

**KIRWAN INSTITUTE**  
for the Study of Race and Ethnicity



# School Discipline Policy

## Updates, Insights, and Future Directions

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The role and scope of school discipline policy continues to be a controversial issue. Understanding the antecedents and consequences of school discipline is essential for promoting equitable treatment for students of all racial and cultural backgrounds.

**The Kirwan Institute for the Study of Race and Ethnicity** is an interdisciplinary engaged research institute at The Ohio State University established in May 2003.

Our goal is to connect individuals and communities with opportunities needed for thriving by educating the public, building the capacity of allied social justice organizations, and investing in efforts that support equity and inclusion. Here at the Kirwan Institute we do this through research, engagement, and communication.

**Our mission is simple:** *we work to create a just and inclusive society where all people and communities have opportunity to succeed.*

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# Executive Summary

At the Kirwan Institute for the Study of Race and Ethnicity, we believe that ensuring the education system operates in an effective and equitable fashion is critical for providing our nation's youth with the opportunity and skills to succeed. While most individuals recognize the inherent value of K-12 education, the role and scope of school discipline policy continues to be a controversial issue. Therefore, understanding the antecedents and consequences of school discipline is essential for promoting equitable treatment for students of all racial and cultural backgrounds.

**Throughout the course of our analysis, some common trends and key findings emerged:**

- Though this report highlights progress made in decreasing suspensions, expulsions, and other forms of exclusionary discipline, in most cases, racial disparities in school discipline data have persisted. The continued presence of these disparities suggests that the use of a one-size-fits-all discipline policy (e.g. zero tolerance) fails to address the unique context of each disciplinary incident. Moreover, even when racial disparities are the focal point of discipline reform, instances of discipline for students of color often did not decrease at a level comparable to White students.
- The need for improvement in the availability of data on school discipline outcomes remains a prominent concern. To inform educational practice, policy evaluation must be both rigorous and empirically-based. Additionally, accessible and transparent data is necessary for both researchers and families to make data-driven decisions. However, much of this data was either unavailable publicly or in a format difficult to digest. In fact, even when publicly available, some of the information is still in raw form and was comprised of thousands of data points, thereby obscuring trends and key insights.
- Policy effectiveness differed across the individual, district, state, and federal levels. More specifically, initiatives at the individual school level were much less likely to endure compared to those institutionalized at the district or state level. With a high degree of mobility in educational settings, discipline policies can vary drastically if the school leadership is changes.

## Introduction

Policy related to K-12 school discipline has seen a wave of progress in recent years as practices such as zero tolerance that frequently remove students from the classroom have faced increased scrutiny. As reliance on such practices has begun to fade, the opportunity for innovative strategies to address school discipline has emerged. Thus, educators across the country have worked to improve student outcomes by developing interventions and adopting new approaches to minimize student push-out and build supportive school environments. To contribute to this discourse, we seek to examine the discipline outcomes for students of different racial and ethnic groups and simultaneously encourage and inform schools through the dissemination of possible strategies for intervention.

Recognizing the continually-evolving nature of these policy changes, this document aims to extend the dialogue we began in our previous school discipline report and set the stage for the future of school discipline reform through 1) documenting, 2) tracking, and 3) evaluating

these interventions. Rather than advocating for any particular approach, by summarizing these current trends we hope to paint a picture of the state of school discipline reforms across the country.

The discipline-focused intervention strategies reviewed here encompass four categories: 1) federal, 2) state-level, 3) district-level, and 4) individual school policies. By capturing strategies in each of these realms, we attempt to create a broad view of the changing landscape of discipline policy across the United States. However, interventions discussed are not necessarily mutually exclusive and can vary in intensity and impact. Thus, both the challenges and successes that many of these schools have encountered in the process of implementation will be discussed in the closing chapter.

Recognizing that the literature on school discipline is comprised of terminology specific to the field of education, Appendix A defines many of these concepts.

