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## ETHICAL CONSIDERATIONS IN A THREE-TIERED APPROACH TO SCHOOL DISCIPLINE POLICY AND PRACTICE

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Research indicates that school discipline policies and practices have a significant influence on both student and school functioning. The purpose of this article is to uncover how the ethical standards guiding the field of school psychology inform school decisions about discipline in a three-tiered approach. Various discipline approaches, empirical research evaluating the effectiveness of these approaches, and the role of school psychologists in school discipline decision making are reviewed. Ultimately, this integration of theory, empirical research, and ethical standards points to the importance of creating comprehensive and individualized school discipline policies that apply ethically sound practices at all three tiers of intervention. Implications for practicing school psychologists are discussed. © 2014 Wiley Periodicals, Inc.

Discipline is an essential element of public schooling in the United States, and effective discipline practices are necessary to maintain classroom order, promote student learning, and ensure the safety of students and teachers. Despite the critical importance of effective discipline policies, great controversy exists regarding the specific methods of discipline that should be employed by schools. Numerous authors (Chin, Dowdy, Jimerson, & Rime, 2012; Fenning et al., 2012) have discussed the need for alternatives to exclusionary methods of school discipline, most notably, suspension and expulsion, whereas others cite the effectiveness of these forms of discipline in reducing problem behavior for the majority of students (Bear, 2012; Landrum & Kauffman, 2006). Despite numerous calls for changes to harsh zero-tolerance policies in U.S. schools (e.g., American Psychological Association Zero Tolerance Task Force, 2008; Fenning et al., 2012), teachers, administrators, and parents have continued to support and use these methods. It is unlikely that individuals on either side of the debate believe their approach to discipline is unethical or inappropriate, which is why it is critical to examine the ethical limitations and merits of discipline approaches in the educational context. This article integrates the research literature on school discipline with the ethical principles guiding the field of school psychology to argue for the importance of a three-tiered approach to school discipline practice.

### DISCIPLINE AND THE GOALS OF EDUCATION

In 1972, Kohlberg and Mayer stated, “The most important issue confronting educators and educational theorists is the choice of ends of the educational process. Without clear and rational educational goals, it becomes impossible to decide which educational programs achieve objectives of general import and which teach incidental facts and attitudes of dubious worth” (p. 449). This statement continues to apply to educational programs, particularly when discussing school discipline policies. If educators do not understand the reason *why* they are using particular discipline practices and have not established a clear understanding of the ultimate educational goals of these practices, they cannot possibly choose the discipline policies of greatest worth and ethical merit. Considering the long-standing history of public education’s goal of developing responsible, caring citizens, it is necessary to determine whether the discipline policies schools employ align with this goal.

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Bear (2010) described school discipline as having two different aims: management of student behavior and development of student self-discipline. Management of student behavior promotes discipline approaches that control student behavior and increase student compliance with rules and expectations. Discipline approaches with this aim typically use adult-centered strategies (e.g., punishment, positive reinforcement) to maintain school order and student safety. Deterrence theory, which is grounded in utilitarian philosophy and principles of rational choice, states that punishment is the most efficient way to control student behavior; that is, “students choose to obey rules and teachers because they fear the consequences associated with misbehaviors” (Way, 2011, p. 348). An example of using negative deterrence to manage student behavior is implementing zero-tolerance policies that suspend students for even minor offenses. Research indicates that, in terms of gaining compliance and obedience, punitive techniques like suspension are effective for the majority of students (Landrum & Kaufman, 2006). However, when punishments are viewed as overly harsh and unjust, compliance actually lowers (Tyler & Huo, 2002) and repeated suspensions increase the odds of truancy over time (Flannery, Frank, & Kato, 2012). Thus, deterrence works well for some students when punishment is applied fairly within a strategically planned and broadly acknowledged system of discipline, but has been found to lead to numerous negative outcomes (e.g., dropout, delinquency) for students with more serious behavior concerns (Skiba & Rausch, 2006).

