

# REPLACING PUNITIVE DISCIPLINE WITH RESTORATIVE POLICIES AND PRACTICES

*GLSEN supports federal, state, and local policies that establish safe and inclusive learning environments for all students. GLSEN calls for the elimination of punitive and exclusionary discipline policies that differentially impact LGBTQ students, especially those who are also students of color and students with disabilities.*

A student's learning environment is significantly influenced by many factors including a school's discipline policies and practices. GLSEN supports efforts to drastically improve the learning environment for all students, regardless of sexual orientation, gender identity, and gender expression. Further, GLSEN believes it is crucial to consider the intersectional experiences of LGBTQ students who are students of color and students with disabilities. GLSEN is aware that:

- **60 percent of LGBTQ students** reported they were disciplined because of their identity as an LGBTQ person.<sup>1</sup>
- LGBTQ students of color are **almost twice as likely** to be suspended compared to white LGBTQ students.<sup>2</sup>
- Over **45 percent of transgender and gender nonconforming students** reported some form of discipline, compared to only 35 percent of cisgender LGBQ students.<sup>3</sup>
- **More than a third of LGBTQ students (34.8 %)** missed at least one day of school in the last month because of feeling unsafe at school, and **at least two in five students** avoided bathrooms (42.7%) and locker rooms (40.6%).<sup>4</sup>

LGBTQ students, as all students, not only have a right to an education but also to thrive within a safe and supportive learning environment. LGBTQ students of color and LGBTQ students with disabilities are subject to higher rates of exclusionary and punitive discipline practices while also having inadequate access to mental health support services.<sup>5</sup> Schools with high percentages of students of color often receive fewer resources from states and districts<sup>6</sup> and rely too heavily on student resource officers (SROs) as de facto law enforcement.<sup>7</sup> In addition, students with disabilities are also subject to higher rates of

## References

1. Kosciw, J. G., Greytak, E. A., Zongrone, A. D., Clark, C. M., & Truong, N. L. (2018). *The 2017 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools*. New York, NY: GLSEN.
2. GLSEN (2016). *Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth*. 25-26. New York: GLSEN.
3. *Ibid.*
4. GLSEN (2018). *The 2017 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools*. New York, NY: GLSEN.
5. U.S. Department of Education, National Center for Education Statistics, National Teacher and Principal Survey (NTPS), "Public School Teacher Data File," 2015–16.
6. The Education Trust (2018). *Funding Gaps: An analysis of school funding equity across the U.S. and within each state*. Retrieved from <https://edtrust.org/resource/funding-gaps-2018/>.
7. U.S. Department of Education, National Center for Education Statistics, 2015–16 School Survey on Crime and Safety (SSOCS), 2016. (Table 32).

discipline at school, perhaps because behaviors associated with the disability are interpreted as deliberate misbehavior.<sup>8</sup> GLSEN is committed to policies that attend to the needs of all students and particularly to the complex experiences of LGBTQ students of color and those with disabilities.

***GLSEN recommends state and district leaders continue to abide by the Obama-era guidance to limit the differential impact of exclusionary discipline practices on students of color.***

While schools and districts have the strongest opportunity to influence discipline policies and improve learning environments through positive, inclusive policies, GLSEN recognizes the role of Congress and the Administration in developing and implementing federal policy to incentivize systems change at the state and local level. GLSEN supported the Obama-era guidance that encouraged schools and districts to examine their exclusionary discipline policies to determine if they had a disparate impact on students of color.<sup>9</sup> The guidance has since been further supported by research – exclusionary discipline practices disproportionately impact Black students compared to their white peers.<sup>10,11</sup> The Obama-era guidance, although it has been rescinded, can still serve as reference for schools and districts with valuable research and recommendations on how jurisdictions may establish positive school climates while reducing their reliance on punitive and exclusionary discipline practices.

***GLSEN recommends that state and federal policymakers adopt and adequately fund legislation that assists school and district leaders in developing positive behavior intervention systems and supports.***

Such initiatives have a strong evidence base to suggest that these practices have a greater impact on improving school culture<sup>12</sup>, decreasing student discipline issues, and increasing student academic achievement.<sup>13</sup> GLSEN recommends the adoption of such policies and urges education leaders to eliminate (or significantly limit) the use of exclusionary practices. By doing so, schools and districts can refocus their attention on addressing each student’s unique needs and challenges. Such efforts ultimately improve the learning experience of all students, including LGBTQ students.