## Interventions and Initiatives

### Federal Level Initiatives

Recent educational research conducted by The Center for Civil Rights Remedies supported the necessity of federal-level discipline reform. Their 2015 report documented four decades of national suspension trends between students of color and Whites, demonstrating a continuous widening of the discipline gap between Black and White students, and Latino and White students (Losen, Hodson, Keith II, Morrison, & Belway, 2015). This persistent phenomenon

begs for a united effort from educators, policy makers, and other government leaders on a national scale.

Additionally, school discipline was one of the primary topics addressed during the Whitehouse Summit on Early Education held on December 16, 2014 (Office of the Press Secretary, 2014). As a part of the summit, a policy statement jointly authored by the Secretary of Health and Human Services, Sylvia M.



Burwell, and the Secretary of Education, Arne Duncan, was released (Burwell & Duncan, 2014). This policy statement regarding suspension and expulsion practices was described as one of many initiatives aimed to promote positive school climates nationwide following the release of the 2014 U.S. Department of Justice Guidelines for nondiscriminatory school discipline policy.



### Statewide Initiatives *California*

During the summer and fall of 2014, several notable bills were signed into law that specifically addressed school discipline practices. First, Assembly Bill 1806, passed in June 2014, provided additional protections for homeless students by ensuring that a youth advocate is invited to meetings that may result in a suspension, expulsion, or change of placement (“AB-1806 Pupil Services: Homeless Children or Youth,” 2014). Then, in September 2014, two bills were signed addressing harsh exclusionary practices. The latter of the two, Senate Bill 1296, protected truant students against incarceration (“SB-1296 Juveniles: Contemptuous Habitual Truants,” 2014). Finally, the law that received the most attention in terms of discipline reform was Assembly Bill 420 (“AB-420 Pupil Discipline: Suspensions and Expulsions: Willful Defiance,” 2014). This unprecedented state law limited the use of discipline in response to “willful defiance” (American Civil Liberties Union, 2014, p. 1). Under this law, schools may not suspend or expel children in kindergarten through third grade for willful defiance. Some advocates suggest that this change in discipline policy serves as a large step for reducing racial disproportionality in exclusion, as this category exhibited the largest disparity in offenses by race (American Civil Liberties Union, 2014).

The California education landscape experienced significant changes as well during this time frame. During the 2013-2014 school year, California experienced a 20 percent decline in expulsions and a 15.2 percent decline in suspensions, representing the second consecutive year that the state had seen dramatic decreases

### Recommendations for Early Childhood Programs

*U.S. Department of Health and Human Services & Education, 2014, pp. 5-8):*

- “Develop and Clearly Communicate Preventive Guidance and Discipline Practices”
- “Develop and Clearly Communicate Expulsion and Suspension Policies”
- “Access Technical Assistance in Workforce Development to Prevent Expulsion and Suspension”
- “Set Goals and Analyze Data to Assess Progress”
- “Make Use of Free Resources to Enhance Staff Training and Strengthen Family Partnerships”

State-specific recommendations mirrored these general themes.

in exclusionary discipline (Torlakson, 2015). Tom Torlakson, the State Superintendent of Public Instruction, attributed this change to the implementation of restorative justice in many schools across the state. In spite of this decline in disciplinary actions, looking at the total enrollment data reveals minimal effects in terms of disproportionate suspension rates for some minority student groups. In fact, the percent of suspensions increased for Black, Hispanic, and Multiracial students (although minimally) in 2013-2014 compared to the previous year (Torlakson, 2015).



*Colorado*

Following the passing of a bill to eliminate zero tolerance policy in 2012, Colorado

schools reduced expulsions, suspensions, and law enforcement referrals during the 2012-2013 academic year (Colorado Department of Education, 2013). While overall discipline rates decreased, some disciplinary incidents for Black, Native American, and Hispanic groups nevertheless increased during this time period (Padres & Jóvenes Unidos, 2014).

Ten-year discipline trend data available on the Colorado Department of Education website suggests that discipline occurrences continued to decline in 2013-2014 from the previous year (Colorado Department of Education, 2014). According to this data, suspensions, expulsions, and referrals to law enforcement decreased by approximately 8 percent, 13 percent, and 13 percent, respectively, while instances of other disciplinary actions increased by 9 percent (Colorado Department of Education, 2014).

