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School Disciplinary Systems: Alternatives to Suspension and Expulsion

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W ithout question, schools need sound disciplinary systems to maintain school safety and promote student learning. In the face of multiple-victim homicides in the late 1990s, schools have been increasingly motivated to address issues of disruption and violence. The fear created by such incidents also has generated support for more punitive methods of school discipline, often under the broad rhetoric of *zero tolerance*. The shift toward punitive and exclusionary discipline has substantially increased the number of students suspended or expelled from school (Wald & Losen, 2003).

Thus, schools face what appears to be a profound dilemma. To fulfill their responsibility to promote safety, many schools and school districts have turned to procedures that remove some children from the opportunity to learn. Under federal education legislation, schools are under a mandate to use "only practices that are evidence-based, so only the best ideas with proven results are introduced into the classroom" (No Child Left Behind Act Fact Sheet, 2001). The purpose of this chapter is to examine what is known about the use of school exclusion as a disciplinary strategy. Are zero tolerance, suspension, and expulsion effective methods for promoting safe and effective school climates? Are there effective alternatives that can keep schools safe without removing students from the opportunity to learn?

BACKGROUND AND DEVELOPMENT

Purposes of School Discipline

Although in the public mind school discipline has become increasingly associated with the use of punishment and school exclusion (Skiba & Peterson, 1999), in fact a number of important instructional and organizational purposes underlie any school's disciplinary system:

- *To ensure the safety of students and teachers.* The increased awareness that deadly violence brought to this nation has drawn attention to the acute need to guarantee the safety of students and teachers.
- *To create a climate conducive to learning.* Effective disciplinary systems should improve academic outcomes by increasing the amount and quality of time teachers can spend teaching rather than responding to behavioral disruptions.
- *To teach students skills needed for successful interaction in school and society.* Children will always require socialization, instruction, and correction to shape fundamentally egocentric behavior into interpersonal skills that make children capable of interacting successfully with others in school and beyond.
- *To reduce rates of future misbehavior.* Behavioral psychology (Skinnner, 1953) suggests that those

disciplinary interventions that are effective will lead to reduced rates of inappropriate or disruptive behavior in the school setting.

Among the most dominant disciplinary approaches in the past 15 years has been the philosophy of *zero tolerance*. Zero tolerance is based on the philosophy of *deterrence*, that is, the belief that increasing the severity of punishment for both minor and major misbehavior will send a message that disruptive behavior will not be tolerated. Before we examine whether the disciplinary practices favored by this approach have been effective in meeting the primary purposes of school discipline, we review the background and definition of zero tolerance.

Zero Tolerance: Background and Definition

Zero tolerance first received national attention as the title of a program developed in 1986 by U.S. Attorney Peter Nuñez to impound seagoing vessels carrying any amount of drugs. U.S. Attorney General Edwin Meese highlighted the program as a national model in 1988 and ordered U.S. Customs officials to seize the vehicles and property of anyone crossing the border with even trace amounts of drugs, and to charge those individuals in federal court. Beginning in 1989, school districts in California, New York, and Kentucky picked up on the term *zero tolerance* and mandated expulsion for drugs, fighting, and gang-related activity. By 1993, zero tolerance policies had been adopted across the country, and often were broadened to include not only drugs and weapons but also smoking and school disruption. This tide swept zero tolerance into national policy when the Clinton administration signed the Gun-Free Schools Act into law. The law mandates a 1-year expulsion for possession of a firearm, referral of students who violate the law to the criminal or juvenile justice system, and the provision that state law must authorize local administrators to conduct a case-by-case review of all such expulsions.

State legislatures and local school districts have broadened the mandate of zero tolerance beyond the federal mandates of weapons, to drugs and alcohol, fighting, threats, or swearing. Many school boards continue to toughen their disciplinary policies; some have begun to experiment with permanent expulsion from the system for some offenses. Others have begun to apply school suspensions, expulsions, or transfers to behaviors that occur outside of school (Ayers, Dohrn, & Ayers, 2001;

Michigan Public Policy Initiative, 2003; Potts, Njie, Detch, & Walton, 2003).

