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PRESS RELEASE

Oregon Legislature Passes Bill to Reform School Discipline and Roll Back “Zero Tolerance” Policies HB 2192-B Promotes Safe and Productive Learning Environments

May 21, 2013, Salem, OR—The Oregon Senate today passed HB 2192-B, legislation that removes mandatory expulsion requirements from the state’s school discipline statute. Under the current law, students have been expelled for one calendar year for bringing items to school that were considered dangerous by school administrators, whether students intended any harm or not. Votes in the House and Senate were 60-0 and 28-2 (excused), respectively.

After being signed by the Governor¹, the new legislation would go into effect in July 2014, giving school districts time to update their policies and student handbooks. The new regulations return more discretion to school administrators to decide when the most severe punishments, suspension and expulsion, should be used.

Vast research and an emerging national consensus recognize that school exclusion policies often do more harm than good. Not only do these practices fail to make schools safer, but they also lead to academic failure, disengagement, dropout and criminal justice involvement. The “School to Prison Pipeline” describes this phenomenon in which students are kicked out of school and become more likely to enter the justice system as a result.

Rep. Sara Gelser, chair of the House Education Committee, worked with Youth, Rights & Justice to introduce the legislation. Rep. Gelser said, “There are very strong and differing opinions about punishment and how to change students’ behavior. The research clearly tells us that positive interventions do more good and cause less harm. I am proud of all of the hard work that went into the bill and the amendments. Everyone came together to do what’s best for our kids and for our schools.”

HB 2192-B is a result of a consensus reached among education and student advocates. Rather than focusing on exclusion as the primary response to student behavior problems, HB 2192-B encourages schools to utilize evidence-based approaches, to focus on keeping students in school as much as possible and to consider the student’s age, developmental level, disability, history and other factors when determining the most appropriate discipline or other response.

Oregon, like most other states, embraced “zero tolerance” approaches in the 1990s, which result in automatic suspensions or expulsions, believing they were necessary to keep schools safe. Problems with this approach are many. One study found that students at schools using zero tolerance discipline practices had: higher dropout

¹ HB 2192A will return to the House for concurrence on a “conflict” amendment due to a portion of the bill having passed in another vehicle before this bill reached the Senate Floor.



rates; elevated stress levels that negatively affected students' mental and physical health; more referrals to special education; and lower student participation in extracurricular activities.

Conversely, schools using Positive Behavioral Interventions and Supports (PBIS) or Restorative Justice (RJ) approaches to student behavior had students with higher grades; higher test scores; and better student attendance rates. These findings held, even when controlling for differences in socioeconomic status.

There are already 61% of Oregon schools that have implemented or begun implementing PBIS. Additional schools are using Restorative Justice or other approaches. This bill encourages more schools to implement PBIS, Restorative Justice or similar approaches and reserve exclusion for the most appropriate circumstances, when safety concerns are imminent or when other strategies have been tried and failed.

Mark McKechnie, executive director of Youth, Rights & Justice, the organization that drafted and negotiated passage of HB 2192, said, "Many schools have already recognized that exclusion is a high-cost, low-reward strategy. They are already on the path to reform and greater student success. It is important that Oregon's statutes on discipline catch up with the research and catch up with the successful practices already used in many schools."

In addition, a recent report by the American Academy of Pediatrics cites research showing that students who experience out-of-school suspension or expulsion can be as much as 10 times more likely to drop out of school. Studies in Florida and California have found that one suspension in the 9th grade doubles a student's risk of dropping out.

The state is considering cost-effective approaches to prevent and reduce crime. Education is one of the most important protective factors to keep youth out of trouble. On the other hand, students who are excluded from school are far more likely to end up in the justice system. Only 15% of youth sent to the Oregon Youth Authority in 2011 had never been suspended or expelled from school. Multiple exclusions are common among delinquent youth: 44% of youth admitted to OYA in 2011 had been suspended or expelled four or more times.

Fight Crime, Invest in Kids, an advocacy group consisting of Sheriffs, District Attorneys, Chiefs of Police, Attorneys General, and violence survivors, issued a report in March, "Classmates not Cellmates: Effective School Discipline Cuts Crime and Improves Student Success in Oregon."² State Director Martha Brooks testified in favor of HB 2192-B and said that there are clear connections between increases in suspensions, Oregon's very low graduation rates and future crime. "According to the US Department of Education, Oregon has the fourth-worst high school graduation rate in the nation, graduating just 68 percent of our kids from high school in 2011 in four years. With Oregon's current dropout crisis, we face a serious public safety concern."

Each student who fails to graduate will earn less money in their lifetimes, pay less in taxes, and many will be more likely to require additional expenditures in terms of health or social services or criminal justice costs. "Schools that find ways to keep students in school safely ultimately benefit in the end, and so do our communities," McKechnie said.

² <http://www.fightcrime.org/classmates-not-cellmates-effective-school-discipline-cuts-crime-and-improves-student-success-in-oregon/>