.36)
Element 3: Focus on implementing positive, proactive behavior support practices			
M = 1.19 (*SD* = 1.42, range = 0-5)			
13	Behavioral expectations provided	147	64 (43.53)
14	Defined positively	64	49 (33.33)
15	Behavior expectations which vary across setting	147	21 (14.29)
16	Prosocial behaviors operationally defined	147	12 (8.16)
17	Prevention model with instructional foci		
18	Prosocial behaviors culturally relevant		
19	Focus on support structure for implementation	147	16 (10.88)
20	Practices to reinforce prosocial behaviors	147	13 (8.84)
Element 4: Clear, objective discipline procedures			
M = 1.77 (*SD* = 1.05, range = 0-3)			
21	Clear delineations between major and minor incidents	147	75 (51.02)
22	Problem behaviors operationally defined	147	110 (74.83)
23	Rights and responsibilities for adults and students defined	147	76 (51.70)
Element 5: Absence, removal, or reduction of exclusionary practices			
M = 1.33 (*SD* = 0.98, range = 0-4)			
24	Zero tolerance included as practice/strategy	147	106 (72.11)
25	Use of exclusionary discipline restricted for nonviolent behaviors	147	13 (8.84)
26	Clear communication of limitation of suspension expulsion	147	21 (14.29)
27	Descriptions of guidelines for using alternative to suspension	147	55 (37.41)
Element 6: Graduated discipline systems with instructional alternatives to exclusion			
M = 1.11 (*SD* = 1.75, range = 0-6)			
28	Provides possible instructional responses to replace punitive responses	147	41 (27.89)
29	One or more evidenced-based strategies	41	22 (53.65)
30	Universal strategies included	147	32 (21.77)
31	Secondary strategies included	147	23 (15.65)
32	Tertiary strategies included	147	24 (16.33)
33	Process for assessing academic support needs	147	22 (53.65)
Element 7: Procedures with Accountability for Equitable Student Outcomes			
M = 0.31 (*SD* = 1.07, range = 0-7)			
34	Communicates a process for preparation/training of staff	147	10 (6.80)
35	Communicates a plan for data analysis	147	12 (8.16)
36	Communicates need for disaggregated data	12	9 (75.00)
37	Communicates need for data analysis through team meetings	12	3 (25.00)
38	Communicates need for data-based decision making	12	9 (75.00)
39	Includes a plan for regular sharing with stakeholders	12	3 (25.00)
40	Describes how success of policy/procedure is measured	12	1 (8.33)
41	Provides for formative and summative evaluations	12	0 (0.00)

Note. Items indented are only scored if the item immediately preceding was scored "Present," in the same policy. # Scored = number of policies reviewed for presence of the item, # Present = number of policies scored as containing the item. CADPPE = Checklist for Analyzing Discipline Policies and Procedures for Equity.

Table 3. Risk Ratios for Exclusionary Practices for All Students and Students With Disabilities.

Race/ethnicity	All students			Students with disabilities		
	M	Median	*SD*	*M*	Median	*SD*
In school suspension						
Hispanic	2.50	1.51	6.12	2.10	1.36	2.60
African American	4.00	2.89	6.34	3.22	2.39	3.69
Asian	1.09	0.54	3.29	1.27	0.68	2.60
American Indian	2.77	1.91	4.95	3.89	0.00	8.13
Native Hawaiian	1.93	0.91	4.42	0.86	0.00	3.33
Two or More Races/Ethnicities	2.34	1.69	4.24	3.20	2.36	4.48
Out-of-school suspension						
Hispanic	3.74	1.56	14.48	2.17	1.35	3.50
African American	5.82	3.32	25.01	3.65	2.60	4.87
Asian	0.87	0.55	3.27	1.23	0.67	3.19
American Indian	4.43	2.24	20.44	2.89	1.36	4.26
Native Hawaiian	3.31	0.82	21.92	1.32	0.00	4.08
Two or more Races/ethnicities	4.39	2.01	22.27	3.46	2.57	3.69
Expulsion						
Hispanic	1.74	1.13	3.61	3.39	0.75	14.26
African American	7.69	2.76	24.67	3.35	1.68	7.78
Asian	0.91	0.00	3.46	0.30	0.00	1.09
American Indian	1.62	0.00	4.28	0.58	0.00	2.59
Native Hawaiian	0.84	0.00	4.27	1.87	0.00	12.77

