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# Massachusetts School Discipline Policy Change: Exclusion, Alternatives, and Inequality in Public District and Charter Schools

Aster Richardson

*University of Massachusetts Amherst*

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**Aster Richardson**  
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**Massachusetts School Discipline Policy Change: Exclusion, Alternatives, and Inequality in  
Public District and Charter Schools**

## **Executive Summary**

School discipline reform is of growing interest to policymakers as ongoing research reveals the negative effects of current school discipline policies. In the U.S., the most popular models of school discipline use exclusionary practice, which includes suspension and expulsion. Studies have shown that exclusionary discipline contributes to undesired social outcomes such as poor academic performance, school drop out, unemployment, and even incarceration. Additionally, exclusionary discipline and its negative consequences disproportionately affect racial minorities and other vulnerable groups of students. Reform of current state policy is a necessary first step toward implementing alternative discipline practice in schools. In 2012 Massachusetts legislature passed Chapter 222 with the intent to reduce overall use of exclusion and disparities associated with its inequitable use. In the summer of 2014 the Massachusetts Department of Elementary and Secondary Education implemented regulations based on the law change. Regulations include changes in due process for exclusion for emergency removal for part of a school day, changes in reporting that designate exclusion as long term more rapidly, required educational service for students serving long term suspension, and interventions for schools that consistently report inequitable rates of discipline between groups of students.

This study explores the policy's early impact on discipline rates, particularly disparate rates between white and racial minority students and between the general student population and students with disabilities. It also investigates possible disparity in discipline rates of public charter and district schools and seeks evidence of whether schools are moving away from exclusionary models to alternative discipline models. Statistical analysis of annual state and case studies of school handbook policies are the two methods used in the study. Results show that downward trends in some exclusions started before the policy change, some exclusions increased immediately after the policy change, inequitable rates between student groups are persistent, and the rates of discipline in charter and district schools are very disparate. Given the inconsistent results and lack of apparent evidence that schools are practicing alternatives to exclusion, it is recommended that Massachusetts bolster its new regulations to better achieve its equity goals.

## **Introduction**

One of the most controversial aspects of U.S. education policy is the nationwide use of exclusionary discipline as a tool for managing non-academic student behavior. A popular school discipline doctrine, “zero tolerance”, implements exclusion for a broad range of offenses and contributes to the dominance of exclusion in schools. Exclusionary discipline is any consequence leveraged on a student that removes them from the classroom or the broader academic setting, excluding them from the opportunity to progress academically. Excluding a student has a profound influence on their experience of education, and the most probable consequence is academic failure, leading to higher rates of unemployment and incarceration (Losen & Martinez 2013). Recently, advocates and policymakers have sought alternatives to exclusionary practice, but these attempts are still developing.

Because state legislation and education agencies have reinforced the dominance of exclusionary discipline in schools for decades, it is now challenging to definitively alter the status quo. In 2012 Massachusetts lawmakers passed Chapter 222, which set the course for the Department of Elementary and Secondary Education (DESE) to design regulations that would redefine the due process of exclusion, with the goal of reducing its use. This analysis will begin to answer the following questions: how has Chapter 222 changed the rates of exclusionary discipline in charter and district public schools? How has the law influenced disparities in the rates at which students of color and students with disabilities are excluded? Has this policy change promoted an alternative ideology and the use of alternative practices in schools?

This analysis will look at past trends and dominant ideologies that the Massachusetts law intends to interrupt. It will use publicly available data to analyze rates of student discipline along racial lines, which is a common concern amongst policymakers and educators. It will also

consider the type of school - charter or district - as this has not yet been explored in the literature. This paper will qualitatively explore whether this policy is likely to impact discipline practice and lay the groundwork for future analysis of Massachusetts school discipline reform.

### **Literature Review and Policy Background**

To understand the motivation behind advocacy for Massachusetts' change in school discipline law, the underlying theory and consequences of school discipline must first be discussed. This review of literature will investigate trends in discipline models that use exclusionary discipline, including zero tolerance policy, charter school models, and an alternative approach. Zero tolerance and the "no excuses" charter model are primarily affected by the change in Massachusetts law, because both rely on exclusion to control student behavior. Restorative justice will be reviewed as the most common alternative to exclusionary discipline, although Massachusetts law does not currently promote its use.

Exclusionary discipline is common practice in nearly all public schools. Suspensions, both in-school and out-of-school, expulsion, and emergency removals from school fall into this category. Typical school discipline policy allows administrators to execute any of these practices at their discretion, with due processes that is less rigorous than what is used in a court of law. Most schools that rely on exclusion experience racial disparities in rates of discipline, which has raised red flags at the state and federal level (DESE News 2012, Mikki 2015, DESE News 2016). Two public school discipline philosophies are notable for their reliance on exclusionary discipline: zero tolerance and no excuses. The purpose of this paper's analysis becomes clearer through understanding how these ideologies made exclusion a concrete base for broad implementation across an entire institution.

## *Zero Tolerance*

In the 1980s, zero tolerance policy began gaining traction as a means to ensure minimal bias and keep schools safer. This approach assumes that students who are disciplined will alter their behavior, and that exclusionary discipline works as a deterrent to future infractions. Some critiques raised against zero tolerance exclusionary practice have revealed the legal contradictions inherent in the philosophy and in how exclusion is applied. *Seal v. Morgan* (2000) involved a student who unknowingly possessed a weapon on school grounds, and was expelled with no further investigation on a basis of zero tolerance (Mongan, Philip & Walker 2012). In this and many other cases, zero tolerance has resulted in exclusionary discipline that does not hold up to constitutional scrutiny, yet it is routine in schools.

The application of zero tolerance in nonviolent infractions, such as drug possession, only further highlights the harms of implementing discipline without a robust system of due process (Heilbrun, Dewey & Lovegrove 2015). In zero tolerance, a student can receive the same discipline for a violent infraction and a non-violent infraction. There may be no rational or legal basis for this approach, as it violates national standards of substantive due process and does not allow for any sorting of the “innocent” and “guilty” (Black 2014). It has also become the norm to suspend and expel elementary students, although this historically was not done (Black 2014). Notably, the rise in discipline rates is significantly greater than the rise in violent school incidents or reported crimes (Black 2014). Schools have used the unilateral power of zero tolerance to reshape a unique institutional penal system, one with much less rigor than a court of law.

