

# 4

## A POLICY SNAPSHOT OF 20 SCHOOL DISTRICTS AND THEIR STATES

Although the goal of school-based restorative practices is to cultivate school community and support positive youth development, those areas are not typically the focus of state or district policies. Rather, state and district policies primarily address disciplinary sanctions and student behavioral supports. This section of the toolkit explores state and district policies on (1) *exclusionary school discipline practices* and (2) *alternatives to exclusionary discipline, including restorative practices*.

## How Do State and District Policies Shape School Practices?

**State educational policies set basic requirements for school practices.** For instance, a state policy may cap the amount of time a student can be suspended or may specify a minimum number of days of suspension for a particular offense. Similarly, state policy may require or prohibit the use of exclusionary school discipline for certain offenses and may require the use of alternative disciplinary strategies as a first-line response to certain types of behavioral issues. Thus, state policies are relevant to district policies and may constrain those policies to some extent.

**School district policies build on the state requirements,** providing more detailed and comprehensive guidelines for disciplinary sanctions and student behavioral supports. Whereas state educational policies typically set the “floor” for what is minimally required, districts determine the “ceiling.” For instance, a state policy may allow for, or recommend, the use of alternatives to exclusionary discipline; district policy can require their use and can specify which alternatives should be offered and how.

School district policies are the focus of this toolkit because students, teachers, parents, and administrators who want to make improvements to their school may be most effective when they target school district policies. District administrators typically have extensive knowledge about, and familiarity with, the communities they serve, as well as the challenges and strengths of their individual schools. District leadership is also well positioned to develop detailed plans for adoption, implementation, and sustainment of restorative practices and other student behavioral supports.

That said, being informed about state policies is important for informing the scope of district reforms. In some cases, if state policies restrict the potential for reform at the district level, state policy change may be necessary before district change is possible (for instance, if a state mandates that exclusionary discipline must be used even in cases of minor infractions). In other cases, state legislation may provide dedicated funding or infrastructure to support district initiatives, including restorative practices.

## Trends in School Disciplinary Policies

Over the past 15 years, school discipline policies in the United States have shown a gradual shift from punitive to restorative approaches. School districts and state educational policies are increasingly recommending the use of restorative practices, often as an alternative to exclusionary discipline for more minor infractions. State or district policies that prescribe student social and emotional supports may also specify or recommend the use of restorative practices. The National Center for Education Statistics reported that 59% of public schools and 72% of charter schools implemented some form of restorative practices in 2021–22,<sup>70</sup> illustrating a growing policy emphasis on prevention, relationship building, and inclusion.

State policies vary widely in their support of restorative practices: Some states do not restrict exclusionary discipline, others require or recommend alternatives to exclusionary discipline, and others recommend restorative practices specifically (Education Commission of the States, 2021). Despite gains in support for restorative practices, exclusionary discipline measures such as out-of-school suspension and expulsion remain commonplace in many states, and severe practices, such as corporal punishment, which are still legal in 18 states.<sup>71</sup> Nearly all states have statutes or regulations that permit some form of exclusionary discipline, such as in- or out-of-school suspension, and most states grant local districts broad discretion to determine disciplinary procedures. In fact, fewer than 30 states place clear limits on the use of suspension or expulsion for subjective or minor offenses, such as “disruption” or “defiance,”<sup>72</sup> which has been shown to underlie most disproportionality in school discipline.

## Selected Scan of District and State Policies

Our team conducted a scan of current policies on *exclusionary school discipline* and *restorative practices* for a sample of U.S. cities and their states. As not all regions we scanned included specific policy references to restorative practices, we also reviewed state and district policies on *alternatives to exclusionary discipline*, which involve limits to the use of suspension and expulsion and suggested or required alternative approaches. Alternatives to exclusionary discipline may, but do not necessarily, include restorative practices.

Findings are intended to inform interested parties in the 20 regions we scanned about where policy change may be beneficial. More broadly, the scan provides readers with a snapshot of current policies that are relevant to restorative practices. Readers can use our methods to rate policies in other regions of the U.S. and to check for updates in the areas we scanned (see Appendix B for a description of how the scan was conducted).