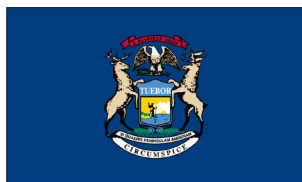


*Maryland*

In July 2012, the Maryland State Board of Education proposed regulations to end zero tolerance policies in an effort to reduce suspensions and expulsions across the state (St. George, 2012). The regulations specifically address disproportionate rates of disciplinary exclusion for minority students (St. George, 2012). Though the regulations were not officially adopted into the Maryland State Code of Discipline until 2014, schools, with the help of community advocacy groups such as the Advancement Project, made addressing discipline issues a priority across the state. Thus, in 2012-2013, the year following this proposal, the number of students receiving suspensions and expulsions decreased by approximately 8,000, yet racial disparities persisted (Abdullah, 2014). Statewide, Black students comprised 8.7 percent of exclusionary discipline actions, whereas White students constituted only 3 percent (Abdullah, 2014).

In July 2014, Maryland officially adopted the new guidelines for the State Code of Discipline, which shifted the focus of school discipline policy to promoting safe and supportive schools across the state (O'Malley & Lowery, 2014). The guidelines are comprised of several sections which address this updated ideology on school discipline, including information on expectations for staff and families, descriptions of responses to behavior, examples of behaviors and their corresponding discipline outcome, and plans for monitoring the progress of these guidelines (O'Malley & Lowery, 2014). Moreover, strategies for effective implementation at the local level included developing a school code of conduct, training staff on non-exclusionary discipline tactics, and data-driven de-

cision making to evaluate discipline practices (O'Malley & Lowery, 2014).



### Michigan

Michigan has a history of harsh discipline policy (Elliot, 2013).

Statewide data indicated there were 1,823 expulsions in 2010-2011, 1,893 in 2011-2012, and 1,796 in 2012-2013 (Roelofs, 2014). Moreover, the two largest districts in Michigan, Ann Arbor Public Schools and Grand Rapids Public Schools, exhibited racially disproportionate discipline rates according to a multi-year analysis by the ACLU (Roelofs, 2014). In 2012-2013 Black students comprised 50 percent of suspensions in Ann Arbor and 60 percent of the suspensions in Grand Rapids, even though they only make up roughly 14 percent and 36 percent of the two districts' student bodies, respectively (Roelofs, 2014). Conversely, White students in Grand Rapids comprised 11 percent of suspensions but represented 22 percent of the student population (Roelofs, 2014).

To work toward less discipline and more equitable schools, the Student Advocacy Center (SAC) of Michigan, a non-profit educational advocacy group, has partnered with schools across the state to implement programs related to discipline reform, such as restorative justice (Student Advocacy Center of Michigan, 2015). As a capstone to training focused on decreasing discipline, the SAC allows schools to take a 'Solutions not Suspensions' pledge, which asks schools to uphold values of parent involvement, support to staff, non-mandatory expulsions, and alternative discipline strategies (Elliot, 2013). Ypsilanti Community Schools was the first to take the pledge in 2013 (Elliot, 2013).



### Oregon

A 2013 Oregon bill, HB 2192-B, prohibited schools from using

mandatory expulsions for non-violent offenses and encouraged the use of Positive Behavioral Interventions and Supports (PBIS) to combat high rates of suspensions and school drop-outs (Youth Rights and Justice, 2013). Before this bill passed, discipline for bringing an item considered dangerous to school – even if there was no intent to harm – was a one year expulsion (Youth Rights and Justice, 2013). The new legislation went into effect in July 2014.

In another statewide effort, an Oregon School Discipline Advisory Council report released in January 2015 detailed recommendations for the Oregon Department of Education regarding strategies to reduce school discipline (Oregon School District Advisory Council, 2015). Recommendations focused on establishing effective data tracking and systems of accountability by disaggregating data by race, gender, and ability status, and reporting total incidents of discipline rather than the number of students receiving consequences (Oregon School District Advisory Council, 2015). Moreover, the report also recommended additions to legislation that would further limit punitive measures for students under 12 years old (Oregon School District Advisory Council, 2015).

