

Discipline Disparities:

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Discipline Disparities Series Executive Summary

EXECUTIVE SUMMARY

Eliminating Excessive and Unfair Exclusionary Discipline in Schools Policy Recommendations for Reducing Disparities

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I. School Removal is Too Often a Response to Minor Rule-breaking:

There is no question that there are circumstances where removing a student from a classroom is necessary for safety reasons, to de-escalate a conflict, or to pursue an intervention outside the classroom with the support of an administrator, a counselor, parent(s), or community members. We also know that attending school is one of the surest and most consistent predictors of academic achievement and strongest deterrents to juvenile delinquency. Too many of our nation's public schools no longer reserve school exclusion for only the most serious offenses and dangerous situations. We need better policies to ensure that school exclusion is only used as a measure of last resort, and to reduce the disparate harm to historically disadvantaged youth.¹

Frequent suspensions increase dropout risks and juvenile justice involvement, and severely impair our economy:

The potential impact from being suspended, even once, can be devastating. Excessive discipline is also associated with higher economic costs to the schools and community in the near term because of the increased risk for grade retention, dropping out, and juvenile justice involvement, not to mention the lifelong increases in crime and welfare costs associated with school dropout. To quantify these costs, economists in Texas reported that 60% of all Texas middle school students had been suspended from the classroom, which caused an estimated 13% increase in dropouts. Researchers estimated that additional dropouts would cost the state of Texas of between 700 million and 1 billion dollars annually.

Historically disadvantaged youth are most harmed: This brief is about how these counter-productive approaches disparately harm historically disadvantaged students. Specifically, the harm from excessive removal from school flows along the lines of race, class, gender, sexual orientation, and disability status, and exacerbates inequity in educational opportunity.

The discipline data on disparities are not accessible: Most parents, school board members, and policymakers do not realize just how often our public schools suspend students these days because most states do not publish this information on an annual basis as they do test scores and graduation rates. And where they do, often they do not disaggregate the data by race/ethnicity, gender, disability, or English Language Learner status.

Disparities have widened dramatically since the 1970s: Across the nation, in just one year—2009-10—nearly one out of every four Black students in middle and high school was suspended at least one time. Although a marginal decline from 2009-10 rates is predicted, the current rates reflect a tremendous increase since the early 1970s when the number of students suspended was about half of what it is today.

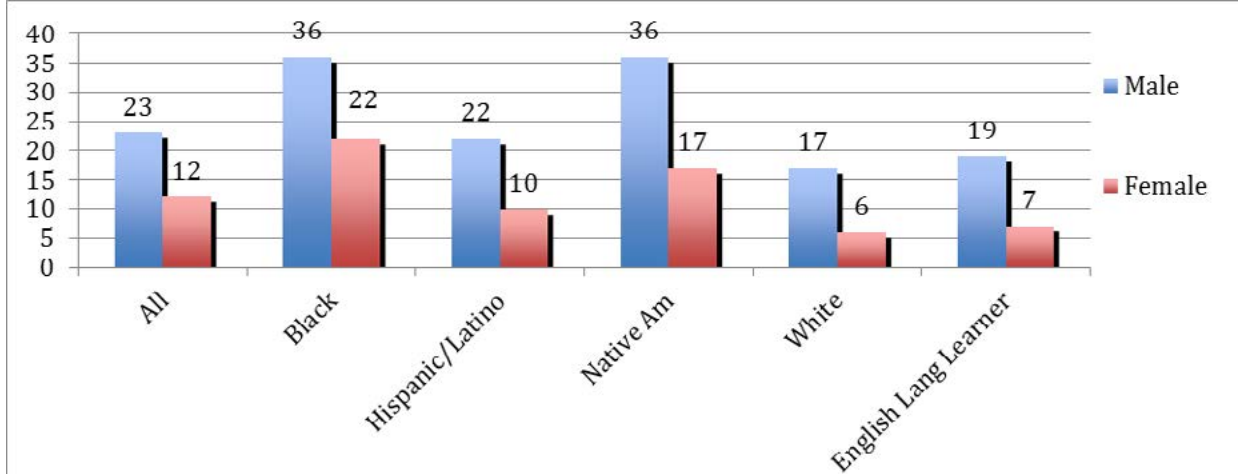
School policy and practice drives the differences: Among the most important research-based conclusions is that these stark differences in suspension use are caused by differences in school policy, school leadership, and other factors that educators can control. While poverty and other factors do appear to contribute, studies that controlled for differences in student behavior, race, and poverty found that school-controlled factors are among the strongest predictors of both frequency and disproportionally in the use of suspension.