Bear (2010) noted that punishment teaches students what they are not supposed to do and that it is important not to get caught, but fails to teach them what they should do. The ultimate goal of promoting responsible citizens cannot be realized if students do not have the skills to do what is “right.” Bear described self-discipline as the development of student self-regulation and self-control, which emphasizes the fostering of the internal motivation to do what is right. Discipline policies that aim to develop student self-discipline, rather than just student management, align more closely with the ultimate educational goal of creating responsible citizens. Self-discipline is typically taught through student-centered approaches to discipline; programs that emphasize prevention of behavior problems, positive school climates, and social–emotional competencies have the goal of self-discipline in mind.

#### DISCIPLINE AND THE SCHOOL PSYCHOLOGIST’S ROLE

School psychologists are in an ideal position to advocate for ethical approaches to school discipline, as they have the knowledge (e.g., training in child development, learning, behavior management, and education law) and ethical foundation (e.g., the ethical codes of the National Association of School Psychologists [NASP], 2010) to make scientifically and ethically defensible decisions. However, despite these skills, school psychologists seem rarely involved in designing and implementing discipline policies and interventions at their schools. In our experience, school psychologists engage in school discipline decisions primarily through their involvement in Manifestation Determinations for students receiving special education services. The NASP Professional Standards for Training (NASP, 2010) mandate training in legal, ethical, and professional practice and state that data-based decision making and accountability, as well as consultation and collaboration, are present in all aspects of practice. Moreover, the standards indicate that school psychologists should be involved in interventions at primary, secondary, and tertiary levels. This includes involvement in student-level interventions, such as mental health services to develop social and life skills and systems-level services, including school-wide practices to promote learning and preventive and responsive services. All of these areas of school psychology training and expertise overlap with responses to student misbehavior and approaches to school discipline, and thus point to school psychologists as ideal school professionals to tackle the tricky issue of discipline policy and practice for all students.

Within the school psychology field, scholarship is placing increasing emphasis on the use of multitiered methods of intervention for both academic and behavioral concerns. This is evident in the Response-to-Intervention movement; interventions are implemented at three tiers, representing a continuum of intervention intensity in terms of frequency, duration, individualization, and level of additional support needed (Sugai & Horner, 2009). A three-tiered model includes a universal, or primary, level (Tier 1), where interventions are directed toward all students; a secondary level (Tier 2), where more specific group and classroom-wide targeted interventions are provided; and a tertiary, or intensive, level (Tier 3), where interventions designed for individual students with more serious concerns are delivered. Bear (2010) argues that approaches to school discipline should be modeled after three-tiered mental health and educational programs. Thus, in our integration of ethical standards with discipline theory, research, policy, and practice, we consider all three tiers of intervention (Table 1 summarizes the NASP ethical standards and implications for a three-tiered discipline approach).

#### APPLYING ETHICAL PRINCIPLES TO SCHOOL DISCIPLINE

The *Principles for Professional Ethics* (NASP, 2010) serves as a guide for appropriate professional conduct within the field of school psychology and can be referenced to help make ethical decisions during difficult situations. Applying the NASP code of ethics to a three-tiered model of school discipline response can help school psychologists consult on discipline policy in a way that protects the best interests of students and the educational goals of the school. The *Principles for Professional Ethics* is organized into four broad ethical themes, which are composed of 17 ethical principles and numerous specific standards of conduct. In this section, we link the ethical principles of particular relevance to school discipline with school discipline considerations at each tier of intervention to help guide school psychology practice. In addition to a summary of these ethical considerations, Table 1 provides examples of how to apply the ethical principles to each tier.

##### *Fairness and Justice (I.3)*

The principle of fairness and justice states that school psychologists “use their expertise to cultivate school climates that are safe and welcoming to all persons regardless of actual or perceived characteristics” (NASP, 2010, pp. 5–6). This includes not engaging in or condoning discriminatory policies, pursuing knowledge about the impact of diversity factors on children and learning, and taking these factors into account when providing services. When school practices are unjustly discriminatory, the school psychologist should work to correct those practices, with the ultimate goal to “strive to ensure that all children have equal opportunity to participate in and benefit from school programs” (NASP, 2010, p. 6).