Note. Risk ratios calculated from 2013-2014 Civil Rights Data Collection survey using White students as the comparison group for all students and White students with disabilities for Students with Disabilities. New York school districts are excluded from the sample.

Discussion

A review of 147 district discipline policies was conducted using a 45-item checklist across the three largest school districts, by enrollment size, in all 50 U.S. states and D.C. This review adds to the literature base of discipline policy reviews (Curran, 2016, 2017; Fenning & Rose, 2007; Longstreth et al., 2013; Payne & Welch, 2015; Welch & Payne, 2010, 2012) as the first to methodically explore policies across the nation using a systematic approach. District discipline policies were reviewed and scored for recommended elements using the CADPPE. In general, findings indicated school disciplinary policies across the sample included less than half of the recommended elements. These results align with previous research demonstrating that district policies have moved away from their positive and proactive foundational intent (Fenning & Bohanon, 2006) to more punitive and reactive practices that disproportionately target and harm students of color and students with disabilities (Curran, 2016).

As research continues to evolve related to the understanding of how interventions and supports are actually implemented with success in complex systems, such as education, we are beginning to better understand elements that are critical to the adoption and scaling up of evidence-based practices. This area of specialization is known as implementation

science (Bauer et al., 2015). New scales developed by implementation researchers have identified critical elements in the stages of implementation that predict full scale use and sustainment of evidence-based practices (Saldana et al., 2012). Clear guidelines and policies are two critical elements predictive of improved long-term uptake and sustainability of evidence-based practices (Saldana et al., 2012). Given the link between implementation-related factors and long-term sustainability, the OSEP Technical Assistance Center on PBIS has been especially attuned to the necessary partnership between policy and practice as well as the importance of using implementation science. The Center regularly provides resources related to the use of implementation science for improving the integration of PBIS practices (e.g., Lewis et al., 2010). In fact, the national PBIS website (pbis.org) provides many resources on integrating policy and specialized implementation supports for facilitating improved use and sustainment of its practices (e.g., Green et al., 2015; Swain-Bradway et al., 2018). Yet, in spite of these well-developed resources, there is little information available on whether local education agencies have integrated these supports and frameworks into their policies and practices for reducing disparities. Therefore, it becomes critical to examine local policies and guidance on discipline processes and determine whether they are aligned with evidence-based practices.

Table 4. Correlation Between Risk Ratios for Exclusionary Practices and Total Checklist Score for All Students and Students With Disabilities.

Exclusionary Practices	1	2	3	4	5	6	7
In school suspension							
1. Hispanic risk ratio	–	−.06	−.13	.02	.02	.04	−.11
2. African American risk ratio	.14	–	.341**	−.03	.10	.05	−.01
3. Asian risk ratio	.807**	−.06	–	.01	.04	−.02	.03
4. American Indian risk ratio	.244**	.757**	.03	–	.262**	−.04	.01
5. Native Hawaiian risk ratio	.306**	−.03	.504**	.05	–	−.10	.02
6. Two or more races/ethnicities risk ratio	.227**	.691**	.05	.758**	.04	–	−.08
7. CADPPE percent score	−.02	.02	−.07	.07	−.10	.07	–
Out-of-school suspension							
1. Hispanic risk ratio	–	.01	−.08	−.09	.08	.15	−.14
2. African American risk ratio	.771**	–	−.03	−.02	.02	.11	−.08
3. Asian risk ratio	.773**	.984**	–	−.08	.02	.10	.08
4. American Indian risk ratio	.767**	.983**	.982**	–	.294**	.09	−.10
5. Native Hawaiian risk ratio	.764**	.989**	.985**	.985**	–	−.05	.00
6. Two or more races/ethnicities risk ratio	.752**	.981**	.976**	.974**	.979**	–	.05
7. CADPPE percent score	−.12	−.04	−.06	−.04	−.02	.00	–
Expulsion							
1. Hispanic risk ratio	–	.16	0.15	−0.04	−.02	−.07	.09
2. African American risk ratio	0.02	–	0.04	−0.01	−.06	−.06	.05
3. Asian risk ratio	−0.04	.02	–	0.05	−.04	.23	−.17
4. American Indian risk ratio	0.03	−.06	−0.01	–	−.02	−.03	−.04
5. Native Hawaiian risk ratio	−0.03	−.04	−0.04	.367**	–	−.07	.03
6. Two or more races/ethnicities risk ratio	−0.06	−.01	−0.04	0.00	−.04	–	.23
7. CADPPE percent score	−0.06	.00	−.19	.10	.09	−.08	–