Zero tolerance has not only *not* had the desired effect of reducing discipline in schools through behavioral change, it has had shockingly negative effects on the academic and long-term outcomes of students (Ruiz 2016). The national rate of suspension alone has more than doubled since the mid 70s, with higher proportional increases for some racial minority groups (Black 2014). Research shows that a single suspension often leads to more discipline, which can lead to expulsion, unemployment, and imprisonment.

If the goals of zero tolerance policies are “detering misbehavior, incapacitating disruptive and dangerous students, and ensuring consistent responses to misbehavior, with an aim toward reducing racial disparities,” it seems that this is a failed policy (Blumenson & Nilsen 2003). The rise in exclusionary discipline rates shows no connection to a decrease in school violence or drug possession, and is proven to lead to undesirable social. In light of the disproportionately high rates of black and latino student discipline, policies that rely on exclusionary discipline should be reexamined (Heilbrun, Cornell & Lovegrove) (NAEP 2015).

### *No Excuses*

“No excuses” is an ideology specific to charter schools which heavily uses exclusionary discipline. In no excuses schools, many behaviors incur a disciplinary response; for example, untucked shirts, speaking in class without raising a hand, and using unscholarly language can result in accumulation of demerits, which lead to detention or further discipline. The model is popular in urban, high poverty areas, and has a paternalistic underlying theory. Exclusionary discipline is framed as a tool to shape students into successfully integrated middle class citizens. No excuses is typically paired with “extended instructional time, data-driven instruction, ongoing professional development,” and an overall investment in teaching students non-cognitive skills

and re-socialization (Golann 2015). Another central goal of this process is to reduce racial achievement gaps, indicating an assumed link between socialization and cognitive or academic skills (Kerstetter 2016).

Some studies show no excuses discipline has broad negative effects on student achievement. These schools are not easily able to reduce the already high rates at which no excuses charters suspend students (Carr 2014). Urban charter schools that implement no excuses are as likely as zero tolerance district schools to disproportionately discipline racial minorities and students with IEPs, which should concern policymakers (Kerstetter). In fact, charter schools on average suspend students more than district counterparts (Losen, Keith, Hodson & Martinez 2016). Zero tolerance and no excuses ideologies explain the prominence and justification for exclusionary discipline, and highlight the need for change.

### *Reform Alternatives*

Empirical research presents several alternative discipline models that do not use exclusion, but policy has rarely supported the development or implementation of these options. One reformative approach that has been researched and shown potential for reducing the negative effects of exclusion is Restorative Justice. The core principle is to hold students accountable through a discursive process that prompts student reflection and avoids exclusion. This approach is shown to more effectively deter future misbehavior than dominant models (Schiff 2013). As with dominant discipline policies, the practice of restorative justice varies across schools. Experts have recently been challenged to define the goals of restorative justice in policy terms, so it can be presented as a stronger alternative. So far, academic discussion has defined several goals of restorative justice: to be an equitable form of justice in schools, to more



effectively prevent disruptive behaviors, and to lead to better social outcomes for students (Song & Swearer 2016). These goals are not substantially different than justifications used for zero tolerance and no excuses, making it difficult to design policy that will alter school discipline without explicitly directing schools toward a non-exclusionary practice.

### **Massachusetts Law**

Further analysis in this paper will center around changes made to Massachusetts school discipline policy. The change in law was advocated for by groups that seek more due process and more attempts at remediating student behavior without using exclusion. These groups cite thorough research on the negative effects of exclusionary discipline and related racial injustice (Taylor, Gregor & Lane 2014, DESE News November 18, 2016). Although Chapter 222 did make suspending and expelling students more tedious for schools, the policy, in its writing and implementation, does not include any means to advance restorative justice or any other alternative to problematic discipline practices. This is important to note, because without a more direct influence on practice, a policy that only intends to curb the total numbers of discipline may not affect disparities, discrimination, or better determine innocence or guilt (DeMitchell & Hambacher 2016).

Chapter 222 aims to reduce the amount of time students spend out of the classroom, to provide academic services to students who must be excluded from school for disciplinary reasons, and make the discipline process more rigorous and outcomes more equitable (Chapter 222). The largest changes to reporting impact the removal of students from school in the event of threatened violence, due process for long term suspensions, and education services offered to excluded students. These were defined and implemented in changes to 603 CMR section 53 in

2014, and came into effect in the 14/15 school year (DESE Education Laws and Regulations 2017). These sections relate to administrative power of removal from educational settings and state reporting.

Although not included in the code, DESE also created new methods of measurement that are meant to better identify inequitable use of exclusionary discipline in the state. Commissioner interventions are triggered when reported disparities are above state thresholds. These new standards capture discipline practices that target susceptible populations by factors such as race, language minority, or IEP status. An IEP, or Individual Education Plan, is a plan for students with documented disabilities that make the general educational setting a less than optimal setting for their learning. Students with disabilities, like racial minority students, are more likely to be disciplined than their peers. The state is making an effort to identify schools that disproportionately discipline groups of students, and those schools receive direct attention from the state Education Commissioner to change their practices (DESE News Calculating Disparity June 24, 2016).

603 CMR section 53 explains the due process for expulsion, suspensions in and out of school, long term suspension, and emergency removal. The largest changes in the regulation have to do with due process and reporting for emergency removals and designation for long term suspension. Advocates for the change in state law cite a rise in the use of emergency removals and increased in-school suspension as schools' attempts to avoid reporting the true amount of class time students have missed (Analysis of comments April 2014). In response, DESE has required the same due process for emergency removals as an out-of-school suspension. An emergency removal, regardless of when it happens in the school day, now counts for a full day of suspension. Emergency removal and in-school suspension previously did not count toward the

designation of long term suspension, but as of 2014, they are included in the consecutive count of days a student is suspended (603 CMR 53).