### District Level Initiatives

*Berkeley Unified School District- Berkeley, California*

In 2014, Berkeley Unified School District implemented their three year Local Control and Accountability Plan (LCAP) (Berkeley Public Schools, 2015b). Though that year's LCAP was





designed specifically for low income students, English language learners, and students in the foster care system, culturally responsive teaching practices were incorporated into the design to improve school climate for all minority students. Notably, some of the relevant factors LCAP addressed are disproportionate rates of chronic absences and suspension rates among Black students (Berkeley Public Schools, 2015b). The LCAP includes three primary goals over the course of its implementation (Fall 2014-2017): 1) cultivating academic success; 2) ensuring culturally responsive practices are included in every classroom; and 3) establishing a safe and inclusive school climate (Berkeley Public Schools, 2015a). To achieve these goals, LCAP will implement several academic and social initiatives, including literacy support in elementary school, Advancement Via Individual Determination (AVID) programming, increased academic interventions, specialized instruction for students learning English, and an emphasis on social-emotional health (Berkeley Public Schools, 2015a).

#### *Chapel Hill-Carrboro City Schools—Orange County, North Carolina*

In response to findings that Black students in the Chapel Hill-Carrboro City Schools (CH-CCS) district are five times more likely to receive an in-school or out-of-school suspension than their White counterparts, the chairperson of the Chapel-Hill Carrboro Board of Education, Mike Kelley, said the district began focusing on race-related disparities in school discipline in the 2013-2014 academic year. (Williams, 2015). Though the district has moved toward implementing district-wide PBIS over the past six years, superintendent Tom Forcella indicates that addressing racial disparities remains a “priority” for the district (Forcella, 2014, p.

3).

#### *Chicago Public Schools – Chicago, Illinois*

In June 2012, Chicago Public Schools implemented a new Code of Conduct as a means to limit the quantity and durations of suspensions given (Chicago Public Schools, 2012). Elimination of a mandatory 10-day suspension for certain offenses is an example of a policy changed by this update (Chicago Public Schools, 2012). During this time, the Chicago public schools organization, VOYCE (Voices of Youth in Chicago Education), was instrumental in pushing the district toward code of conduct reform (“Chicago School Code Of Conduct Lightens Up On Suspensions, Targets Bullying,” 2012). Furthermore, VOYCE members went on to inform the U.S. Departments of Justice and Education on federal school discipline guidelines issued in 2014 (Voices of Youth in Chicago Education (VOYCE), 2014).

Since the implementation of the new code of conduct, suspensions have decreased (Garcia, 2015). However, one in seven students were still suspended during the 2013-2014 academic year (Garcia, 2015). Moreover, Black and Latino students still received disproportionate rates of discipline both in the case of in-school and out-of-school suspensions (Garcia, 2015). Thus, some are critical regarding whether the changes to discipline practices will be effective in decreasing disproportionality for at risk students in Chicago Public Schools (Garcia, 2015).

#### *Dayton Public Schools-Dayton, Ohio*

Spurred by the civil rights advocacy group, Racial Justice NOW!, Dayton Public Schools made several changes to discipline policies at the end of the 2014 school year (Jabar, 2015).



Among the changes were elimination of zero tolerance language from the code of conduct, ending suspensions for pre-K students, and making disruptive behavior and truancy-related offenses ineligible for a suspension (Jabar, 2015).

#### *D.C. Public Schools- Washington, D.C.*

In July 2014, D.C. Council member, David Grosso, introduced a bill to reduce suspensions district wide, particularly for younger students, by eliminating suspensions and expulsions for pre-K students (barring drug use, weapons, or causing severe bodily harm) (Brown, 2014). According to a report issued by the Office of the State Superintendent of Education (OSSE), D.C. public and charter schools suspended or expelled 10,000 of their 80,000 students during the 2012-2013 academic year (Brown, 2014). Additionally, the OSSE report demonstrated adverse effects for minority students. Specifically, Hispanic students were suspended or expelled at twice the rate of White students, and Black students were suspended or expelled at nearly 6 times the rate of their White peers (Office of the State Superintendent of Education, 2014).