Note. The results for students with disabilities are shown above the diagonal. The results for all students are shown below the diagonal. Risk ratios calculated from 2013-2014 Civil Rights Data Collection survey using White students as the comparison group for All Students and White students with disabilities for Students with Disabilities. New York school districts are excluded from the sample. CADPPE = Checklist for Analyzing Discipline Policies and Procedures for Equity.
**$p < .01$ level.

Implications for Policy Development

For districts to develop a truly comprehensive and evidence-based system of supports related to school discipline, district policy makers must engage in a review of disciplinary policy. Furthermore, ongoing policy review plays an essential role in verifying that policies continue to function to increase positive, preventive, and equitable practices for all students (Curran, 2017). Efforts to review and reform policy should (a) evaluate current policies using tools and checklists, such as CADPPE, that function to increase positive, preventive, and equitable practices (Fenning & Bohanon, 2006; Green et al., 2015; Longstreth et al., 2013); (b) create or review discipline policies with key stakeholders that include families and individuals representative of the community served to ensure policies promote and support evidence-based, culturally responsive, and equitable practices in school discipline (Fenning & Bohanon, 2006); (c) create or review policies to ensure inclusion of methods and procedures for proactively and directly teaching appropriate prosocial, replacement behaviors along all tiers of support (universal, secondary, and tertiary); (d) embed language in policies to eliminate use of exclusionary discipline for nonviolent behaviors to avoid disproportionate impact to particular groups of students (Lhamon & Gupta, 2014; McIntosh, Girvan, Horner, & Smolkowski, 2014); (e) include clear definitions of expected behaviors and operationally define the differences between major and minor behaviors (Green et al. 2015); and (f) consider the development of policies including comprehensive processes specific to all ages, including early childhood systems as students of color in preschool are also receiving disproportionate rates of exclusionary practices (Gilliam & Shahar, 2006).

Implications for Policy Implementation

Despite a growing research base indicating more effective and less discriminatory alternatives to the use of exclusionary practices (Losen, 2013; McIntosh, Girvan, Horner, Smolkowski, & Sugai, 2014), the findings from this review indicate the possibility of a research-to-practice gap in the area of school discipline policy. This gap mirrors the

research indicating difficulty with implementation of evidence-based practices in applied settings (Cook & Odom, 2013; Fixsen et al., 2009). Therefore, efforts to decrease a potential research-to-practice gap related to discipline policies should (a) embed procedures to establish proactive relationships and communication systems with families into school discipline policies (Green et al., 2019); (b) establish procedures for regular review of data to ensure ongoing evaluation of needs and supports related to discipline practices (McIntosh, Girvan, Horner, Smolkowski, & Sugai, 2014); (c) create a system of ongoing training and professional development for staff related to school discipline (e.g., sworn law enforcement officers [SLEOs], school resource officers [SROs], and crisis management team) including teaching preventive strategies and clear alternatives to suspension and expulsion (Losen, 2013); and (d) ensure staff and school leadership are trained in and understand vulnerable decision points (i.e., specific contextual events or elements where implicit bias may yield increased rates of disproportionate disciplinary practices) and implicit bias (i.e., unconscious beliefs about an individual; McIntosh, Girvan, Horner, Smolkowski, & Sugai, 2014).