The updated code also discusses the types of threat that merit exclusionary discipline. Suspensions and emergency removals can be used in cases of physical threat of property damage, but for all other cases, alternatives must be shown to have been considered first (603 CMR 53). Understandably, this aspect of discipline code can be interpreted in various ways by school administrators. The assumption of threatened violence can easily be defended by a school administrator in the letter sent to parents and in reporting to the state. Because of likely bias in the suspension process, the reported district data is used to determine overuse and unjust use of exclusionary discipline.

### *Emergency Removal*

Prior to the change in discipline policy, the administrative burden of due process was less for emergency removal (ER) than for Out-of-School (OSS) suspensions, both in terms of communication with parents or other parties, and in how ERs are counted in school and state discipline numbers. DESE has raised the standard of ER due process to be more similar to an OSS, and alters state reporting requirements to better measure ER as a contribution to long term suspensions (DESE Discipline Highlights 2014). This poses an issue in zero tolerance and no excuses school policies, because ERs are critical tools used by administrators to maintain safe and academically focused school environments. When ERs were not reported or counted as exclusionary, schools could use this type of discipline without restriction. In the new reporting system, schools count ERs in a category separate from OSS as well as counting the removal as a full day of suspension (DESE powerpoint). The reason for this dual mode of reporting is to get a

clearer picture of how ERs are used by schools as well as to better estimate the amount of time students spend out of class when being disciplined. DESE does not specify an intervention for schools that excessively use ERs as a proportion of their overall discipline (SSDR Database).

### *In-School-Suspension*

Another common form of exclusionary discipline is the in-school-suspension (ISS), which involves removing the student from an education setting, but keeping them on school grounds. The rationales for this approach may be to manage student behavior more directly, to avoid burdening families during the work day, or to not reward students by sending them out of school. It may also be a way for schools to avoid adding to their total OSS numbers. Some 2014 regulation changes altered the way ISS are counted to better reflect student exclusion, namely by including ISS (along with OSS days) in the count toward a long term suspension. A long term suspension is a consecutive 10 days spent excluded from school, and the use of long term suspension requires schools to offer education services for the time spent excluded (SSDR Database). Prior to 2014, only OSS would count toward the 10 days of long term suspension. One policy goal of reducing exclusionary discipline is to improve student academic outcomes, so the definition of long term suspension is critical in ensuring students can progress academically.

### *Education Plans*

When students are excluded from class for more than 10 days, they often lose the opportunity to make up work or progress along with the class. This can have lasting and severe consequences on their academic achievement. In the updated CMR, a long term suspension can be counted as 10 days of combined ISS and OSS, including ERs. In the event of a long term

suspension, schools must offer equivalent education services that can be completed in an exclusionary setting (603 CMR 53). Education plans for long term suspensions place additional strains on school administration, and state money was made available to facilitate development and implementation of these education plans (Bump 2013). Considered together, these regulations make it harder for school administrators to turn to exclusionary discipline without first considering alternatives.

### *Alternatives*

Although the policy reform pushes schools toward alternatives, education practitioners must independently adapt their policies to meet new requirements, with little state guidance. To assist with developing statewide guidance on best practices, an advisory council was formed of Massachusetts educators to investigate options for alternative discipline practice. The advisory council is tasked with researching and testing alternatives to discipline that are “positive or restorative” (Advisory 2016). There is sparse information related to this effort currently available, and results of the council have not been published. The team consists of districts across the state, including charter districts. Although results are forthcoming, it is a significant step for a state agency to acknowledge the harmful effects of exclusionary discipline as well as putting forth a collaborative effort to find alternatives.

### **Methodology**

To assess the various effects of the revisions of 603 CMR 53, it is necessary to consider both statewide quantitative data as well as implementation at the district and school level. The inquiries of this research require an analysis of statewide trends and contextualization of those

trends to determine how schools are adjusting their discipline theories and due process to meet the goals of the state policy.

In 1993 the Massachusetts Education Reform Act initiated the collection and publication of discipline data in two categories, suspension and expulsion. This, combined with the requirements of federal laws related to discipline of students with disabilities and required reporting on unsafe incidents in school, composed the SSDR prior to 2014. 603 CMR added Emergency Removal to the list of reported discipline incidents. As described in regulations, DESE considers an Emergency Removal as a full day of suspension, which contributes to a long term suspension designation. In the SSDR the data for Emergency Removals is reported separately from Out-of-School suspension. There is no reported data on how many students experience a long term suspension in the SSDR.

The SSDR gives a recent overview of Massachusetts discipline, starting in the 2012/2013 school year and ending in the 2016/2017 school year. Without additional data collection methods used by the state, the best way to bolster SSDR data is with analysis of school discipline practice. The CMR and its previous iterations, which set the standards on what student behaviors justify different disciplines, allow for discretion by school administrators. To account for variation in practice, this analysis includes case studies of handbooks of three types of schools: public district, public charter schools with no excuses philosophies, and charter schools that claim to use restorative justice practices. For each case, student handbooks containing discipline policies and codes of conduct were analyzed pre and post 2014. Time and resource constraints made qualitative case studies the best option for this analysis, but interviews and school observation are ideal methods to continue the inquiry.

## **SSDR Analysis**

In this section, simple statistical methods will be used: mainly two sample difference of means tests and qualitative analysis of graphs. The differences between means of groups such as charter and district, black and white students, and between students with IEPs and the general population are tested for significance. Results establish trends that strongly suggest changes in school practice as a result of the 603 CMR implementation, and can inform future changes to discipline policy to address ongoing inconsistency and disparity. I primarily use the rates of out-of-school and in-school suspension because they are the most common forms of discipline, and any effects of a policy change can most easily be seen there. SSDR rates are calculated as the ratio of students receiving the discipline in the district to the total number of students in the district that year, across all grade levels in a district (SSDR Overview).

### *State Averages and the Effect of Chapter 222*

Before comparing the means of discipline rates in types of school and between groups of students by race, IEP status, or type of school, the significance of changes in overall state data should be established. The following table shows the two sample difference in means tests for statewide OSS in 16/17 and 12/13 and ISS in 16/17 and 12/13. This test's null hypothesis assumes no change in rates of these measures of exclusionary discipline.

