School Discipline Disparities: Lessons and Suggestions

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In this brief, recent actions related to school discipline, discipline disparities in schools, the school-to-prison pipeline, and the added costs of suspending students in the U.S. are explored. The recommendations offered focus on how school leaders and policy makers can address disparities and how school cultures can be changed to reduce the number of detentions, suspensions, and expulsions.

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Across the country, school districts have employed exclusionary discipline policies that push students out of the classroom and into the criminal justice system (Nance, 2017). A *New York Times* editorial (Racial Profiling in Preschool, 2016) acknowledged that student discipline practices found in many American schools were counterproductive, because they produced disparities that put students at a greater risk of falling behind, dropping out, or ending up in the juvenile justice system (Nicholson-Crotty, Birchmeier, & Valentine, 2009). The editorial called on school districts to improve training for teachers in order to better recognize and avoid discriminatory discipline practices. The editorial and its call to action were based in part on a recent study from Yale University that found implicit bias in identifying student behavioral problems as early as preschool for teachers and staff (Gilliam, Maupin, Reyes, Accavitti, & Shic, 2016).

At the same time, states like Michigan have sought to amend school discipline policies that were part of a "tough on discipline" trend that introduced "zero tolerance policies" in American schools beginning in the 1990s (Guerra, 2017). "A zero tolerance policy requires school officials to hand down specific, consistent, and harsh punishment—usually suspension or expulsion—when students break certain rules" (Gjelten, n.d.). In Michigan alone, more than 1,300 suspensions or expulsions were reported in 2015-16 (Michigan Center for Educational Performance and Information, n.d.). To address the problem of too many students being suspended or expelled, Michigan passed bipartisan legislation to curtail these practices (P.A. 360, 2016). Beginning in 2017-18, suspensions of over ten days in Michigan schools will need to be justified under a much higher standard than before, with expulsions becoming the last option for school leaders.

Among the changes enacted in Michigan in 2016, schools must use other less punitive forms of discipline, combined with restorative practices, in schools. Restorative practices are those that reduce reliance on traditional school sanctions such as suspension and referral to police, while still holding students accountable (Fronius, Persson, Guckenburg, Hurley, & Petrosino, 2016). A recent study of an urban district that had implemented restorative interventions found that participants in the program had lower odds of receiving further office discipline referrals and suspensions (Anyon et al., 2016).

Restorative justice programs can include the following practices: (a) informal restorative dialogue techniques; (b) formal restorative conferencing; and (c) restorative circles (Fronius et al., 2016). These programs require both students and school staff to engage in conversations about discipline problems, as well as reflect on how their actions impact schools. The practices encourage positive discourse between participants about how to improve the school community and examine ways to reduce future problems or misunderstandings or handle them differently.

Why This Matters

Discipline and other statistics have portrayed a stark reality for students of color in the U.S. Black males have been more likely than their peers to be punished or identified for special education services, and to experience academic failure (Noguera, 2008). Additionally, Black males have had disparate access to honors, Advanced Placement, and gifted programs (Noguera. 2008). As many as 25 percent of Black children with disabilities were suspended at least once, compared to less than 10 percent of white students, in 2009-10 (as cited by Elias, 2013). Carter, Fine, and Russell (2014) have noted that disproportionality harms other students (including Black girls, Hispanic boys and girls, and LGBTQ students) as well. Historically, Wallace, Goodkind, Wallace, and Bachman (2008) found, for example, that the discipline discrepancy between Black girls and White girls was even greater than for boys between 1991 and 2005.

Going back to at least 1975, the U.S. Department of Education's Office of Civil Rights (OCR) has reported school suspension rates for Black students that have exceeded white students' rate (Skiba, Michael, Nardo, & Peterson, 2000). In a study of disproportionate representation based on gender, race, and socioeconomic status, Skiba et al. (2000) found that race was a somewhat larger factor than others, including socioeconomic status, in terms of overrepresentation in school punishment figures. Additionally, Skiba et al. (2000) found that Black students were often referred for less serious and more subjective discipline reasons, like talking back to a teacher, using cell phones, or being overly loud. They argued that this type of disproportionality was in fact evidence of systematic bias in schools beyond exclusionary discipline practices.

Large patterns of disproportionality have more recently been identified by the federal government under the Obama administration, where, according to the data from OCR, Black students were four times more likely to be disciplined through suspensions or expulsions than their white peers (2016). As a result, in 2014 OCR had issued federal guidance that was designed encourage schools to improve their discipline policies and reduce discrepancies. Recent data continue to show that Black students are less likely to have access to advanced courses (including calculus, physics, chemistry, and algebra II) offered in their schools, are more likely to have an inexperienced teacher, and are more likely to be chronically absent from school (OCR, 2016). With regard to teachers, Black students were found to be more than twice as likely to be in a class taught by a teacher in their first year of teaching (OCR, 2016).

Despite this, recent discipline trends demonstrate that the gap in suspension rates actually narrowed slightly, but only in part because suspensions for white students had increased (Losen et al., 2015). After taking into account student behavior and reviewing recent research, Losen et al. (2015) identified the main engines of discipline disparities as "school policies, practices, and leadership." Their findings demonstrated that school districts, and school leaders in particular,

have are in the position to make systematic changes that would dramatically decrease these disparities and improve school climates, in terms of equity of opportunity and in discipline and academic performance.

