

Examining the Current State of Disciplinary
Practices in the Education System:
A Policy Brief for Edgecombe County, NC



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March 2019

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Updated April 2019

The opinions and views expressed in this report are those of the authors. They do not necessarily reflect the views of the Gillings School of Global Public Health, UNC at Chapel Hill, or the Rural Opportunity Institute

EXECUTIVE SUMMARY

In the United States, the education system has not had the best track record for disciplining students equitably. While many conversations have been held on the state and national levels, both formally and informally, there has been little action to correct this problem. Traditionally, there are three punitive metrics used to measure how schools are disciplining students: in-school suspensions (ISS), out-of-school suspensions (OSS), and expulsions. All of these disciplinary measures exclude students from their peers and contribute to higher dropout rates and poorer academic outcomes. The goal of this policy brief is to help Edgecombe County, and North Carolina in general, reduce the number students disciplined via ISS, OSS, and expulsion.

During the 2013-2014 school year, more than 2.7 million students in the United States received at least one ISS, more than 2.6 million students received OSS, and roughly 111,000 were expelled from public schools, grades K-12 (DEOCR, n.d.). North Carolina (NC) ranked amongst the highest in number of ISS, OSS, and expulsions compared to other states. During the 2013-2014 school year, NC had over 98,000 students with one or more ISS (6th highest in the US), almost 102,000 students with one or more OSS (7th highest in the US), and 870 students expelled from school (23rd highest in the US) (CRDC, n.d.). In Edgecombe County, NC, the rate of OSS increased from the 2015-2016 school year to the 2016-2017 school year in grades 9-12 (DPI, 2017). While it is difficult to ascertain why the rates of suspensions and expulsions change year-to-year, it is clear there is plenty of room to lower ISS, OSS, and expulsion in NC and in Edgecombe County specifically.

One key reason why NC suspensions and expulsions are higher than average is the lack of alternative discipline actions available to schools. Despite House Bill 736 eliminating Zero Tolerance policies in NC, similar practices still exist in schools today because the Bill did not suggest any alternatives to Zero Tolerance policies previously in place. Strict consequences exist in many schools for minor infractions, such as plagiarism, dress code violations, or possession of cell phones. One policy alternative could focus on prioritizing restorative justice (RJ) practices through legal interventions by establishing guidelines or listing RJ as the preferred alternative disciplinary system. Another policy alternative could take a community-wide approach to preventing suspensions and expulsions. These policy changes could allow schools to minimize suspensions and expulsions and improve student outcomes while creating a safe and positive school climate.

Policy Option 1: Prioritizing Restorative Justice focuses on moving away from punitive, exclusionary discipline policies toward a preference for restoration using legislative measures. Policy Option 2: A Community-Led Preventative Approach focuses on leveraging resources in the community to reduce conduct violations in the long-term, thus rendering suspensions and expulsions largely unneeded. As Option 2 is more resource and time intensive, Option 1 is recommended for school districts desiring to reduce suspensions and expulsions in the short-term, while Option 2 would be better suited for school districts that have already prioritized restorative justice disciplinary practices in its schools. For these reasons we recommend Policy Option 1 for Edgecombe County, NC.

INTRODUCTION TO THE ISSUE

In the United States (US), the education system is still searching for answers on how to best discipline its student body. There are three metrics most commonly used to show how schools are disciplining its students: in-school suspensions (ISS), out-of-school suspensions (OSS), and expulsions. During the 2013-2014 school year, there were 2,710,924 students with one or more ISS, 2,635,743 students with one or more OSS, and 111,215 expelled from school (DEOCR, n.d.).

The state of North Carolina in particular has higher than average rates of ISS, OSS, and expulsions. During the 2013-2014 school year, NC had 98,473 students with one or more ISS, 101,924 students with one or more OSS, and 870 students expelled from school (CRDC, n.d.). While these numbers may seem high, data published by the Department of Public Instruction for the 2016-2017 school year show that the overall number of OSS and expulsions decreased from the 2015-2016 school year by 4% and 33.3%, respectfully (DPI, 2017).