Additionally, students with disabilities and those who lived in economically disadvantaged environments were also suspended or expelled more than their counterparts (Brown, 2014). To address these concerns and maintain transparency, Grosso's bill also proposed that schools provide OSSE with discipline data annually, including information on the reasons for and duration of each suspension (Brown, 2014).

#### *Duval County Public Schools—Jacksonville, Florida*

In the summer preceding the 2014 school

year, Duval County Superintendent Nikolai Vitti initiated revisions to the district's code of conduct in order to find ways to keep students in class (Thompson, 2014). The code of conduct encourages teachers to build relationships with students and families before imposing exclusionary discipline. Additionally, teachers and administrators are encouraged to utilize detention and other disciplinary measures before suspension or expulsion, as these methods should only be used as a last resort. Initial data reveals that in response to these revisions, out-of-school suspensions decreased from 33,090 in 2012 to 28,945 in 2014 (Thompson, 2014). Moreover, Superintendent Vitti noted a reduction in number of arrests and out-of-school suspensions for Black students by 16 percent and 12 percent, respectively (Thompson, 2014).

Despite these declines, Black students still accounted for nearly 81 percent of school-related arrests while they only comprised 44 percent of the student body by 2014 (Thompson, 2014). On the same note, Black students accounted for around 74 percent of suspensions within Duval County (Thompson, 2014). Vitti is determined to challenge the persistence of racial disproportionality and expressed the need for a faster response against the district's discipline issues (Thompson, 2014).

#### *Hillsborough County Schools- Tampa, Florida*

In response to a recent civil rights claim, the Hillsborough County School District is under federal investigation regarding school discipline policies and their effects on students of color (Kourkounis, 2015). To illustrate, Black students were 3 times more likely to be suspended or expelled than White students during the 2011-12 academic year (Kourkounis, 2015). However, the Hillsborough County Schools have made some gradual improvements; sus-



pension rates for Black males have decreased 12 percent over the past 3 years (Kourkounis, 2014).

Initiatives directed toward decreasing racially disproportionate discipline consequences include a district-wide task force formed in spring 2013 (Kourkounis, 2014). Currently this task force is meeting with students and community members to gather recommendations for a more equitable discipline policy. Select schools across the district hosted community sessions addressing school discipline from February- March 2015 (Tribune Staff, 2015).

*Kern High School District—Bakersfield, California*

The Kern High School District has the second largest student population in California, yet Kern schools have the largest amount of expulsions, according to a 2011 report (Ferriss, 2014). This data is only one piece of a larger history of alleged exclusionary discipline policy that disproportionately affects minority students, particularly Hispanics/Latinos. Upon expulsion, school records indicated that hundreds of the expelled students were officially enrolled in alternative schools that were too far for families to travel (Ferriss, 2014). As such, many were placed on independent study even though their transcripts showed them enrolled elsewhere. Given that many students who were adversely affected by this policy were English-language-learners, parents and several community and nationally-based civil rights groups filed a lawsuit against the district in 2014 (Ferriss, 2014). Groups participating in this suit include California Rural Legal Assistance, the Dolores Huerta Foundation, Equal Justice Society, Faith in Action Kern County, Greater Bakersfield Legal Assistance, Inc., and

the Mexican American Legal Defense and Educational Fund.

*La Crosse School District— La Crosse, Wisconsin*

Wisconsin's LaCrosse school district received recent media attention regarding disproportionate discipline rates for their Black student population (Geyer, 2014). While Black students comprised only 5 percent of the district's enrollment, they accounted for 42 percent of all suspensions in 2013 (Geyer, 2014). Unfortunately this trend is well documented over time, with 13 percent of the total Black student population suspended on average over the previous 5 years (Geyer, 2014). Staff involved with the Cultural Liaison program, which aims to bridge gaps in student-staff culture and background, noted that increased dialogue about race and implementation of PBIS could improve overall school atmosphere (Geyer, 2014).

*Los Angeles Unified School District – Los Angeles, California*

A 2010 report on the Los Angeles Unified School District (LASUD) indicated that the overall number of suspensions and expulsions had decreased since the 2007 implementation of School-Wide Positive Behavior Supports (SWP-BIS), yet the disproportionate number of Black students facing disciplinary measures did not (Community Asset Development Re-defining Education, Mental Health Advocacy Services Inc., & Public Counsel Law Center, 2010).

