

# Discipline Disparities:

A Research-to-Practice Collaborative

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## Discipline Disparities Series: Overview

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#### The Discipline Disparities Research to Practice Collaborative

Disparities in the use of school discipline by race, gender, and sexual orientation have been well-documented and continue to place large numbers of students at risk for short- and long-term negative outcomes. In order to improve the state of our knowledge and encourage effective interventions, the Discipline Disparities Research to Practice Collaborative, a group of 26 nationally known researchers, educators, advocates, and policy analysts, came together to address the problem of disciplinary disparities. Funded by Atlantic Philanthropies and Open Society Foundations, the Collaborative has spent nearly three years conducting a series of meetings with groups of stakeholders—advocates, educators, juvenile justice representatives, intervention agents, researchers, and policymakers—in order to increase the availability of interventions that are both practical and evidence-based, and to develop and support a policy agenda for reform to improve equity in school discipline. The project has funded 11 new research projects to expand the knowledge base, particularly in the area of intervention, and commissioned papers from noted researchers presented at the Closing the School Discipline Gap Conference. A culminating report of the Collaborative's work is the formal release of the Discipline Disparities Briefing Paper Series, three papers on policy, practice, and new research summarizing the state of our knowledge and offering practical, evidence-based recommendations for reducing disparities in discipline in our nation's schools.

Disparities in school discipline are a serious problem. Frequent use of disciplinary removal from school is associated with a range of negative student outcomes, including lower academic achievement, increased risk of dropout, and increased contact with the juvenile justice system. The evidence is clear: excessive discipline harms all students, teachers, and school cultures. It is neither educationally sound nor economically efficient. Nor does it create safe schools. To the contrary, schools with excessive discipline tend to be and feel less safe than schools that have developed rich cultures of support, dignity, and evidence-based discipline practices. While excessive discipline affects all students in negative ways, over 40 years of research confirms that unjustifiable approaches to discipline harm historically disadvantaged and discriminated against groups more than others. In particular, Black males; students who receive special education services; and students who identify as lesbian, gay, bisexual or transgender, have disproportionately received exclusionary discipline, placing them at increased risk of experiencing those negative outcomes. Disproportionality in discipline cannot be fully explained by higher rates of student misbehavior or the challenges associated with poverty. Hence, a more complete understanding of where and

why disparities occur and developing approaches that effectively reduce both overall use of exclusionary discipline and the discipline gap is an urgent national priority. Yet reducing the use of exclusionary discipline and eliminating disparities is possible and is beginning to happen in many places across the country.

Persistent racial and gender disparities in school discipline have received attention from both the advocacy and research communities for at least ten years. Yet the lack of coordination of policy and practice efforts has limited progress in translating concern for unequal educational opportunities and support for some students and not others. A preliminary analysis of a national survey of more than 72,000 K-12 schools serving 85% of the nation's students, collected by the U.S. Department of Education's (ED) Office for Civil Rights, shows profound disparities between how groups of students are disciplined. African-American students, particularly males, are far more likely to be suspended or expelled from school than their peers. Nearly one out of every five African American male students was suspended out of school at least once during the school year 2009-10, a rate three and a half times that of their peers. These statistics suggest a complex interplay between the factors of race, gender, and discipline. Why

is it that African American boys' educational experiences render them so vulnerable to racial disproportionality in discipline, suspensions, and expulsions--more than any other social group?

African American males are not entirely alone, however: Disproportionality in discipline harms other groups of students as well. Although absolute rates of suspension for males are higher than females in general, some have found that the discrepancy in suspensions between Black and White girls is even greater than the disparity between Black and White boys.<sup>1</sup> Students with disabilities across racial groups are suspended nearly twice as often as their non-disabled peers, 13% versus 7%.<sup>2</sup> While there is little data directly addressing disciplinary measures among lesbian, gay, bisexual, transgender (LGBT), and gender non-conforming youth, there is evidence that non-heterosexual youth, particularly girls, are up to three times more likely to be punished at school than their heterosexual peers who engaged in the same level of misbehavior.<sup>3</sup> These conspicuous patterns in disciplinary matters, suspensions and expulsions, marked by significant social group differences, have mandated a call to reform and action.

We can be encouraged by the fact that some cities and school districts now realize the severity of the disproportionate incidence and impact of rigid disciplinary policies and have begun to reform discipline codes to better match offenses and punishments, and encourage school exclusion only as a last resort. Reform has occurred within schools and law, initiated by youth organizers, advocates, and educators. In May 2013, parents and community activists celebrated a major victory when the Los Angeles Unified School District (LAUSD) Board of Education approved a *School Climate Bill of Rights* that bans suspensions for willful defiance; calls for stepped up implementation of School-Wide Positive Behavior Support and Restorative Justice; makes discipline, citation, and school arrest data available to students and parents; and clarifies the role of police in schools. Other important initiatives include new policies in the Meridian, Mississippi, public schools that forbid exclusionary discipline for low-level infractions, and a new action plan New York City, calling upon city officials to reduce the use of suspensions, summonses, and arrests. Such initiatives are just a start, however, since unjust and ineffective disciplinary policies continue to threaten the education of entire groups of students in school districts throughout the nation. A deeper and more institutionalized commitment to the fair treatment of all students is still required.