As a philosophy more than an intervention, zero tolerance is difficult to define. The National Center on Education Statistics (NCES) report, *Violence and Discipline Problems in America's Public Schools: 1996–1997* (Heaviside, Rowand, Williams, & Farris, 1998) defined zero tolerance as a policy that mandates predetermined consequences or punishments for specified offenses. Yet the NCES definition of zero tolerance may be unnecessarily broad. One would expect that few school disciplinary policies exist that do not mandate some predetermined consequences for specific behaviors. A more limited definition of zero tolerance is as a disciplinary policy that is "intended primarily as a method of sending a message that certain behaviors will not be tolerated, by punishing all offenses severely, no matter how minor" (Skiba & Peterson, 1999, p. 373).

Frequency of Use of Suspension and Expulsion

At the national level, it has been estimated that the number of suspensions and expulsions nationwide has doubled since the 1970s (U.S. Department of Education, 2000; Wald & Losen, 2003). Both state and local district reports suggest increases in out-of-school suspension rates at the local level (Raffaele Mendez & Knoff, 2003; Rausch & Skiba, 2004). Studies of school discipline (Bowditch, 1993; Skiba, Peterson, & Williams, 1997) have consistently found that suspension is among the most widely used disciplinary techniques—perhaps the most frequently used disciplinary tool—but studies also found that rates of usage vary widely. For example, reports of rates of suspension at the high school level have ranged from below 9.3% of enrolled students (Kaeser, 1979) to 92% (Thornton & Trent, 1988). Out-of-school suspension rates appear to be the highest in urban schools, compared with schools in suburban, town, or rural locales (Massachusetts Advocacy Center, 1986; Wu, Pink, Crain, & Moles, 1982). Suspension rates appear to be the lowest in elementary school; they increase and peak during middle school, then drop slightly from middle school to high school (Raffaele Mendez & Knoff, 2003; Rausch & Skiba, 2004). School expulsion, though less widely studied, appears to be used relatively infrequently relative to other disciplinary techniques (Heaviside et al., 1998).

PROBLEMS AND IMPLICATIONS

Out-of-school suspension and expulsion are, by their very nature, interventions that pose some risk to educational opportunity. One of the most important findings of educational psychology of the past 30 years is the central importance of academic engagement to learning (Greenwood, Horton, & Utley, 2002). Thus, suspension and expulsion, which remove students from the opportunity to learn, must be viewed as potentially risky interventions.

Questions about suspension and expulsion as disciplinary tools are essentially issues of costs and benefits. Does the removal of troublesome students from school through suspension and expulsion provide sufficient benefits in terms of safety and improved learning climate to offset the risks to the suspended students' educational opportunity and school bonding that are inherent in disciplinary removal? In the following sections we address that question by reviewing the literature on the efficacy of out-of-school suspension and expulsion.

Efficacy of Disciplinary Removal

How effective is school disciplinary removal in preserving safe school climates that are conducive to learning, in teaching students the behaviors they need to succeed in school, or in deterring students from disruptive behavior? To address that question, we examine research findings on the efficacy of out-of-school suspension and expulsion pertaining to treatment integrity, nondiscriminatory application, and educational outcomes.

Measuring treatment integrity. Treatment integrity, the extent to which an intervention is implemented as planned, has been increasingly viewed as a key factor in judging the effectiveness of behavioral interventions (Lane, Bocian, MacMillan, & Gresham, 2004). Unless an intervention is implemented with some degree of consistency, any changes in school climate or student behavior cannot be attributed to that intervention. For traditional disciplinary interventions, one might expect two indicators of treatment integrity. First, because removal from the opportunity to learn is in most cases the most extreme form of punishment a school could administer, one measure of treatment fidelity would be whether out-of-school suspension and expulsion are reserved for those offenses for which they are intended— the most serious offenses. Second, because disciplinary techniques are intended as methods of behavior change,

one would expect that variations in the use of suspension and expulsion would be based largely upon variations in student behavior, not upon idiosyncratic characteristics of schools or school staff. Both of these aspects of the treatment integrity of disciplinary removal are reviewed below.