$H_{01}$  = no change in reported OSS between pre and post intervention school years

$H_{02}$  = no change in reported ISS between pre and post intervention school years

$H_{A1}$  = change in OSS between pre and post intervention school years

$H_{A2}$  = change in ISS between pre and post intervention school years

*Difference in State Rates of Exclusion*

<b>Year</b>	<b>State OSS</b>	<b>State ISS</b>
<b>12/13 Average</b>	4.71	2.25
<b>16/17 Average</b>	3.12	2.03
<b>12/13 Standard Dev</b>	6.0348	3.5431
<b>16/17 Standard Dev</b>	3.6447	2.4842

*Analysis*

	<b>12/13 and 16/17 OSS</b>	<b>12/13 and 16/17 ISS</b>
<b>Degrees of freedom</b>	806	806
<b>Significance level</b>	p < 0.0001	p = 0.3071

These results show a significant difference in the rates of OSS for the two school years. It is extremely unlikely that this change occurred randomly, and the implementation of code changes in 2014 could account for the significant decrease in OSS rates between the beginning and end of the SDDR reporting period. The rates of ISS between the two annual samples is not significantly different, so we cannot associate the rates of ISS with policy reform factors.

In the next test we will analyze the difference in rates of black students OSS and ISS in the pre and post intervention years for the entire state.

H<sub>01</sub> = no change in reported black student OSS between pre and post intervention school years

H<sub>02</sub> = no change in reported black student ISS between pre and post intervention school years

H<sub>A1</sub> = change in black student OSS between pre and post intervention school years



H<sub>A2</sub> = change in black student ISS between pre and post intervention school years

*Difference in State Rates of Exclusion for Black Students*

<b>Year</b>	<b>State OSS</b>	<b>State ISS</b>
<b>12/13 Average</b>	10.44	5.15
<b>16/17 Average</b>	7.37	5.01
<b>12/13 Std Dev</b>	8.5053	5.9139
<b>16/17 Std Dev</b>	5.2873	4.6037

*Analysis*

	<b>12/13 and 16/17 OSS</b>	<b>12/13 and 16/17 ISS</b>
<b>df</b>	806	806
<b>Significance level</b>	p < 0.0001	p = 0.6935

As with the state data for all students, the difference in rates of OSS for black students between 12/13 and 16/17 is significant at the  $p < 0.0001$  level. This difference is likely not due to chance, which leads us to believe it may be a result of Chapter 222. The opposite of this may be true for ISS. Schools have not been able to significantly decrease their use of ISS randomly or as a consequence of the policy change.

*Charter and District School Discipline*

To address the questions of whether charter and district schools discipline students differently, the difference in average rates of discipline in public district and public charters will be analyzed for statistical significance with a difference in means test. The table below shows the annual rates of OSS and ISS for charter and district schools. The following table contains an analysis of these

data's means for the 5 reported years for out-of-school suspension, in-school suspension, and expulsion. The difference in means of district and charter schools have been tested for significance.

$H_{01}$  = charter and district schools use OSS at the same rates in the SDR reporting period

$H_{02}$  = charter and district schools use ISS at the same rates in the SDR reporting period

$H_{A1}$  = charter and district schools use OSS at different rates in the SDR reporting period

$H_{A2}$  = charter and district schools use ISS at different rates in the SDR reporting period

*Average Annual Rates for Charter and District Schools*

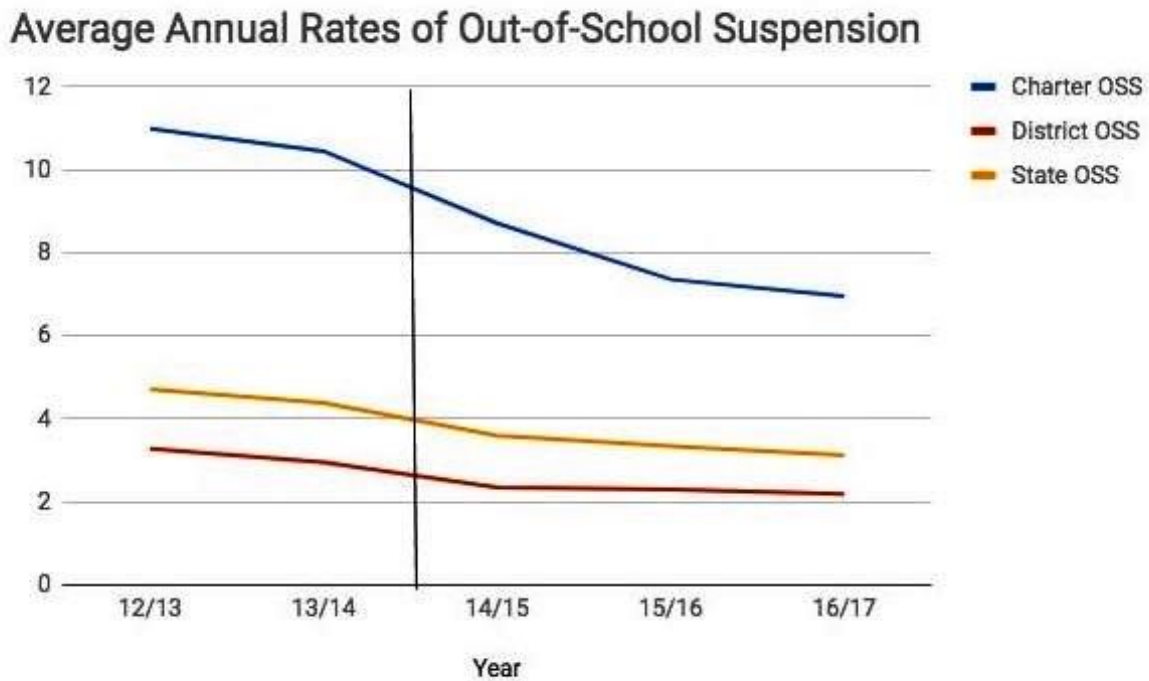
<b>Year</b>	<b>Charter OSS</b>	<b>District OSS</b>	<b>Charter ISS</b>	<b>District ISS</b>
<b>12/13</b>	10.99	3.28	3.14	2.03
<b>13/14</b>	10.45	2.96	3.13	1.92
<b>14/15</b>	8.71	2.35	3.56	1.73
<b>15/16</b>	7.36	2.3	4.6	1.85
<b>16/17</b>	6.96	2.19	3.4	1.69
<b>Mean</b>	8.894	2.617	3.566	1.843
<b>SD</b>	1.7987	0.4771	0.6059	0.1361

