



# Suspension Policy

Linda Howerton  
Social Work Department  
University of TN at Chattanooga



## Agency Policy

As directed by state and federal laws, Hamilton County Department of Education (HCDE) has a *Code of Acceptable Behavior and Discipline Policy* that specifies conduct deemed unacceptable resulting in suspension, discipline, or expulsion from school. These offenses fall into four categories: zero tolerance, major offenses, other offenses, and misconduct. Suspensions are considered to be short term, usually ten days or less, while an expulsion is long term exclusion from school and can last up to one year. For suspension and expulsion offences, notification and appeals procedures are in place to ensure that the student is given due process.

The HCDE Code also specifies offenses that fall under state and federal "zero tolerance" legislation such as:

- Possession of a weapon, firearm or explosive, flammable or poison gas device, such as mace
- Possession, use, sale of illegal, prescription, non-prescription, or counterfeit drugs or drug paraphernalia
- Striking a teacher, principal, administrator or any other employee of the Hamilton County Department of Education

## Evaluation of Policies

The local, state, and federal government policies in the United States have been found to be culturally biased and do not take into account the ethnic heritage of people such as Native Americans who use items considered to be weapons or drug related in religious rituals. One study found "...the discipline policy was directed in disproportionate ways at Mexicans, Sudanese, and Somali students. The suspension rate for those students was 35%, in comparison with 8% for White students" (Gitlin, Buendía, Crosland, Doumbia, 2003, p. 108).

In the Canadian version, clear anti-racism policies were part of the *Code of Conduct* and they also addressed sexual orientation in their discussion of respect for others (Raby, 2004). But they also have strict school uniform dress codes that seek to make the population more homogenous.

In Australia, the "...emphasis is on ensuring that disciplinary actions do not negatively impact on students' studies, and *suspension* from school is not usually implemented unless other disciplinary measures have been unsuccessful" (Hemphill, *et al.*, 2007, p. 304). Little if any mention of discrepancies in applying the policy across cultural populations was found in the literature.

Almost all of the literature reviewed stated that socioeconomic status was a contributing factor to the likelihood that a student would face suspension or expulsion in all three countries (Raby, 2003; Hemphill, *et al.*, 2007; Christle, Nelson, & Jolivette, 2004). Another factor reported was that males were twice as likely as females to be suspended and in America, African American males were disciplined in this manner at a rate three times higher than their proportion of the population (Christle, Nelson, & Jolivette, 2004; Leone & Achilles, 2006). Another group of students who disproportionately receive school suspensions are students with disabilities and those with emotional or behavioral disorders had the highest rates of suspension (24%) even though they comprised only 11% of the student population (Krezmeim, Leone & Achilles, 2006).

## State and National Policy

In 1994, the federal government passed the Gun-Free Schools Act (GFSA), which was reauthorized and recodified in 2002. This act required a minimum one-year expulsion for any child who brings a firearm to school or possesses a firearm on school property. The act was linked to the Elementary and Secondary Education Act of 1965 (ESEA) and required that states receiving ESEA funds enact a law requiring Local Education Agencies (LEA) to create policies that would expel a student for one year, it also gave the state the option of allowing the LEAs chief administrative officer to modify the expulsion on a case-by-case basis. The reauthorization in 2002 amended the law to include requirements that the LEA must document and send to the state information on the expulsions that were less than the required one year, that all firearm expulsions are referred to juvenile authorities, and that the GFSA does not apply to a firearm lawfully stored in a locked vehicle on school property. LEAs can use their discretionary case-by-case modification to comply with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act for disciplining students with disabilities and still receive federal funding. Non-compliance of the federal GFSA can result in immediately being dropped from receiving federal funds through the ESEA and Title VII under the McKinney-Vento Homeless Assistance Act. In accordance with the GSFA of 1994, Tennessee passed legislation (Public Chapter 268) in 1995 in order to maintain compliance and funding for federal education dollars. This act has been amended several times to include other offenses. It also now requires local LEAs to annually report suspensions and expulsions to the State Department of Education for the purpose of accountability to state and federal entities.