Are suspension and expulsion reserved for most serious offenses? Looking across studies of school discipline, it is clear that school suspension tends not to be reserved for serious or dangerous behaviors. Fighting or physical aggression among students is consistently found to be among the most common reasons for suspension (Skiba et al., 1997; Stone, 1993). The majority of offenses for which students are suspended, however, appear to be nonviolent, less-disruptive offenses (Children's Defense Fund, 1975; Raffaele Mendez & Knoff, 2003). Rausch and Skiba (2004) reported that 5% of all out-of-school suspensions in one Midwestern state were in categories such as weapons or drugs that are typically considered more serious or dangerous; the remaining 95% of suspensions fell into two categories: *disruptive behavior* and *other.* These data are consistent with Stone's (1993) conclusions from a national survey of 35 school districts representing over a million students: "It appears clear that on reviewing the data to determine if the crime fits the punishment, the answer is no" (p. 367).

One might expect that expulsion, because it is used less frequently, would be reserved for more serious infractions. In one of the few reported studies of school expulsion in American education, Morrison and D'Incau (1997) found that student offenses resulting in expulsion tended to be offenses of moderate to high severity. The authors also reported, however, that the majority of offenses in the sample they investigated were committed by students who would not generally be considered dangerous to the school environment. Some researchers have also suggested that zero tolerance and the increased involvement of law enforcement in schools has led to the criminalization of some relatively minor misbehavior (Wald & Losen, 2003).

Are suspension and expulsion primarily a response to student misbehavior? There can be little doubt that certain students are at a much higher risk for office referral and school suspension and thus account for a disproportionate share of disciplinary effort (Tobin, Sugai, & Colvin, 1996; Wu et al., 1982). Yet the data also indicate that certain classrooms and schools appear to be responsible for a disproportionate share of disciplinary

referrals. Skiba et al. (1997) reported that at one middle school they studied, 25% of classroom teachers were responsible for 66% of all referrals to the office. In a national study to identify predictors of school suspension, Wu et al. (1982) found that student behavior and attitude did make a significant contribution to the probability of suspension in that model. However, their analyses also showed that a number of school characteristics contributed significantly to the probability of a student's being suspended, including overall school suspension rate, teacher attitudes, administrative centralization, school governance, perceptions of achievement, socioeconomic disadvantage, and racial status. In fact, school and demographic characteristics made a more significant contribution to predicting school suspension than did student behavior and attitude, leading Wu et al. to the following conclusion:

> One could argue from this finding that if students are interested in reducing their chances of being suspended, they will be better off by transferring to a school with a lower suspension rate than by improving their attitudes or reducing their misbehavior. (pp. 255–256)

Rates of out-of-school suspension and expulsion also appear to be determined by attitudes of school principals. Principals who were interviewed regarding their disciplinary practices for the national report *Opportunities Suspended* (Advancement Project/Civil Rights Project, 2000) used school suspension in direct proportion to their support for the policy of zero tolerance. Skiba et al. (2003) surveyed 325 principals regarding their attitudes toward zero tolerance, suspension and expulsion, and violence prevention strategies and found a correlation between the attitudes of school principals and school disciplinary outcomes. That is, they found that rates of out-of-school suspension were lower, and the use of preventive measures more frequent, at schools whose principals believed that suspension and expulsion were unnecessary in a positive school climate.

Given the range of school and teacher characteristics that contribute to rates of suspension and expulsion, it is not surprising that district-level research has found the use of disciplinary removal to be extremely inconsistent from school to school (Massachusetts Advocacy Center, 1986). Ultimately, then, one must assume that the treatment integrity of out-of-school suspension and expulsion as a disciplinary intervention is low.

Nondiscriminatory Practice

Both special education regulations and federal education policy prohibit discrimination in the application or outcomes of intervention. Yet almost 30 years of research has documented racial and socioeconomic disparities in the use of out-of-school suspension and expulsion.

Disproportionality due to socioeconomic status. Studies of school suspension have consistently documented disproportionality due to socioeconomic status. Research has found that students from economically disadvantaged backgrounds are at greater risk of school suspension (Wu et al., 1982). In a qualitative study of student reactions to school discipline, both high- and low-income adolescents reported that students from lower socioeconomic status were likely to commit more frequent and more serious disciplinary infractions than higher income groups (Brantlinger, 1991). Both groups, however, also believed that their school discriminated systematically by social class and agreed that how, and even whether, a student is punished for a given infraction depends on student reputation, achievement, and socioeconomic status.