Until recently, national dialogue on school discipline has focused on the behavior and discipline of individual students; less attention in policy and practice has focused on the cultures and climate of schools. There are clear and urgent material implications for individual students that demand attention. At the same time, the fact of discipline disparities suggests a focus on cultures (of schools, administrators, communities, policies) that systematically produce inequalities and then punish those who typically receive the short end of the achievement opportunities. The assumption of egalitarian values in U.S. education systems make implicit or unconscious bias difficult to acknowledge and address; a focus on discipline can expose the ways in which federal, state, and local policies produce schools that over-rely on suspension and expulsion, or that deposit large numbers of difficult-to-educate students into the juvenile justice system. By engaging in punitive discipline and testing practices, schools end up re-distributing but not resolving the problem, and criminalizing a substantial cadre of youth of color and queer or gender-non-conforming youth.

## The Problem of Discipline Disparities

Clear evidence of systematic disparities in discipline practices in U.S. schools based on race and ethnicity exists: youth of color (especially African American and Latino) are disproportionately disciplined at school, and are over-represented in rates of exclusionary discipline (school suspension and expulsion). It is crucial to note that disparities are less apparent for clearly defined objective infractions such as violence, drugs, or weapons charges, and most apparent for those infractions that are more open to subjective interpretation, such as defiance, disrespect, insubordination, clothing, or "talking back" violations. Historically, policy and research attention has focused appropriately on young men of color (in particular, African American young men), who are persistently and disproportionately disciplined at school. Recently, however, scholars and practitioners have begun to uncover a more complicated picture of these disparities and the dynamics that provoke them. That is, in addition to discipline disproportionality for African American young men, there is growing evidence of school discipline inequalities for a number of other student subgroups who are marginalized, bullied, and/or alienated within their schools or communities. These include students from other non-dominant racial and ethnic groups, those who speak

a language other than English, youth living in poverty and/or foster care, young women, students with disabilities, gender nonconforming students, and students who are or may be perceived to be LGBT.

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We have learned that *who* is disciplined is more complex than previously understood, and *where* discipline is over-used is equally significant. Disparities in discipline are ubiquitous, occurring in both urban high poverty schools and more highly resourced suburban schools, but are widened in "drop out" factories, in schools with substantial police presence, and in schools with rigid zero tolerance policies. In addition, we see new and emerging evidence that rigid, "no-excuses" disciplinary codes are deployed in some selective admissions charter schools around the nation which, as a consequence, filter out students who show signs of underperformance and/or threaten to lower school averages on high-stakes accountability tests.<sup>4</sup> With such a wide, intersectional lens focused on affected populations and the characteristics of high-discipline contexts, we begin to understand that "discipline" has become a field of practice in which a wide swath of marginalized youth are over-represented as the alleged problem and victim, and that discipline has become a management strategy for schools pressured by financial constraints, high concentrations of struggling students, substantial numbers of transient teachers/long-term substitutes, heavy presence of police/security forces, and severe accountability mandates.

## Consequences of Discipline Disparities for Youth

The excessive use of discipline for minor offenses adversely affects the human rights of all students and educators, and the culture of their schools. In this series, we document the excess and the differential and disproportionate impact on historically marginalized youth, and we offer evidence based alternative strategies. Needless to say, there is ample evidence that persistent discipline disparities produce a cascade of problems for marginalized youth beyond academic outcomes: lower school commitment, lower academic engagement, higher rates of school dropout, and also increased rates of physical and mental health consequences, as well as heightened criminal justice involvement. While these consequences are problematic, involvement in the youth justice system as a result of school discipline is of particular importance to the Discipline Disparities Research to Practice Collaborative. The same disparities in school discipline are evident in the youth justice system, developing a “school-to-prison pipeline” for marginalized youth, with few opportunities for exit.

Further, the consequences of discipline disparities are complicated by the intersections of youths’ marginal statuses or identities, which are already often implicated in school disengagement and lack of achievement.