***GLSEN recommends the elimination of corporal punishment. It is important to eliminate the use of corporal punishment in all schools.*** These practices not only inflict pain and physical injury, student health and educational attainment are negatively impacted in both the short-term and long-term.<sup>14</sup>

References

8. Losen, D. Hodson, C., Keith, M.A.; Morrison, K., and Belway, S. (2015). Los Angeles: The Center for Civil Rights Remedies, UCLA.
9. U.S. Department of Education (2014). *School Discipline Guidance Package*. Retrieved from <https://www.ed.gov/news/press-releases/us-departments-education-and-justice-release-school-discipline-guidance-package>.
10. U.S. Government Accountability Office (2018). *Discipline Disparities for Black Students, Boys, and Students with Disabilities*. Retrieved from <https://www.gao.gov/assets/700/690828.pdf>.
11. U.S. Commission on Civil Rights (2019). *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*. Retrieved from <https://www.usccr.gov/pubs/2019/07-23-Beyond-Suspensions.pdf>.
12. Horner, R. H., Sugai, G., Smolkowski, K., Eber, L., Nakasato, J., Todd, A. W., & Esperanza, J. (2009). A Randomized, Wait-List Controlled Effectiveness Trial Assessing School-Wide Positive Behavior Support in Elementary Schools. *Journal of Positive Behavior Interventions*, 11(3), 133–144. <https://doi.org/10.1177/1098300709332067>.
13. Muscott, H.S., Mann, E.L., & LeBrun, M.R. (2008). Positive Behavioral Interventions and Supports in New Hampshire: Effects of Large-Scale Implementation of Schoolwide Positive Behavior Support on Student Discipline and Academic Achievement. *Journal of Positive Behavior Interventions*, 10(3), 190-2015. <https://eric.ed.gov/?id=EJ798463>.
14. National Women’s Law Center (November 2016). *An Open Letter to Local and State Educational Agencies & Policymakers*. Retrieved from <https://americanhumanist.org/news/aha-joins-groups-calling-end-corporal-punishment-schools/>.

Despite evidence of harms, corporal punishment is currently legal in 19 states.<sup>15</sup>

**GLSEN recommends the elimination of school resource officers (SROs) in their use as de facto law enforcement in schools.** GLSEN opposes policies that contribute to students entering the school to prison pipeline, including recent trends in school resource officers (SROs) serving as law enforcement while interacting with students. While districts may hire SROs in an effort to increase school safety, there are risks of increased school-based arrests for behavior that could be handled by administrators. GLSEN recommends that, if a school or district does have SROs, they establish clear memorandums of agreement that direct the scope of SRO roles and responsibilities. SROs should also be required to complete ample training around unconscious bias, culturally responsive practices (inclusive of LGBTQ identities and supports), and approaches to de-escalation.

**GLSEN recommends the elimination of seclusion and restraint practices in schools and districts.** Students with disabilities are more likely to be victimized by harmful seclusion and restraint practices in schools.<sup>16</sup> Such practices include physical restriction, including the use of devices or equipment, to prevent a student’s ability to freely move their bodies (restraint) or the involuntary confinement of a student alone in a room or area from which they are unable to physically leave (seclusion). Restraining or secluding a student can have traumatic consequences, and can cause permanent, significant physical injury to students. Given the lack of evidence to suggest a need for such practices, GLSEN recommends the federal government, states, districts, and schools eliminate restraint and seclusion.

**GLSEN’s POLICY RECOMMENDATIONS ON POSITIVE SCHOOL DISCIPLINE POLICIES**

- Adopt and adequately fund, at the state and federal levels, legislation that supports development of positive behavior intervention systems and supports.
- Adequately fund and support mental health professionals in schools so they can provide necessary resources and interventions to students facing adverse experiences inside and outside of the school setting; ensure that such professionals receive appropriate training to support all students, regardless of actual or perceived sexual orientation, gender identity or expression, race, color, national origin, sex, disability, and religion.
- Monitor disparities in school climate by disaggregating relevant data by race, ethnicity, disability, sex (including sexual orientation, gender identity, and gender expression), and national origin.
- Eliminate the use of corporal punishment in all schools.

References

15. Education Commission of the States (August 2018). *School Discipline*. Is corporal punishment permitted? Retrieved from <http://ecs.force.com/mbdata/MBQuest2RTanw?rep=SD1808>.

16. U.S. Government Accountability Office (2019). Federal Data and Resources on Restraint and Seclusion. Retrieved from <https://www.gao.gov/products/GAO-19-418T>.

- Eliminate the use of school resources officers (SROs), or only employ SROs after establishing clear memorandums of understanding between a school district and local law enforcement agency.
- Eliminate seclusion and restraint practices in schools.
- Increase funding for the development and implementation of restorative practices in lieu of punitive and exclusionary discipline policies.
- Eliminate district and school policies and practices that discriminate, including policies related to clothing/dress code, and those that limit access to restrooms and other school facilities for transgender and gender non-conforming students.
- Eliminate zero-tolerance policies which have a disparate impact on LGBTQ students and students of color. Ensure that schools have practices in place to guard against other inequitable enforcement of discipline policies.
- Employ graduated approaches that consider the seriousness of offenses to keep students in school whenever possible. Implement restorative justice practices that focus on resolving conflicts, repairing relationships, and building community.
- Provide embedded professional development and coaching for educators on culture competency and establishing equitable learning environments.

*For additional recommendations, please review GLSEN’s “Respect for All: Recommendations to Support LGBTQ Students – A Guide for District and School Leaders.”*

GLSEN works to create safe and inclusive schools for all. We envision a world in which every child learns to respect and accept all people, regardless of sexual orientation, gender identity and/or gender expressions. For additional questions about how GLSEN and how schools can become safer and more inclusive, contact GLSEN’s Public Policy department at [policy@glsen.org](mailto:policy@glsen.org) or 202.347.7780.