*Analysis*

	<b>District and Charter OSS</b>	<b>District and Charter ISS</b>
<b>df</b>	8	8
<b>Significance level</b>	$P = 0.0001$	$P = 0.0003$

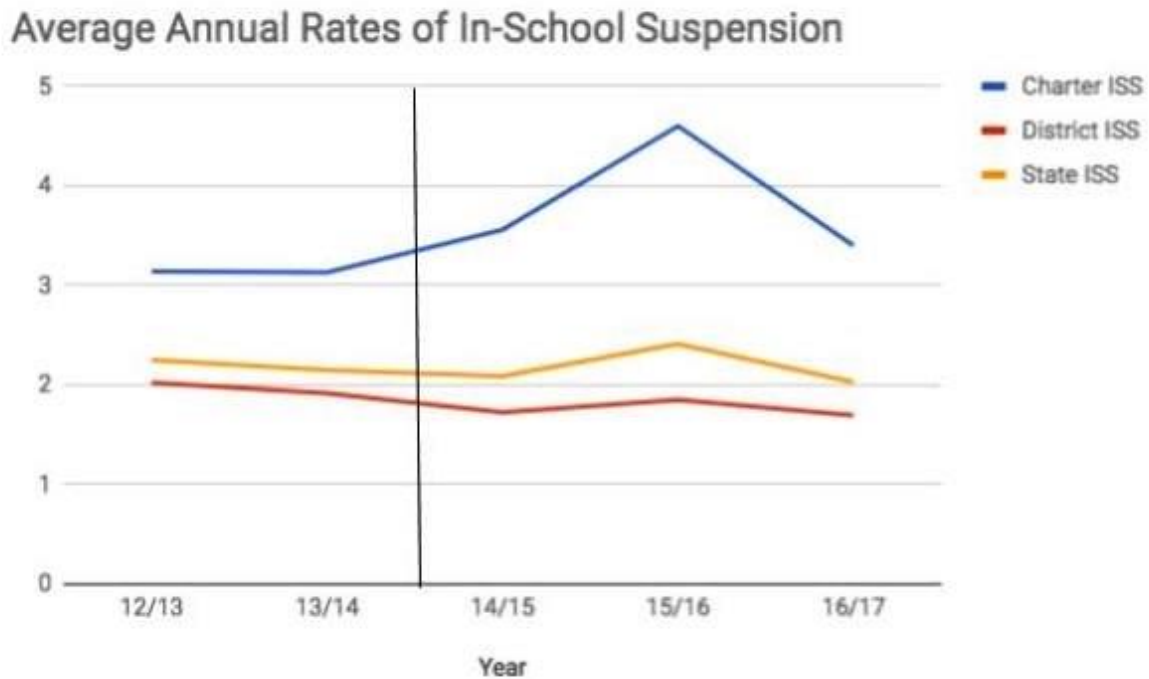
If we use a significant value of  $p < 0.05$ , the differences in means for out-of-school and in-school suspension between district and charter schools are statistically significant. This indicates that it is highly unlikely these differing levels of reported discipline are due to chance, and that there is evidence that charter and district schools are administering discipline differently or that some factor relevant to the type of school is affecting the rates of discipline.

This data can be represented visually to show the extent to which the summer 2014 additions to 603 CMR may have influenced these rates of discipline.



Out-of-school suspension is the most common form of exclusionary discipline and shows the greatest change over the 5 year SSDR reporting period. The new discipline policy was implemented by DESE prior to the 2014/2015 school year, which is represented by the solid black vertical line. The downwards trend, which is most prominent between the 13/14 and 14/15

school years, began before the policy intervention and continued modestly in the two reporting years following. Because the SSDR reporting period began in the 2012/2013 school year and previous state data on discipline was reported in a very different format, it is unclear for how long this downward trend has occurred. Additionally, the passage of Chapter 222 in 2012 may have instigated a decline in discipline simply by its passage in the legislature, even though no regulations had been implemented yet. This graph shows that between the year prior and year immediately post intervention, school discipline was reduced by the greatest margin in this 5 year decline.



In-School suspension, the second most frequently used form of exclusionary discipline, displays a very different trend. Prior to the intervention, there was no discernible increase or

decrease in the use of this type of discipline in the state average. Charter schools saw an increase, while district schools saw a modest decrease. Post-intervention, neither type of school was able to significantly reduce ISS as a reaction to the policy implementation. Charter schools increased their use of in-school suspension more dramatically than their district counterparts. The visible spike in the post-intervention years may indicate that schools struggled to find an alternative to exclusionary discipline, and were able to decrease their use of OSS by increasing use of ISS.

### *Statewide Rates of Discipline by Student Group*

This section of the analysis will consider whether there has been a significant change in the rates of discipline reported for vulnerable students over the reporting period, which may indicate the changes are related to the policy intervention. A central goal of the discipline policy is the reduction of disparity between vulnerable or at-risk student populations rates of discipline. This analysis considers discipline of students with IEPs, black students, and hispanic students. There are a multitude of other student groups categorized by the state, some of which are also vulnerable and subject to higher than average rates of discipline such as English Language Learners and economically disadvantaged students. There is likely to be overlap of these student populations. By choosing just three of these student groups, the data analysis is adequately capturing a majority of students who belong to one or more of the identified vulnerable groups. The following chart shows the annual rates of discipline for these groups as state averages.

*Statewide Out-of-School Suspension Rates for Student Groups*

<b>Year</b>	<b>Total OSS</b>	<b>White OSS</b>	<b>Black OSS</b>	<b>IEP OSS</b>
<b>12/13</b>	4.71	3.2	8.87	10.44
<b>13/14</b>	4.39	2.9	8.61	10.87
<b>14/15</b>	3.6	2.3	6.95	8.12
<b>15/16</b>	3.34	2.2	6.69	7.68
<b>16/17</b>	3.12	2.1	6.4	7.37
<b>Mean</b>	3.83	2.54	7.504	8.896
<b>Standard Dev</b>	0.6865	0.4827	1.1486	1.6348

It is well established that schools were able to reduce their overall OSS. Notably, the rate of OSS for black students was reduced to an amount that is still *twice* the rate of OSS for white students at the beginning of the reporting period. The following tests determine whether the rates of OSS for different student groups have significant differences in means over the five year reporting period.