While education and juvenile justice share young people in common, rarely do practitioners in each sector understand the implications of their actions across disciplines. Classroom teachers and school officials know very little about the processes of the youth justice system, while probation officers and courts have little knowledge about school discipline or climate. Traditionally, schools have been formal socializing institutions with a public mandate to maintain sufficient order and to provide an organizational climate conducive to the education of students. In this way, schools have exercised a more informal and educational influence over young people, while the youth justice system has traditionally imposed more formal social controls, including incarceration. Healthy schools are a kind of “micro-community” that relies on informal relationships between individual teachers, coaches, other educational staff, students, and parents. Zero tolerance policies have increasingly transferred this informal

influence, and even some of the official authority and decision-making discretion of educational professionals, to law enforcement, probation, and the courts.

Although there is a lack of uniform national data on school arrests, data for specific states and locales indicate high and increasing rates of school-based arrest for school conduct violations which were once addressed within the school environment. Of the 27,000 juveniles arrested in Chicago in 2010, for example, a fifth of them were taken into custody at school.<sup>5</sup> As is the case for suspension and expulsion, a large proportion of these school-based arrests is for relatively minor or discretionary offenses. Of the 26,990 school-related referrals to the Florida Department of Juvenile Justice (DJJ) during the 2004-05 school year, 76% were for misdemeanor offenses such as disorderly conduct, trespassing, or fighting.<sup>6</sup> The goal of the Discipline Disparities Research to Practice Collaborative is to provide information aimed at disrupting this flow of children and youth, especially children and youth of color, from schools to detention by providing research-based recommendations on intervention, policy, and future research directions.

## Safety in Schools

Recently, a number of high-profile cases of school and community violence, such as the tragedy of Sandy Hook Elementary School in Newtown, Connecticut, have commanded the attention of the media and our national discussion. In times of threat, the policy and practice temptation is to focus on implementing more extreme solutions to address what is perceived as a severe threat. It is, of course, critical that our nation implement the most effective procedures that can preserve the safety of our schools and the integrity of learning environments. Yet a focus on a single or small number of unique tragic events often does not serve the cause of violence prevention well. Studies by the Secret Service and others have found that there are few commonalities among school shootings that can guide effective intervention, and the incident in Newtown was, in fact, one of a very small minority of incidents characterized by an external rather than an internal threat. In response to fear of violent incidents in schools in the 1980’s and 1990’s, many schools and districts implemented reactive policies such as zero tolerance, or increases in suspension, expulsion, or arrests. Careful study has shown, however, that such approaches were not successful in improving school safety or student behavior.<sup>7</sup> Over the past 15 years, a solid basis of best practice knowledge in the area of violence prevention has been developing. Those findings consistently show that comprehensive planning and prevention is far more likely than a reactive response to a single incident to yield careful policy development and evidence-based reflection on how we might build schools that are strengthened by diversity, rooted in cooperation, committed to strong and sustained relationships, and attentive to bias across lines of race/ethnicity, gender, sexuality, disability, and/or immigration status. As opposed to a reactive response to a single incident, careful consideration of the best recent data shows that students are safest in schools where teachers view parents as partners in children’s education; where teachers offer academic support to students; and where there is mutual trust between students, teachers, administrators, and parents. Those relationships are even more important than neighborhood crime and poverty in predicting school safety, and are at least as strong as the relationship between safety and school achievement level.<sup>8</sup> Creating safe schools includes creating school safety and security plans; training students, educators, and staff to follow those plans; and having relevant professional development for all school personnel.<sup>9</sup> These proactive, relationship-building strategies have been found to be more likely than reactive approaches to guarantee the safety and order of schools.

## The Research-to-Practice Collaborative: What We Have Learned

For more than three years, leading academic and non-profit experts, policymakers, practitioners, and funders who comprised the *Discipline Disparities Research to Practice Collaborative* have convened throughout the country to assess the landscape of discipline disparities in American schools. The Collaborative has considered research, policy, and practice both of student experiences and outcomes, as well as structural conditions and potential for change. Three features of the Collaborative are unique:

- A dedicated focus on school discipline through a systematic review of policy, practice, and research
- A rigorous commitment to intersectional analyses of gender, sexuality, and race/ethnic disparities in school discipline
- A broad consideration of disparities and institutional linkages across the sectors of education and juvenile justice

The Collaborative has both reviewed and stimulated comprehensive research on discipline disparities, and has analyzed this work from the perspective of advocates, educators, and policy-makers. Key insights that have emerged include the following:

### Issues of Policy and Institutional Interface

- A number of prominent education policies and practices operate separately and in combination in ways that buttress and widen discipline disparities (e.g., zero tolerance; high-stakes accountability test systems). Practices and policies related to police presence in schools (school resource officers) vary significantly, but the consequences rarely enhance safety and more often include the heightened criminalization of what might otherwise be considered adolescent misbehaviors, particularly for African American youth. More information is needed about the dynamics of police presence and practices, school climate and culture, student experiences, and discipline disparities. However, the existent evidence suggests that police presence in schools, particularly armed police, should be a very last resort in school discipline strategies.
- There is a dramatic disconnect between educational and juvenile justice

systems: Their policies and practices are, at times, at cross-purposes or even directly contradictory (e.g., in many communities expelled students are by definition in violation of juvenile laws). This disconnect is an important contributor to the school-to-prison pipeline. Coordination across systems is crucial.