The standards of fairness and justice have important implications for school discipline policies. A number of research studies have found that zero-tolerance policies, which aim to apply the same standards of punishment regardless of individual characteristics, actually discriminate against African American and Latino students. For example, Skiba, Michael, Nardo, and Peterson (2002) found that disproportionate rates of punishment were not due to economic disadvantage or higher rates of misbehavior for African American students. An extensive review of the literature (American Psychological Association Zero Tolerance Task Force, 2008) suggests that minority students and students with disabilities are punished more harshly for subjective offenses. With these findings in mind, it is critical that school psychologists advocate against the use of discriminatory practices at all three tiers of intervention. At Tier 1, school psychologists should promote teacher and school personnel trainings in cultural competence, especially related to student behavior and sociocultural

Table 1  
*NASP Ethical Standards and Implications for a Three-Tiered Approach to Discipline*

NASP Standard	Tier 1	Tier 2	Tier 3
I.3 Fairness and Justice <ul style="list-style-type: none"> <li>– Do not condone discriminatory practices</li> <li>– Understand how diversity factors influence students</li> <li>– Correct school practices that are unjust</li> <li>– Ensure all students can participate and benefit from school programs</li> </ul>	<ul style="list-style-type: none"> <li>– Implement school-wide programs supporting diversity awareness and social-emotional competence (e.g., SEL)</li> <li>– Encourage teacher cultural trainings</li> <li>– Revise discipline policies to include multilevel, proactive responses</li> </ul>	<ul style="list-style-type: none"> <li>– Consider cultural and familial circumstances when determining discipline decisions for specific students</li> <li>– Use alternatives to exclusionary practices when appropriate to promote FAPE in LRE</li> <li>– Advocate for alternatives to exclusionary discipline. Ensure FAPE under all circumstances</li> </ul>	
II.2 Accepting Responsibility for Actions <ul style="list-style-type: none"> <li>– Monitor the impact of interventions and modify if ineffective</li> <li>– Accept responsibility for appropriateness of practices</li> </ul>	<ul style="list-style-type: none"> <li>– Develop and integrate data systems to monitor and support equitable discipline decisions</li> <li>– Monitor discipline data for disproportionality</li> <li>– Evaluate positive school factors (e.g., climate) and suspension/ODR rates</li> </ul>	<ul style="list-style-type: none"> <li>– Consult with specific teachers to monitor progress and evaluate Tier 2 interventions.</li> <li>– Implement a problem-solving team to review data and assist faculty</li> </ul>	<ul style="list-style-type: none"> <li>– Monitor progress and evaluate outcomes for individual students</li> </ul>
II.3 Responsible Assessment and Intervention Practices <ul style="list-style-type: none"> <li>– Base assessment on a variety of information</li> <li>– Use interventions and professional practices considered responsible and research based</li> <li>– Encourage parent and student participation in designing interventions</li> </ul>	<ul style="list-style-type: none"> <li>– Implement school-wide programs that are evidence based</li> <li>– Have consistent and known school-wide rules</li> <li>– Hold parent meetings where family input on school-wide practices can be encouraged</li> </ul>	<ul style="list-style-type: none"> <li>– Implement pre-referral teams to address concerns before they escalate</li> <li>– Use evidence-based interventions</li> <li>– Include parent and students in decision making</li> </ul>	<ul style="list-style-type: none"> <li>– Gather behavior function data from multiple sources</li> <li>– Use evidence-based interventions</li> <li>– Connect to community resources (e.g., family counseling)</li> <li>– Include parents and students in decision making</li> </ul>
III.2 Forthright Explanation of Professional Services, Roles, and Priorities <ul style="list-style-type: none"> <li>– Communicate commitment to protecting the rights and welfare of children</li> </ul>	<ul style="list-style-type: none"> <li>– Explain psychologist role in school-wide practices, particularly as related to discipline</li> </ul>	<ul style="list-style-type: none"> <li>– Select and help implement programs proven to enhance student engagement at multiple levels</li> <li>– Explain school psychologist role at Tiers 2 and 3</li> <li>– Communicate priority to the welfare of children to all involved parties</li> </ul>	
III.3 Respecting Other Professionals <ul style="list-style-type: none"> <li>– Cooperate with other psychologists and professionals to best meet the student's needs</li> </ul>	<ul style="list-style-type: none"> <li>– Maintain respectful and collaborative relationships with other professionals</li> <li>– Act as a consultant to other professionals and school personnel regarding school discipline policies, practices, and decisions</li> </ul>		