Edgecombe County (EC) is experiencing a similar trend. In the 2015-2016 school year, there were 2,233 OSS (DPI, 2017). In the 2016-2017 school year, short-term OSS (1-10 days) decreased by 20.1% to 1,779, while long-term OSS (11+ days) remained the same at six (DPI, 2017). However, the rate of short-term OSS in grades 9-12 increased from 32.03 short-term OSS per 100 students in 2015-2016 to 38.49 short-term OSS per 100 students in 2016-2017 (DPI, 2017).

The aforementioned disciplinary actions exclude students from their peers and lead to negative outcomes for the students being punished (Luster, 2018). There are negative short- and long-term outcomes for students affected by these disciplinary actions. For example, having just one OSS increases the likelihood of that

student dropping out of school by up to 16% (Dunn, 2013). Without access to the education system, either from dropping out or from being suspended or expelled, children are more than three times as likely to come into contact with the criminal justice system (Moore, 2015). Furthermore, students who drop out of high school without graduating earn \$400,000 to \$485,000 less income in their lifetime than their peers who graduate and, as a result, pay roughly \$60,000 less in taxes. This equates to billions of dollars of potential taxes lost each year nationally (AAP, 2013).

Analysis of data on the disciplinary actions taken from around the US has revealed that not all students are disciplined equally (DEOCR, 2014). Students of color, especially African American students, receive the majority of disciplinary actions (Moore, 2015). African American students are up to five times more likely to be suspended for the same behavior as white students. In addition, students with disabilities are up to eight times more likely to be suspended than those without disabilities (Biehl, 2014). Additionally, students of low-income families are 2.5 times more likely to be suspended than students who are not considered low-income (Biehl, 2014).

More research is being done around "Adverse Childhood Experiences," a term used to describe all types of abuse, neglect, and other potentially traumatic experiences that occur to people under the age of 18 (National Center for Injury Prevention and Control, n.d.). Students with three or more Adverse Childhood Experiences (ACEs) are suspended and expelled more often (Anda, n.d.).

The questionnaire used to determine a person's ACE score can be found in Appendix A. If we hope to one day have an education system that is truly inclusive and equal for all children, we must take a closer look at how our children are disciplined.

POLICY BACKGROUND IN EDGECOMBE COUNTY, NC

Since the early 1990s, schools in the US have been taking strict, exclusionary discipline approaches to conduct violations. Discipline within schools was heavily affected by the passing of the national policies, such as the Gun-Free School Zones Act and the Safe and Drug Free Schools and Communities Act, which created what is known within the education system as Zero Tolerance policies (Moore, 2015). Zero tolerance policies assign predetermined disciplinary actions for specific misbehaviors (Boccanfuso & Kuhfeld, 2011). These policies are typically severe and do not take context and individual circumstances into account.

Zero Tolerance policies were prohibited in North Carolina (NC) schools with the passage of House Bill 736, in June 2011. The Bill called for the modification of discipline codes by local boards of education. As a result of this Bill, discipline codes now allow principals to have flexibility when deciding disciplinary action: “Board policies shall not prohibit the superintendent and principals from considering the student’s intent, disciplinary and academic history, the potential benefits to the student of alternatives to suspension, and other mitigating or aggravating factors when deciding whether to recommend or impose long-term suspension” (General Assembly of North Carolina, 2011).

In Edgecombe County Public Schools (ECPS), principals have some flexibility in determining individual consequences of conduct violations, but part of these disciplinary actions are mandated by the superintendent and the Board of Education. According to ECPS (2015) student behavior policies (Policy Code 4300), principals

are responsible for creating a plan to manage student behavior that:

1. Creates an orderly environment in which students can learn;
2. Teaches expected standards of behavior;
3. Helps students learn to accept the consequences of their behavior; and
4. Provides students with the opportunity to develop self-control.

The policy also states that “consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control” (ECPS, 2015). Principals are responsible for clearly communicating this plan to staff members and students. The superintendent monitors schools and describes specific consequences for prohibited behaviors in the Code of Student Conduct. As mentioned in ECPS Policy Code 4303 (2015), the superintendent is responsible for collecting data for schools, and the principals of the district are responsible for ensuring that the disciplinary measures are being applied consistently and equitably.