$H_{01}$  = no difference in reported 5-year OSS rates between black and white student groups

$H_{02}$  = no difference in reported 5-year OSS rates between IEP and “total” student groups

$H_{A1}$  = difference in reported 5-year OSS rates between black and white student groups

$H_{A2}$  = difference in reported 5-year OSS rates between IEP and “total” student groups

*Out-of-School Suspension Difference of Means Test by Student Group*

	<b>White and Black OSS</b>	<b>IEP and total OSS</b>
<b>df</b>	806	806
<b>Significance level</b>	<i>P &lt; 0.0001</i>	<i>P &lt; 0.0001</i>

The means test leads us to conclude that the difference in average rates of OSS for white and black students in the reporting period is significant. The same can be said of the difference between OSS rates for the “average” student in Massachusetts and students with IEPs. This confirms what advocates of Chapter 222 expressed regarding inequity in school discipline, and shows that it has persisted since 2012.

A test of means over time yields similar results. The test of black student OSS rates over time showed statistically significant changes, and the same type of means test performed on IEP student OSS rates yields similar significance.

*12/13 and 16/17 Difference in Means Tests for IEP Student and Total Student Groups*

	<b>IEP OSS 12/13 and 16/17</b>
<b>12/13 Standard Dev</b>	8.7702
<b>16/17 Standard Dev</b>	6.3523
<b>df</b>	806
<b>Significance level</b>	<i>P &lt; 0.0001</i>

This test indicates the difference in OSS over the years for students with IEPs should not be attributed to chance. However, they mimic the trend in OSS for all students, so it cannot be said that the decrease in rates - which may or may not be related to Chapter 222 - show any greater equity for racial minority students or those with disabilities. Overall, there is strong

evidence to indicate the discipline reform had an effect on state rates of OSS, but the analyses are unable to prove that the decrease of OSS is linked to an increase in equity.

*Discipline by Student Group in Charter and District Schools*

Trends in overall state data, race and IEP groups, and school type have been explored. Next, the rates of discipline between student groups in the two types of public schools will be analyzed.

For black students in Massachusetts, I performed a population means test between charter and district schools for the five reporting years.

$H_0$  = charter and district schools discipline black students at the same rates

$H_A$  = charter and district schools do not discipline black students at the same rates

*Average Annual rates of Out-of-School Suspension for Black Students*

<b>Year</b>	<b>Charter</b>	<b>District</b>
<b>12/13</b>	16.36	8.29
<b>13/14</b>	15.86	7.97
<b>14/15</b>	12.26	6.05
<b>15/16</b>	11.87	5.63
<b>16/17</b>	10.18	5.88
<b>Mean</b>	13.306	6.764
<b>Standard Dev</b>	2.6822	1.261

*District and CS T-Test*

<b>df</b>	8
<b>Significance level</b>	P = 0.0011



At a significance level of  $p < 0.05$  we reject the null hypothesis in favor of the alternative, showing that charter schools discipline black students at a different rate than district schools in Massachusetts. Because these rates are significantly different, there is likely variance in how these types of schools practice discipline. However, charter and district schools differences in black student OSS rates is less significant than their overall difference in OSS rates, which could mean that although their discipline practice is significantly different for all students, inequitable rates between racial groups is more similar between the two types of schools.

The same analysis with corresponding hypotheses is performed on OSS rates of students with IEPs and OSS rates of Hispanic students.

*Average Annual Out-of-School Suspension Rates for Students with IEPs*

<b>Year</b>	<b>Charter</b>	<b>District</b>	<b>State</b>
<b>12/13</b>	21.68	6.8	8.87
<b>13/14</b>	21.56	6.12	8.61
<b>14/15</b>	16.01	5.1	6.95
<b>15/16</b>	15.406	4.79	6.69
<b>16/17</b>	14.72	4.58	6.4
<b>Mean</b>	17.877	5.479	7.505
<b>SD</b>	3.4489	0.9454	1.1503

*District and CS T-Test*

<b>DF</b>	8
<b>Significance level</b>	P = 0.0001

Following the trends of OSS for all students, students with IEPs are disciplined at a significantly higher rate in charter schools. The rates of discipline are higher for students with IEPs in charter schools than any other group of students in either type of public school.

*Average Annual Rates of Out-of-School Suspension for Hispanic Students*

<b>Year</b>	<b>Charter</b>	<b>District</b>	<b>State</b>
<b>12/13</b>	15.51	6.58	8.63
<b>13/14</b>	13.45	6.1	7.93
<b>14/15</b>	10.72	4.85	6.52
<b>15/16</b>	9.35	4.56	5.9
<b>16/17</b>	8.47	4.45	5.54
<b>Mean</b>	11.45	5.31	6.91
<b>SD</b>	2.9267	0.9682	1.3263

*District and CS T-Test*

<b>DF</b>	8
<b>Significance level</b>	P = 0.0020

Again, the difference in the means of charter and district schools are significant, meaning their practice may be quite different for vulnerable student groups even in the wake of policy reform. It is also worth noting that for each of these analyses, the standard deviation has been much higher for charter schools, meaning their annual averages have varied more in the reporting period than district school averages.

Previous tests confirm that the OSS trend has been one of decline between the 12/13 and 16/17 school years. Because this trend in SDDR data began in 2012/2013 is hard to determine whether Chapter 222 initiated this trend. By contrast, in-school-suspension is more erratic.

Means test did not show significant change in ISS rates over the reporting period for state totals or by school type, so it is perhaps more valuable to view ISS data qualitatively. The figure below shows ISS broken out by the three targeted groups of students.