To address these discipline disparities, the L.A. Unified School District implemented a School Climate Bill of Rights in the Spring of 2013. The bill provided disciplinary alternatives to



expulsions and arrests, and it also forbade suspensions for “willful defiance,” an offense that affected minority students disproportionately (Wantanabe, 2013).

In spite of these changes, high rates of discipline for minority students persisted. A report by the Labor/Community Strategy Center on LASUD discipline from the 2013-2014 academic year revealed that Black students accounted for 39 percent of violations for disturbing the peace, even though they only made up roughly 10 percent of the school population (The Labor/Community Strategy Center, 2013). Additionally, the report highlighted the increased policing of teenagers and young students, showing the majority of tickets and arrests were used on middle school students as opposed to those in high school (The Labor/Community Strategy Center, 2013). In fact, students age 6 to 14 received over 46 percent of the total arrests and citations (The Labor/Community Strategy Center, 2013).

In August 2014, LASUD unveiled a new policy to decrease arrest rates for students wherein several disciplinary offenses such as fighting, using tobacco, and defacing property will now be handled by school personnel rather than police (Medina, 2014).

#### *Meridian Public Schools – Meridian, Mississippi*

In response to complaints filed against the district, the U.S. Department of Justice filed a consent decree with Meridian Public Schools in order to address racial discrimination concerns in disciplinary practices (The United States Department of Justice, 2013). Issued in 2013, the decree required the district to drastically reform their discipline code. Additionally, this ruling mandated the district to utilize school-

wide behavioral management systems, such as PBIS, as a preventative measure (The United States Department of Justice, 2013). Though Meridian’s revised discipline policy is relatively new, some preliminary results suggest positive outcomes. In fact, in the year following implementation of PBIS, Meridian Public Schools experienced a 49 percent drop in instances of exclusionary discipline (Ward, 2014).

#### *Minneapolis Public Schools- Minneapolis, Minnesota*

Data from the Minneapolis Public School district from 2010-2012 demonstrated that Black students received 74 percent of the disciplinary occurrences, yet only comprised 40 percent of the student population during those years (U.S. Department of Education, 2014). Moreover, in the 2011-2012 school year, only Black students were transferred to another school for their behavior (U.S. Department of Education, 2014). To remedy these disparities, the Minnesota Department of Education’s Office of Civil Rights (OCR) and the district entered into a joint agreement regarding school discipline in November 2014 (U.S. Department of Education, 2014). The agreement for district-wide reform included an emphasis on adding review policies, improving accountability, utilizing consultation, using exclusion methods only as a last approach, providing additional supports for teachers and students, and improving school climate as ways to take action toward a more equitable discipline policy (U.S. Department of Education, 2014).

One of the ways Superintendent Bernadeia Johnson has upheld the OCR agreement’s tenants is by adopting new behavior standards across the district, including ending suspensions for students in first grade or younger (Johnson,



2014). In addition to the moratorium, Johnson initiated a plan requiring staff to review every suspension case to explore alternatives for Black, Hispanic, and American Indian students (Bernstein, Lecomte, & Desharnais, 1983). This approach sparked some controversy, as some have considered this policy to be “unconstitutional” given that it requires different review procedures for different races (Corbett, 2014). Johnson, however, stands firm behind the policy in response to criticism (Johnson, 2014).

Results show that since implementing the behavior policy and moratorium, suspensions and teacher referrals for misbehavior have decreased by nearly 50 percent, yet Black students are still suspended at 10 times the rate of White students (Johnson, 2014). Therefore, Johnson is using this initial success of the district’s new discipline strategy to work toward the elimination of the suspension gap for minority students by 2018 (Johnson, 2014).

