

Introduction

Massachusetts is heralded as having one of the top performing public school systems in the nation. On the 2009 National Assessment of Educational Progress (NAEP), Massachusetts' 4th and 8th grade students ranked first in the nation in math for the third time in a row. The state's 4th and 8th graders outscored the nation, and most of their international peers, in math and science on the Trends in International Mathematics and Science Study (TIMSS), the world's largest study of student performance in those subjects.¹ While the average Massachusetts student is outperforming her peers, the state is not educating *all* of its students well. Last year, nearly 8,600 high school students dropped out of Massachusetts public schools.²

Statistics on the economic disparity between those who have completed high school and those who have dropped out, and the related social implications of this disparity, are troubling. Students who drop out have limited job choices, earn low wages and are more likely than high school graduates to engage in criminal activities, have health problems and become dependent on welfare and other government-related assistance.³

Research shows that there are myriad reasons why students drop out of school both nationally and in Massachusetts. Research based on surveys, interviews and focus groups with students, parents, teachers and school administrators points to poor relationships between students and teachers; chaotic and unsafe school environments; lack of interest in topics being covered in classes; weak academic skills; and personal problems.⁴ Studies also show that absence from school is a significant predictor of dropping out.⁵ Other important indicators include: lack of involvement in class and in school activities, being held back a grade or more, and discipline and behavioral problems.⁶

Recently, testimony from three public hearings⁷ in Massachusetts suggested that excessive disciplinary action for non-violent offenses, such as tardiness and

- 1 National Assessment of Education Progress (2009). *NAEP Mathematics 2009 State Snapshot Report* Retrieved from <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2010454>; Trends in International Math and Science Study (2007) Retrieved from <http://timss.bc.edu/TIMSS2007/index.html>.
- 2 Massachusetts Department of Elementary and Secondary Education (2010). *Dropout Rates in Massachusetts Public Schools: 2008-09*. Retrieved from <http://www.doe.mass.edu/info-services/reports/dropout/>.
- 3 Center for Labor Market Studies & Boston Private Industry Council. (2008). *Key Findings—Summary of Three Reports on the Social and Fiscal Consequences of the Dropout Crisis*. Retrieved from <http://www.bostonpic.org/resources/key-findings-summary-three-reports-social-and-fiscal-consequences-dropout-crisis>.
- 4 Bridgeland, J., DiJulio, J. & Morison, K.B. (2006). *The silent epidemic: Perspectives of high school dropouts*. Washington, DC: Civic Enterprises. Retrieved from <http://www.civicerprises.net/pdfs/thesilentepidemic3-06.pdf>; Boston Youth Transitions Task Force (2006). *Too big to be seen: The invisible dropout crisis in Boston and America*. Retrieved from <http://www.bostonpic.org/resources/too-big-be-seen-invisible-dropout-crisis-boston-and-america>.
- 5 Bridgeland, J., DiJulio, J. & Morison, K.B. (2006). *The silent epidemic: Perspectives of high school dropouts*. Washington, DC: Civic Enterprises.
- 6 Ibid.
- 7 In Spring 2009, the Massachusetts Graduation and Dropout Prevention and Recovery Commission held three public hearings to receive testimony from members of the public as it developed recommendations on the ten issues included in the legislative charge to the Commission, one of which was to explore the connection between school discipline policies and students' level of engagement or alienation from school.

truancy, exacerbates the dropout crisis.⁸ Testimony indicated that students already behind in school are often forced to miss additional days through suspensions, which leads to a loss of credits and an inability to catch up. Some parents, educators, education stakeholders, and coalitions, including the Massachusetts Graduation and Dropout Prevention and Recovery Commission, have called for a closer look at school discipline policies and practices. Many observers have come to believe that fully understanding the role of discipline is an essential step in tackling the problem of why some Massachusetts students are not staying in school. It is within this context that the Rennie Center for Education Research & Policy embarked upon its examination of school discipline in Massachusetts.

Context and purpose

In 2009, nearly 8,600 students out of 292,372 students in grades 9 through 12 dropped out of Massachusetts public schools.⁹ While the 2009 dropout rate of 2.9 percent is the lowest in more than a decade, there is still much work to be done in order to reach the 2014 target of 1.7 percent set by the state's Graduation and Dropout Prevention and Recovery Commission.¹⁰

The Massachusetts Graduation and Dropout Prevention and Recovery Commission (referred to throughout this policy brief as the Commission) was established by the August 2008 legislation *An Act to Improve Dropout Prevention and Reporting of Graduation Rates*. Among the ten issues for which the Commission was charged with developing recommendations is the connection between school discipline policies and students' level of engagement or alienation from school. In their final report, *Making the Connection*, members of the Commission expressed support for the right of all school districts to maintain a safe and educationally sound environment but emphasized that "a student's ultimate success and level of engagement with school should not be impacted by discipline policies that are potentially more detrimental to students' futures than effective in altering their behavior."

The Commission's report put forth the following recommendations:

- **State legislature:** Reform outdated discipline policies including immediately amending Massachusetts General Laws to remove the provision that no public school district is required to educate a student who is expelled from school.
- **Department of Elementary and Secondary Education (ESE):** Research the connections between school discipline policies and students' levels of engagement or alienation from school and use the findings to create advisories to school districts.
- **Board of Elementary and Secondary Education:** Update relevant regulations including (a) requiring school districts to consider the nexus between a student's conduct and the school's welfare before making a determination that a student should be removed from school, (b) requiring school districts to develop models that incorporate intermediary steps prior to the use of expulsion, and (c) requiring that school districts submit a written explanation to ESE when removing a student from school for more than 10 consecutive days.

While these recommendations have yet to be implemented, policy discussions are underway. The purpose of this policy brief is to inform the discussions focused on school discipline, and in particular, the use of suspension and expulsion by Massachusetts public schools and districts. This brief describes the purpose of school discipline policies, summarizes findings from recent research on the effects of removing students from school for disciplinary reasons (referred to throughout this policy brief as *disciplinary removal*), summarizes the legal background for disciplinary removal, and presents key findings from an analysis of statewide discipline data. The brief concludes with a series of considerations for state policy-makers and leaders of Massachusetts' schools and districts.

8 *Making the Connection: A Report of the Massachusetts Graduation and Dropout Prevention and Recovery Commission*. October, 2009.

9 Massachusetts Department of Elementary and Secondary Education (2010). *Dropout Rates in Massachusetts Public Schools: 2008-09*. Retrieved from <http://www.doe.mass.edu/infoservices/reports/dropout/>.

10 *Making the Connection: A Report of the Massachusetts Graduation and Dropout Prevention and Recovery Commission*. October, 2009.

Why school discipline policies are important

In the United States, school discipline policies serve an important role in creating educationally sound learning environments. They are intended to:

- **Ensure the safety of students and school staff.** Incidents of deadly school violence have drawn attention to the need for schools to ensure the safety of their students and staff. Clearly, a primary purpose of school discipline policies is to prevent incidents that could threaten the safety of students and staff.
- **Create a climate conducive to teaching and learning.** Disorder, conflict and disruptive behavior interfere with a teacher's ability to teach and students' ability to learn. Research has shown that disorder in school can lead to student anxiety and fear of victimization that in turn can reduce motivation, impair concentration, reduce involvement in group learning activities, and increase school avoidance.¹¹
- **Deter students from disruptive behavior.** When a student is punished for misbehavior, the expectation is that the punishment will deter that student from misbehaving in the future as well as deter other students from misbehaving.
- **Teach students to be law abiding citizens.** In addition to teaching academic content and skills, schools have an obligation to teach students skills that will help them to be successful in all aspects of life, including the understanding that there are rules governing our society and consequences associated with breaking them.

Schools typically discipline students with sanctions and punishments such as referrals to the principal's office, detentions, suspensions and expulsions.¹² Nationally, at least 48% of public schools used disciplinary removal, the most serious disciplinary action, to sanction a student during the 2005–2006 school year. Among these actions, 74% were suspensions lasting 5 days or more and 5% were expulsions.¹³

There is no question that schools should be physically, socially and psychologically safe for all students. Disagreements have arisen, however, over the methods that should be used to achieve safe and orderly school learning environments.

Zero tolerance philosophy

In the wake of several highly publicized school shootings during the 1990s, schools developed strict policies to address issues of violence and disruption. The fear created by these violent incidents generated support for more punitive methods of school discipline. Among the most dominant disciplinary approaches of the past 15 years has been the use of *zero tolerance*.¹⁴ Zero tolerance policies are those that punish all infractions of a given rule with the same punishment, regardless of whether the infraction was unintentional or the result of ignorance or extenuating circumstances. Zero tolerance policies were developed by federal and state drug enforcement agencies in the 1980s as part of a “get tough on crime” mentality and later adopted in education.

During the 1990s, several state legislatures, and subsequently Congress, passed laws implementing school disciplinary sanctions that became known as zero tolerance policies. Most notable is the federal Gun-Free Schools Act of 1994, which mandated a one year expulsion for a student who brings a firearm onto school property. Many states later extended these laws to include other weapons and possession or use of drugs and alcohol. The laws focused on illegal activities occurring on school grounds and behaviors that pose a serious danger to students' safety. Although these laws were largely meant to keep schools safe, schools across the nation began to use harsh punishment policies, like zero tolerance, in response to offenses that are not a threat to student safety.

11 Mayer, M.J. & Cornell, D.G. (2010) *Guest Editors' Preface to Special Issue: New Perspectives on School Safety and Violence Prevention*. Educational Researcher: vol. 39, no. 1.

12 Osher, D., Bear, G.B., Sprague, J.R. & Doyle, W. (2010) *How can we improve school discipline?* Educational Researcher: vol. 39, no. 1.

13 Dinkes, R., Kemp, J., & Baum, K. (2009). *Indicators of school crime and safety: 2008* (NCES 2009-022/NCJ 226343). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, and U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

14 Rausch, M.K. & Skiba, R.J. (2006) *School Disciplinary Systems: Alternatives to Suspension and Expulsion*. In G. Bear & K. Minke (Eds.), *Children's Needs III: Development, Prevention and Intervention*. Bethesda, MD: National Association of School Psychologists.