Disproportionality due to minority status. National, state-, district-, and school-level data for the past 30 years shows that African American students have been suspended at rates two to three times that of other students. They are similarly overrepresented in office referrals, corporal punishment, and school expulsion (Children's Defense Fund, 1975; Raffaele Mendez & Knoff, 2003; Skiba, Michael, Nardo, & Peterson, 2002; Wu et al., 1982). Disciplinary overrepresentation of Latino students has been reported in some studies (Raffaele Mendez & Knoff, 2003; Rausch & Skiba, 2004), but the finding is not universal across locations or studies.

Racial disparities in discipline cannot be fully accounted for by the lower economic status of minority students. Although low socioeconomic status has been consistently found to be a risk factor for school suspension, minority overrepresentation in school punishment remains significant even after statistically controlling for socioeconomic status (Skiba et al., 2002; Wu et al., 1982).

Furthermore, no studies show that African American students have higher rates of misbehavior that would result in disproportionate rates of discipline. African American students have been punished for less severe rule violations than white students (Shaw & Braden, 1990)

or have been punished more severely than others who committed the same offense (McFadden & Marsh, 1992). In a study devoted specifically to African American disproportionality in school discipline, Skiba et al. (2002) tested alternate hypotheses for racial disparities in an urban school setting. They found that white students were referred to the office significantly more frequently for offenses that can be objectively documented, such as smoking, vandalism, leaving without permission, and obscene language. In contrast, African American students were referred more often for disrespect, excessive noise, threats, and loitering. Such results suggest a clear pattern of increased subjectivity for African American office referrals. In short, far from showing that African American students act out more than other students, the available evidence suggests that African American students may be subject to office referrals for less serious or more subjective reasons.

Factors associated with disciplinary disparities.
Some evidence suggests that the disproportionate representation of African American students originates at the classroom level. Skiba et al. (2002) found that racial disparities in the rate of out-of-school suspension in a large urban district could be almost entirely accounted for by the fact that African American students were twice as likely as white students to be referred to the office by classroom teachers. In an ethnographic observational study, Vavrus and Cole (2002) found that many office referrals leading to school suspension in urban classrooms were not the result of serious classroom disruptions. Rather, the authors concluded:

> Suspensions are the result of a complex sequence of events that together form a disciplinary moment, a moment when one disruptive act among many is singled out for action by the teacher. This singling-out process, we contend, disproportionately affects students whose race and gender distance them from their teachers, and this subtle, often unconscious process may be one of the reasons why students of color often experience suspension in the absence of violent behavior. (p. 109)

Together, these results are consistent with suggestions that cultural discontinuities may create interactional patterns that increase the likelihood that African American students, especially African American male adolescents, will be removed from class. Townsend (2000) suggested

that many teachers, especially those of European American origin, may be unfamiliar or uncomfortable with the more active and boisterous style of interaction that characterizes African American males. Teachers prone to accepting stereotypes of adolescent African American males as threatening or dangerous may thus be more likely to react more quickly to relatively minor threats to authority that might be ignored for other ethnic or racial groups.

In summary, it is hard to argue that disciplinary removal is not discriminatory. Rather, students of color, particularly African American students, and students from disadvantaged backgrounds are at increased risk of being removed from school through suspension or expulsion. These disparities cannot be explained simply by socioeconomic status or the behavior of the students themselves. The evidence suggests that these disparities are, at least in part, a product of cultural discontinuity or insufficient training in culturally responsive classroom management practices. Together with findings that racial disproportionality in suspension increases in schools that use suspension more frequently (Massachusetts Advocacy Center, 1986), these data make a case that the use, and especially the overuse, of disciplinary removal carries with it an inherent risk of racial disparity.

Outcomes of Disciplinary Removal

Any frequently used behavioral intervention must consider outcomes to justify their use. Federal educational legislation has increasingly mandated that schools use only evidence-based educational interventions. Disciplinary removal could be judged an effective educational or behavioral intervention if it led to improvements in either individual rates of disruptive or violent behavior or overall school safety or school climate. Data on the outcomes of exclusionary disciplinary approaches are reviewed below.