A history of research clearly demonstrates the long-standing benefits of PBIS compared with traditional disciplinary techniques (Mitchell et al., 2018); yet, traditional practices often remain at the forefront of policy and practice in the field of education (Sugai & Horner, 2006). A recent review indicated lower rates of disproportionality in schools implementing PBIS compared with those without PBIS with rates of 3.67 and 4.33, respectively, for the Black/White OSS risk ratio (McIntosh et al., 2018). Although this puts schools implementing PBIS at a lower than average rate of disproportionality, there is still significant room for improvement. Difficulties related to implementation, such as fidelity, may ultimately underlie why supports such as PBIS have not had a larger impact on disproportionate practices in discipline (McIntosh et al., 2018). After all, if an intervention works but is not actually being implemented with fidelity, it means it is not fully reaching the individuals for whom it was intended, limiting its impact on outcomes (Flannery et al., 2014).

One of the five PBIS implementation drivers is "Policy and Systems Alignment" (OSEP Technical Assistance Center on PBIS, 2015). However, supports and direction for the former have been limited. CADPPE, as it is based on effective practices advocated within the PBIS framework, is an example of what that support might look like. Furthermore, research suggests more effective and less discriminatory alternatives to the frequent use of exclusionary practices exist. Based upon changing legislation related to zero tolerance, other exclusionary practices, and evidence-based practices related to school discipline, areas for district improvement should include action to

address both policy and practice. Easily implementable and effective means of revising school discipline policies may improve implementation of systems-wide processes, and more importantly, potentially improve the lives of and outcomes for students, particularly those from historically marginalized groups. By establishing policies of support that span the developmental continuum and range of needs, we can improve outcomes for all students and create a more equitable and effective society.

Limitations

Limitations must be considered when evaluating the findings of this policy review. First, although the CADPPE was developed as a checklist based on other checklists and supported by research, it is not empirically validated; however, researchers and technical assistance providers informally reviewed the checklist for face validity. The preliminary use of the CADPPE in this study provides opportunities for more rigorous research and the validation of the measure. Furthermore, while the checklist scores were low overall, findings demonstrated decreases in disparities among districts with higher scores on the CADPPE. Future research should seek to validate the CADPPE. With validation, given the low reliability of some of the checklist items, future research should seek to provide operational definitions of each checklist item with examples and nonexamples.

A second limitation would be that the review examined district policies. Therefore, generalization of results and interpretations of practices cannot be made at the school level. This is an important area of study as exclusionary practices and potential disproportionality occur at the school level beginning in the classroom with office discipline referrals.

Third, the review did not assess the extent to which policies included guidelines for SLEO or SRO on campus. With the overrepresentation of students of color referred to law enforcement or subject to officer-related arrests (U.S. Department of Education, Office for Civil Rights, 2016), it is critical to evaluate whether policies include training and guidelines for SLEOs and SROs.

Fourth, although the study initially set out to include early childhood policies in the review, those policies were difficult to obtain and were often separate from a district's K–12 policies. Due to the disparities found among preschool children of color (U.S. Department of Education, Office for Civil Rights, 2016), future research should replicate this study using early childhood policies as the variable of focus.

Fifth, policies from charter schools were not included in the sample. Future research should seek to analyze policies found in charter schools as these schools make up large portions of districts in various settings and discipline can look different in these contexts.

Summary

Data from this study demonstrate the importance of exploring the connection between policy implementation and discipline outcomes at the district level. Exclusionary practices are not effective for changing student behavior and have harmful student outcomes (Noltemeyer et al., 2015). Revising discipline policies to include key elements like those assessed in this study could have a positive impact on large numbers of students through a decrease in exclusionary practices.

Declaration of Conflicting Interests

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