Today, the zero tolerance philosophy promotes severe punishments, typically out-of-school suspension and expulsion for both serious and relatively minor infractions.¹⁵ The popularity of the zero tolerance philosophy has led to substantial increases in out-of-school suspension and expulsion rates across the country.¹⁶ The use of suspension and expulsion to punish student behaviors that pose little or no threat to student safety has been met with much criticism. Suspension and expulsion are disciplinary sanctions that remove students from school and thus raise questions about the appropriateness of denying students who misbehave the opportunity to learn.

Media reports across the country have brought to light examples of students being suspended and expelled for minor incidents (such as possession of a one-inch plastic gun meant for a toy action figure). In addition, researchers have documented the extent to which zero tolerance policies have been extended far beyond the serious infractions for which they were originally intended. Research has also shown that suspension and expulsion have long-term negative effects on students' lives. Findings from this body of research are presented in the next section.

National research on disciplinary removal

There is a large body of research that examines the impact of disciplinary removal. Most of this research has been synthesized and summarized in publications by the American Psychological Association Zero Tolerance Task Force¹⁷ and the Center for Evaluation and Education Policy at Indiana University.¹⁸ This section presents key findings from these publications. Findings from other sources are cited.

Expulsion is typically used for the most serious offenses; suspension is not. Research suggests that offenses that result in students being expelled from school tend to be of moderate to high severity. While fights and physical aggression are the most common reasons for suspension, non-violent and less disruptive offenses frequently result in suspension. After fighting, the most common offenses resulting in suspension are attendance issues (cutting class, tardiness, truancy) and abusive language. Other common reasons are disobedience, disrespect and general classroom disruption.

Out-of-school suspension may not be an effective deterrent for inappropriate behavior. Studies of out-of-school suspension have found rates of repeat offending over 45%. Other studies have found out-of-school suspension to be a strong predictor of future discipline problems. For example, one longitudinal study found that the best predictor of a middle-school student's number of out-of-school suspensions is the number of out-of-school suspensions he/she received in elementary school, even after controlling for other factors such as socioeconomic status and race.

Disciplinary removal may not be developmentally appropriate for adolescents. Research on the developmental and neurological maturity of adolescents suggests that adolescents are less able to resist peer influence, assess risk, control impulses, and make connections between their actions and future consequences. In other words, adolescents may be susceptible to temporary lapses in judgment and not mature enough to immediately recognize the consequences of their actions. In addition, developmental research suggests that certain characteristics of secondary schools, including school discipline policies, are at odds with many of the developmental challenges of adolescence, such as the need for close peer relationships, support from adults other than one's parents, identity negotiation, autonomy and academic self-efficacy. Thus, if not used carefully, disciplinary removal may exacerbate the normal challenges of early adolescence and the mismatch between the adolescent's developmental needs and the structure of the school.

15 Skiba, R.J. & Peterson, R.L. (1999). *The dark side of zero tolerance: Can punishment lead to safe schools?* Phi Delta Kappan, vol. 80, p. 372-376.

16 Rausch, M. & Skiba, R.J. (2006) Exclusion is not the only alternative: The children left behind project. In A. Reyes (Ed.) *Discipline, Achievement and Race: Is Zero Tolerance the Answer?* Lanham, MD: Rowman & Littlefield Education.

17 American Psychological Association Zero Tolerance Task Force (2008). *Are zero tolerance policies effective in the schools? An evidentiary review and recommendations.* American Psychologist, vol. 63, no. 9, p. 852-862.

18 The Indiana Center for Evaluation and the Indiana Education Policy Center merged to form the Center for Evaluation & Education Policy (CEEP). Skiba, R.J. (2000). *Zero tolerance, zero evidence: An analysis of school disciplinary practice.* Policy Research Report #SRS2. Bloomington, Indiana University. Indiana Education Policy Center. Skiba, R. J., & Rausch, M. K. (2006). Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness. In C. M. Evertson & C. S. Weinstein (Eds.), *Handbook of Classroom Management: Research, Practice, and Contemporary Issues*, p. 1063–1089. Mahwah, NJ: Lawrence Erlbaum Associates.

Students from low-income families are more likely to be suspended. Students who participate in the free and reduced priced lunch program are at greater risk of school suspension than their classmates. Some studies have found that both high- and low-income students report that low-income students commit more frequent and more serious offenses. However, both high- and low-income students indicate that whether a student is punished for a given infraction depends on the student's reputation, level of achievement and socioeconomic status.

Black/African-American students are more likely to be suspended but there is no evidence that they have higher rates of misbehavior. There is over 30 years of research documenting racial disparities in the use of out-of-school suspension and expulsion. Studies examining national-, state-, district- and school-level data have consistently found that Black/African-American students are suspended at rates 2 to 3 times that of other students, and similarly over-represented in referrals to the principal's office and school expulsion. There is no evidence to suggest that Black/African-American students have higher rates of misbehavior. Available evidence suggests that Black/African-American students are the recipients of office referrals and disciplinary consequences for less serious and more subjective reasons (such as disrespect, excessive noise and loitering) than their classmates.

Low achievement is highly correlated with aggressive behavior and disciplinary infractions. Research suggests that students who struggle academically and repeatedly underperform often become frustrated and have low self-confidence, which in turn contributes to a higher rate of school disruption.¹⁹ Research has also shown that low literacy achievement in the elementary grades is linked to later aggression in third and fifth grades.²⁰ Similar patterns have been found in later grades—low achievement in middle and high school has been linked with more serious forms of aggression a year later.²¹

Disciplinary removal has a negative impact on students' level of school engagement. Out-of-school suspensions and expulsions remove students from the very environment in which they need to be engaged in order to be successful in school. Researchers from several disciplines, including education, psychology, sociology and health, study the phenomenon known as school engagement in some disciplines, and school attachment or school bonding in others. While the terminology and methods of examining this phenomenon differ, all of this research addresses the same issue: the impact of a student's sense of connection to school. The findings all point to the same conclusion: in order to succeed in school, students need to feel connected to their school,²² and when this bond is broken, there are academic, social and psychological implications for the student. One of the most consistent findings of recent education research is the strong positive relationship between time engaged in academic learning and student achievement.²³ Moreover, studies that have specifically examined the impact of disciplinary removal, suggest that suspended students may become less bonded to school, be less invested in school rules and course work, and subsequently, less motivated to achieve academic success. Findings consistently highlight the importance of school bonding for reducing the risk of delinquency.²⁴

Suspension is a strong predictor of dropping out. As mentioned above, students need to feel connected to their schools in order to succeed.²⁵ When this bond is broken, there can be academic, social and psychological implications for the student, including complete disengagement from school—dropping out. Research on students who drop out of school suggests that among the most common reasons they leave school are poor relationships with teachers, chaotic and unsafe

19 Miles, S. B., & Stipek, D. (2006). Contemporaneous and longitudinal associations between social behavior and literacy achievement in a sample of low-income elementary school children. *Child Development*, vol. 77, p. 103–117.

20 Ibid.

21 Choi, Y. (2007). Academic achievement and problem behaviors among Asian Pacific Islander American adolescents. *Journal of Youth and Adolescence*, vol. 36, p. 403–415.

22 Blum, R. (2004). *School connectedness: Improving students' lives*. Baltimore, MD: Johns Hopkins School of Public Health.

23 See: Brophy, J. (1988). Classroom management as socializing students into clearly articulated roles. *Journal of Classroom Interaction*, vol. 33, no. 1, p. 1–4; Fisher, C. W., Berliner, D. C., Filby, N. N., Marliave, R., Cahen, L. S., & Dishaw, M. M. (1981). Teaching behaviors, academic learning time, and student achievement: An overview. *Journal of Classroom Interaction*, vol. 17, no. 1, p. 2–15; Greenwood, C. R., Horton, B. T., & Utley, C. A. (2002). Academic engagement: Current perspectives on research and practice. *School Psychology Review*, vol. 31, p. 328–349.

24 Hawkins, J. D., Smith, B. H., & Catalano, R. F. (2004). Social development and social and emotional learning. In J. E. Zins, R. P. Weissberg, M. C. Wang, & H. J. Walberg (Eds.), *Building Academic Success on Social and Emotional Learning: What Does the Research Say?* p. 135–150. New York: Teachers College Press.

25 Blum, R. (2004). *School Connectedness: Improving Students' Lives*. Baltimore, MD: Johns Hopkins School of Public Health.

school environments, lack of interest in topics being covered in classes, and weak academic skills.²⁶ Other important indicators include: lack of involvement in classroom and school activities, being held back a grade, and discipline and behavioral problems.²⁷ Furthermore, national research has shown that students who drop out of school had higher suspension rates than their peers who stay in school. Studies have also shown suspension to be one of the strongest predictors of dropping out.

Disciplinary removal may contribute to what is often called the “school-to-prison pipeline.” The shift toward using severe consequences to address student disruption in school has resulted in an increase in the number of referrals to the juvenile justice system for infractions that had previously been handled by schools. Researchers who have studied this phenomenon refer to it as the school-to-prison pipeline.²⁸ Research suggests that schools may be using the juvenile justice system to a greater extent and, in a relatively large percentage of cases, for infractions that previously would not have been considered dangerous or threatening. One study found that disciplinary removal is a better indicator of both academic failure and future incarceration of students than poverty.²⁹ Another study found that the greatest indicator of an adolescent female being arrested is suspension or expulsion in middle school.³⁰ Other studies suggest that there is a direct link between the disproportionate number of Black/African-Americans being removed from schools and the disproportionate number of Black/African-Americans in prison.³¹

Laws governing disciplinary removal in Massachusetts

Historically, the jurisdiction over public schools lies with state and local governments, but federal legislation and Supreme Court rulings also influence school policies. Listed below are the legal principles that guide Massachusetts schools in removing students from school via suspension and expulsion.