(Continued)

Table 1  
Continued

NASP Standard	Tier 1	Tier 2	Tier 3
IV.1 Promoting Healthy School, Family and Community Environments – Promote environments that benefit students and have the best interests of children in mind	– Avoid overly harsh punishment – Use school-wide discipline that promotes positive school climates and student well-being	– Consult with teachers to encourage authoritative discipline – Help teachers design group or classroom-wide interventions that promote positive classroom climate and learning	– When a student's behavior significantly impacts others' health and safety, design interventions that address the student's needs and promote the welfare of others.
IV.2 Respect for Law and the Relationship of Law and Ethics – Understand the procedures and law of your organization – Adhere to the ethical code when it is more stringent – Resolve conflicts between ethics and law – Abide by law as long as it does not violate basic human rights	– Consult with teachers and administrators about the most ethical discipline strategies to use under the law – Help administrators understand when law allows for modification of an exclusionary response on a case-by-case basis		– Promote protections for students with disabilities under IDEA

Note. FAPE = free and appropriate education; ODR = office discipline referral

relations (Vavrus & Cole, 2002), and the use of universal programs that promote cultural awareness, respect, and care between students (e.g., social-emotional learning [SEL], restorative justice [RJ]).

The principle of fairness and justice also refers to the importance of learning about diversity factors and taking these factors into consideration when designing specific student interventions at the second and third tiers. It is essential that school psychologists understand the way a student's cultural and familial experiences and values influence their responsiveness to different discipline policies. For example, children from single-parent families are less likely to have parent supervision at home (Cookston, 1999), which may lead to further involvement with delinquent peers and the opportunity to engage in negative activities when suspended. Schools must, therefore, consider the child's environment when responding to misbehavior, as discipline practices will function differently, depending on the individual characteristics of children and their multiple environments (Dupper, Theriot, & Craun, 2009).

In addition, this principle emphasizes the importance of providing all students with an equal opportunity to benefit from school programs. Whereas it is clear that there are times when excluding a student from school programs is warranted, such as when the student is putting the safety of others at risk or is severely impeding the ability for students to learn, educators ultimately have the professional imperative to provide all students with an appropriate education. This is further supported by the Individuals with Disabilities Education Act (IDEA) of 2004 (IDEA, 2004), which requires that "children with disabilities be offered a free and appropriate education in the least restrictive

environment (LRE)” (Jacob & Hartshorne, 2007, p. 156). School psychologists should advocate for alternatives to exclusionary discipline practices when appropriate.

### *Accepting Responsibility for Actions (II.2)*

The principle of accepting responsibility for actions is grounded in the idea that professionals in the field of school psychology “accept responsibility for their professional work, monitor the effectiveness of their services, and work to correct ineffective recommendations” (NASP, 2010, p. 6). It is critical for school professionals to develop and integrate data systems to monitor and support equitable discipline decisions (Fenning & Sharkey, 2012). At Tier 1, school psychologists should promote the evaluation of school discipline policies and practices used by the school. As the lack of evidence regarding the effectiveness of specific discipline practices suggests, discipline policies are infrequently evaluated. This may be due, in part, to the limited involvement of school psychologists in school discipline decision making. School psychologists should use their training in progress monitoring and evaluation to consult with teachers and administrators about the importance of evaluation, help educators monitor the progress of discipline strategies and their implementation, and identify areas for improvement based on results. This should occur for discipline policies and practices at all three intervention levels. Such monitoring should include examination of the equity of discipline response by race and disability as well as how discipline policies impact student outcomes (Fenning & Sharkey, 2012). If evaluation of programs reveals any harmful consequences, then school psychologists should take steps to remedy those concerns at all levels. Bear (2012) emphasizes the value of not only evaluating the success of a discipline policy through reductions in discipline problems or suspensions, but also through the evaluation of positive schools factors, such as student competence, student self-discipline, and school climate.