II. Excessive Disciplinary Exclusion Harms Some Groups of Children More than Others:

Annual suspension rates don't come close to describing the extent students experience suspension throughout their schooling careers: While approximately 5% of students are suspended during a given year, longitudinal research indicates that between one-third and one-half of students experience at least one suspension at some

point between kindergarten and twelfth grade. Black males are particularly at risk, with nearly 70% receiving at least one suspension or expulsion during their K-12 schooling years. In addition, males are often suspended two or three times more often than females, students with disabilities are suspended at double the rate of their non-disabled peers, and secondary students tend to be suspended at two to three times the rate of elementary students.

Figure 2: National cross-sectional analysis of disparities in risk for out-of-school suspension: Students with disabilities further disaggregated by race and gender.



Data Source: CRDC, 2009-2010; numbers from national sample rounded to whole numbers.
 Analysis and graph: Losen & Martinez, 2013, p. 11; Native American rates modified to reflect OCR estimates.

A cross-sectional analysis of gender and disability data yields the most extreme disparities: Cross-sectional analysis reveals the risks for students across several dimensions and alerts us to even larger and more disturbing disparities. For example, a nationwide analysis for the 2009-10 school year, shows that at the secondary school level 36% of all enrolled Black males with disabilities were suspended at least once. That is 30 percentage points higher than the suspension rate for White females with disabilities. As noteworthy is that the second highest suspension risk among secondary students with disabilities was for Black females.

Latinos and English Language Learners (ELLs) also experience significant disparities. The disparate rates for ELLs and Latinos are perhaps most obscured when the elementary school data are joined with the secondary school data.

Profound disparities are also found in rates of expulsion and school-based arrests where the life consequences are severe. For example, while African-American students represent 18% of students in the Civil Rights Data Collection, they represent 42% of referrals to law enforcement while in school.

LGBTQ youth also experience rates of educational and criminal-justice punishments disproportionate to their rates of behavior.

For example, LGBTQ-identified youth are approximately 50% more likely to be stopped by the police than other youth.

III. There are Effective and Promising Alternatives to Exclusionary Discipline and Interventions That Can Reduce Racial Disparity

Many schools and districts have effective policies in place: The data demonstrate that many individual schools and districts can and do create orderly, safe, and productive learning environments without excessive disciplinary exclusion. In fact, an analysis of high and low-suspending secondary schools suggests that 60% employ more effective alternatives. In sheer numbers, approximately 8,000 secondary schools from nearly 4,000 districts suspended fewer than 10% of every major subgroup enrolled.

Interventions that show promise for reducing exclusionary discipline can improve the conditions for learning for all students:

Recently, U.S. Assistant Secretary Deborah Delisle, Office of Elementary and Secondary Education, stated “We are finding that ... those schools that have been rapidly improving through our school improvement grant program are those that focused on building relationships first...” Research on what works suggests that improving the quality of relationships in the school community is of paramount importance.

(1) Restorative (justice) practices have effectively reduced suspensions and disparities: Restorative Practices seek to replace a punitive approach to discipline with a more constructive, collaborative, and humane approach that embraces all members of the community, including those who break the rules. Central to the concept of accountability is repairing any harm caused to victims and making the community whole, and doing so in a manner that also addresses the needs of the offenders so they are less likely to misbehave in the future. Research findings of success are growing. For example, a six-year study of the Denver Public Schools, where restorative practices were adopted system-wide, suspensions were reduced, racial disparities in discipline narrowed, and achievement levels consistently rose.

(2) Teacher training programs focused on student engagement can boost achievement and reduce discipline disparities: For example, a randomly controlled study showed that a program called “My Teacher Partner”—a program designed to improve teacher-student relationships and student engagement—increased student achievement and significantly reduced both the frequency of suspensions and racial disparities in discipline.