In Massachusetts, education is not a fundamental right.³² The state recognizes that school-aged children are entitled to a public education. However, courts have not interpreted this to mean that a suspended or expelled general education student has a right to receive educational services during the time that he/she is removed from school. In other words, there is no obligation under state law for school districts to continue to provide educational services to general education students who have been removed from their public education for disciplinary reasons.³³ Massachusetts law also stipulates that if a student is expelled from a Massachusetts public school, all schools and districts in the Commonwealth have the right to decline admission to that student.³⁴

Students with disabilities cannot be denied access to special education services. The federal Individuals with Disabilities Act (IDEA) requires that states provide free appropriate public education for students with disabilities. Special education students have greater protections in disciplinary matters than general education students, which, depending on circum-

26 Bridgeland, J., DiJulio, J. & Morison, K.B. (2006). *The silent epidemic: Perspectives of high school dropouts*. Washington, DC: Civic Enterprises. Retrieved from <http://www.civicerprises.net/pdfs/thesilentepidemic3-06.pdf>; Boston Youth Transitions Task Force. (2006). *Too big to be seen: The invisible dropout crisis in Boston and America*. Retrieved from <http://www.bostonpic.org/resources/too-big-be-seen-invisible-dropout-crisis-boston-and-america>.

27 Ibid.

28 See: Wald, J., & Losen, D. J. (2003). Defining and redirecting a school-to-prison pipeline. In J. Wald & D. J. Losen (Eds.), *New Directions for Youth Development*: vol. 99.

29 Christle, C. Jolivet, K., & Nelson, K.M. (2005). Breaking the school to prison pipeline: Identifying school risk and protection factors for youth delinquency. *Exceptionality*: vol.13, no. 2.

30 American Bar Association; National Bar Association (2001). *Justice by gender*. Washington, D.C. Retrieved from: <http://www.minjusticia.gov.cl/pmg/documentos/justice%20by%20gender.pdf>.

31 Fenning, P. & Rose, J. (2007). Overrepresentation of African American Students in Exclusionary Discipline: The Role of School Policy. *Urban Education*: vol. 42 no. 6.

32 The Massachusetts Supreme Judicial Court held in *Doe v. Superintendent of Schools of Worcester*, 421 Mass. 117, 129, 615 N.E.2d 1088, 1095 (1995), that a student's right to an education under the Massachusetts constitution is not a "fundamental right."

33 See *Board of Education v. School Committee of Quincy*, 415 Mass. 240 (1993).

34 MA General Laws Chapter 71, Section 37H.

stances, may make suspension or expulsion impermissible. Even when suspension or expulsion is legally permissible, the student's school district must continue to provide special education services during the period of suspension or expulsion.³⁵

Students cannot be subject to a suspension or expulsion without due process of law. The U.S. Supreme Court characterized a suspension of ten school days or less as a short-term suspension, and held that before imposing such a suspension, the due process clause of the Constitution requires school officials to give the student: (a) oral or written notice of the charges against him/her; (b) an explanation of the evidence; and (c) the opportunity to present his/her side of the story to an impartial decision-maker (such as a school administrator). The Court stated that more formal procedures are required for expulsions and long-term suspensions (those of more than ten school days) but did not set forth the precise rules of due process for these disciplinary removals.³⁶

There is low tolerance for firearms. The federal *Gun Free Schools Act* (GFSA) of 1994 required school districts to expel from school for a period of not less than one year any student who is determined to have brought a firearm to school, subject to due process protections. An amendment to the act includes an exception permitting the school superintendent to modify the expulsion requirement on a case-by-case basis allowing the superintendent to exercise appropriate administrative discretion. School districts must comply with the federal special education law (IDEA), described above, in cases where the student in possession of a firearm is a special education student.

Possession of a weapon or illegal substance is grounds for expulsion. State law gives principals the authority to expel a student for possession of a dangerous weapon or an illegal substance on school premises or at school-sponsored or school-related events.³⁷ The principal may choose to suspend rather than expel the student if he/she is not considered a threat to the safety, security or welfare of the other students and staff in the school. A student who is expelled for these violations has the right to appeal to the superintendent. Any student found to have used or been in possession of a dangerous weapon on school premises must be referred to a counseling program and a weapon report must be submitted to local police and the department of social services.³⁸

Assault of school personnel is grounds for expulsion; assault of a student may or may not be. State law gives principals the authority to expel a student for assault of school personnel.³⁹ A student who assaults another student may be expelled, but only if: the misconduct and potential penalty are included in the school discipline code, the expulsion is decided by the school committee, and the student's parent/guardian has had an opportunity to be heard.⁴⁰

Felony charges are grounds for suspension; conviction is grounds for expulsion. State law allows a principal to suspend a student who is charged with a felony if the principal determines that the student's continued presence in the school would have a substantial detrimental effect on the school's general welfare.⁴¹ If the student is convicted or admits guilt with respect to the felony charge, the principal also may expel the student based upon whether the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. In both instances, the student may appeal the suspension and/or the expulsion to the superintendent.

School districts are required to publish their discipline policies. State law requires the superintendent of every school district to publish the district's policies pertaining to student conduct. District policies must include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with disabilities; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involv-

35 U.S. Department of Education, Office of Special Education Programs. IDEA *Topic Brief: Discipline*. Retrieved from: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalBrief%2C6%2C>.

36 See *Goss vs. Lopez*, 419 U.S. 565 (1975).

37 MA General Laws Chapter 71, Section 37H.

38 MA General Laws Chapter 71, Section 37L.

39 MA General Laws Chapter 71, Section 37H.

40 MA General Laws Chapter 76, Sec. 17.

41 MA General Laws Chapter 71, Section 37H½.

ing the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of other student's civil rights. The code must also prohibit the use of any tobacco products within school buildings or school facilities, on school grounds or on school buses.

High schools are required to publish and distribute their discipline policies to students. State law requires high school principals to prepare and distribute to each student a student handbook setting forth the rules pertaining to student conduct. Student handbooks must include provisions regarding the principal's authority to expel any student found on school premises or at a school-related event in possession of a dangerous weapon or an illegal substance, or who assaults an educational staff member on school premises or at a school-related event; students' right to a hearing and right to appeal; and the provision that no school or school district within the Commonwealth is required to admit an expelled student or to provide educational services to said student if he/she is a general education student.

All public schools in Massachusetts are required to report to ESE data on school safety, student behavior and discipline. Various federal and state statutes (including the Federal Gun-Free Schools Act, Federal Safe and Drug-Free Schools and Communities Act, No Child Left Behind Act, Federal Individuals with Disabilities Act, and Massachusetts Education Reform Act of 1993) require the collection, monitoring and reporting of data relative to school safety, student behavior and discipline. Each time an incident involving violence, criminal activity or illegal substances occurs on school property, public schools in Massachusetts are required to file (1) a single Incident Report and (2) a Student Discipline Record for each student offender reported on the Incident Report. A Student Discipline Record must also be completed for each incident that does not involve violence, criminal activity or illegal substances if the incident results in a suspension of more than 10 consecutive school days for a general education student. Incidents which result in any disciplinary action for a special education student must be reported. The types of disciplinary action that schools are required to report are in-school suspensions, out-of-school suspensions and expulsions (see Definitions of Key Terms on page 9). Schools are not required to report other types of disciplinary action such as referrals to the principal's office, detentions (detaining a student for disciplinary reasons before or after school hours) and half-day suspensions.

Disciplinary removal in Massachusetts: By the numbers

This section describes overall trends in the disciplinary removal of Massachusetts public school students over time (school year 2005-2006 through 2008-2009) and findings from a more in-depth analysis of discipline data from the 2007-2008 school year. Findings for the 2007-2008 school year include some comparisons of student sub-groups; z tests were used to identify statistically significant differences among them. All statistical tests were conducted at the 95% confidence level.

Data reported in this section are from two sources.

1. Statewide Indicators Report: The state-, district-, and school-level in-school suspension rates and out-of-school suspension rates used in this report were calculated by ESE. This publicly available data was retrieved from the Statewide Indicators Report on the ESE website.⁴³
2. School Safety and Discipline Report (SSDR): ESE provided the following data from the SSDR:
 - Data on all incidents involving illegal substances, violence or criminal activities on school property and the resulting disciplinary actions imposed on the offending student.
 - Data on incidents that did not involve illegal substances, violence or criminal activity (called unassigned offenses) but resulted in a student receiving a suspension or expulsion of more than 10 consecutive school days.
 - Data on incidents that did not involve illegal substances, violence or criminal activity (called unassigned offenses) but resulted in a special education student receiving a suspension of 10 consecutive school days or less. Schools are not required to report unassigned offenses resulting in the disciplinary removal of a general education student for less than 10 consecutive school days; as a result, data for these offenses were not available.
 - Data on whether or not alternative education services were provided to students who were removed from school for disciplinary reasons in the 2007-2008 and 2008-2009 school years.
 - Only incidents that resulted in a disciplinary removal were included in the data: in-school suspensions, out-of-school suspensions and expulsions (see Definitions of Key Terms at right). Data on other types of disciplinary action such as referrals to the principal's office, detentions (detaining a student for disciplinary reasons before or after school hours) and half-day suspensions were not included.

Definitions of Key Terms⁴²

In-school suspension: A disciplinary action imposed by school officials to remove a student from academic classes and place him/her in a separate environment in the school building for 1 day or more.

Out-of-school suspension: A disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more. The student remains out of school during the suspension period.

Expulsion: A disciplinary action imposed by school officials to permanently remove a student from participation in all school activities. The student is ineligible to return to that school.

Disciplinary removal is a generic term used throughout this policy brief to refer to the types of disciplinary action that result in a student being removed from his/her classroom: in-school suspension, out-of-school suspension and expulsion.

Short-term disciplinary removal: A disciplinary removal that lasts 10 consecutive school days or less.

Long-term disciplinary removal: A disciplinary removal that lasts more than 10 consecutive school days.

In-School Suspension Rate: The percentage of enrolled students who received one or more in-school suspensions during a given school year.