### *Responsible Assessment and Intervention Practices (II.3)*

The principle of responsible assessment and intervention practices notes the importance of school psychologists’ “maintain[ing] the highest standard for . . . practices in educational and psychological assessment and direct and indirect interventions” (NASP, 2010, p. 7). This means that school psychologists should base their assessments on information collected through multiple sources and use interventions “that the profession considers responsible, research-based practice” (NASP, 2010, p. 8). Additionally, this standard indicates that school psychologists should promote parental and student participation in all three tiers of intervention selection and design.

If school discipline decisions are made quickly, without adequate assessment of the reason for the behavior of concern, then important individual factors that may need to be addressed, such as understanding the multiple factors that influenced the student’s decisions or the particular skills/competencies the student may be lacking, are likely ignored. By definition, zero-tolerance discipline policies aim to universally apply punishment for offenses, ultimately ignoring these important individual differences. Ethical standards emphasize the importance of gathering comprehensive information about students, so that interventions targeting the specific needs of the child can be designed. One of the limitations of punishment is that it does not consider, or attend to, the way multiple factors influence and contribute to student misbehavior (Bear, 2010). Chin et al. (2012) provide a decision-making guide to alternatives to suspension, which suggests that school psychologists gather information from multiple sources to assess the function of a child’s misbehavior, then match the intervention to the child’s specific need (e.g., was the behavior a function of a social-emotional need, skill deficit, or making bad choices?) This type of comprehensive assessment leads to more comprehensive intervention, including connecting families to needed resources and services

available in the school and community. Such a model promotes responsible Tiers 2 and 3 intervention practices.

All selected interventions should be evidence-based *and* supported by ethical standards. This is an area where school psychologists can have a particularly strong role in enhancing school discipline policies, as they have knowledge of the evidence, or lack of evidence, for student behavioral interventions. Yet, just because something is effective does not mean it is ethical. For example, corporal punishment can be effective in deterring misbehavior immediately (Bear, 1998), but because of school psychologists' duty to promote the well-being of students and not do harm, this method should not be used. It is important for school psychologists to weigh the effectiveness of a particular practice against its potential harm. When two methods are equally effective, such as punishment and reward in promoting cooperation (Balliet, Mulder, & Van Lange, 2011), the least harmful method should be selected.

In terms of deterrence methods of discipline, consistent and known school rules are critical for creating a sense of fairness and understanding about school behavioral expectations (Bear, 2012). However, exclusionary practices such as suspension are particularly ineffective for students with negative experiences in school (Scott, Nelson, & Liapustin, 2001) and behavioral and emotional disabilities (Krezmien, Leone, & Achilles, 2006); they may need more proactive intervention to learn how to do what is right. Excluding students from school reduces access to opportunities to feel connected to school (American Psychological Association Zero Tolerance Task Force, 2008), and affected students may feel stigmatized and disenfranchised (Sander, Sharkey, Olivarri, Tanigawa, & Mauseth, 2010), thus further reducing their commitment to be at school; school suspension rates have been positively correlated with dropout rates (Skiba & Rausch, 2006). For students with chronic behavior challenges, exclusionary discipline is likely to increase problem behaviors (Skiba & Rausch, 2006) by allowing a student to avoid undesirable people or experiences in school or to gain access to more enjoyable but harmful experiences, such as substance abuse and delinquency.