#### *Oakland Unified School District—Oakland, California*

The Oakland Unified School district (OUSD), considered a national leader in implementing restorative justice policy, has recently declared they will be expanding this program from 27 schools to all 86 in the district over the next 5 years (Oakley, 2015). Starting in 2011, schools using the restorative justice model have seen suspension rates cut in half over the following 3 years (Oakley, 2015). Additionally, high school graduation rates in these schools have increased 60 percent while absenteeism has decreased by 24 percent in middle schools (Oakley, 2015). The decreased suspension rates in recent years have also been attributed to another school-based initiative, the Manhood Development Program (Klein, 2015). This

program began in 2010 and includes elective coursework at OUSD focusing on Black masculinity and leadership (Klein, 2015). Since its inception, the Manhood Development Program has expanded to include 650 boys across 16 schools (Oakley, 2014). This program is housed within the Office of African American Male Achievement, which specifically focuses on academic achievement for Black males through education on Black history, literature, and college readiness (Klein, 2015).

#### *Philadelphia Public Schools – Philadelphia, Pennsylvania*

In 2012, Philadelphia Public Schools approved a new Code of Conduct, which eliminated zero tolerance discipline policies across the district (Advancement Project, 2014). Additionally, the district employed PBIS and trauma-informed discipline practices to curb the growing rates of suspensions and expulsions (Children’s Hospital of Philadelphia, 2013; Hardy, 2014).

In addition to addressing practices related to suspension and expulsion, Philadelphia Public Schools adopted a program in July 2014 aimed toward decreasing student arrests, which totaled 1,600 in 2013 (Bethel & McKitten, 2014). Thus, the Philadelphia Public Schools, the Philadelphia Police Department, the Philadelphia Juvenile Court, and the Department of Human Services collaborated to form a program to combat student arrests and the school-to-prison pipeline (Bethel & McKitten, 2014). The program allows students without a criminal record to enroll in an alternative discipline program in lieu of an arrest. Alternative discipline placement is orchestrated through the Department of Human Services and includes an element of family involvement and counseling (Bethel & McKitten, 2014).



*Portland Public Schools—Portland, Oregon*

Portland Public Schools (PPS) have garnered attention over the last several years for disproportionate rates of discipline for Black students (Slovic, 2014). In 2009-2010 PPS received a disciplinary citation from the Oregon Department of Education (ODE) and instructions to implement Coordinated Early Intervening Services (CEIS) as a remedy for the 2011-2012 and 2012-2013 school years (Slovic, 2014). The CEIS programming funded behavior coaches who worked with teachers and students to decrease the exclusionary discipline of Black students. The use of behavior coaches has yielded a 51.5 percent reduction in exclusionary discipline overall, a 62.4 percent reduction for students with disabilities, and a 56.8 percent reduction for Black student with disabilities since the 2009-2010 school year (Slovic, 2014). Despite these declines in discipline, the racial gap in discipline for students with disabilities remained above the threshold determined by ODE. In response, ODE issued PPS a financial sanction in August 2014 that required the district use a portion of their federal diversity services funding to address early intervention concerns with diverse populations.

In response, PPS outlined a comprehensive plan to combat disproportionate discipline rates for students in special education that will stand until the next ODE evaluation due in October 2016 (Slovic, 2014). The plan includes training and engaging school psychologists across the district on implementing CEIS in their schools, as well as implementing PBIS and restorative justice through this program.

*Rochester City School District—Rochester, New York*

In fall of 2014, a report co-authored by the Advancement Project, Alliance for Quality Education, Metro Justice, and Teen Empowerment provided information regarding the discipline rates and policies of the Rochester City School District (Advancement Project, Alliance for Quality Education, Metro Justice, & Teen Empowerment, 2014). According to the report, Rochester suspended 10 percent of its student population in 2012-2013, which is much higher than the state average of 3 percent (Advancement Project et al., 2014). Moreover, most of these suspensions (88 percent) were administered for non-violent offenses (Advancement Project et al., 2014).

These elevated suspension rates compared to the state average disproportionately represented minority students and students with disabilities. To illustrate, in 2012-2013 Black and Latino students were suspended 2.29 and 1.45 times more than their White counterparts, respectively (Advancement Project et al., 2014). In general, students with disabilities were 1.3 times more likely to be suspended than non-disabled students (Advancement Project et al., 2014).