Although House Bill 736 eliminates Zero Tolerance policies, similar practices to Zero Tolerance still exist in NC schools today because the Bill did not provide any alternatives to the Zero Tolerance policies that were in place before the Bill’s passing. Many schools dole out strict consequences for minor infractions, such as plagiarism, dress code violations, disruptive behavior, or possession of cell phones. In Edgecombe County, there is an opportunity to shift the focus of discipline processes from punishment to restoration to minimize school suspensions and expulsions and improve academic outcomes for students.

POLICY ALTERNATIVES

Though Zero Tolerance policies were eliminated with HB 736, the Bill did not offer NC schools support to shift from a punitive to restorative disciplinary system. A policy alternative could focus on prioritizing restorative justice (RJ) practices through legal interventions by establishing guidelines or even listing RJ as the preferred alternative system. Another policy alternative detailed below takes a community-wide approach to addressing suspensions and expulsions. These policy changes could allow schools to minimize suspensions and improve student outcomes while also creating a safe and positive school climate.

OPTION 1

Prioritizing Restorative Justice

Restorative Justice is a framework grounded in strengthening community relationships through repairing harm and increasing understanding of the consequences of behaviors. RJ can look different across settings; however, it usually involves shared power, voluntary participation, and equal voices (Restorative Justice Colorado, 2018). When misbehavior occurs, schools can make use of RJ practices as an alternative to harsher disciplinary actions. Some common practices include dialogues, peace circles, conferences, and peer-led mediation (Anyon, 2016).

In schools, RJ can lead to improved student outcomes. Evidence shows that RJ can decrease suspensions, absences, and tardiness, leading to more time in the classroom (RJ Colorado, 2018). This results in better academic outcomes for students and districts as a whole (RJ Colorado, 2018). RJ also allows students to learn the consequences of their actions in their environments and reintegrate them into the

school system after having made a mistake, allowing students to further develop social emotional skills. RJ practices allow students to develop problem solving or coping skills by returning to school, learning about the consequences of their behavior, and discussing strategies that may improve their behavior in the future.

Although there are clear benefits to using RJ as an alternative to punitive, exclusionary discipline in schools, it can be hard to implement without support (Nussbaum, 2018). Without clear guidelines, school districts and boards can potentially have too much flexibility, leading to differences in practice and outcomes for students. For example, Payne and Welch (2013) analyzed the use of specific beneficial RJ practices and the racial composition of schools. The researchers found that schools that were predominantly African American were less likely to make use of student conferences, peer mediation, restitution, community service, and overall RJ discipline (Payne & Welch, 2013). These results show the importance of establishing guidelines to ensure all students are experiencing the key elements of restorative justice.

It can also be challenging to transition to RJ policies without adequate resources and strong community engagement. As illustrated in the second case study with Durham Public Schools (DPS), RJ practices require time, funding for training, and buy-in from key stakeholders (e.g. teachers, principals, and the community). RJ does not have immediate effects. It takes time to implement RJ practices with fidelity within a district or state. School districts need to invest in trainings to ensure principals and teachers across the district understand how to implement the practices in their schools. Additionally, suspension rates do not always decrease immediately. It takes time for school districts to see reduced suspensions and improved academic performance.

Despite these challenges, there are many benefits to a RJ approach when it is implemented with fidelity. Given the benefits and challenges to successful implementation of RJ, statewide legal interventions and district-wide policy interventions may be a way to support districts as they implement RJ policies consistently in schools. Policies that prioritize RJ practices give principals alternatives to more punitive disciplinary actions, thereby reducing suspensions and expulsions, while creating new recommendations to improve practices in alternative schools. In the absence of a single way of implementing RJ, two case studies detailing some strategies are included below.

Case Study 1: Colorado

A statewide policy enacted in 2013 in Colorado requires RJ practices as the first response to disciplinary issues. This policy focused on changing school codes of conduct and discipline codes. Each school district's board of education was to "include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct ... designed to minimize student exposure to the criminal and juvenile justice systems" (Colorado Revised Statutes Title 22 Education § 22-32-1091, 2013). Along with this policy, the Colorado State Legislature mandated the formation of a council (with HB07-1129) to train teachers, monitor RJ programs, and provide implementation guides and best practice guidelines to the state. These measures minimized student suspensions and created a positive school environment (Restorative Justice Colorado, 2018).