*In-School-Suspensions by Student Group and School Type*

	IEP			Black			Hispanic		
Year	Charter	District	State	Charter	District	State	Charter	District	State
12/13	7.78	4.03	4.56	5.32	5.09	5.15	4.42	4.62	4.57
13/14	6.27	3.83	4.22	5.59	4.62	4.89	4.6	4.12	4.24
14/15	7.29	3.65	4.27	5.71	4.46	4.88	4.32	3.73	3.87
15/16	9.4	3.72	4.74	7.16	4.42	5.32	6.45	3.77	4.54
16/17	6.9	3.46	4.08	4.97	5.03	5.01	4.15	3.4	3.6

As with the aggregate state data comprised of all students, these groups do not show a definitive incline or decline over the reporting period. There is the familiar spike in in-school-suspensions in the 15/16 school year, mostly driven by charter schools. District schools show minor increases in that year for Hispanic students and students with IEPs, and for the remaining years, it could be said they have gradually reduced this type of discipline. For black students, district schools have actually increased their use of ISS in the 16/17 school year.

*Emergency Removal*

Emergency removal is of interest, because one intent of the Chapter 222 policy and its advocates is to measure and reduce the use of ERs. The inclusion of this measure in reporting is only present post policy intervention, so we qualitatively consider ER data as it relates to the reform. Per regulations, an ER also counts as a full day of suspension, so even a single day when a student is removed from school should be counted as an OSS. While this may be expected to

cause an increase in OSS rates after the 2014 regulations, that was not seen in the data post-intervention. This is surprising, given some of the increase in ER rates during the reporting years seen below.

*Emergency Removals by Student Group*

	14/15	15/16	16/17
All Students	0	0.2	0.2
ELL	0.1	0.4	0.5
Economically disadvantaged	0.1	0.4	0.4
Students w/disabilities	0.1	0.4	0.4
High needs	0.1	0.3	0.3
Female	0	0.1	0.1
Male	0	0.2	0.2
Amer. Ind. or Alaska Nat.	0	0.1	0.4
Asian	0	0	0
Afr. Amer./Black	0.1	0.4	0.5
Hispanic/Latino	0.1	0.4	0.4
Multi-race, Non-Hisp./Lat.	0.1	0.3	0.2
Nat. Haw. or Pacif. Isl.	0	0	0
White	0	0.1	0.1

The data shows that despite the intent of the law to reduce exclusion during even a part of a school day, reported rates of ER have increased for nearly all groups of students over three school years. DESE should consider keeping an eye on ER rates for further increase in the coming years – if this trend continues, it will contradict one of the main goals of Chapter 222.

## **Case Study**

To capture a set of schools that cover the variety of discipline styles relevant to this study, I selected charter schools in Massachusetts with a reputation for their focus on either restorative justice or no excuses schools as well as several district schools across the state. I then searched their websites for handbooks or publications on their discipline policy and practice. Two public district schools, two no excuses charter schools, and two charter schools that use restorative justice were selected for analysis.

### *Discipline Policies*

In reading and analyzing student handbooks, several trends in school implementation of discipline policy were identified. All school handbooks in the study stated a dedication to attempting alternatives or redirections before escalating to more standard exclusion. The charter schools who base their mission around restorative justice principles made this most explicit, but charter schools that use no excuses language also start their discipline policies with a bit of restorative justice theory. In all but one of the handbooks, schools did not go beyond basic principles to define their restorative practice. There are numerous contradictions between restorative justice language and zero tolerance practice of exclusion. For example, one Boston public school claims a restorative justice approach on their website, but the Boston Public School District Discipline Policy explicitly practices traditional zero tolerance policy (Boston Public Schools Code of Conduct). They escalate to exclusionary measures quickly and are willing to discipline nonviolent offenses similarly to how they discipline violent offenses. Additionally, they describe something called an “indefinite suspension”, which goes against the intentions of 603 CMR and only tenuously meets its required due process for OSS and ISS.

In some no excuses charter schools, language about restorative justice is used in a similar contradictory way. In these cases, the statements schools make in their policies regarding restorative justice can be boiled down to a generalized claim that all attempts will be made to reconcile the student's actions before exclusionary discipline is used. As with the district cases it is unclear how this differs from standard behavior management and exclusionary practice, and the exact restorative practice is undefined. One no excuses charter boasts a student support team that assists in behavioral management preempting exclusion, but their criteria for escalating to exclusion does not differ from the categories laid out in 603 CMR 53, which allows administrators a lot of discretion for determining offenses and use of exclusion (PCA Chelsea 2017).

In charter schools that have branded themselves as pioneers in restorative justice, the disciplinary model goes beyond a philosophical statement. However, these schools do warn students and parents of an escalation that includes exclusionary discipline to address certain violent and even non-violent offenses (Prospect Hill Academy 2017). One restorative justice school reserves these consequences for occasions when restorative attempts have not been successful, regardless of the non-violent nature of the original infraction (Paolo Freire 2017). The school does, however, do a more thorough job of defining steps to take before excluding students for things like cell phone use and uniform infractions. Ultimately it is possible for a student to be excluded for those types of behaviors if they are unable to complete the restorative tasks such as verbally making amends or performing some sort of community service. Charter schools that attempt restorative justice models have to reconcile their alternative philosophy with exclusionary discipline, which is deeply institutionalized and relied upon as the ultimate solution for any undesirable student behavior.

Handbooks were also analyzed for information about Educational Service Plans. This is a required part of the new code pertaining to long term suspension. All but one of the schools in the case study failed to explain their plan in student handbooks. If schools are offering services to continue instruction while students are excluded from the classroom, it is typically not included in handbooks or on websites. Most handbooks included a single statement such as: “Students serving a suspension shall be given the opportunity to make up any missed work and earn credit for missed work” (Prospect Hill 2017). While this is certainly a fair policy to have, it does not necessarily imply there is instruction or educational resources offered to student so that they can keep up with the curriculum as they complete assignments for credit. Only one school, Match Charter High School, offers details of their required service plan for long term suspensions. This no excuses charter school clearly describes their process:

“For students who are suspended for more than ten (10) consecutive days or who are expelled, Match has developed a school-wide Education Service Plan. Match’s Education Service Plan is subject to change, and may include, but is not limited to, tutoring, alternative placement, Saturday school, and online or distance learning. Match shall send a list of alternative educational services to students and parents of students who are expelled or have received a long-term suspension for more than ten (10) consecutive days. Match shall document the enrollment of every such student in education services, and shall track and report attendance, academic progress, and other data as required for data reporting purposes. The notice will include a list of the specific education services available to the student and contact information of a Match employee who can provide additional information” (Match High School 2017).