Out-of-School Suspension Rate: The percentage of enrolled students who received one or more out-of-school suspensions during a given school year.

Unassigned offenses are those that did not involve illegal substances, violence or criminal activity.

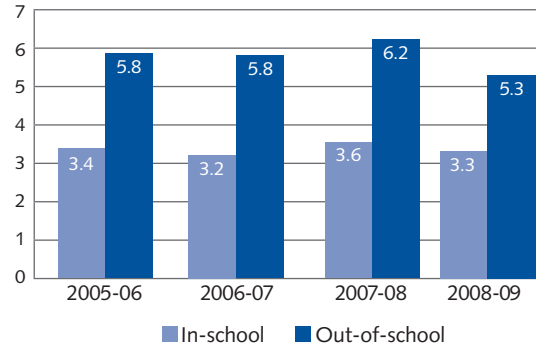
42 The terms *suspension* and *expulsion* are not defined in the Massachusetts education statutes. The definitions cited here are the definitions used by the Department of Elementary and Secondary Education in the reporting of disciplinary incidents. Retrieved from <http://www.doe.mass.edu/infoservices/data/guides/ssdr.doc>.

43 Massachusetts Department of Elementary and Secondary Education, *Statewide 2007-08 Indicators Report* Retrieved from http://profiles.doe.mass.edu/state_report/indicators.aspx?mode=&orderBy=&year=2008&filterBy=

Trends over time

Statewide suspensions rates have remained fairly consistent over time. Between 2006 and 2009, the percentage of enrolled students who received one or more in-school suspensions (in-school suspension rate) has hovered around 3.4 (ranging from 3.2 to 3.6). During that same time period, the out-of-school suspension rate (percentage of enrolled students who received one or more out-of-school suspensions) has been higher—ranging from 5.3 to 6.2 (see Figure 1).

Figure 1. Statewide suspension rates (2006-2009)



The number of disciplinary removals for incidents involving illegal substances, violence and criminal activities declined over the last three school years. Between 2006 and 2009, the number of students enrolled in Massachusetts public schools has steadily declined (see Figure 2). During that same time period, the number of disciplinary removals for incidents involving illegal substances, violence and criminal activities increased slightly in 2006-2007 then declined in 2007-2008 and 2008-2009 (see Figure 3).

Figure 2. Statewide student enrollment (2006-2009)

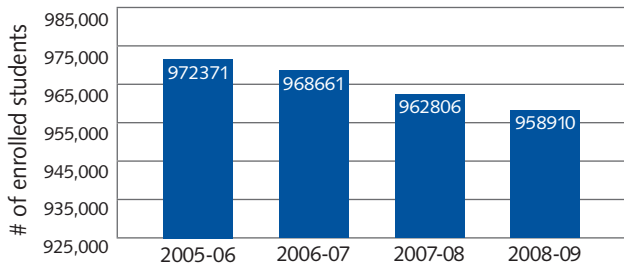
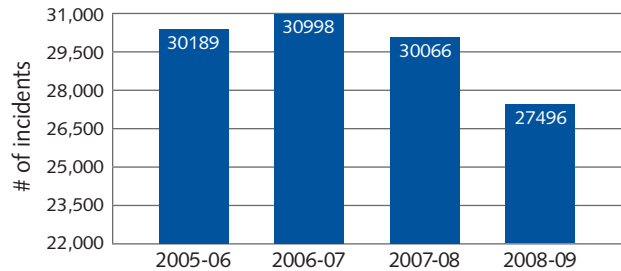
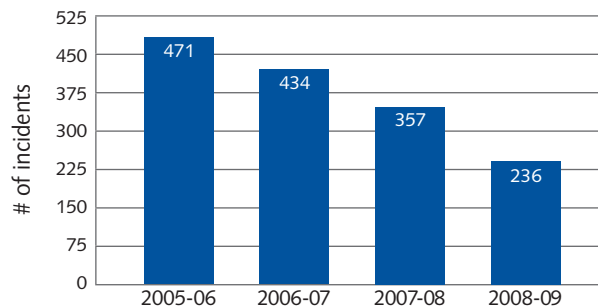


Figure 3. Disciplinary removals for serious offenses (2006-2009)



The number of incidents resulting in an expulsion (of more than 10 days) declined between 2006 and 2009 (See Figure 4). Schools exercised their right not to provide the expelled student with alternative education in about half (49%) of the expulsions that occurred in each of the last two school years (both 2007-2008 and 2008-2009).

Figure 4. Number of incidents resulting in an expulsion (2006-2009)



2007-2008 School Year

This section presents findings from an analysis of data from the 2007-2008 school year. The section begins with findings related to in-school and out-of-school suspension rates. Next, findings related to disciplinary removal for incidents involving illegal substances, violence and criminal activities are presented, followed by a breakdown of key findings related to incidents for less serious infractions.

Key Findings (2007-2008)

- For the most serious infractions, those involving illegal substances, violence and criminal activities the most common reason for disciplinary removal is violence.
- Out-of-school suspension is the most frequently used form of disciplinary removal.
- The number of disciplinary removals peaks at 9th grade and declines in 10th through 12th grade.
- Particular segments of the student population are removed at disproportionately high rates.

Suspension Rates

Each year ESE calculates state-, district-, and school-level in-school suspension rates and out-of-school suspension rates. The in-school suspension rate is the percentage of enrolled students who received one or more in-school suspensions during a given school year. The out-of-school suspension rate is the percentage of enrolled students who received one or more out-of-school suspensions during a given school year. As mentioned above, these data are publicly available in the Statewide Indicators Report on the ESE website. Findings related to 2007-2008 in-school and out-of-school suspension rates are presented in this section. In this policy brief, characteristics of the districts and schools with the highest out-of-school suspension rates in the state are described, but not identified by name.

Suspension rates vary dramatically from district to district. Out-of-school suspension rates among districts range from 0 to 58.4, with a state average of 6.2. In-school suspension rates range from 0 to 35.4 with a state average of 3.6.

Of 380 school districts statewide, 65 have out-of-school suspension rates higher than 10. This means that in these districts at least one out of every 10 enrolled students received an out-of-school suspension during the 2007-2008 school year. Among these districts, 28 are traditional, 25 are charter, and 12 are vocational technical. It is important to note that 18 of these districts have zero in-school suspensions, which likely means all disciplinary removals involve removing the student from school premises.

The highest out-of-school suspension rates among traditional school districts are found in districts with high percentages of low-income students. The out-of-school suspension rates for the traditional school districts (non-charter, non-vocational technical) with the 10 highest out-of-school suspension rates in the state are shown in Table 1 along with the percentage of low-income students in each district.

Table 1. Traditional districts with highest out-of-school suspension rates (2007-2008)

	District	Percent of low-income students	Out-of-school suspension rate
1	District A	77%	31.8
2	District B	72%	18.8
3	District C	75%	18.2
4	District D	67%	16.2
5	District E	66%	15.9
5	District F	49%	15.9
6	District G	79%	15.2
7	District H	65%	13.9
8	District I	52%	13.6
9	District J	60%	12.9
9	District K	40%	12.9
10	District L	47%	12.6

A few of the traditional school districts with the highest out-of-school suspension rates have very low in-school suspension rates. This is likely to mean that in these districts a vast majority of suspensions involve removing students from school premises (see Table 2).

Table 2. In-school suspension rates: Traditional districts with highest out-of-school suspension rates (2007-2008)

	District	Percent of low-income students	In-school suspension rate
1	District A	77%	15.2
2	District B	72%	12.7
3	District C	75%	1.5
4	District D	67%	10.8
5	District E	66%	3.3
5	District F	49%	0
6	District G	79%	8
7	District H	65%	10.5
8	District I	52%	0
9	District J	60%	10.4
9	District K	40%	4.6
10	District L	47%	2.9

The three schools with the highest out-of-school suspension rates in the state are charter schools and the rates are extremely high. Among all traditional, pilot, charter and vocational technical schools statewide,⁴⁴ the three schools with the highest out-of-school suspension rates in 2007-2008 are charter schools. Suspension rates in these charter schools are quite high—with over half of enrolled students receiving at least one out-of-school suspension. Of the schools with the 10 highest out-of-school suspension rates in the state (see Table 3), four are charter schools, two are vocational technical schools and five are traditional schools.

About half of the schools with the highest out-of-school suspension rates have very low in-school suspension rates. Just as with school districts, this is likely to mean that a vast majority of disciplinary removals involve removing students from school premises (see Table 4).

Table 3: Schools with highest out-of-school suspension rates (2007-2008)

	Type of School	Grade Level	Out-of-school suspension rate
1	Charter School	6 – 12	58.4
2	Charter School	6 – 8	57.6
3	Charter School	9 – 12	54.3
4	Vocational Technical	9 – 12	49.1
5	Vocational Technical	9 – 12	48.4
6	Traditional School	PK – 6	45
7	Charter School*	5 – 8	43.5
7	Traditional School	K – 8	43.3
8	Traditional School*	5 – 8	41.3
9	Traditional School	9 – 12	41.2
10	Traditional School*	6 – 8	40.0

*School has since closed

Table 4: In-school suspension rates (2007-2008): Schools with highest out-of-school suspension rates

	Type of School	Grade Level	In-school suspension rate
1	Charter School	6 – 12	18.6
2	Charter School	6 – 8	0
3	Charter School	9 – 12	1.1
4	Vocational Technical	9 – 12	15.4
5	Vocational Technical	9 – 12	24
6	Traditional School	PK – 6	13.3
7	Charter School*	5 – 8	1.8
7	Traditional School	K – 8	54.1
8	Traditional School*	5 – 8	20.1
9	Traditional School	9 – 12	0.8
10	Traditional School*	6 – 8	0

*School has since closed

44 This analysis excluded alternative schools which are established to serve at-risk students whose needs are not being met in the traditional school setting.

Incidents involving illegal substances, violence and criminal activities

Massachusetts public schools are required to report to ESE each incident involving illegal substances, violence and criminal activities that occurs on school property. Throughout the remainder of this policy brief, incidents involving illegal substances, violence or criminal activity are referred to as serious offenses, for purposes of brevity. Findings related to the disciplinary removal of students for serious offenses for 2007-2008 are presented in this section.