School-wide positive behavior support (PBS), SEL, and RJ are examples of multitiered interventions focused on positive discipline. They are designed to teach self-discipline to all students, implement more intensive secondary prevention to students who demonstrate discipline concerns, and target intensive intervention to students with more serious emotional and behavioral challenges who repeatedly violate school rules. Unfortunately, rigorous research evaluating the effectiveness of these and other alternatives to exclusionary discipline is limited. Evaluations of PBS reveal that it is successful at reducing disciplinary referrals and rates of suspension (Fenning & Sharkey, 2012). A meta-analysis on SEL programs (Durlak, Weissberg, Dymnicki, Taylor, & Schellinger, 2011) found that students at schools with SEL programs showed significantly greater improvement in social and emotional skills, behavior, attitudes, and even academic performance compared with control subjects. Further research is needed to understand whether PBS, SEL, and other school-wide strategies achieve the higher aims of improving student self-discipline, creating a better school climate, and achieving equity in response across racial, gender, and disability groups (Bear, 2012), goals that student management alone fails to achieve.

Finally, the ethical principle of responsible assessment and intervention practices encourages parental and student participation in intervention decisions; thus, practices that promote collaboration should be encouraged when appropriate. Research has shown that discipline policies students perceive as fair are related to less school misconduct (Welsh, 2001) and lower rates of delinquent behavior (Gottfredson, Gottfredson, Payne, & Gottfredson, 2005). Universal (Tier 1) discipline approaches, such as SEL and RJ, aim to foster student involvement in the discipline process and may encourage the development of self-discipline (Bear, 2010), ultimately resulting in fewer discipline concerns.



*Forthright Explanation of Professional Services, Roles, and Priorities (III.2)*

The principle of forthright explanation of professional roles focuses on the importance of school psychologists being honest and open “about the nature and scope of their services” (NASP, 2010, p. 10). Some educational stakeholders may not understand the depth of training school psychologists have to work effectively on issues of discipline. Explaining how the NASP standards promote in-depth training in school-wide and student-level interventions and in how to evaluate such initiatives will help educational professionals gain trust for school psychologists’ input into discipline policies and practices.

Of utmost importance is school psychologists’ duty to communicate that their highest priority is the welfare and rights of children. Thus, school psychologists should make decisions and recommendations based on their ability to promote the well-being of all children, and their dedication to doing so should be communicated to all parties involved. Establishing these commitments at the beginning of a decision-making process helps prevent misunderstanding and distrust. Ultimately, this dedication to children should underscore all of the decisions a school psychologist makes and should guide the selection of discipline policies and practices.

*Respecting Other Professionals (III.3)*

The principle of respecting other professionals refers to the school psychologist’s commitment to working collaboratively and respectfully with other psychologists and professionals. School psychologists should strive to create the type of professional relationships that facilitate the process of meeting the needs of students in the most comprehensive and appropriate way. Whereas the previous ethical principle emphasized the priority of promoting the welfare of students, it is critical not to lose sight of the importance of respectful relationships with other professionals.

Bear (1998) suggested that school psychologists could be most influential in school discipline by acting as problem-solving consultants. School psychologists have the training to consult with teachers, administrators, community partners, students, and families regarding the development of Tier 1 school discipline policies, practices, and programs that are the most beneficial to all students and promote the educational aims of public education. At Tiers 2 and 3, school psychologists can serve as consultants in determining what specific interventions should be used when responding to the behavior difficulties exhibited by specific students. It is important to remember that decisions regarding school discipline can be highly contentious, especially because of their reflection of broader societal and cultural beliefs. At all levels of intervention, school psychologists should be understanding of diverse views regarding discipline, while still upholding their dedication to promoting evidence-based, ethical, and supportive approaches to working with students. Ultimately, the effective collaboration of professionals can lead to more comprehensive and appropriate interventions.

*Promoting Healthy School, Family, and Community Environments (IV.1)*

The principle of promoting healthy school, family, and community environments states that “school psychologists use their expertise in psychology and education to promote school, family, and community environments that are safe and healthy for children” (NASP, 2010, p. 12). More specifically, school psychologists should use their skills to promote positive school change by advocating for policies and practices that uphold the best interests of children.