## District Selection

With the assistance of our advisory group, we selected 20 districts for the policy scan with the intention of sampling diverse geographic regions, levels of economic well-being, and school district sizes. School districts selected were in the following cities: Atlanta, Baltimore, Buffalo, Chicago, Cincinnati, Cleveland, Denver, Detroit, Durham, Houston, Los Angeles, Minneapolis, New Orleans, New York City, Oakland, Philadelphia, Pittsburgh, Rochester, San Francisco, and Washington, D.C. The cities represent 13 states (California, Colorado, Georgia, Illinois, Louisiana, Maryland, Michigan, Minnesota, New York, North Carolina, Ohio, Pennsylvania, and Texas) and the District of Columbia.

## Scoring

Five metrics were used to calculate total scores for *exclusionary discipline*:

1. Are serious (violent or illegal) behaviors required for use of exclusionary discipline?
2. Are there protections for younger students?
3. What is the maximum suspension time for non-violent incidents?
4. Are alternatives required before the use of exclusionary discipline?, and
5. Is expulsion allowed for nonviolent incidents?

The possible range for total scores was 0 to 6, with higher scores indicating more extensive use of exclusionary discipline.

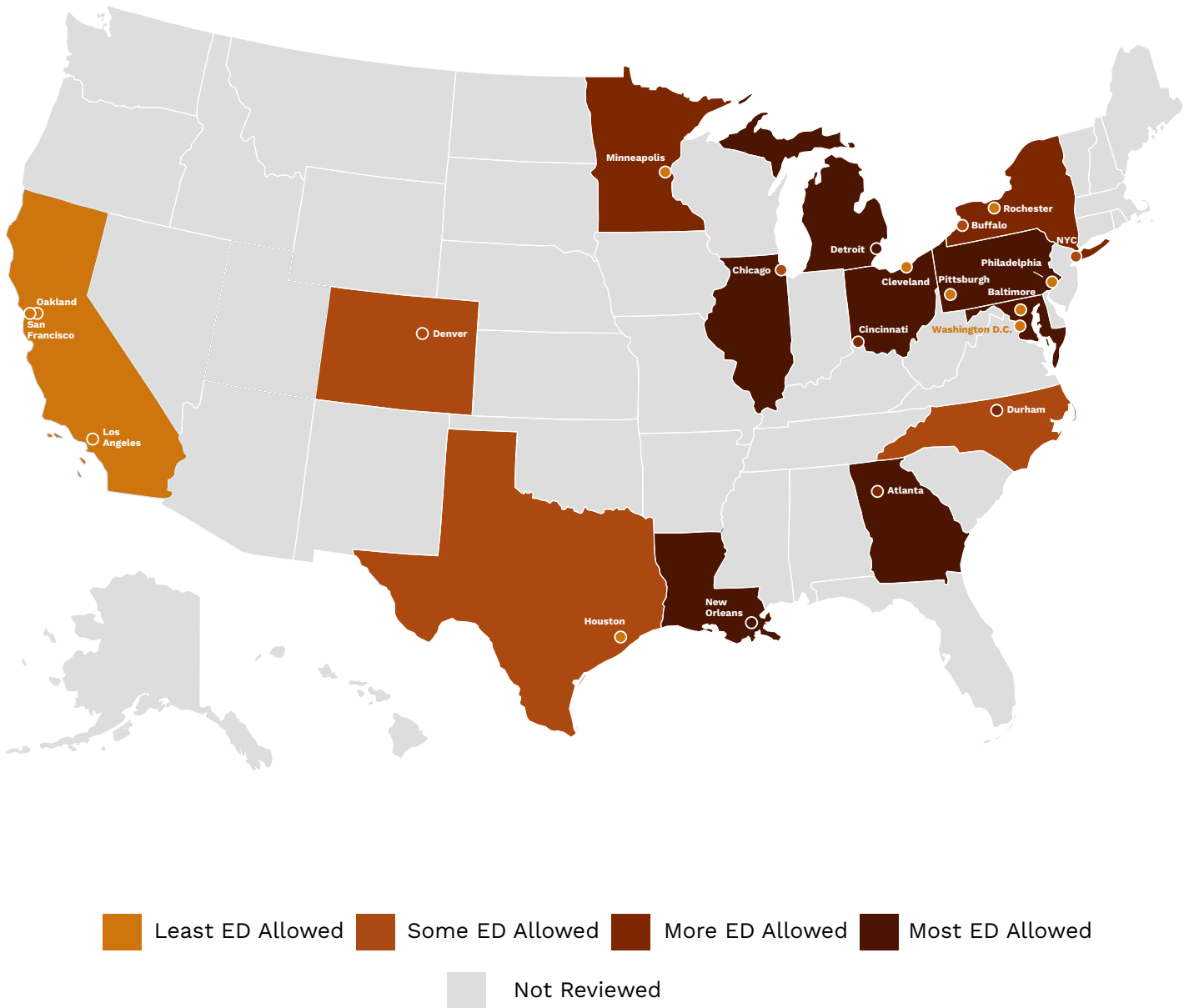
Two types of metrics were used to calculate total scores for *alternatives to exclusionary discipline and restorative practices respectively*:

1. Are alternative disciplinary approaches required or suggested instead of exclusionary discipline for minor infractions?
2. Does the policy (a) mention provision of resources for restorative practices (e.g. guidelines, trainings, etc.) or (b) encourage use of restorative practices without mentioning provision of resources?