In 2007-2008, a total of 30,066 incidents involving illegal substances, violence or criminal activity resulted in students receiving a suspension or expulsion.

The number of disciplinary removals for serious offenses peaks at 9th grade. Despite relatively consistent enrollment across the grades (see Figure 5), the number of incidents resulting in a disciplinary removal for serious offenses increases each year through the 9th grade where the largest number of incidents (n=4,918) occur (see Figure 6). About 16% of all disciplinary removals for serious offenses occur at the 9th grade. The number of disciplinary removals declines from 10th to 12th grade.

Figure 5: Distribution of student population (2007-08)

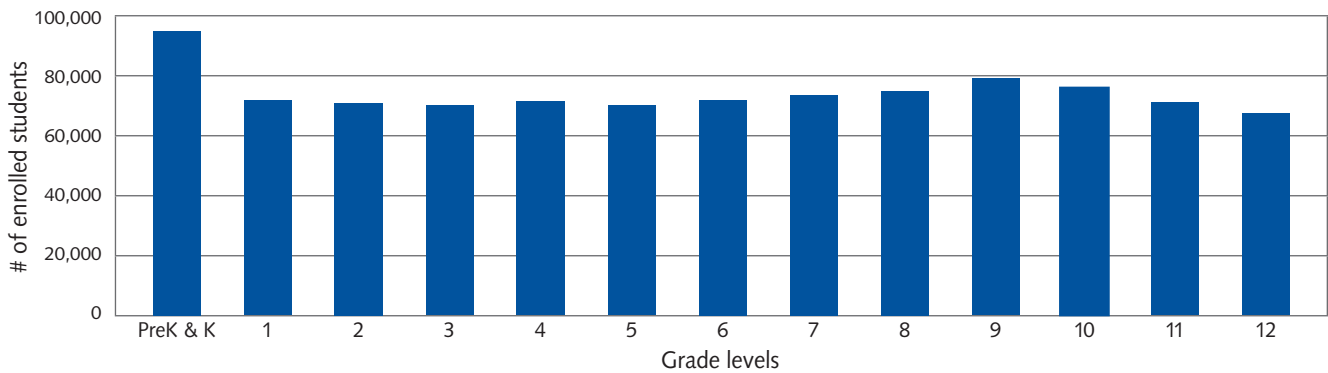
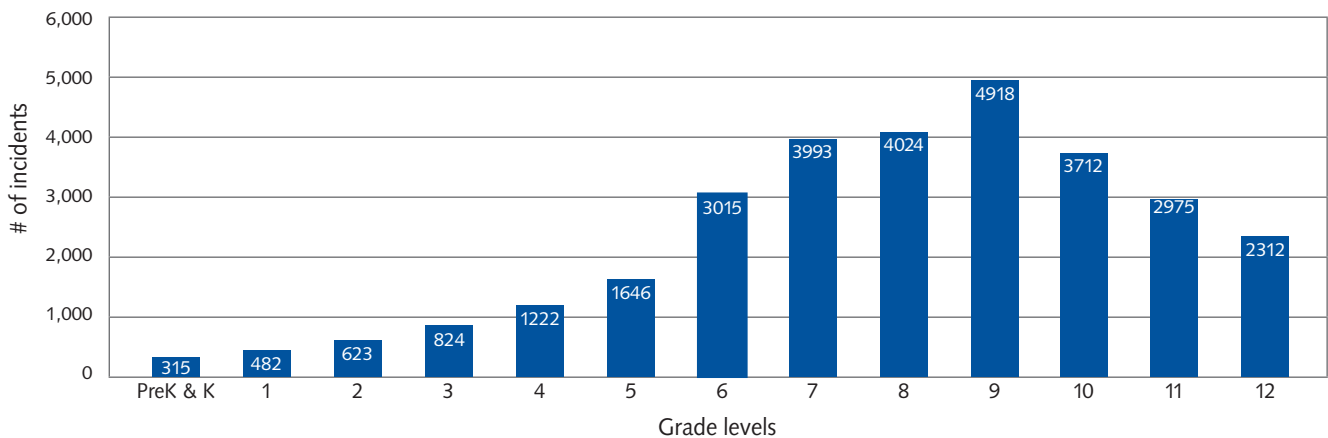


Figure 6: Distribution of incidents involving illegal substances, violence and criminal activities (2007-08)



Out-of-school suspension is the most frequently used form of disciplinary removal for serious offenses. A full 86% of disciplinary removals for illegal substances, violence or criminal activities resulted in students receiving an out-of-school suspension and 13% resulted in in-school suspensions. The remaining 1% resulted in an expulsion.

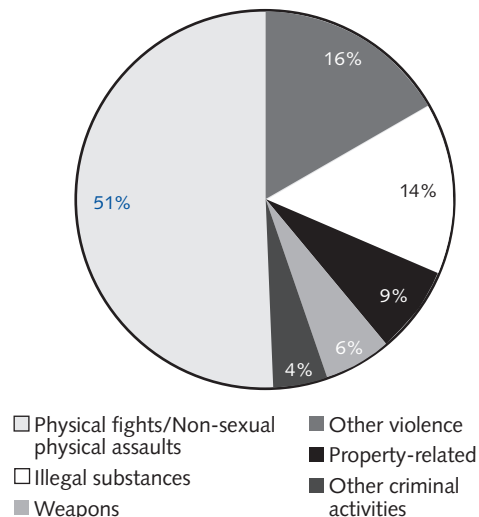
The most common reason for disciplinary removal is violence, accounting for two-thirds of all removals for serious offenses.

Physical fights and non-sexual physical assaults account about half of disciplinary removals and other violence-related incidents (including threats of violence and sexual assault) account for 16% (see Figure 7).

Most disciplinary removals (88%) for serious offenses result in students being removed for less than 10 days.

Schools exercised their right not to provide alternative education in 86% of the disciplinary removals for serious offenses. Of the 30,066 disciplinary removals for serious offenses in 2007-2008, only 12% resulted in a student receiving alternative education services through home tutoring or an alternative program in their own school district, another school district or a private alternative setting. The remaining 2% resulted in students not receiving alternative education services for a variety of reasons including incarceration, moving, transferring or refusing alternative education.

Figure 7. Percentage of removals resulting from each type of behavior (2007-2008)



Particular segments of the student population are removed at disproportionately high rates. The following student subgroups were removed at disproportionately high rates for incidents involving illegal substances, violence and criminal activities:

- **Students from low-income families.** Students from low-income families comprise 30% of the student population but account for 57% of the incidents resulting in disciplinary removal for serious offenses.
- **Special education students.** Special education students comprise 17% of the student population but account for 40% of the incidents resulting in disciplinary removal for serious offenses.
- **Male students.** Male students comprise 51% of the student population but account for 75% of the incidents resulting in disciplinary removal for serious offenses.
- **Black/African American students.** Black/African-American students comprise 8% of the student population but account for 16% of the incidents resulting in disciplinary removal for serious offenses.
- **Hispanic students.** Hispanic students comprise 14% of the student population but account for 23% of the incidents resulting in disciplinary removal for serious offenses.

Unassigned offenses resulting in disciplinary removal of more than 10 days

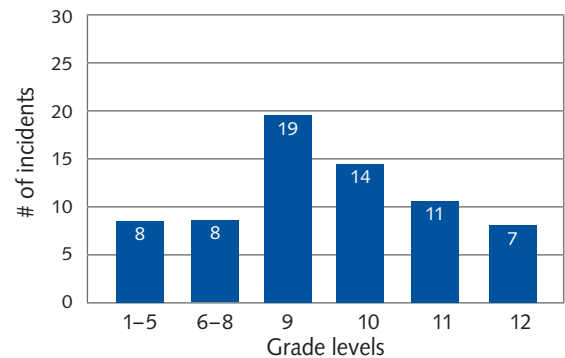
The reporting requirements for incidents that do not involve illegal substances, violence or criminal activities (referred to throughout this policy brief as unassigned incidents) differ based on whether or not the student receiving the disciplinary removal is a special education or general education student. Schools are required to report all incidents in which a special education student receives disciplinary action and are only required to report suspensions or expulsions of more than 10 consecutive school days for general education students. Therefore, the findings in this section are based solely on data for unassigned offenses resulting in disciplinary removal of all students (both special education and general education students) for more than 10 consecutive days. Throughout the remainder of this policy brief, disciplinary removals of more than 10 days are referred to as *long-term*, and removals of 10 days or less are referred to as *short-term*.

In 2007-2008, a total of 67 long-term disciplinary removals for unassigned offenses were reported.

The number of long-term disciplinary removals for unassigned offenses peaks at 9th grade. There are very few long-term disciplinary removals for unassigned offenses at the elementary and middle school grades (see Figure 8). Most of these incidents (n=19) occur at the 9th grade, representing 28% of all incidents. The number of long-term disciplinary removals declines from 10th to 12th grade.

Out-of-school suspensions for more than 10 days are more common than long-term in-school suspensions and expulsions. Of the unassigned offenses resulting in a disciplinary removal of more than 10 days, 81% were out-of-school suspensions and 13% were expulsions. The remaining 6% were in-school suspensions.

Figure 8. Distribution of unassigned offenses resulting in disciplinary removal of more than 10 days



Particular segments of the student population are removed at disproportionately high rates. The following student subgroups received long-term removals for unassigned offenses at disproportionately high rates:

- **Students from low-income families.** Low-income students comprise 30% of the student population but account for 57% of the long-term disciplinary removals.
- **Special education students.** Special education students comprise 17% of the student population but account for 57% of the long-term disciplinary removals.
- **Male students.** Male students comprise 51% of the student population but account for 91% of the long-term disciplinary removals.
- **Black/African American students.** Black/African-American students comprise 8% of the student population but account for 19% of the long-term disciplinary removals.