### Issues of Research on Interventions

- Much more information is needed regarding intervening in or preventing discipline disparities in schools. There is a paucity of research-based interventions that show promise for reducing discipline disparities; at the same time, promising examples do exist and require more investigation and dissemination.
- Current systems and approaches to monitoring or studying discipline disparities do not pay sufficient attention to important subgroups of youth (e.g., LGBTQ, youth living in poverty) or issues central to discipline disparities (e.g., discriminatory bullying). Critical gaps include data on conditions in schools, disaggregation of/reasons for discipline, outcomes associated with discipline, and inclusion of LGBTQ students/issues.

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### Promising Intervention Strategies

- Restorative justice practices appear to be most promising for reducing school-wide reliance on suspension and expulsion, and for reducing racial/ethnic disparities. Restorative justice practices that are explicitly keyed to cultural and sexual diversity appear to be most effective, although there is relatively little research available to date.

- Youth organizing has been a powerful, if under-researched, strategy for engaging young people in youth development, leadership, conflict resolution, and restorative justice techniques in school and in communities.
- There is a need for deeper understanding of the relationship of bullying and school discipline; that is, the relationship between being bullied and then acting out in aggressive ways in response.
- Interventions must be attentive to issues of race/ethnicity, but also sexuality, immigration status, special education status, and gender. Faculty and students would benefit from broad-based diversity training.

Within a national context of troubling disparities and promising solutions, the Discipline Disparities Research to Practice Collaborative has used information from stakeholder groups, as well as knowledge of the current status of research in the field, to craft a series of three informational briefs with targeted recommendations customized for different audiences, including:

- **How Educators Can Eradicate Disparities in School Discipline:** Based on current research, the brief describes promising, evidenced-based approaches that schools and juvenile justice practitioners can use to address disparities in discipline that move away from using punitive approaches and support educators in building academically rigorous and engaging schools that are strengthened by diversity; rooted in cooperation; committed to strong and sustained relationships; and attentive to bias across lines of race/ethnicity, gender, sexuality disability, and/or immigrant status.
- **Policy Recommendations for Reducing Disparities:** This brief describes the implications of what we know about discipline disparities: the greater risks in disciplinary exclusions that certain populations of students face (students of color, students with disabilities, LGBT and gender-non-conforming students). It catalogues what we know about effective alternatives, and offers recommendations for federal, state, and local policymakers.
- **New and Developing Research on Disparities in Discipline:** This brief highlights findings of new research

that emerged from Collaborative Funded Research Grant Program, a national conference on disciplinary disparities, Closing the School Discipline Gap (Washington, DC, January, 2013), and peer-reviewed literature.

Each briefing paper considers the definition and nature of the problem, describes what we know from research and practice, examines promising solutions and interventions, and offers recommendations and available resources for change. This series signals a significant turn in the “discipline disparities” literature, from a discipline-focus on individuals toward a more systemic and cultural view of the conditions under which discipline emerges as the management strategy of choice in schools; challenging the disproportionate use of suspension and expulsion for relatively minor infractions; revealing the substantial levels of marginalization and over-disciplining experienced by students at varied margins; troubling the lack of cooperation between educational and juvenile justice systems; and inviting policymakers and practitioners to consider alternatives to criminalization of youth, suspension, and expulsion.

The Discipline Disparities Research to Practice Collaborative has produced this series, synthesizing the state of our knowledge, in order to educate policymakers, educators, juvenile justice practitioners, and the general public about the problem of racial, gendered, and sexuality-related discipline disparities. Just as importantly, the series focuses on solutions that are increasingly gaining acceptance. While this field is relatively young, promising interventions are being tested and validated in communities, schools, juvenile facilities, and youth leadership/organizing groups.

Thus, the goal of this series is to outline the size and contours of the problem, the significant collateral consequences of zero tolerance, and the evidence on promising practices. Our hope is that fully informed of the scope of and alternatives to current practice, constituencies of policymakers, practitioners, and the general public will press for less punitive and more developmentally appropriate and educationally sound interventions. These papers are premised on the belief, supported by research evidence, that two key values—school safety and supporting students in staying connected with school and learning opportunities—are not mutually contradictory, but integrally related. By choosing a different course, the findings presented in this series argue that all young people, including those most marginalized, can be safe and engaged in their schools and their communities.

## Endnotes

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