School disciplinary actions, such as suspensions, expulsions, and referrals to law enforcement, are ostensibly intended to maintain classroom order and protect students from harming themselves and others. However, these approaches — collectively referred to as exclusionary school discipline — are at odds with what research shows is needed to create healthy learning environments. Exclusionary practices, school policing, and zero-tolerance policies undermine protective factors that schools often provide, such as social supports and connectedness, that sustain health and emotional resilience. [35] Such practices also fail to acknowledge the role of implicit bias in disciplinary decisions — leading to disproportionate referrals for subjective offenses like disrespect and defiance for Black, Latinx, and Native students — or that “bad behaviors” are often symptoms of mental health struggles, unmet support needs, or unaddressed trauma. [36,37]

While one in six children have a diagnosable emotional, behavioral, or mental health disorder by the age of 8 years, nearly half of all children have experienced strong, frequent, or prolonged adversity, also known as adverse childhood and community experiences. Instead of contextualizing and taking a trauma-informed approach to student behaviors, however, many school districts effectively criminalize the impacts of these experiences: in 2016, approximately 14 million students were enrolled in schools that had police presence but no counselor, nurse, psychologist, or social worker on staff. [38] As a result, exclusionary practices are disproportionately applied to students subjected to broader health inequities — including those who are Black, Latinx, Native, LGBTQ+, or disabled — with significantly worse outcomes for students holding multiple marginalized identities. [39] Disproportionate disciplinary action even followed students home during the pandemic, with documented disparities in virtual learning environments across the country. [40]
The systemic racism found in school disciplinary policies mirrors that found in the criminal justice system. While the United States has cut youth incarceration in half over the last decade, Black and Native youth are five and three times more likely, respectively, to be held in custody than their White peers, with smaller disparities for Latinx youth. [41] These trends are only heightened with respect to substance use, which is simultaneously considered a risk factor leading to and an adverse outcome stemming from youth disconnection. [42] While the rates at which White youth and youth of color sell and use drugs are comparable, Black and Latinx youth are arrested, prosecuted, and incarcerated at dramatically higher rates for drug-related offenses. The disparities are particularly stark for Black youth, who are held in juvenile detention facilities for first-time charges 48 times as often as their White peers and in adult prisons three times as often for other drug convictions. [43] Involvement in the justice system at a young age increases the likelihood of future system involvement, interrupts healthy development, and is a source of trauma, with young Black males at a higher risk due to compounding racial inequities. [44] Youth justice involvement also drives disconnection, with more than two thirds of incarcerated youth never returning to school. [45]
In concert with banning exclusionary practices, implementing programs and practices rooted in restorative justice in schools nationwide has been shown to mitigate the negative consequences of punitive approaches to discipline, reduce the disproportionate exclusion of students of color and those with disabilities, and decrease youth involvement in the juvenile justice system, ultimately disrupting the school-to-prison pipeline. [46,47,48] Restorative approaches are best defined by a set of common values rather than distinct practices, including increased connectedness, accountability, and the promotion of social and emotional growth. A commitment to restorative justice entails changes not just to how a school reacts to student behavior, but how it proactively works to shift the climate that shapes student behavior. Restorative approaches emphasize reflection, mediation, and both inter- and intrapersonal growth in contrast to the hallmarks of punishment and exclusion present in predominant approaches to school discipline. These approaches help to foster a welcoming space in which students and staff alike can show up authentically and work towards healing. [49]

Outside of schools, efforts to reduce the collateral consequences of involvement with the criminal justice system — including impediments to accessing housing, education, and employment — can center on minimizing the reach of the system itself. Upstream reforms aimed at reducing incarceration include greater investment in harm reduction and treatment services for individuals engaged with substance use, as well as a renewed focus on addressing the impacts of racism in the criminal justice system. Downstream, efforts to seal criminal records or expunge past convictions can increase employment and raise wages for impacted individuals within a year of implementation. In addition, deepened investments in recidivism reduction programs and reentry supports — alongside accompanying changes to probation and parole oversight — stand to significantly cut reincarceration rates. [50,51]
Policies that shift school discipline toward more healthy and equitable outcomes will simultaneously improve the overall well-being of students and prevent future disconnection.

The Department of Education can...
- Reinstate the 2014 School Discipline Guidance Package to Enhance School Climate and Improve School Discipline Policies/Practices and expand the guidance to specifically address equitable disciplinary practices in virtual learning environments.

The Department of Health and Human Services can...
- Work directly with states to provide immediate and regular updates to the Centers for Medicare & Medicaid Services Medicaid School Health Technical Assistance Guide and Administrative Claiming Guide that reduce administrative burden at the district level and address telehealth provision and billing.
**RECOMMENDATIONS**

*Congress can...*

- Invest in the evidenced-based services and programs outlined in the School Discipline Guidance while prohibiting funding for any grants or programs related to exclusionary school discipline, school resource officers, or contracts with local law enforcement.

- Fund a school and community discipline data management program jointly authorizing the Department of Justice Office of Juvenile Justice and Delinquency Prevention and the Department of Education Office of Safe and Supportive Students to collaboratively monitor and evaluate school discipline data.

- Amend Every Student Succeeds Act regulations to require that:
  - State and local jurisdictions demonstrate a commitment to implementing restorative justice principles and de-policing schools; and
  - School districts adopt codes of conduct prohibiting identity-based bullying and harassment and report incident data to the Department of Education.

- Fully fund the Individuals with Disabilities Education Act to ensure student needs are met with quality resources and supports rather than disciplinary measures.

- Expand federal funding in physical, behavioral, and public health workforce development to ensure that student-to-staff ratios for counselors, social workers, nurses, and psychologists in schools meet professional standards, with an emphasis on recruitment from Black, Latinx, and Native communities.
Outside of school, shifting approaches to justice from criminalization to harm reduction and reentry will similarly improve well-being and opportunity access for all youth.

The Department of Justice can...

- Provide funding and technical assistance to states to facilitate automatic record sealing and offer guidance on the standardization of “clean slate” policy implementation.
- Limit reincarceration for technical probation and parole violations.
- Provide guidance on the training of parole and probation officers to emphasize support, mentorship, community resource connections over compliance and control.
- Expand grant funding for evidence-based reentry programs that connect returning citizens with the resources, opportunities, and community necessary to reduce recidivism.
**RECOMMENDATIONS**

*The White House can...*

- Build on the work of the American Rescue Plan by including federal funding for evidence-based harm reduction efforts in the annual appropriations process.

- Expand and fully fund evidence-based recidivism reduction programs required by the First Step Act to ensure access for every individual incarcerated in federal prisons.

*Congress can...*

- Strengthen federal leadership in juvenile justice reform with an emphasis on innovative and evidence-based approaches to address racial and ethnic disparities by reinvesting in the Office of Juvenile Justice and Delinquency Prevention.

- Guarantee automatic criminal record expungement for nonviolent offenses.
REFERENCES


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