Unassigned offenses resulting in disciplinary removal of special education students for 10 days or less

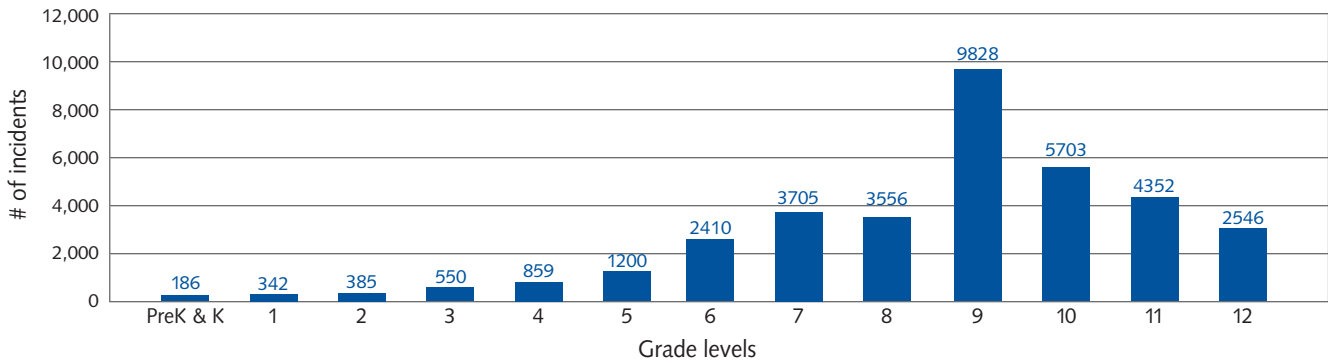
As mentioned above, the reporting requirements for incidents that do not involve illegal substances, violence or criminal activity differ based on whether the student receiving the disciplinary removal is a special education or general education student. Schools are required to report all incidents in which a special education student receives disciplinary action but are only required to report suspensions or expulsions of more than 10 consecutive school days for general education students. As a result, there are very little data in the SDR for general education students who were removed for 10 days or less for an unassigned offense. Thus, findings related to unassigned offenses resulting in a short-term disciplinary removal are reported here for *special education students only*. Throughout the remainder of this policy brief, disciplinary removals of 10 days or less are referred to as short-term.

In 2007-2008, a total of 35,622 short-term disciplinary removals were reported for special education students who committed unassigned offenses.

The number of short-term disciplinary removals for unassigned offenses peaks at 9th grade for special education students.

The number of incidents resulting in a short-term disciplinary removal of a special education student increases through the 7th grade. Then, there is a slight decline at 8th grade (see Figure 9). There is a substantial spike at 9th grade where the largest number of incidents occurs (n=9,828), accounting for about 28% of the disciplinary removals of special education students. The number of disciplinary removals declines from 10th to 12th grade.

Figure 9: Distribution of unassigned offenses resulting in disciplinary removal of special education students for 10 days or less

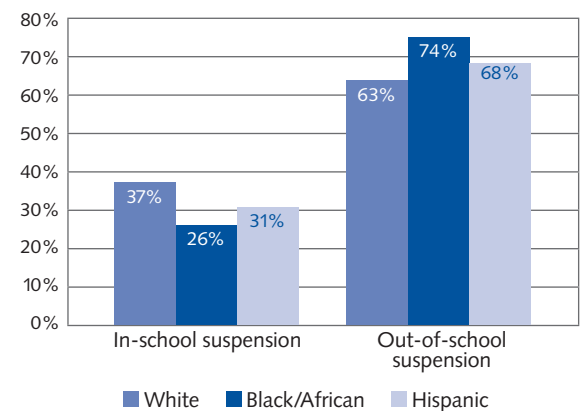


Out-of-school suspensions for 10 days or less are more common than short-term in-school suspensions and expulsions among special education students. Of the unassigned offenses resulting in a short-term disciplinary removal, two-thirds (67%) were out-of-school suspensions and one-third (33%) were in-school suspensions. Less than 1% were expulsions.

Particular segments of the special education student population are removed at disproportionately high rates. The following subgroups received short-term removals for unassigned offenses at disproportionately high rates:

- **Students from low-income families.** Students from low-income families comprise 30% of the student population but account for two-thirds (66%) of short-term disciplinary removals.
- **Low-income students are more likely to receive out-of-school suspensions.** Among the incidents involving low-income students, 70% resulted in out-of-school suspensions and 30% resulted in in-school suspensions. The rate of out-of-school suspension among students who are not from low-income families is significantly lower at 62% and the rate of in-school suspension is significantly higher at 38%.
- **Male students.** Male students comprise 51% of the student population but account for 76% of the incidents that resulted in short-term disciplinary removals.
- **Black/African-American students.** Black/African-American students comprise 8% of the student population but account for 20% of the incidents resulting in short-term disciplinary removal.
- **Hispanic students.** Hispanic students comprise 14% of the student population but account for 26% of the incidents resulting in short-term disciplinary removal.
- **Black/African-American and Hispanic students are more likely to receive out-of-school suspension.** Among the incidents involving White students, 63% resulted in out-of-school suspensions and 37% resulted in in-school suspensions. The rates of out-of-school suspension are significantly higher among Black/African-American students and Hispanic students (74% and 68% respectively) and the rates of in-school suspension are significantly lower (26% and 31% respectively). (See Figure 10).

Figure 10. In and out-of-school suspensions among special education students by racial/ethnic group



Implications for Massachusetts

There is reason for concern when considering the findings from Massachusetts data reported above in light of what national research reveals about the impact of disciplinary removal. This section describes the areas of concern and the implications for Massachusetts.

Disciplinary removal may exacerbate Massachusetts dropout problem. The analysis of data from the SSDR revealed that the number of suspensions peaks at 9th grade and then drops in 10th through 12th grade. This finding suggests that the students who were disciplined in 9th grade either stopped getting in trouble in 10th through 12th grade or left school, voluntarily or involuntarily. Declining enrollments between 9th and 12th grade provide some evidence for the latter explanation. An analysis of longitudinal, student-level data is required to confirm this hypothesis.

Out-of-school suspension may be over-used in Massachusetts. Of the disciplinary removals that schools were required to report in the SSDR, a majority (76%) resulted in a student receiving an out-of-school suspension. As might be expected, the vast majority (86%) of all incidents involving illegal substances, violence and criminal activity resulted in out-of-school suspensions. However, out-of-school suspensions also represent the majority (67%) of the short-term (less than 10 day) disciplinary removals that special education students received for less serious behaviors (unassigned offenses).

As described earlier in this policy brief, a primary purpose of school discipline is to keep schools safe and to that end, Massachusetts laws specify that disciplinary removal may be used for the most serious behaviors that threaten school safety. Yet, these serious offenses, in aggregate, constitute only 46% of the statewide disciplinary removals reported in 2007-2008. The other 54% of the disciplinary removals that schools were required to report in the SSDR are for unassigned offenses that do not threaten the safety of students. And, it is important to note, the actual percentage of disciplinary removals for unassigned offenses is undoubtedly higher than the 54% presented here because schools are not required to report short-term suspensions for general education students. Given that general education students comprise 83% of the student population, the fact that no data are collected about these students' short-term suspensions masks what may be a much larger problem. Examining the extent to which short-term out-of-school suspensions are used for non-violent, non-criminal offenses would reveal the extent to which out-of-school suspensions are being overly relied upon for less serious offenses.

Based on available data, the most frequent use of out-of-school suspension appears to occur in particular schools and districts. This study revealed 65 districts in the Commonwealth where at least one out of every 10 enrolled students received an out-of-school suspension during the 2007-2008 school year. Over one-quarter of these districts (28%) have zero in-school suspensions which suggests that all disciplinary removals involve removing the student from school premises and excluding the student from participation in school activities for the duration of the suspension period. In other words, less serious infractions (those that do not involve violence, illegal substances and weapons) that in some districts would result in an in-school suspension, likely result in complete removal of students from school activities in these 18 districts.

The highest out-of-school suspension rates occur in three charter schools where over half of enrolled students received at least one out-of-school suspension during the 2007-2008 school year.⁴⁵ Furthermore, half of the schools with the 10 highest out-of-school suspension rates have very low in-school suspension rates. This suggests that the vast majority of disciplinary removals in these schools involve removing the student from school premises and excluding the student from participation in school activities for the duration of the suspension period.

The high rate of out-of-school suspension is particularly troubling given findings from national research that show out-of-school suspension is not an effective deterrent for inappropriate behavior. Studies have consistently shown a high rate of repeat offending among students who are suspended from school. Two of the main reasons for disciplining

⁴⁵ This analysis excluded alternative schools which are established to serve at-risk students whose needs are not being met in the traditional school setting.

students are to deter them from misbehaving in the future and to teach them to be law abiding citizens. Yet, findings from a number of studies suggest that out-of-school suspension is not effective in accomplishing these goals. As a result, Massachusetts may wish to explore alternative approaches to the use of out-of-school suspensions.

Massachusetts schools use out-of-school suspension for children as young as four years of age. In Massachusetts, students in all grades, including pre-kindergarten and kindergarten, receive out-of-school suspensions. A total of 1,963 out-of-school suspensions for serious offenses occurred among children in pre-kindergarten through 3rd grade in 2007-2008. A majority (80%) are for physical assaults (n=1061), fighting (n=246) or the threat of physical attack (n=263). During that same school year, a total of 1,289 short-term out-of-school suspensions for unassigned offenses occurred among special education students in pre-kindergarten through 3rd grade.

Out-of-school suspensions for young children call into question the appropriateness of denying a student who misbehaves the opportunity to learn and the impact the time out of school has on the student's academic outcomes. Out-of-school suspension is a punitive strategy that does not teach a young student how to modify his/her behavior and thus, raises questions about its effectiveness as a strategy for deterring future inappropriate behavior.