This example bucks the trend of schools not offering information on their Education Service Plans in their communications with students and parents. It is surprising that details about these plans are scarce and that DESE does not include information on Education Service plans in the SSDR or on the school profile portal which includes information on all state accountability measures. It is unclear whether the other schools in the case study have plans or DESE tracks these.

### *Attendance and Exclusion*

In several schools - district, no excuses charters, and restorative charters - there were attendance policies that seem to conflict with the aims of the discipline policy change. These attendance policies enforce very high standards of attendance by prohibiting chronically absent students from receiving credit in classes. In these attendance policies, days of school missed due to exclusionary discipline such as OSS or ER count toward total absences, and can contribute to loss of academic credit (Fenway High School 2017). These policies conflict with the Educational Service Plan, which serves the purpose of keeping students on track to avoid poor academic performance and drop out. If students are unable to earn credit due to absences, the goal of academic progress in Chapter 222 is impossible. Such attendance policies are present in handbooks after the 2014 CMR change, indicating that schools are not committed to developing practices that exclude students less.

From the analysis of school handbooks, it can be concluded that the lack of regulation for alternatives such as restorative justice leads to weak alternative practice that inevitably relies on exclusionary discipline. Even in charter schools that include alternative discipline theory in their



missions, handbooks show a rapid escalation to exclusionary discipline, even to the point of suspending students for persistent uniform violations (Paolo Freire 2017, Prospect Hill 2017). Handbooks also revealed a lack of transparent information regarding students' rights to continued education services during long term suspensions.

### **Discussion and Recommendations**

The trends in SSDR reporting, represented in charts and graphs, show that there has not been a consistent or stable decrease in exclusionary discipline practice in public schools. Overall, schools have reduced their use of OSS, but this was accompanied by a sharp increase in instances of ISS. It is very possible that such focus was given to reducing one measure of exclusionary discipline that schools became overly reliant on another. The decrease in OSS predated the 2014 intervention, so policy reform may not be the only influence on this trend. Emergency removals, a newly reported measure, rose in the three years since 2014, when the policy change was implemented with the intent to reduce ERs.

The rate of discipline in the state has been dropping for years, but the relative disparity in discipline rates by race and IEP status has only been slightly reduced. This trend predates the policy and none of the gaps have been dramatically narrowed, so we cannot conclude Chapter 222 had its intended effect on inequities. The rates at which the aforementioned groups of students are disciplined remain alarmingly higher than aggregate state averages. It could be argued that these regulations were implemented too recently to see a decrease in gaps. Hopefully, this is something DESE is carefully tracking and taking into consideration as more annual discipline data become available.

Without a strong divergence from the core concepts behind exclusionary discipline, schools will not be easily able to implement alternatives such as restorative justice. Firstly, this is

not a practice that has gained institutional power in schools, and is not easily adopted. The case study analysis indicates that ideological alternatives to zero tolerance and no excuses policy are not taking hold in schools in the wake of Chapter 222 and changes to 603 CMR section 53. Despite this, schools are reducing the amount of students suspended OSS. The rise in ISS, persistent rate disparities, and lack of clear alternative practice to exclusion in schools leads to the conclusion that the amount of change in schools is limited by weak and unsupported alternatives to exclusion. Practitioners only have so many tools in their arsenal for shaping student behavior, and it is improbable that they are successfully using alternatives without support.

So little information is made available about Educational Service Plans for students serving a long term suspension that this issue requires its own investigative research. Educational Service Plans are a core part of this reform, as they challenge the belief that students whose behavior is outside school norms forfeit the right to learn. It is highly recommended that the state include information on these plans in a more publicly accessible way.

Rates of Out-of-school Suspension for black students has remained more than double the state average for white students and annual rates for students with IEPs are even higher in comparison. Regulations state that schools failing to maintain equitable discipline policy are subject to intervention by the State Commissioner. Nowhere on the DESE website does it define the exact threshold for intervention (DESE Calculating Disparity June 24, 2016). This policy tool is likely not effective in deterring unjust discipline given the absence of standards and clear expectations for change in practice. Without any basis for judgement given by the policy and disparities still reflected in the data, it is reasonable to conclude that Chapter 222 is not maximally effective in reaching its equity goals.

In addition to investigating problematic disparity, this study was designed to compare discipline in public district and charter schools. This research questioned whether district and charter schools are similarly able to implement policy and report similar results, or if practices and implementation varied. It was revealed that both district and charter schools rely on exclusionary discipline procedures, despite restorative justice language used in their handbooks. This was apparent in their escalation to suspension for nonviolent infractions and in the SDDR reported rates of discipline, which showed a rise in ISS post policy intervention.

Charter and district schools apply discipline at significantly different rates. OSS and ISS are the most commonly reported types of exclusionary discipline, and both show a significant difference in means of charter and district schools. Because both types of public school must follow the same due process and reporting system, the discrepancy likely derives from the different discipline paradigms of those institutions. Charter schools also report higher than average rates of all exclusionary discipline measures, and highly unequal rates of discipline for black and Hispanic students as well as for students with IEPs.

Because OSS accounts for such a large part of the overall discipline report, the goal of the new reporting strategy may appear successful to policymakers. In fact, the state reported numbers do not tell a singular story of success, and additional context from the handbook analysis further complicates the narrative. It is important that state officials take note of the consequent increase in other forms of discipline, persistent inequity, and school practice to inform future reform.

Without any real evidence that alternative models have gained traction in schools, it isn't guaranteed that schools will be able to move away from exclusionary discipline or meet the equity goals of Chapter 222. I recommend that policymakers consider bolstering the policy with

more transparent assessment of racial and other disparities, state interventions to remedy inequity, and explicit support of evidence-based alternatives to exclusion. There is evidence that the policy has not influenced dramatic change in charter or district schools or reduced inequalities in the use of exclusionary discipline. Further study is required to understand the nature of differences between charter and district schools discipline practice to understand why disparities persist, which is necessary for informed policy design.

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