
School Discipline Provisions in the Every Student Succeeds Act (ESSA)

A New Law – An Old History

The Every Student Succeeds Act (ESSA) serves as the latest reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA) which was last reauthorized in 2002 as the No Child Left Behind Act (NCLB). Since its inception, the intent of the law has been to raise achievement for low-income and otherwise disadvantaged children. The civil rights community has long recognized equal educational opportunity as central to our struggle to achieve equality for all Americans. Without a robust and thoughtful implementation of ESSA over the next decade, we will have missed a crucial opportunity and the students we represent will continue to be denied the full protections they need and are entitled to under federal law.

Keeping Our Students Safe and In School

Across the country, many students of color, low-income students, and students with disabilities are subjected to harsh school environments that are unsafe and unwelcoming because of the ways in which schools use excessive and discriminatory discipline policies and practices. “Zero tolerance” disciplinary policies that don’t take individual circumstances into account, exclusionary discipline practices (including suspension and expulsion) that put children out of school instead of resolving issues, and punitive approaches to student behavior that aren’t suited to an affirming, healthy learning environments do not work, are inappropriate and are too often applied disproportionately against students of color and students with disabilities. A positive school climate is needed to ensure the safety of our schools, the quality of instruction and the success of all students. Harsh, exclusionary and discriminatory discipline policies and practices undermine that intent.

What Can We Do?

As ESSA is implemented at the federal, state, district and school level, parents and community members have an opportunity to shape the conversation and decisionmaking so that the new law ensures schools are responsive, inclusive and rigorous places for the education of all children. By leveraging the climate and discipline provisions mentioned below, parents and community members can use the ESSA implementation process to strengthen school climates and foster more nurturing environments for our students.

What’s In the Law?

Title I: Accountability, Plans and Reporting

State accountability systems are a set of policies that states use to measure how schools well schools are doing at educating groups of students, and to identify schools in need of supports and interventions when all students or any group of students is behind or is not making academic progress. Under Title I, states are required to create statewide accountability systems that include a number of factors to identify schools for supports and interventions. Among those, states can include measures of school climate and safety. States and districts must also describe in their Title I plans how they will support school districts and schools to improve ‘school conditions for student learning’ through reducing instances of harassment and bullying, the overuse of discipline that removes students from classrooms, and the use of behavioral interventions that compromise

School Discipline Provisions in the Every Student Succeeds Act (ESSA)

student health and safety.¹ At the state and the district level, this may include identifying and supporting schools/districts with high rates of discipline for students of every major racial/ethnic group, English learner status, and students with disabilities.²

Every year, each state and district must publish a report card (that must be made available to parents) reporting on the rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, referrals to law enforcement, chronic absenteeism, and incidences of violence, including bullying and harassment, at the state, district, and school level.

Title IV: Student Support and Academic Enrichment Grants

Districts seeking to receive funds under Title IV of ESSA must assess what they need to improve school conditions for student learning in order to create a healthy school environment. The assessment must be done every three years and the application for funds must be developed in consultation with parents, teachers, school leaders, community-based organizations, and representatives of local governments.³ In order to receive funding, these programs are required to:

- Be coordinated with schools and community-based organizations;
- Foster safe, healthy, supportive, and drug-free environments that support academic achievement; and
- Promote the involvement of parents in the activity or program.

There are several activities that are recommended, including activities aimed at:

- Preventing drug use and violence;
- Preventing bullying and harassment;
- Providing school based mental health services;
- Improving practices for relationship-building skills and the prevention of coercion, violence, abuse, teen dating violence, stalking, domestic abuse, and sexual violence;
- Providing mentoring and school counseling to students; and
- Providing training related to suicide prevention, human trafficking, crisis management, conflict resolution, school-based violence prevention, drug abuse prevention, and bullying and harassment prevention⁴

What Can Advocates Do?

- ✓ Advocate for states and districts to meaningfully consult community stakeholders in the development and enforcement of school climate and discipline policies
- ✓ Train school personnel on best practices regarding school climate and disciplinary procedures
- ✓ Work with districts to apply for funds under Section 4108 to implement evidence-based practices to prevent the overuse of exclusionary discipline practices

¹ Section 1111. “State Plans”

² Section 1112. “Local Educational Agency Plans”

³ Section 4106. “Local Educational Agency Applications”

⁴ Section 4108. “Activities to Support Safe and Healthy Students”