This statewide movement involved coordination and grassroot efforts among schools, police, probation officers, and community groups. The push for RJ practices started in 1984 with mediation programs (Greenhagen, 2016). Community interest continued to grow, leading to

the Forum on Community and Restorative Justice in 1998, which brought together community organizations, legislators, and key advocates. State legislators advocated for RJ practices across the state. As RJ practices became more popular in the judicial system, it started to make its way into schools. Many schools started individual programs, such as the Colorado School Mediation Project, based in Boulder, or the Conflict Center, based in Denver (Greenhagen, 2016). These revolutionary programs, along with partnerships with legislatures, led to a statewide policy change. Colorado remains one of the leaders of RJ in the United States due to the council's guidelines and resources, which has led to the widespread adoption of RJ practices across the state.

Case Study 2: Durham Public Schools

In North Carolina, Durham Public Schools (DPS) passed a new district policy promoting an RJ approach in 2016. The revised district legislation included language that prioritizes RJ and fosters a safe school environment. As stated in Sections 4300.5 and 4300.6 of the district policy, "the principal will establish and maintain a positive school climate based on the principles of fairness, accountability and restorative practices" and "the superintendent is authorized to take reasonable measures to support positive school climates, programmatic interventions, and procedures for students" (Durham Public Schools, 2016). The policy goes on to state that restoration and accountability are key to creating a positive school climate.

There are mixed data on the short-term effectiveness of this policy change. Overall, short-term suspension rates have increased for the 2016-2017 school year. In DPS (2017), the rate of short-term OSS increased from 16.65 to 31.60 short-term OSS per 100 students in the 2016-2017 school year compared to the previous school year. However, looking specifically at high schools (grades 9-12), the rate of short-term suspensions

per 100 students has decreased from 28.27 to 17.97 short-term OSS per school year (DPI, 2016). Principals, teachers, and the school board recognize the gradual process and improvements of the new policy to school culture and student attitudes as they begin the shift towards restorative justice (Childress, 2018).

The process toward this policy started when Advocates for Children Services' Legal Aid of North Carolina and the Center for Civil Rights Remedies at the Civil Rights Project of University of California, Los Angeles, filed a complaint with the federal Department of Education, addressing how suspensions in Durham Public Schools disproportionately affected students with disabilities and students of color (Childress, 2018). This led to a revamp of the Code of Student Conduct and a new district-wide policy giving principals more alternatives to exclusionary and punitive measures like suspensions and expulsions.

After the policy was enacted, RJ practices were implemented gradually in schools. Once the policy reform was approved, the Board of Education partnered with the Flippen Group to train schools in RJ practices (Arriero, 2016). Additionally, restorative practice centers started to replace ISS at middle and high schools. This change in policy required patience and persistence from key community champions.

OPTION 2

A Community-Led Preventative Approach

A community-led preventative approach focuses on preventing student conduct violations thus rendering suspensions and expulsions unnecessary as disciplinary tactics. The goal of this policy option is to encourage a thriving and inclusive educational space where conduct violations are minimized. Considering this option is focused on prevention, its success will depend on the quality of collaboration between schools,

families, and organizations in the school district and surrounding community. This option includes a three-pronged approach adapted from strategies outlined by the American Academy of Pediatrics (AAP) in their 2013 Policy Statement Out-of-School Suspension and Expulsion. The three phases of this policy approach are described below.

Phases of the Community-Led Approach

1. Early intervention for pre-school children
2. Early identification of school difficulties and intensive intervention
3. Provide school-wide positive behavior intervention and support (AAP, 2013).