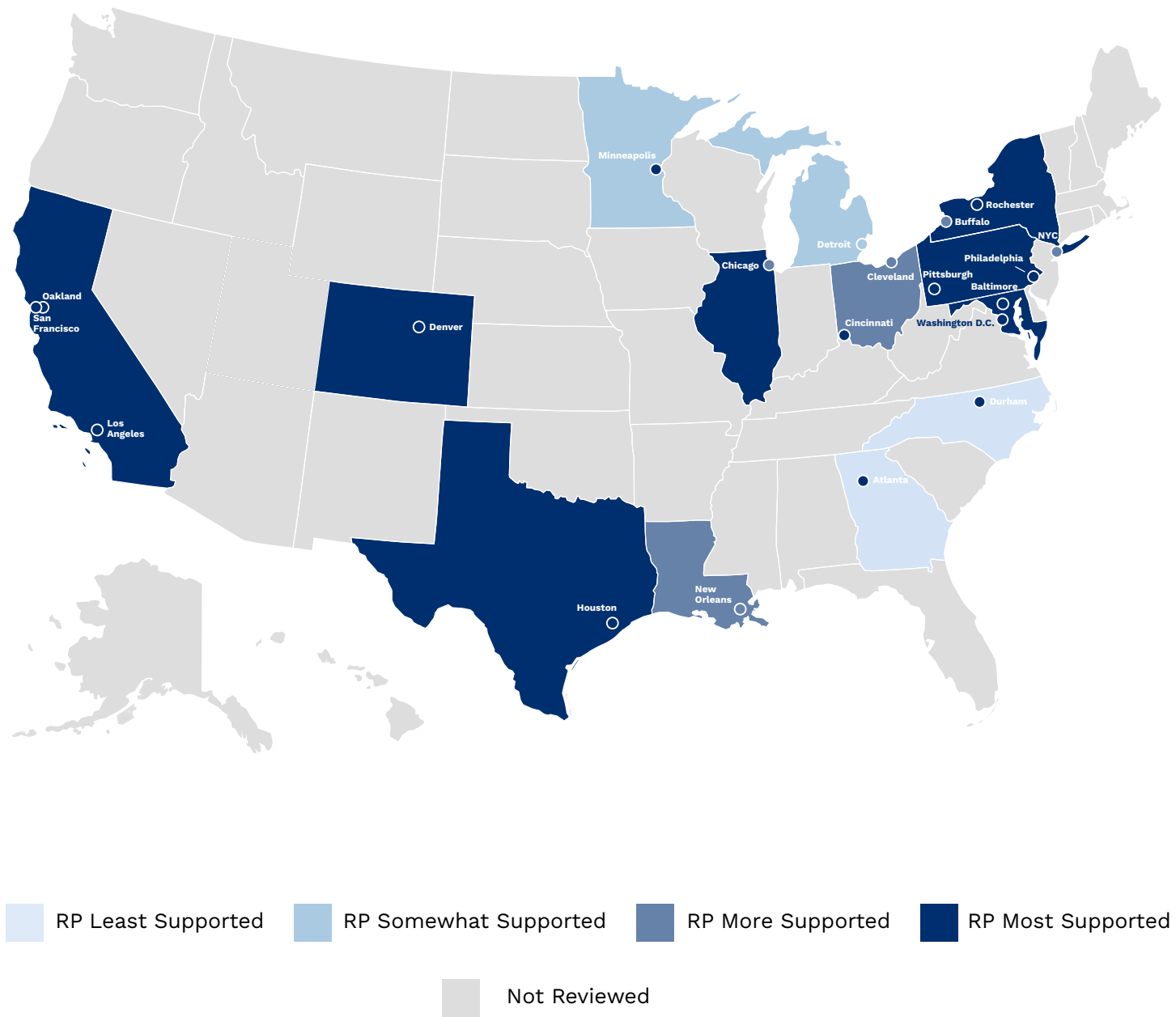
The possible range for total scores was 1 to 4, with higher scores indicating more extensive policy support for alternatives to exclusionary discipline/ restorative practices.