This standard is of critical importance in discussions of school discipline, as studies have shown that the school climate can be negatively affected by unfair and overly harsh punishment (e.g., Cohen, McCabe, Michelli, & Pickeral, 2009). Bear (2012) argues that the effectiveness of discipline policies should not be based solely on reductions in discipline referrals, but also on measures of school climate

and safety. As Mayer and Leone (1999) explain, heavily scrutinized, unwelcoming, and punitive environments may actually cultivate the type of misbehavior and violence that schools are trying to prevent. The use of authoritative discipline, which achieves a balance between enforcement of school standards and availability of caring adult relationships, has been associated with school safety (Gregory et al., 2010).

At the universal level, school psychologists can discourage overly harsh punishment by helping schools design school-wide expectations that are perceived as reasonable and fair. Schools implementing SEL as a part of their school-wide practices have been shown to increase the sense of school community and school climate (Durlak et al., 2011). School psychologists can be engaged in the promotion of universal programs, such as SEL, that foster positive school climates. At Tier 2, school psychologists can consult with administrators and teachers about the benefits of, and appropriate way to implement, authoritative discipline, as well as help teachers design more targeted interventions that promote positive climates. When a student's behavior significantly impacts the health and safety of a classroom or school and requires more intensive (Tier 3) intervention, school psychologists should be involved in designing approaches to discipline that address the student's needs while promoting the welfare of others.

#### *Respect for Law and the Relationship of Law and Ethics (IV.2)*

The NASP *Principles* also describes the importance of school psychologists knowing and respecting the law. When making decisions, school psychologists must “consider the relationship between law and the *Principles for Professional Ethics*” (NASP, 2010, p. 12). Thus, school psychologists must know the procedures and legal requirements of their place of practice, respect the legal rights of clients, and resolve conflicts between the law and ethics through reputable channels. If the ethical standards are more stringent than the law, the ethical standards should be followed. However, the principle also explains that if there is an irresolvable conflict between the law and ethics, school psychologists “may abide by the law, as long as the resulting actions do not violate basic human rights” (NASP, 2010, p. 12).

When involved in school discipline decisions, it is essential that school psychologists understand the Gun-Free Schools Act (2001) included in the No Child Left Behind Act (NCLB) of 2001 (NCLB, 2002). This act requires every state that receives NCLB funds to have a law that expels any student who brings a firearm to school for no less than 1 year (Jacob & Hartshorne, 2007). As the ethical standard explains, school psychologists should uphold the law. However, they should also serve as consultants to school administrators regarding their right to “modify the expulsion requirement on a case by case basis” (Jacob & Hartshorne, 2007, p. 259). School psychologists can help administrators evaluate whether the student's actions are truly in violation of the law and whether placement in an alternative educational setting is appropriate (Jacob & Hartshorne, 2007).

Other aspects of discipline law and ethics that may affect school psychologists at all tiers of intervention include issues surrounding the use of corporal punishment and disciplinary removals for students with disabilities. Corporal punishment is still legal in a number of U.S. states. However, as the ethical code instructs, when the code of ethics is more stringent than the law, the ethical code should be upheld. Because corporal punishment is harmful to students and does not promote their welfare, school psychologists should strive to educate teachers and administrators about the harmful effects of such an approach to discipline (Jacob & Hartshorne, 2007) and should not recommend or promote such practices. In terms of special education law, school psychologists must have an in-depth knowledge of the IDEA (2004) and its regulations and protections regarding discipline removals for students with disabilities (e.g., manifestation determination). Research indicates that despite these protections against the exclusion of students in special education from an appropriate education,

students with disabilities are disproportionately suspended and expelled (American Psychological Association Zero Tolerance Task Force, 2008). School psychologists must, therefore, use their expertise in special education law, child behavior, disabilities, and ethics to ensure that these students' legal rights are protected.