## BIBLIOGRAPHY/SOURCES CITED

- Christle, C., Nelson, C. M., & Jolivette, K. (2004). School characteristics related to the use of suspension. *Education and Treatment of Children*, 27(4), pp. 509-526.
- Directorate of School Education. (1994). The student code of conduct. (Ministerial Order No. 1, Discipline of Pupils). The State of Victoria.
- Gitlin, A., Buendía, E., Crosland, K., & Doumbia, F. (2003). The production of margin and center: welcoming-unwelcoming of immigrant students. *American Educational Research Journal*, 40(1), pp. 91-122.
- Gun-Free Safety Act. (2002).  
<http://www.ed.gov/programs/dvppformula/gfsaquid03.doc>
- Hemphill, S., McMorris, B., Toumbourou, J., Herrenkohl, T., Catalano, R., & Mathers, M. (2007). Rates of student-reported anti-social behavior, school suspensions, and arrests in Victoria, Australia and Washington State, United States. *Journal of School Health*, 77(6), pp. 303-311.
- Krezmien, M., Leone, M., & Achilles, G. (2004). Suspension, race, and disability: analysis of statewide practices and reporting. *Journal of Emotional and Behavioral Disorders*, 14(4), pp. 217-226.
- Ontario Safe School Act. (2000).  
[http://www.ontla.on.ca/bills/billsfiles/37\\_Parliament/Session1/b081ra.pdf](http://www.ontla.on.ca/bills/billsfiles/37_Parliament/Session1/b081ra.pdf)
- Raby, R. (2004). Polite, well-dressed and on time: secondary school conduct codes and the production of docile citizens. *CRSA/RCSA* 42(1), pp. 71-91.
- Sughrue, J. (2003). Zero tolerance for children: two wrongs do not make a right. *Educational Administration Quarterly*, 39(2) pp. 238-258.

## Global Policy

Ontario, Canada and Victoria, Australia have each enacted school discipline policies similar to the United States zero tolerance policy. In Ontario, the *Safe Schools Act* enacted in 2000, requires schools to enact *Codes of Conduct* and introduce school uniforms to foster a "sense of respect, civility, and responsible citizenship" (Raby, 2004). The Ontario act includes a zero tolerance policy that requires only a minimum of twenty-one days expulsion for the same offenses that garner a mandatory one year expulsion in the United States. The Ontario policy also gives the principal huge leeway in how much time after the mandatory twenty-one days to suspend a student and this decision is based on the academic and behavioral history of the student.

In Victoria, the maximum time a student can be suspended for any infraction of the rules is ten days with a total of twenty for the entire school year. Victoria's *Student Code of Conduct* enacted in 1994, also regulates expulsion (called expelled) by allowing the principal to suspend a student for at least ten days while a decision is being made about permanently expelling the student. If the expelled student is over age fifteen, then the school has no further responsibility to educate the student. If the expelled student is under age fifteen then the principal must aid the family in finding another school that will accept the student.

## Action Plan

- Inform supervisors and school personnel of the research-based negative affects of the current school suspension policy
- Facilitate a focus group to gain community and law enforcement input and support
- Work with social workers in the mental health field to develop school-based programs that address the issues leading to suspension
- Engage students in the change process through open forum discussion groups
- Hold parent Q & A sessions and parenting workshops in neighborhood recreation centers, churches, and at ethnic community events to underscore the importance of parental involvement in the educational process
- Lobby for availability of on staff interpreters
- Create student peer review courts to deal with minor rule infractions
- Recruit mentors for students labeled "at-risk"
- Request that a school social worker be on the IEP Team
- Work with school administrators and the juvenile court to create a review board to handle non-violent cases and therefore remove these types of cases from the court docket

In school social work there are numerous policies enacted at the local, state, and national levels that adversely affect the student population. Social worker's are bound by the NASW Code of Ethics, and have an ethical duty to serve clients and their host agency with integrity. School social worker's must also advocate for change when the policies of their host agency harm or oppress individuals or groups. Macro policies enacted by government entities can cause unintentional institutional racism and further discrimination of minorities and students who have disabilities. It is up to school social workers to educate, formulate interventions, and facilitate changes when local, state, or national policies adversely affect students.