The scoring system is described in more detail in Appendix B.

Figure 1. State and District Policies on Exclusionary School Discipline



**Figure 2. State and District Policies on Exclusionary Discipline Alternatives, Including Restorative Practices**



**Table 1. State and District Scores for Policies on Exclusionary Discipline**

Possible total score range (e.g., the higher the score, the more punitive):

0–1 = Least ED | 2–3 = Some ED | 4–5 = More ED | 6 = Most ED

Location	Serious behavior required	Age protections	Max suspension (non-violent)	Alternative required first	Expulsion allowed (non-violent)	Total Score
<b>California</b>	✓	✓	≤5 days	✓	✗	<b>0</b>
Los Angeles	✓	✓	≤5 days	✓	✗	0
Oakland	✓	✓	≤5 days	✓	✗	0
San Francisco	✓	✓	≤5 days	✓	✗	0
<b>Colorado</b>	✗	✓	≤5 days	✓	✓	<b>2</b>
Denver	✗	✓	≤5 days	✓	✓	2
<b>Georgia</b>	✗	✓	≤10 days	✗	✓	<b>4</b>
Atlanta	✗	✓	≤10 days	✓	✓	3
<b>Illinois</b>	✗	✗	≤10 days	✓	✓	<b>4</b>
Chicago	✓	✓	≤10 days	✓	✓	2
<b>Louisiana</b>	✗	✗	≤10 days	✗	✓	<b>5</b>
New Orleans	✗	✗	≤10 days	✓	✓	4
<b>Maryland</b>	✗	✓	>10 days	✓	✓	<b>4</b>
Baltimore	✓	✓	≤5 days	✓	✗	0
<b>Michigan</b>	✗	✗	>10 days	✓	✓	<b>5</b>
Detroit	✗	✓	>10 days	✓	✓	4
<b>Minnesota</b>	✗	✓	≤10 days	✓	✓	<b>3</b>
Minneapolis	✗	✓	≤5 days	✓	✗	1
<b>New York</b>	✗	✗	≤5 days	✓	✓	<b>3</b>
Buffalo	✗	✗	≤5 days	✓	✗	2
New York City	✗	✓	≤5 days	✓	✗	2
Rochester	✓	✓	≤5 days	✓	✗	0
<b>North Carolina</b>	✗	✓	≤10 days	✓	✗	<b>2</b>
Durham	✗	✗	≤10 days	✓	✗	3
<b>Ohio</b>	✗	✓	≤10 days	✗	✓	<b>4</b>
Cincinnati	✗	✓	≤10 days	✓	✓	3
Cleveland	✗	✓	≤5 days	✓	✗	1
<b>Pennsylvania</b>	✗	✗	≤10 days	✓	✓	<b>4</b>
Philadelphia	✓	✓	≤5 days	✓	✗	0
Pittsburgh	✗	✓	≤5 days	✓	✗	1
<b>Texas</b>	✗	✓	≤5 days	✓	✓	<b>2</b>
Houston	✗	✓	≤5 days	✓	✗	1
<b>Washington, D.C.</b>	✓	✓	≤5 days	✓	✗	<b>0</b>

**Table 2. State and District Scores for Policies on Exclusionary Discipline Alternatives, Including Restorative Practices**

Possible total score range (the higher the score, the more extensively alternatives practices are recommended or required): 1 = Least | 2 = Some | 3 = Strong | 4 = Most

Note: A single check mark indicates “suggested but not required;” a double check indicates “required.”