#### IMPLICATIONS AND RECOMMENDATIONS

This review of the theoretical and research literature on school discipline and the ethical standards guiding school psychology demonstrates the very complex and controversial nature of school discipline decision making. The well-being of individual students must be balanced with the safety and welfare of the school community; approaches must be practical and effective for use in the schools, but must also uphold the ethical standards of using responsible, evidence-based practice; fairness and justice for all students must be maintained. Despite the apparent difficulty in achieving these aims, school psychologists are equipped with the knowledge, skills, and ethical foundation to help advocate for and promote the ethical use of discipline.

Both the research literature and ethical standards suggest that the ultimate aim of public education, helping children develop into caring and responsible citizens, will best be realized through a comprehensive, multifaceted, and individualized approach to school discipline. Ethical principles advocating for fairness and justice demonstrate the need to safeguard the rights and welfare of a diverse population of students, while ethical standards related to assessment and intervention place critical importance on using responsible, evidence-based methods. In addition, schools need to promote safe and healthy school environments, while also promoting the welfare of each individual child. Bear (2010, 2012) suggests that a comprehensive approach includes practices that develop self-discipline, prevent problem behaviors, correct problem behaviors, and provide supports and remediation for students with, or at risk for, more serious behavior problems. It is important to note that Bear's approach does not argue against all forms of punishment and sanction. Instead, as the research literature suggests, clear and enforceable rules and regulations are necessary to maintain order and will most likely be successful in deterring problem behavior for the majority of students (Bear, 2012). However, deterrence strategies must be used in tandem with more positive approaches. Strict exclusionary methods may be necessary for the most serious of offenses (e.g., serious bodily injury, weapons), but must not be used as the sole method of discipline, and must be used justly, fairly, and with an understanding of the individual strengths, weaknesses, and needs of students.

Programs that encourage student self-discipline use a three-tiered approach to discipline, similar to the three-tiers of intervention described in academic and behavioral Response-to-Intervention models (Bear, 2008). As detailed in Table 1, ethical considerations help inform what elements should be included at each level, beyond any particular program or strategy. A three-tiered model includes a universal, or primary level, where both school-wide student management and self-discipline should be fostered. This might include school-level rules and regulations that are enforceable and fair, as well as programs that promote positive school climates, SEL, and responsible decision-making. This combination of sanctions and proactive discipline should be effective for the majority of students (Bear, 2008). Ethical standards and research suggest that students and families be included in creating these school norms and sanctions (Bear, 2010; Way, 2011). However, some students will be resistant to these universal discipline practices. At the second tier, schools can provide more specific interventions targeted at the needs of this smaller group of students (Bear, 2008). For example, some students may need to be taught appropriate behaviors more directly through social-emotional training or an individualized positive reinforcement system. Finally, at the tertiary level, more intensive intervention can be provided to students exhibiting serious behavioral concerns (Bear, 2008). Sharkey, Bates, and Furlong (2004) suggest that principles used in manifestation determinations for special education youths can be applied to students in general education to

provide more support to students who exhibit more frequent behavior problems; by thinking about Tier 3 intervention within this framework, schools can provide tailored proactive behavior plans to help prevent future problems and engage students in self-discipline. This tiered approach to discipline should include proactive (preventative) and reactive (corrective) elements. If such an approach to discipline is realized, schools will be closer to the ultimate aim of helping all students develop into caring, responsible citizens.

In conclusion, school discipline is an aspect of the public education system that has received, and deserves, much discussion. School discipline policies and practices significantly impact youth development. Although school discipline has the potential to foster safe, respectful, and positive schools, where students learn self-discipline and appropriate problem-solving skills, it also has the potential to create unsafe and/or negative school climates. School psychologists are not entirely responsible for school discipline decisions, but they are equipped with the skills to serve as consultants to teachers and administrators regarding school discipline decision making. They should strive to act as advocates for the foundational ethical principle of the field—the promotion of the rights and welfare of students. If school psychologists are able to advocate for ethical and evidence-based approaches to school discipline, there is potential for great positive change in the way educators understand and respond to student misbehavior.

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