Do zero tolerance suspensions and expulsions improve student behavior? Behavioral psychology defines an effective punisher as one that reduces the future probability of responding (Skinner, 1953). Yet descriptive studies of out-of-school suspension have consistently shown a high rate of repeat offending (Bowditch, 1993; Massachusetts Advocacy Center, 1986). Furthermore, out-of-school suspension in late elementary school has been found to be among the strongest predictors of out-of-school suspension in middle school (Raffaele Mendez, 2003), prompting some

researchers to conclude that, for some students, "suspension functions as a reinforcer ... rather than as a punisher" (Tobin, Sugai, & Colvin, 1996, p. 91).

In the long term, school suspension has been found to be a moderate to strong predictor of dropout, retention, and late graduation. Research on at-risk students in the 1980s found a moderate and stable correlation between out-of-school suspension and high school dropout (Ekstrom, Goertz, Pollack, & Rock, 1986). Raffaele Mendez (2003) also reported that the number of out-of-school suspensions a student received as a sixth-grader correlated negatively with the probability that the student would graduate with his or her cohort of students 6 years later as a 12th-grade student. Interestingly, this relationship was stronger for African American students than for White students.

Unfortunately, there is evidence that the relationship between school suspension and school dropout may not be entirely accidental. Ethnographic field studies of school discipline, which included interviewing administrators and observing the school discipline process, have noted that disciplinarians in troubled urban schools often view their role in large measure as dealing with persistent troublemakers who challenge the institution's authority (Bowditch, 1993). In such a context, suspension may be used as a push-out tool to encourage low-achieving students and those viewed as troublemakers to leave school before graduation.

Do suspension and expulsion improve school climate? Rather than making a contribution to school safety, the increased use of suspension and expulsion seems to be associated with student and teacher perceptions of a less effective and less inviting school climate. Schools with higher rates of suspension have been reported to have higher student–teacher ratios and a lower level of academic quality (Hellman & Beaton, 1986). Wu et al. (1982) found that attending a school with less satisfactory school governance was a significant predictor of a student's being suspended at least once in her or his school career.

Because an important purpose of school discipline is to maintain a school climate that is conducive to learning, a positive correlation could be expected between effective school discipline and a school's average academic achievement. However, emerging data suggest a negative relationship between the use of school suspension and expulsion and academic achievement. Skiba et al. (2003) reported that states with higher rates of out-of-school suspension had lower average scores on the

National Assessment of Educational Progress (NAEP), and Raffaele Mendez, Knoff, and Ferron (2002) found that student achievement in writing was negatively associated with out-of-school suspensions for middle and high school students.

The simple relationship between achievement and discipline could of course result from a number of factors. For example, schools in more disadvantaged areas might have a higher percentage of difficult students who are suspended and also exhibit lower achievement. To test this hypothesis, Skiba and Rausch (2004) conducted a multivariate analysis testing the relationship of school discipline and academic achievement, controlling for a number of demographic variables, including the school's percentage of students accepting free and reduced lunch (poverty), enrollment of African American students, and school type (elementary or secondary). Results indicated that higher school rates of out-of-school suspension were associated with lower passing rates on the state accountability test, regardless of the demographic or the economic or racial makeup of the school.

Summary: The Failure of Zero Tolerance as a Disciplinary Paradigm

Schools must use all effective methods at their disposal to prevent violence and to ensure a school climate that is maximally conducive to learning. Schools have a right and responsibility to minimize disruptions that can threaten the integrity of the learning environment. In the wake of frightening violence in some U.S. schools in the 1990s, there can be little doubt about the depth of the consensus around these propositions.