The first phase, **Early intervention for pre-school children**, involves identifying high-risk families and intervening when necessary. Families are considered to be high-risk if they find it difficult to provide the nurturing care required by young children or if children are likely to encounter stressful, traumatic stimuli often. The AAP have shown a desire and willingness to help with this process of identifying and intervening through their pediatrician workforce and have stated that the “reduction of toxic stress should be a high priority” for medical care providers and that pediatricians are uniquely positioned to help in community-wide interventions. However, they also mentioned that ensuring pediatricians are compensated properly has been an issue in similar efforts (Garner et al., 2012). A separate report by Cohen and colleagues in 2013 provides a more comprehensive list of ways pediatricians could serve as valuable resources and liaisons in the community help to ensure children receive the care they need early in life. The five ways pediatricians fit into the Community-Led Preventative Approach include 1) routinely asking about exposure to potentially traumatic experience (PTEs) during

office visits, 2) determine if exposure to PTEs have contributed to functional impairment, 3) provide office-based interventions such as education on trauma, how to recover from trauma, and optimal ways to perform self-care, 4) provide ongoing monitoring of children with known trauma, and 5) refer children to mental health care professionals when necessary (Cohen, Kelleher, Mannarino, & Experi, 2013).

PTEs are defined as events “likely to lead to post-traumatic stress disorder (PTSD), (i.e. potentially threatening to life or physical safety and with responses involving intense fear, horror, or helplessness) such as child abuse, domestic violence, community violence, or deaths of a traumatic nature prior to reaching adulthood” (Cohen, Kelleher, Mannarino, & Experi, 2013). Cohen also reported that 68% of children experience a PTE before the age of 18 and half of those children experience more than one. It is well understood that children undergo a great deal of neurocognitive development in the first years of life, and that the deleterious consequences of traumatic experiences at an early age are often carried with people for the rest of their lives (AAP, 2013). Screening and intervening early in children’s lives can ensure they have the best chance to live a productive life.

When a school is deciding upon whether to initiate the Community-Led Preventative Approach, considerations should be given to the available resources in the community that could assist in ensuring children receive early intervention when needed and assessing community capacity. The Cohen report suggests identifying willing pediatricians in the community as a first step and using the UCLA PTSD Reaction Index as a tool for screening children quickly during routine office visits (Cohen, Kelleher, Mannarino, & Experi, 2013). Developing a committee of different stakeholders (detailed

further in the third phase) would be beneficial in this process of identifying available resources in the community. The following are programs and interventions that have been successful at identifying high-risk children and intervening early to prevent the development of issues later in life: 1) the High/Scope Perry Preschool Project, 2) Carolina Abecedarian Project, 3) Chicago Child-Parent Centers, and 4) Early Head Start (Perez-Johnson & Maynard, 2007).

The second phase of the Community-Led Preventative Approach, **Early identification of school difficulties and intensive intervention**, involves the early identification of students having difficulties at school and providing tailored intervention to these students. This is a continuation of the first strategy to support children beyond preschool, focusing on keeping students engaged in school. Accurately and respectfully addressing problematic behaviors and sub-par academic outcomes in children at the beginning of their grade school career is thought to improve long-term academic performance and behavior within the educational system (AAP, 2013). This strategy includes collaboration with community organizations, when necessary, to help the student improve in the area(s) they are having difficulty with in school. Children are supported throughout their journey in the education system and consideration is given that each child is unique and may need individualized attention to achieve success. The following programs and interventions have shown positive results in improving problematic behaviors and sub-par academic performance before it leads to major issues for children: 1) the Classroom-Centered Intervention, 2) Family-School Partnership Intervention (Ialongo et al., 1999), 3) the Early Risers Program (August, Realmuto, Hektner, & Bloomquist, 2001), 4) Seattle Social Development Intervention (Hawkins, Guo, Hill, Battin-Pearson, & Abbott, 2001), and 5) the Linking the

Interest of Families and Teachers (LIFT) intervention (Eddy, Reid, Stoolmiller, & Fetrow, 2003).

The third phase, **Provision of school-wide positive behavior intervention and support**, is based on group behavior theory and proposes that behavior change occurs when desired behaviors are 1) actively taught, 2) clearly and consistently expected, and 3) positively recognized and acknowledged. It involves incorporating school-wide positive behavior support (SWPBS) components and providing three tiers of support:

1. School-wide primary prevention of discipline infractions, involving students, staff, and parents in all school settings;
2. Support for groups and students engaging in at-risk behaviors; and
3. Individualized intervention on students engaging in at-risk behaviors when conduct rules have been violated (AAP, 2013).