3) Investments in social and emotional learning strategies are more effective than investments in security hardware: Following a school shooting, the Cleveland Metropolitan School District initially invested in stringent security measures such as metal detectors and school police. But these efforts did not yield any benefits in perceptions of safety or achievement. However, improvements were documented among Cleveland schools that invested in Social and Emotional Learning. Between 2008 and 2011, those schools that replaced the suspension system with a learner-center approach dramatically reduced suspensions while improving the sense of safety.

(4) Tiered interventions strategies and non-punitive protocols show great promise: Using non-punitive systematic protocols in schools in response to students’ threats of violence without resorting to zero-tolerance suspensions in Virginia was shown to effectively reduce suspensions for all students and helped narrow the gap between Black and White students.

IV. Federal and State Policy Recommendations

Annually Collect, Publicly Report, and Use Discipline Data:

Federal policy should require states and districts to publicly report disaggregated data annually. Data on disparities in discipline are the kind of evidence needed to determine if policies or practices are effective or promising. The public’s right to know, and important input from community groups, researchers and other education reformers are constrained if disaggregated data are not reported each year. These data should include: the number of students suspended, the number of suspensions, reasons for out-of-school suspensions, and days of lost instruction, at each school level (elementary, middle, and high). The reported data should be disaggregated by race/ethnicity, gender, English Language Learner status, and disability status, and enable cross-sectional analysis (e.g., Black female students with disabilities).

Expand current federal reporting requirements: Current federal requirements are limited to annual state reports of racially disaggregated discipline data, and only for students with disabilities, at the state level, pursuant to IDEA U.S.C. Section 1418 (a). The law also calls for states to compare, in each district, the discipline of students with disabilities to those without. To ensure states have the capacity to fulfill the statutory obligation to make comparisons, the Secretary of the U.S. Department of Education should require annual reporting of students without disabilities as well and expand the reporting to include school and district level reports. Similarly, the Secretary should use his authority pursuant to civil rights statutes to require schools and districts to annually report the discipline data collected by the civil rights survey that is currently conducted every other year.

Collect data on the discipline of students by sexual orientation: For all the same reasons, it is imperative that the federal government annually collect and report discipline data on youth willing to self-identify their sexual orientation. Although it does not yet satisfy these important collection and reporting needs, the Department of Education’s new requirement to report data on bullying and sexual orientation is a tremendous first step in the right direction.

Encourage Alignment of Discipline Policies with Educational Mission and Goals

Ensure the new guidance pertaining to “disparate impact” is used to spur improvements in policy and practice: The Departments of Education and Justice’s guidance calls attention to the disparate harm that results from disparities in discipline, and the possibility that failure to change harsh policies and practices in the face of more effective alternative approaches could constitute a violation of civil rights. The goal of civil rights law under the “disparate impact” approach is to ensure that schools shift to more effective and educationally justifiable practices. To ensure optimal use of the new guidance the federal government should commit more funds for federal monitoring and enforcement in this area. Those funds could be used to hold regional webinars on what the guidance means, add analysts to enhance the capacity of the Office for Civil Rights (OCR) and the Department of Justice (DOJ) to enforce current requirements, increase technical assistant support to districts, and increase staffing to respond to the interest in discipline reform on the part of schools and districts.

Improve federal oversight of the requirement that states intervene where districts have large disparities in discipline: Similarly, the current IDEA requires (20 U.S.C. 1418(d)) states to analyze the racial data on disparities in discipline for each district and large disparities may trigger support for coordinated early intervention services. Recently, however, the Government Accounting Office (GAO) criticized the U.S. Department of Education for allowing states to use such a high bar to define “significant disproportionality” that, in many states, no districts are ever required to take action to address racial disparities. Consistent with OCR’s new guidance, the Department of Education should ramp-up enforcement of these existing IDEA requirements.

Codify the priority of addressing excessive discipline and disparities when the ESEA is reauthorized: The Elementary and Secondary Education Act has no safeguards against excessive discipline. When this omnibus education act is reauthorized, all agree that the accountability structures will be revised. Many reformers have called for a better balance between test scores, graduation rates, and other outcomes. The new accountability structure should also safeguard against incentives to “push out” low achievers on disciplinary grounds. Therefore, suspension rates should be among the factors schools and districts use to measure the performance of secondary schools and also be included in “early warning” systems to target supportive interventions. To the extent that multiple indicators of progress are developed, discipline levels and disparities should be included. Additionally, “turn-around” schools should be required to include safeguards against excessive and disparate exclusionary discipline.

