



General Assembly of the Commonwealth of Pennsylvania
Joint State Government Commission
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Report Summary in response to 2015 House Resolution No. 540
Discipline Policies in Pennsylvania's Public Schools:
Report of the Advisory Committee on Zero Tolerance School Discipline Policies.

Pennsylvania's public schools' discipline policies provide its students with adequate safety, security and stability in most circumstances, but a number of flaws have been identified over time. The Commonwealth's rates of expulsion and out-of-school suspension are higher than the national average. Further, studies have shown that excessively punitive discipline for misbehavior can result in long-term consequences for the children involved, especially the youngest ones. Data reflect disparities in the experiences of racial minority students and students with special needs when compared to the general school population. "Zero tolerance" school discipline policies, in their purest form, do not exist in the laws of Pennsylvania. The closest the Commonwealth comes to a zero tolerance law is in its requirement of expulsion for one year of any student possessing a weapon at school and school-related activities, a federal mandate. However, even this penalty is not absolute. The problems that arise with zero tolerance are largely attributable not to the language of the law, but to the application of the law from school district to school district. Broad definitions of weapons and offenses allow for varied interpretations by school administrators due to liability concerns, fear of making a mistake that leads to tragedy, or simply a matter of the individual's attitude and philosophy toward school discipline.

Recommendations for the public school system include:

- Minimize the use of exclusionary discipline and law enforcement intervention and move toward a system of evidence- or research-based alternatives, such as restorative practices and positive behavioral interventions and supports.
- Lower Pennsylvania's expulsion and out-of-school suspension rates and clarify that expulsion and out-of-school suspension are reserved for only the most serious of offenses.
- Restrict out-of-school suspensions or expulsions of children under the age of 10 to those circumstances when the discipline is based on conduct that is of a violent or sexual nature that endangers others, and provide services to return the child to the classroom as soon as possible.
- Mirror the federal Gun-Free Schools Act in defining the automatic one-year expulsion for weapons possession. This recommendation does not mean that schools cannot impose expulsion as a discipline for possession of other types of weapons; it simply limits the automatic one-year expulsion to firearms as defined in federal law.
- Eliminate "Discretionary notice" from the Public School Code's memorandum of understanding provisions. Pennsylvania's system of mandatory and discretionary notifications goes beyond what is required under federal law. Discretionary referrals to law enforcement are already within the rights and duties of school administrators.
- Provide training for law enforcement officials working in educational settings, such as school resource officers and school police officers, in de-escalation techniques, disabilities and their impact on student cognition, communication and behavior, disability rights under federal and state law, cultural competency, implicit bias, restorative practices, child development, and psychology, and other topics designed to assist officers to work effectively in schools.
- Review and monitor statistical data collected on expulsion, out-of-school suspension, referral to alternative education for disruptive youth, and referrals to law enforcement to identify schools that are statistical outliers in the disciplinary exclusion of students, and offer technical assistance to schools to take corrective action when needed.
- Change the Office for Safe Schools targeted grant formula to create a more equitable division of the amount grant money available for hiring and training school resource officers and the amount available to all other safe school programs, including non-exclusionary discipline programs and practices.
- Adequately fund and staff the Office for Safe Schools so that it can effectively audit or otherwise verify the appropriate use of its grants for violence prevention programs or school resource officers, and monitor and review data reports governing school discipline.
- Use alternative education of disruptive youth (AEDY) programs sparingly and only for the most disruptive students. Remove the part of the definition of disruptive that relates to "disregard for school authority, including persistent violation of school policy," as too vague and subjective.

The full report is available on our website, <http://jsg.legis.state.pa.us/>