



DEBH Response to “Reinstating Common Sense School Discipline Policies”

June 24, 2025

The Division of Emotional and Behavioral Health (DEBH) offers this response to the April 23, 2025 U.S. Presidential Executive Order, “[Reinstating Common Sense School Discipline Policies](#).” As an international community of educators dedicated to the success of children and youth with or at risk for emotional and behavioral disorders (EBD), we affirm that safe, structured, and equitable learning environments are not only essential to educational practices but also fundamental human rights. Students with emotional disturbance (ED) or EBD experience challenges in emotional regulation, behavior, and relationships that impact learning and participation. These include both internalizing (e.g., anxiety) and externalizing (e.g., aggression) difficulties. Educational systems must recognize and support these needs within a framework grounded in equity and evidence. This statement aims to clarify misleading terminology and affirm the necessity of data-informed, evidence-based strategies, practices, and programs, while also reaffirming the legal and ethical obligations of schools to implement non-discriminatory and inclusive disciplinary practices.

We share the EO’s focus on safe learning environments, the importance of clear expectations, and the belief that disciplinary policies must be applied fairly and without discrimination. In responding to this EO, we first state our shared commitments to what we perceive as guiding it, within the context of our broader understanding of the field:

- Safe, structured classrooms
- Clear, consistent expectations
- Fair, non-discriminatory practices
- Evidence-based professional judgment
- Minimized unintended harm
- Transparent, accountable systems

At the same time, we are concerned that the EO mischaracterizes equity-based practices, disregards decades of research, and may weaken critical protections by undermining the legal and ethical use of disaggregated data for informed decision-making and oversight. In this statement, DEBH reaffirms the legal rights of students, particularly those with ED/EBD. The

following sections clarify areas where the EO introduces misleading language and why multiple sources of data are essential in school discipline.

Clarification of Terms

To help educators, families, leaders, and other decision-makers, we clarify key terms as we feel their use is misleading and undermines the critical work of evidence-based school discipline practices.

TERM FROM EO	WHAT IT IMPLIES	ACTUAL MEANING
“Discriminatory equity ideology”	Equity is harmful or illegal	Equity is a legal obligation under civil rights and special education law
“Common sense discipline”	Punitive responses	The actual meaning cannot be discerned because the phrase is vague and not evidence-based
“Behavior modification techniques”	Any equity-based behavior practice	Overgeneralized and outdated framing of modern supports like behavior analysis, positive behavioral interventions and supports, and restorative discipline practices

What the Real Problem Is

A critical tension across recent policy shifts is the interpretation of civil rights law. The 2025 EO taps into the understandable public desire for safe, orderly classrooms by promoting an outdated, punitive discipline model. Learning is a science, and the science of learning behavior has demonstrated that punishment does not promote or teach behaviors. Evidence-based practices, which are both theoretically and empirically supported, such as Positive Behavioral Interventions and Supports or Restorative Practices, are backed by research and professional consensus. While the EO calls for a “no excuses” educational philosophy of clear rules and swift consequences, such approaches have been tried repeatedly and consistently failed to improve school safety or climate. Instead, “no excuses” (or zero-tolerance policies) have historically led to higher suspension and expulsion rates for students with ED/EBD, other disabilities, and students of color (Huang & Cornell, 2021). These students have a civil right to equitable treatment in terms of faculty and staff preventing and responding to behavior concerns in schools.

What Does Not Work

- Zero tolerance (“No excuses”)
- Reactive punishment
- Exclusionary practices

What Does Work

- Positive behavioral interventions and supports
- Restorative practices
- Interventions matched to need
- Data-informed decision making
- Professional development

Why Data—and Multiple Sources of Data—Are Essential in School Discipline

The suggestion that a focus on aggregate school discipline data renders schools less safe and leads to the misapplication of disciplinary actions fails to understand the purpose and value of examining aggregate data.



Programs and procedures with the greatest impact on reducing disciplinary actions, as evidenced by substantial research, rely on school data, aggregated for specific purposes, to identify preventive actions that can be introduced to address systemic issues. Examples include enhancing/providing behavior management strategies among teachers with large numbers of disciplinary problems, increasing surveillance in areas of the school with high rates of infractions, and offering targeted social skills to groups of students with high rates of peer problems. Aggregating data in this manner results in efficient and effective intervention targeting a specific group, rather than broad intervention delivery. Data may also be aggregated by race, as research has demonstrated Title VI violations in that Black students receive more harsh disciplinary actions (i.e., out-of-school suspension, expulsion) for the same or similar behaviors as their White peers (Skiba et al., 2011). Interventions that correct these problems reduce, rather than increase, levels of classroom disorder and school violence. Further, community problems may be reduced given the association between exclusionary school discipline and criminal behavior (e.g., Wolf et al., 2017).

Call-to-Action

We urge DEBH members, educators, and service providers working with students with emotional and behavioral disorders (EBD) to actively clarify misconceptions and champion equitable, evidence-based discipline practices. We call on policymakers and decision-makers to partner with students, families, educators, community members, and professionals to co-develop and support schoolwide behavior frameworks that are proactive, responsive, and inclusive. This includes clear expectations, data-informed decision making, and practices that promote both accountability and belonging.

For more information on these topics, please visit:

- [Position Statement on the Prevention of and Response to Maltreatment](#) (CEC, 2025).
- [Position Statement on Disproportionality](#) (DEBH/CCBD, 2012).

References

- Huang, F. L., & Cornell, D. G. (2021). Teacher support for zero tolerance is associated with higher suspension rates and lower feelings of safety. *School Psychology Review*, 50(2-3), 388-405.
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- Wolf, K. C., & Kupchik, A. (2017). School suspensions and adverse experiences in adulthood. *Justice Quarterly*, 34(3), 407-430.
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