Leverage federal competitive grants to promote remedies to excessive discipline. It should be noted that important conditions have been added to the requirements for the 16 school districts that received Race to the Top-District grants. More should be done to leverage competitive grants to incentivize revisions of school discipline codes to align with effective and promising disciplinary practices.

Use the numerous improvements in state laws and regulations as models. Maryland now requires interventions when suspension rates and disparities exceed a threshold. Connecticut legislators passed a law meant to ensure that out-of-school suspension was always a measure of last resort. In Colorado, state policymakers directed state education dollars to Denver that enabled the district for system-wide implementation of restorative practices. Similarly, reductions in suspensions and disparities in Virginia prompted the state to require the use of threat assessment and a protocol designed to prioritize prevention over punishment. Other states should pass similar legislation or regulation.

Replicate state and district school codes of conduct that restrict the use of suspensions to a measure of last resort: Some administrators have testified that their efforts to eliminate suspensions as a way to deal with minor misbehavior in school can improve attendance and the overall school environment. For example, in Baltimore City, Executive Director of Student Safety and Support, Karen Webber-Ndour recently stated that ending suspensions for attendance and other minor code violations helped prioritize improvements in school climate. In Los Angeles, California—the nation’s second largest school district—the school board ruled out the use of suspension in response to the catch-all and highly subjective category of “disruption or willful defiance.” Given research showing that the disparities by race and disability status are largest in the minor misconduct categories, efforts to restrict suspension to only the most serious misconduct are expected to help reduce suspensions generally as well as disparities in their use.

Provide Support and Funding for Evidence-based Alternatives

Invest in research on remedies: The Institute for Educational Sciences has already begun to support these efforts and they should be expanded, including funds for research on how to scale up successful models. States should also provide greater support for research on promising, evidence-based interventions and targeting more funds for systemic improvements in approaches to school discipline.

Provide funding to expand evidenced-based practices: These should include funding for restorative practices, social-emotional learning, tiered interventions and positive protocols. Our research indicates that funding for evidence-based teacher training and preparation programs and professional development aimed at promoting higher levels of student engagement and improved relationships between teachers and students is also warranted.

Condition support for School-wide Positive Behavior Interventions and Supports on remedying discipline disparities: The Individuals with Disabilities Education Act currently provides grants to states and districts to invest in School-wide Positive Behavioral Interventions and Supports (SWPBIS). SWPBIS is a well-established systemic and data-driven approach to improving school learning environments, emphasizing changing the underlying attitudes and policies of school staff concerning how student behavior is addressed. Research has shown that this approach can reduce rates of student referrals to the office on disciplinary grounds. However, the most recent research findings suggest that schools and districts will be more effective in reducing both suspensions and racial disparities if they revise their school codes to align with the positive and constructive framework of PBIS and adapt the PBIS framework to pay specific attention to the data on race and ethnicity and take measures to ensure that the systems of discipline are multi-culturally responsive. Federal and state grants to districts to support positive behavioral approaches should include incentives to ensure that implementation and monitoring also includes attention to disparities.

Ensure that new funds for school police or counselors do not prioritize police before counselors: Ensure that schools and districts seeking to use these funds for policing and security demonstrate adequate counseling, mental health support, teacher training in classroom and behavior management, as well as general improvement in school climate.

Provide safeguards against problems with over-reliance on alternative schools: Alternative disciplinary schools, in theory, might help persistently misbehaving students stay in school if they receive academic instruction and interventions that teach successful behaviors. This is one reason that advocates for children in states like Massachusetts have successfully pressed for required alternative instruction for students. However, disciplinary alternatives that cluster misbehaving students and lack necessary supports and engaging curricula could also contribute to long-term negative outcomes. One longitudinal analysis of data from alternative schools in a large urban district documented their failure and suggests that such placements contribute to racial disparities in discipline and entrance into the juvenile justice system.

1 More complete descriptions and full citations for each study can be found in the full briefing paper available online at rtpcollaborative.indiana.edu