The School-to-Prison Pipeline and Additional Costs

School discipline disparities combined with other academic inequities have also been connected to the school-to-prison pipeline. The school-to-prison pipeline has been associated with school policies that introduced a police presence in schools, harsh tactics that involved physical restraint of students, and zero tolerance policies that resulted in automatic suspensions and out-of-class time (Elias, 2013). In each of the categories, disproportionality has existed, with students of color entering the school-to-prison pipeline at rates much higher than their white peers. As such, the U.S. incarcerates youth at a higher rate than other countries, with Black students making up two-fifths and Hispanic students one-fifth of confined youth in the U.S. (Mendel, 2011). In many cases, school is the place that students are introduced to the criminal justice system. Skiba, Arredondo, & Rausch (2014) explain, "Suspension is often the first step in a chain of events leading to short- and long-term consequences, including academic disengagement, academic failure, dropout, and delinquency" (p. 2).

Beyond identifying discrimination in school, the use of exclusionary discipline also has resulted in increased societal and financial costs for the nation. A recent report from the *Center for Civil Rights Remedies*, using school suspension data from Florida and California, estimated that 10th grade suspensions alone produced 67,000 dropouts across the U.S. (based on estimates from 2000-1), which generated added social costs for the nation exceeding $35 billion (Rumberger & Losen, 2016). The estimates were based on social costs connected to "lost wages and taxes, increased crime, higher welfare costs, and poorer health" (p. 2). Not only have disparities in schools placed our students in harm's way, they have contributed to added costs for society writ large.

The Current Climate

The debate over how best to tackle discrimination in schools has been ignited in recent months by statements made by officials in the Trump administration. Both Education Secretary Betsy DeVos and Attorney General Jeff Sessions have signaled that they would be scaling back on civil rights investigations and federal guidance provided during the Obama administration. Some in the education community, including Checker Finn of the Thomas B. Fordham Institute, have encouraged the federal government to minimize their role in policing school discipline. Finn (2017) described the guidance issued during the Obama administration as "Orwellian," and called for a return of state and local control of education decisions. And in June, a memo from Candice E. Jackson of the Office of Civil Rights indicated that the U.S. Department of Education would indeed be changing course on investigating civil rights violations (Green, 2017).

It stands to reason that students who are absent from school lose out on educational opportunities. As such, it is important to take into consideration the unintended costs that our school policies and practices have on students, families, and communities. Beyond students' losing out academically, the added costs of the school-to-prison pipeline are enormous and a

major cause for concern for our nation. Schools play an integral part in addressing the inequalities of society. Closing the opportunity gap created by school discipline disparity is just one way to level the playing field for students.

With U.S. Department of Education and the U.S. Department of Justice scaling back on enforcement of civil rights violations, the issue of discrimination in schools falls to state and local leaders. State and local leaders can take action and implement policies that encourage or require better data systems to track and report discrepancies, address school climate, train teachers to better handle discipline problems, and examine racial bias in schools. School district leaders must play a larger role in reducing discipline discrepancies and stopping the school-to-prison pipeline. School leaders must encourage and take corrective actions at the local level to provide for and ensure equitable opportunities for all students.

Conclusions and Recommendations

In order to better address school-related opportunity gaps, the school-to-prison pipeline, and the costs of excessive discipline, it is recommended that policy makers and education leaders at the state and local levels focus on the following actions, which are based on research:

- **Develop better data systems to track and report discipline.** Rumberger & Losen (2016) recommended that states create early warning systems for schools and districts to monitor school discipline data. By monitoring and reporting state and local data, more attention can be paid to disproportionality to address the causes. These early warning systems could be implemented in states' accountability plans under the Every Student Succeeds Act (ESSA).

- **Addressing school climate.** A 2016 policy statement on the school-to-prison pipeline from the National Education Association (NEA) says that to remedy school discipline disparities, schools need to create supportive and nurturing school climates, investing in professional training and development for teachers and administrators, and engaging in partnerships and community engagement with students and families. Teachers have the ability to shape the environment in their classroom, which eventually has an impact on schools and students. Likewise, Paul Tough (2016), author of *How Children Succeed* (2012), suggests that schools can improve their discipline practices by focusing on students' non-cognitive capacities and recognizing that students may be experiencing the effects of toxic stress. He advocates for creating environments, especially for students in low-income communities, which allow a student to feel valued and successful at school.

- **Better training for teachers.** Recommended changes to address school discipline disparities also include better training for teachers to better understand the students they teach and the cultures in the communities they serve. Emdin (2016) suggested that teachers and schools focus on the classroom environment and develop teacher and principal training that fosters teaching that harnesses each student's cultural and emotional needs. He suggests that by embracing practices like *reality pedagogy*, which "focuses on the cultural understandings of students within a particular space,

like a science classroom" (Emdin, 2011, p. 286), schools can promote teaching and learning that values students as individuals. By focusing on classroom-level changes, teachers can lead the way in developing effective responses to and the managing of discipline problems.

- **Examining racial bias in schools.** Warikoo, Sinclair, Fei, and Jacoby-Senghor (2016) argued that social-psychological research on implicit racial associations was "a fruitful area to explore for greater understanding of how racial bias affects children in schools" (p. 508). Beyond calling for tracking of discipline practices, reducing the time out of school, and improving teaching practices, more research is needed on how implicit bias projects itself in schools and how schools can reduce bias. Like restorative practices, research on understanding and addressing racial bias in schools can be harnessed to improve our school settings for all students.

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