Moreover, literature and research on child development and school connectedness suggest that the disciplinary removal of a young child from school may undermine the building of relationships with adults and students in the school building at a time when developing bonds to school is critical for positive child development and future academic success. A growing body of research shows that in order for students to succeed academically, they need to feel that they belong in their school. And, students who feel connected to school are also less likely to exhibit disruptive and violent behavior.⁴⁶

In light of this evidence, Massachusetts may wish to reconsider under what circumstances it is appropriate for children at the pre-kindergarten, kindergarten and early elementary levels, who are just starting to develop connections to school, to be removed from the environment that has the potential to teach them to change their behavior. The impact of disciplinary removal is potentially more detrimental to a young student's future success than it is effective in altering the student's behavior.

The disproportionately high rates of disciplinary removal among Massachusetts' students of color and students from low-income families is cause for concern. Consistent with national trends, Black/African-American, Hispanic and low-income students in Massachusetts are subject to disciplinary removal at disproportionately high rates. A review of national research found no evidence to suggest that Black/African-American students have higher rates of misbehavior that would warrant higher rates of disciplinary sanctions and very few studies that examine whether or not other student subgroups have higher rates of misbehavior. Available evidence suggests that Black/African-American students are more likely than their peers to be picked out for wrong-doing despite similar levels of infractions. Studies have shown that Black/African-American students are subjected to office referrals and disciplinary consequences for less serious and more subjective reasons (such as disrespect, excessive noise and loitering) than their classmates. Analysis of Massachusetts data suggests this may also be the case in the Commonwealth. This study found that Black/African-American and Hispanic students are removed for less serious incidents (those categorized as unassigned) more often than White students. However, a lack of information about the unassigned incidents hinders our ability to examine whether students of color are subjected to disciplinary removal for more subjective reasons.

Emerging professional opinion, qualitative research findings, and empirical literature from social psychology suggest that the disproportionate discipline of students of color may be due to lack of teacher preparation in classroom management,⁴⁷ lack of training in culturally competent practices,⁴⁸ or racial stereotypes.⁴⁹

46 Blum, R. (2004). *School Connectedness: Improving Students' Lives*. Baltimore, MD: Johns Hopkins School of Public Health.

47 Vavrus, F. & Cole, K. (2002). "I didn't do nothin": The discursive construction of school suspension. *Urban Review*, vol. 34, p. 87-111.

48 Ferguson, A. A. (2001). *Bad boys: Public schools and the making of Black masculinity*. Ann Arbor: University of Michigan Press; Townsend, B. (2000). Disproportionate discipline of African American children and youth: Culturally-responsive strategies for reducing school suspensions and expulsions. *Exceptional Children*, vol.66, p.381-391.

49 Bargh, J. A. & Chartrand, T. L. (1999). The unbearable automaticity of being. *American Psychologist*, vol. 54, p. 462-479; Graham, S. & Lowery, B. S. (2004). Priming unconscious racial stereotypes about adolescent offenders. *Law and Human Behavior*, vol. 28, p. 483-504.

It is also important to note that the subgroups of students who are suspended and expelled at disproportionately higher rates than their peers are the same subgroups of students who drop out of Massachusetts schools at higher rates and lag behind in academic achievement. Research reviewed for this study suggests that the use of disciplinary removal may contribute to the achievement gap⁵⁰ while other studies have shown a relationship between suspension and dropping out. Taken together, these findings suggest the need for Massachusetts to take a closer look at the racial/ethnic and socioeconomic status disparities in school discipline as part of the strategy for reducing the state's dropout rate and efforts to close the achievement gap.

General education students who have been removed from school for disciplinary reasons are not consistently provided with opportunities for alternative education. The Individuals with Disabilities Act (IDEA) requires that states provide free appropriate public education for students with disabilities even when they are removed from school for disciplinary reasons. Under state law, there is no similar obligation for school districts to continue to provide educational services to general education students who have been removed from their public education for disciplinary reasons. While some schools and school districts use their own resources or develop partnerships with outside organizations to provide education services, such as alternative education programs for students who have been removed from their regular school setting for disciplinary reasons, they are not required to do so. In 2007-2008, schools exercised their right not to provide alternative education in 86% of the disciplinary removals for serious offenses. Of the 30,066 disciplinary removals for serious offenses, only 12% resulted in a student receiving alternative education services through home tutoring or an alternative program in their own school district, another school district or a private alternative setting. The remaining 2% resulted in students not receiving alternative education services for a variety of reasons including incarceration, moving, transferring or refusing alternative education. These results suggest that there is currently a large gap in services for general education students who are removed from school.

Furthermore, Massachusetts law stipulates that if a student is expelled from a Massachusetts public school, all schools and districts in the Commonwealth have the right to decline admission to that student. While the state's Dropout Commission recommended that the state legislature remove this provision, no recommendations were made that would guarantee education services for general education students who are removed from school due to a suspension or expulsion.

There are a number of unanswered questions about disciplinary removal that are important for Massachusetts to address. The most pressing of these questions are shown below.

Eight Essential Questions About School Discipline in Massachusetts

1. What is the nature of the unassigned offenses that result in disciplinary removal?
2. How many general education students receive expulsions and short-term suspensions for unassigned offenses in a given year?
3. How many students receive multiple suspensions during the course of a given school year? Or, similarly, what is the rate of repeated removal?
4. What is the cumulative amount of time students have spent out of school in a given school year as the result of disciplinary removal?
5. What are the demographic characteristics of students subject to repeated removal? Or, similarly, are particular student subgroups over-represented?
6. What short- and long-term impact does repeated disciplinary removal have on students' academic and school engagement outcomes? Are these students more likely to get poor grades, fail MCAS, be held back a grade, become truant or drop out of school?
7. What is the relationship between disciplinary removal and the achievement gap?
8. What is the relationship between disciplinary removal and dropping out?

⁵⁰ Gregory, A., Skiba, R.J., & Noguera, P.A. (2010) The achievement gap and the discipline gap: Two sides of the same coin? *Educational Researcher*: vol. 39, no. 1.

Considerations

In a recent report, Secretary of Education Paul Reville issued the following call to action:

*As we launch into the next chapter of education reform, we must attend to all students to ensure that they meet the minimum requirement for a successful future: high school graduation. We must challenge our conventional assumptions and traditional practices and really do things differently if we expect different outcomes—and we must expect different outcomes.*⁵¹ –Paul Reville, Secretary of Education

Informed by the research presented in this policy brief and in light of Secretary Reville's call to action, we offer the following considerations for state policymakers and leaders of Massachusetts schools and districts.

For policymakers

Hold schools and districts accountable for appropriate use of disciplinary removal. Accountability for academic outcomes is a national priority. There are good reasons to consider holding Massachusetts schools and districts accountable for the use of disciplinary removal. Those reasons include: the over-use of out-of-school suspension, the disproportionate rates of removal among students of color and students from low-income families, and the potential negative academic consequences for students who are suspended and expelled. While out-of-school suspension and expulsion should continue to be disciplinary strategies available to schools, disciplinary removal should be reserved for the most serious behaviors and schools should be held accountable for the appropriate use of these strategies.

Require school districts to report details on the nature of “unassigned” offenses that result in students being suspended and expelled from school. Currently, school districts are only required to report the nature of offenses that involve illegal substances, violence and criminal activity. As a result, all other incidents resulting in a suspension or expulsion appear as “unassigned” in the ESE database. ESE should consider expanding the set of codes currently used for reporting disciplinary incidents so that all offenses that could potentially result in a suspension or expulsion are included. Requiring districts to report the nature of all offenses that result in disciplinary removal will help to ensure that out-of-school suspension and expulsion are reserved for the most serious behaviors.

Report school discipline data to the general public annually. As part of the state's accountability system, policymakers may wish to consider annually reporting to the general public: the number of in-school suspensions, out-of-school suspensions and expulsions at each grade level; descriptive statistics on the duration of each type of disciplinary removal by grade level (i.e. mean number of days removed for both short- and long-term out-of-school suspensions at each grade level); and the percentage of incidents resulting from each type of offense, including those that threaten student safety (i.e. violence, illegal substances, criminal activity, etc.) and those that do not (i.e. attendance issues, inappropriate language, disobedience, disrespect, etc.). The rate of repeated disciplinary removal should also be reported along with an indicator that provides insight into the cumulative days of school that were missed as a result of repeated disciplinary removals.

All of this information should be disaggregated by the same student subgroups required for No Child Left Behind Adequate Yearly Progress (AYP) reporting—students with disabilities, students with limited English proficiency, economically disadvantaged students (eligible for free/reduced priced school lunch), and Black/African-American, Hispanic, Asian, White, and Native American students. Disaggregation by these student subgroups will enable the Commonwealth to monitor and call attention to the disproportionality of disciplinary removal rates.

⁵¹ *Making the Connection: A Report of the Massachusetts Graduation and Dropout Prevention and Recovery Commission*. October, 2009.

Expand the array of options available to schools for dealing with disruptive behavior and support school-wide preventative approaches. Disorder, conflict and disruptive behavior interfere with a teacher's ability to teach and students' ability to learn. There are programs that show promise in improving students' behavior—four of these progressive discipline approaches are described in the Appendix. Progressive approaches to school discipline focus on school-wide, preventative strategies to creating a school climate that is conducive to teaching and learning. Legislative initiatives should encourage schools to adopt school-wide, preventative approaches and, to the extent possible, increase resources to those schools. Legislative initiatives should also encourage schools and school districts to provide an array of disciplinary alternatives that can be used in place of suspension and expulsion and, to the extent possible, increase resources to schools for implementing a broader range of alternatives, especially prevention. Programs that assist schools in increasing their options for addressing disruptive behavior can be expected to reduce reliance on out-of-school suspension and expulsion, thus increasing students' opportunity to learn and decreasing the risk of negative consequences associated with disciplinary removal.