Location	Alternative discipline required/ suggested	Alternative required/ suggested first	Total Score
<b>California</b>	✓✓	✓✓	<b>4</b>
Los Angeles	✓✓	✓✓	4
Oakland	✓✓	✓✓	4
San Francisco	✓✓	✓✓	4
<b>Colorado</b>	✓✓	✓✓	<b>4</b>
Denver	✓✓	✓✓	4
<b>Georgia</b>	✓	✗	<b>1</b>
Atlanta	✓✓	✓✓	4
<b>Illinois</b>	✓✓	✓✓	<b>4</b>
Chicago	✓	✓✓	3
<b>Louisiana</b>	✓	✓✓	<b>3</b>
New Orleans	✓	✓✓	3
<b>Maryland</b>	✓✓	✓✓	<b>4</b>
Baltimore	✓✓	✓✓	4
<b>Michigan</b>	✓	✓	<b>2</b>
Detroit	✓	✓	2
<b>Minnesota</b>	✓✓	✗	<b>2</b>
Minneapolis	✓✓	✓✓	4
<b>New York</b>	✓✓	✓✓	<b>4</b>
Buffalo	✓	✓✓	3
New York City	✓✓	✓	3
Rochester	✓✓	✓✓	4
<b>North Carolina</b>	✓	✗	<b>1</b>
Durham	✓✓	✓✓	4
<b>Ohio</b>	✓✓	✓	<b>3</b>
Cincinnati	✓✓	✓✓	4
Cleveland	✓✓	✓	3
<b>Pennsylvania</b>	✓✓	✓✓	<b>4</b>
Philadelphia	✓✓	✓✓	4
Pittsburgh	✓✓	✓✓	4
<b>Texas</b>	✓✓	✓✓	<b>4</b>
Houston	✓✓	✓✓	4
<b>Washington, D.C.</b>	✓✓	✓✓	<b>4</b>

**Table 3. Variation in Total Exclusionary Discipline Scores by State and District**

Note: Washington, D.C., is counted in this table as a district.

	Frequency (%) for Each Total Score						
	0	1	2	3	4	5	6
<b>States</b>	1 (7.7%)	0	3 (23.1%)	2 (15.4%)	5 (38.5%)	2 (15.4%)	0
<b>Districts</b>	7 (35%)	4 (20%)	4 (20%)	3 (15%)	2 (10%)	0	0

**Table 4. Variation in Total Exclusionary Discipline Alternatives/Restorative Practices Scores by State and District**

Note: Washington, D.C. is counted in this table as a district.

	1	2	3	4
<b>States</b>	2	2 (15.4%)	3 (23.1%)	6 (46.2%)
<b>Districts</b>	0	1 (5%)	5 (25%)	14 (70%)

## Results

Figures 1 and 2 display variability in state and district policies regarding exclusionary discipline and alternatives to exclusionary discipline respectively, with darker colors indicating greater policy support for each approach. Regions that endorse more widespread use of exclusionary school discipline tend to have fewer requirements for the use of alternatives to exclusionary discipline, including restorative practices. As evident in the figures and tables, substantial variability was observed across districts and states both for exclusionary discipline policies and alternatives to exclusionary discipline. Variability is evident both in total scores and the individual domains that contribute to the total scores. For instance, Chicago and Denver each received a total score of 2 for exclusionary discipline, but their scores differ on individual domains. Out-of-school suspensions can last 10 or more days in Chicago, whereas Denver requires that suspensions be of shorter duration. Chicago, however, restricts exclusionary school discipline to severe infractions involving violence or illegal activity, whereas Denver does not. Familiarity with state and district policies is important for understanding barriers to, and facilitators for, the adoption of restorative practices.

Tables 2 and 4 report the number and percentage of states and districts selected for the policy scan that received each possible total score for use of exclusionary discipline and alternative school discipline/restorative practices. Overall, the state and district policies we reviewed endorsed moderate to high levels of restriction on exclusionary discipline and recommended or required use of alternative school discipline at moderate to high levels. None of the states or regions we selected mandated the unrestricted use of exclusionary school discipline (score of 6); only two states and no districts received the lowest score of 1 for recommendations to use alternative disciplinary strategies/restorative practices. Importantly, districts often received different total scores than their states, highlighting that district policies can and do build in meaningful ways on the basic requirements set by states.

## Limitations

This policy scan has several limitations. First, as policies were reviewed only for a limited number of regions, our findings do not characterize policy across all U.S. districts or states. Second, it is difficult to capture nuanced differences in policy using a standardized scoring system given the length and variable formats of state and district documents; this scan should be regarded as a basic snapshot, rather than a comprehensive summary. Third, and importantly, this scan was unable to assess how, to what extent, and with what level of quality district policies are being implemented across district schools.

## Conclusion

Our scan of 20 U.S. school districts and their states indicated substantial variability in policy support for exclusionary approaches to address nonviolent student behavior, highlighting opportunities for policy change. While many policies recommend the use of alternatives to exclusionary school discipline, including restorative practices, not all require their use. The extent to which policies provide resources for restorative practices and the types of resources provided also differ across the scanned regions. This scan highlights the need for clearer, more rigorous policies on restorative practices, as well as a stronger emphasis on their use in schoolwide community building.