Among the key words in that understanding, however, is the term *effective*. In the climate of fear generated by real and perceived threats to the safety of schools, many schools and school districts adopted a get-tough deterrent philosophy of zero tolerance as an intuitive method for addressing perceived threats to school safety. It makes logical sense that strict levels of enforcement for both major and minor incidents will be effective in sending a message to students that disruption will not be tolerated. It makes sense that removing troublemakers will be effective in improving and strengthening the school climate for those students who remain. Yet as data on zero tolerance, out-of-school suspension, and expulsion have emerged, they have overwhelmingly failed to support these commonsense notions that lie at the heart of the zero tolerance philosophy. Suspension and expulsion

appear to be used too inconsistently to guarantee treatment integrity. Over 30 years of consistent data on African American overrepresentation in suspension and expulsion indicate that disciplinary school exclusion may carry inherent risks for creating or exacerbating racial and socioeconomic disadvantage. No evidence as yet shows that zero tolerance contributes to school safety or improves student behavior; rather, increased levels of out-of-school suspension and expulsion are related to less adequate school climates, lower levels of achievement at the school level, a higher probability of future student misbehavior, and eventually lower levels of school completion. These data indicate that the actual benefits of removing a child from school for disciplinary reasons are in no way sufficient to counterbalance other concerns created by those interventions in terms of loss of educational opportunity and threats to school bonding.

Expecting that schools will simply cease suspending and expelling disruptive students is of course unrealistic. In the absence of any other effective strategy, removing the tool many administrators believe is their only or best option might simply increase school disruption and chaos. Thus, it becomes extremely important to examine the available alternatives to suspension and expulsion and the potential for the effective implementation of those alternatives in schools.

ALTERNATIVE ACTIONS FOR PREVENTION

Given the mandate of No Child Left Behind to use only effective strategies, one would assume that over time pressure will increase on schools to develop more effective disciplinary approaches that can maintain safe school climates with a lower risk to student learning. To what extent do such alternatives exist? How widely are they implemented? How can schools begin to move away from ineffective and punitive discipline toward more evidence-based procedures?

Evidence-Based Alternatives to Suspension and Expulsion

Effective alternatives for reducing the threat of youth violence have been identified nationally. In the past 10 years, the U.S. government has convened or sponsored a number of research efforts and panels on school-based prevention of youth violence, including a report to Congress on youth violence (Sherman et al., 1997), the Department of Education/Juvenile Justice response to school shootings (see Dwyer, Osher, & Warger, 1998), and the report of the U.S. Surgeon General on violence prevention (Elliott, Hatot, Sirovatka, & Potter, 2001). Those panels have in general relied on relatively rigorous methodological criteria in the selection of effective and promising programs. Their findings have been remarkably consistent, with each other and with scholarly reviews (e.g., Gagnon & Leone, 2001), in outlining an emerging conceptual model and in identifying programs that appear to be most effective within that model.

In 1993, the American Psychological Association (APA) released its report *Violence and Youth: Psychology's Response* (APA, 1993), which addressed what was then widely perceived as an epidemic of youth violence. That report framed youth violence prevention efforts in terms of a three-tiered primary prevention model. Since the publication of that report, a large number of researchers, policy makers, and professional organizations have articulated similar prevention models that can be applied to mental health (Mrazek & Haggerty, 1994), youth violence in general (Elliott et al., 2001; Tolan & Guerra, 1994), or school violence in particular (Walker et al., 1996). The model became the centerpiece for efforts by the U.S. Department of Education to provide guidance to America's schools concerning the prevention of violence (Dwyer, et al., 1998).

Figure 1 represents the three levels of a primary prevention model. As applied in school settings, the framework acts as a useful schematic for organizing violence prevention and school disciplinary interventions. The model represents the following three levels: First, to promote a safe and responsive climate for all students, schools implement *primary* or *universal prevention* efforts, such as the following, school-wide: conflict resolution (Bodine & Crawford, 1998), bullying prevention (see chapter 10), social and emotional learning (see chapter 1), teaching to instill self-discipline (see chapter 3) and improved classroom management (Gottfredson et al., 2000).

At the *secondary or selected prevention* level, schools implement early screening or identification efforts for children who may be at risk for violence (Walker & Shinn, 2002) and programs such as anger management (see chapter 9) or mentoring that can reconnect students with schools and other institutions.

Third, despite schools' best efforts, some form of disruption, aggression, or perhaps violence will likely occur that requires an appropriate response. *Tertiary* or *indicated prevention* interventions, such as multisystemic