Each school implementing this community-led approach should develop a committee, including administrators, staff, community members, parents, and students representative of the student body, to develop the behavioral goals desired in their individual schools and communities. This committee should learn the key components of SWPBS and then decide how conduct violations will be handled (AAP, 2013). To ensure the three phases are

implemented correctly and yield the desired results, it would be advantageous to create process and impact evaluation plans to be utilized by the committee during and after implementing this policy option. Furthermore, the committee could also lead the community engagement necessary for proper execution of the first two phases. Effective implementation of this third phase will ideally communicate to the student body, school staff/administrators, and the community as a whole that the school prioritizes the successful preparation of students to be productive members of society. It will create a culture shift in schools that have not been able to effectively communicate that focus to their students and community.

Like most prevention-based policies, this policy option is ambitious in scope and scale. Successful implementation of the three phases would likely begin with the allocation of resources to create the committee mentioned above. The policy should be developed to include accompanying guidelines for the school to follow during the committee selection process as well as stipulations that the committee should abide by to ensure equitable execution of the policy strategies detailed above. Considering the heavy involvement of the community in the execution of this preventative approach, it is likely ideal for the policy to be implemented at the school district level, rather than a state level. Initiating the policy at the district level will allow for efficient tailoring of resources within each district's community.

POLICY RECOMMENDATION FOR EDGECOMBE COUNTY, NC

everyone committed to seeing ECPS and its students succeed.

Both policy options detailed above could be beneficial and reduce suspensions and expulsions within Edgecombe County Public Schools. Knowing that suspension rates are still rising in some populations within ECPS underscores the urgency to take legislative action sooner rather than later. Given the available evidence, Option 1: Prioritizing Restorative Justice, is the more practical first step to reducing the number of suspensions and expulsions. Option 2: A Community-Led Preventative Approach, being more comprehensive, would likely take longer to implement fully and would be more resource intensive for a public school system.

Implementing Option 1 could be initiated at the district level with legislative action taken by Edgecombe County's superintendent or Board of Education and would serve as an alternative to the remnants of the Zero Tolerance policies eliminated by House Bill 736. Similar to the policy in Durham Public Schools (2016), this shift should include language in district-wide policy prioritizing RJ. Furthermore, the initiation of Option 1 would be a proactive first step to implementing a more comprehensive approach like that of Option 2. As noted in previous sections, suspensions and expulsions are hindering the development of children and communities and prioritizing restorative justice sooner rather than later will prove beneficial to

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APPENDIX A: Adverse Childhood Experience (ACE) Questionnaire

Prior to your eighteenth birthday:

1. Did a parent or other adult in the household often ...
 - a. Swear at you, insult you, put you down, or humiliate you?
or
 - b. Act in a way that made you afraid that you might be physically hurt?
2. Did a parent or other adult in the household often ...
 - a. Push, grab, slap, or throw something at you?
or
 - b. Ever hit you so hard that you had marks or were injured?
3. Did an adult or person at least 5 years older than you ever...
 - a. Touch or fondle you or have you touch their body in a sexual way?
or
 - b. Try to or actually have oral, anal, or vaginal sex with you?
4. Did you often feel that ...
 - a. No one in your family loved you or thought you were important or special?
or
 - b. Your family didn't look out for each other, feel close to each other, or support each other?
5. Did you often feel that ...
 - a. You didn't have enough to eat, had to wear dirty clothes, and had no one to protect you?
or
 - b. Your parents were too drunk or high to take care of you or take you to the doctor if you needed it?
6. Were your parents ever separated or divorced?
7. Was your mother or stepmother:
 - a. Often pushed, grabbed, slapped, or had something thrown at her?
or
 - b. Sometimes or often kicked, bitten, hit with a fist, or hit with something hard?
or
 - c. Ever repeatedly hit over at least a few minutes or threatened with a gun or knife?
8. Did you live with anyone who was a problem drinker or alcoholic or who used street drugs?
9. Was a household member depressed or mentally ill or did a household member attempt suicide?
10. Did a household member go to prison? (Harris, 2018)

Every question you answer yes to adds one point to your ACE Score, so the highest ACE Score possible is 10.