Begin working toward the goal of providing education services, such as alternative education programs, for all suspended and expelled students. While Massachusetts does not guarantee a student's right to public education, there are states that do. For example, Mississippi, New Jersey and West Virginia reject the notion that access to education is contingent upon a student's behavior and consider it necessary to provide an education to suspended and expelled students. Court decisions in these states recognize a dual duty for public education: create safe educational environments, while educating all students. This is achieved by requiring alternative education for suspended and expelled students.⁵²

Examine racial/ethnic and socioeconomic status disparities in school discipline as part of the strategy for reducing the state's dropout rate and closing the achievement gap. The subgroups of students who are suspended and expelled at disproportionately higher rates than their peers are the same subgroups of students who drop out of Massachusetts schools at higher rates and lag behind in academic achievement. Research reviewed for this study suggests that the use of disciplinary removal may contribute to the achievement gap⁵³ while other studies have shown a relationship between suspension and dropping out. Taken together, these findings suggest the need for Massachusetts to take a closer look at the racial/ethnic and socioeconomic status disparities in school discipline as part of the strategy for reducing the state's dropout rate and closing the achievement gap.

School and district leaders

Reserve the use of out-of-school suspensions and expulsions for the most serious infractions. To this end, consider creating a graduated system of discipline wherein disciplinary sanctions are based on the seriousness of the infraction. Such a system would define all code of conduct violations and the consequences associated with each. School and district leaders should work to ensure that less serious offenses such as attendance issues (cutting class, tardiness, truancy), inappropriate language, disobedience, disrespect and general classroom disruption have consequences that do not result in students missing time in school. In the creation of this graduated system, it is important to carefully consider the nexus between a student's conduct and the school's welfare.

Provide teacher training in culturally competent classroom management and instructional practices. The disproportionately high rates of disciplinary removal among Massachusetts' students of color and students from low-income families are cause for concern. Emerging professional opinion and research findings suggest that the disproportionate discipline of students of color may be due to lack of teacher preparation in classroom management, lack of training in culturally competent practices, or racial stereotypes. As a result, schools are encouraged to consider providing teachers at all grade levels with training that addresses these issues.

52 Meek, A. P. (2009). School Discipline "As Part of the Teaching Process": Alternative and Compensatory Education Required by the State's Interest in Keeping Children in School. *Yale Law & Policy Review*.

53 Gregory, A., Skiba, R.J., & Noguera, P.A. (2010) The achievement gap and the discipline gap: Two sides of the same coin? *Educational Researcher*: vol. 39, no. 1.

Implement a school-wide, preventive approach to discipline. Conflict and disruptive behavior in classrooms and schools undeniably interfere with a teacher's ability to teach and students' ability to learn. Research has shown that disorder in school can lead to student anxiety and fear of victimization that, in turn, can reduce motivation, impair concentration, reduce involvement in group learning activities, and increase school avoidance. Progressive approaches to school discipline focus on school-wide, preventive strategies for creating a school climate that is conducive to teaching and learning. As described in the Appendix, School-Wide Positive Behavioral Supports (SWPBS), Social Emotional Learning (SEL), Restorative Practices, and Safe and Responsive Schools (SRS) are four approaches which research has shown to have promise in improving school discipline practices and student behavior.

Conclusion

The findings presented in this brief raise several concerns about school discipline policies and practices that must be examined if the Commonwealth expects to drastically reduce its dropout rate and educate all of its students well. While there will undoubtedly remain students who chose to engage in violent and illegal acts—and for whom suspension and expulsion are appropriate, there is also a large population of students who are exhibiting less severe behavior issues. Removing these students from schools takes them out of the very environments that have the potential to teach them to change their behavior and to alter the trajectory of their futures. Current policies and practices for out-of-school suspensions and expulsions, by design, circumvent the opportunity to engage these students in a school community, develop meaningful relationships with them and ultimately change their future behavior. It is the Rennie Center's hope that this policy brief will spark the thoughtful discussion among policymakers, educators, parents and students that is necessary to ensure that all Massachusetts' public school students are provided with the opportunity to reach their fullest potential.

Appendix: Alternative approaches to school discipline

Under the No Child Left Behind legislation, schools are mandated to use “only practices that are evidence-based, so only the best ideas with proven results are introduced into the classroom.”⁵⁴ This section provides a brief description of four approaches that research suggests show promise in improving school discipline practices and student behavior:

1. School-wide positive behavioral supports (SWPBS)
2. Social emotional learning (SEL)
3. Restorative Practices
4. Safe and Responsive Schools (SRS)

1. School-wide positive behavioral supports (SWPBS)

SWPBS is a preventive approach to discipline. The primary aim of SWPBS is to decrease problem behavior in schools and to develop integrated systems of support for students at the school, classroom, and individual student levels. SWPBS is based on the hypothesis that when teachers and school staff members actively teach by using modeling and role playing, and reward positive behaviors related to compliance with adult requests, academic effort, and interaction with other students, the proportion of students with mild and serious behavior problems will be reduced and the school’s overall climate will improve. Adoption of SWPBS typically involves a two to three year process of systems change and professional development. For more information, see:

- Simonsen, B., Sugai, G., & Negron, M. (2008). *Schoolwide positive behavior supports: Primary systems and practices*. *Teaching Exceptional Children*, vol. 40, no. 6., p. 32-40.
- Horner, R.H., Sugai, G., Smolkowski, K., Eber, L., Nakasato, J., Todd, A., & Esperanza, J. (2009). *A randomized, wait-list controlled effectiveness trial assessing school-wide positive behavior support in elementary schools*. *Journal of Positive Behavior Interventions*.
- Osher, D., Bear, G.B., Sprague, J.R. & Doyle, W. (2010). *How can we improve school discipline?* *Educational Researcher*: vol. 39.

2. Social Emotional Learning (SEL)

Social and Emotional Learning (SEL) refers to the capacity to recognize and manage emotions, solve problems effectively, and establish positive relationships with others. The SEL approach to school discipline targets a combination of behaviors, cognitions, and emotions. The focus is on preventing behavior problems by promoting social and emotional competence rather than through direct intervention. For more information, see:

- Zins, J. E., Weissberg, R. P., Wang, M. C., & Walberg, H. J. (Eds.) (2004). *Building academic success on social and emotional learning: What does the research say?* New York: Teachers College Press.
- Greenberg, M. T., Weissberg, R. P., O'Brien, M. U., Zins, J. E., Fredericks, L., Resnik, H., & Elias, M. J. (2003). *Enhancing school-based prevention and youth development through coordinated social and emotional learning*. *American Psychologist*, vol. 58, p. 466– 474.
- Zins, J. E., & Elias, M. J. (2006). Social and emotional learning. In G. Bears & K. Minke (Eds.), *Children's Needs III: Development, Prevention, and intervention* p. 1–14. Bethesda, MD: National Association of School Psychologists.
- Osher, D., Bear, G.B., Sprague, J.R. & Doyle, W. (2010). *How can we improve school discipline?* *Educational Researcher*: vol. 39, no. 1.

54 No Child Left Behind Act Fact Sheet. (2001). The facts about investing in what works. Retrieved from http://www2.ed.gov/nclb/methods/whatworks/what_works.pdf.

3. Restorative Practices

Restorative Practices is an approach to addressing misbehavior and conflict while keeping students in school and making them accountable for their actions. Restorative practices is based on the hypothesis that human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them. For more information, see:

- McCold, P. & Wachtel, T. (2003). *In pursuit of paradigm: A theory of restorative justice*. Paper presented at the XIII World Congress of Criminology, Rio de Janeiro, Brazil. <http://www.realjustice.org/library/paradigm.html>.
- Riestenberg, N. (2002). *Restorative measures in schools: Evaluation results*. Paper presented at the Third International Conference on Conferencing, Circles and other Restorative Practices, Minneapolis, MN, USA.
- International Institute for Restorative Practices website: <http://www.iirp.org/whatisrp.php>.

4. Safe and Responsive Schools (SRS)

Safe and Responsive Schools (SRS) is an approach to improving the behavior of students at school and to preventing school violence as well as other behavior related problems. The SRS approach emphasizes concern for student behavior and related interventions by suggesting that schools should have three levels of action: (1) Creating a Positive Climate, (2) Early Identification and Intervention, and (3) Effective Responses. Implementing SRS relies upon a team-based approach whereby schools restructure school discipline and school safety practices. For more information, see:

- Peterson, R & Skiba R.J. (2002). *Safe and Responsive Schools Guide*. Indiana Education Policy Center, Indiana University, Department of Special Education.
- Skiba, R.J., Boone, A.F., Wu T., Strussell, A. & Peterson, R. *Preventing School Violence: A practical guide to comprehensive planning*. Indiana Education Policy Center, Indiana University.
- Skiba, R. J., Ritter, S., Simmons, A., Peterson, R., & Miller, C. (2006). The Safe and Responsive Schools Project: A school reform model for implementing best practices in violence prevention. In S. R. Jimerson & M. J. Furlong (Eds.), *Handbook of School Violence and School Safety: From Research to Practice* p. 631–650. New York: Routledge.
- Building Safe and Responsive Schools Website: <http://www.indiana.edu/~safeschl/index.html>.



131 Mount Auburn Street
Cambridge, MA 02138

Research conducted and brief produced by the **RENNIE CENTER** for Education Research & Policy

Jill Norton, *Executive Director*

Lisa Famularo, *Ph.D., Research Director*

Michael Bennett, *Policy Analyst*

Ivy Washington, *Operations Manager*

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In an effort to promote public discourse on educational improvement and to inform policy discussions, the Rennie Center periodically publishes policy briefs, which are broadly disseminated to policymakers and stakeholders in the public, private, nonprofit and media sectors. Policy briefs contain independent research on issues of critical importance to the improvement of public education. Briefs are designed to present policymakers and opinion leaders with just-in-time information to help guide and inform their decisions on key educational issues.

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The Rennie Center's mission is to develop a public agenda that informs and promotes significant improvement of public education in Massachusetts. Our work is motivated by a vision of an education system that creates the opportunity to educate every child to be successful in life, citizenship, employment and life-long learning. Applying nonpartisan, independent research, journalism and civic engagement, the Rennie Center is creating a civil space to foster thoughtful public discourse to inform and shape effective policy. For more information, please visit www.renniecenter.org.

For more information about this policy brief, please contact the primary author Dr. Lisa Famularo, Research Director, at lfamularo@renniecenter.org.

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