In addition to heightened rates of suspension, the report also highlighted arrest rates. For example, out of the 166 arrests made in the Rochester School District in 2012-2013, only 3 percent were in response to serious felonious crimes, while 75 percent reflected non-violent offenses such as disorderly conduct (Advancement Project et al., 2014). Arrests, suspensions, and expulsions combined totaled 54,000 days of school lost across the entire district in 2012-2013 (Advancement Project et al., 2014).

In response to the data, the report authors included six intervention recommendations for



Rochester City Schools. Recommendations included: 1) change to the code of conduct to eliminate suspensions for non-violent crimes; 2) implement research-based discipline alternatives, such as restorative justice; 3) redefine the schools' roles with police; 4) provide training on cultural responsiveness and implicit bias; 5) improve data collection; and 6) advocate to eliminate zero tolerance policies statewide (Advancement Project et al., 2014).

*San Diego Unified School District- San Diego, California*

The San Diego Unified School District has decreased discipline in recent years following a city-wide focus on suspension reduction and implementation of restorative justice programs. Though use of restorative justice became an official district policy in 2014, several San Diego schools began as early as 2011 (Magee, 2014). From 2009 to 2014, suspensions dropped 43 percent across the district (Magee, 2014). However, disproportionate discipline rates persisted for Black and Hispanic students. For example, in 2012-2013 Latino and Black students made up 62.5 percent and 17 percent of all expulsions even though they represent only 45 percent and 12.6 percent of the student population, respectively (Magee, 2014).

*San Francisco Unified School District - San Francisco, California*

In collaboration with the David Lynch Foundation, the San Francisco Unified School District implemented a meditation and mindfulness-focused policy in 2007 to combat high degrees of violence and trauma that students were experiencing (Kirp, 2014). At its onset, Vistaion Valley Middle School was the first in the country to implement the Quiet Time program.

Now, the program has expanded to three other schools in the districts over the last seven years (San Francisco Unified School District, 2014). Additionally, the district's central administration received professional development and a meditation-based health and wellness training in conjunction with the program's implementation (San Francisco Unified School District, 2014). Since this program's implementation, suspension rates have dropped 79 percent and 77 percent for two of the schools engaged in Quiet Time (San Francisco Unified School District, 2014). Additionally, rates of suspension decrease in Quiet Time Schools were significantly greater than suspension decreases at non-Quiet Time schools (San Francisco Unified School District, 2014). Results demonstrate substantial improvements three key domains: academic issues, social and emotional factors, and staff and teacher development (San Francisco Unified School District, 2014). Examples of improvements include increases in students' GPAs, attendance, resilience, and self-esteem, as well as decreases in suspensions, violence, anxiety and depression (San Francisco Unified School District, 2014). Additionally, district staff also benefited from the program, reporting higher degrees of personal resilience and lower levels of perceived burnout related to their profession (San Francisco Unified School District, 2014).

Additionally, the Superintendent and various district officials collaborated with members of the community to create a report specifically addressing racial discipline disproportionality (Walsh, 2015). Presented to the SFUSD Board of Trustees in February 2015, the primary recommendation from the Board was an "overhaul" of the District's Code of Conduct to reduce the document's singular focus on discipline (Walsh, 2015, p. 1).



*Vallejo City Unified School District– Vallejo, California*

Vallejo City Unified School District discipline reform began in 2011 with the hiring of Superintendent Dr. Ramona Bishop (Vallejo City Unified School District, 2015). Soon thereafter, the district implemented Full Service Community Schools and Positive Youth Justice Programs which provided academic, social-emotional, and nutritional services in order to lower rates of discipline and reduce the achievement gap (Glidden, 2015). Though the district saw initial success in lowering suspension rates by 25 percent in the 2012-2013 academic calendar, several community entities have been concerned about whether or not these policies will improve safety (Glidden, 2015). To illustrate, the district received negative attention in 2014 for bullying witnessed during an accreditation review (Glidden, 2015). Moreover, a report issued by the Solano County Grand Jury regarding the 2012-2013 school year identified Vallejo schools as an area of concern for student safety (2012-2013 Solano County Grand Jury, 2014). The report itself was very critical of the emerging discipline policies of the district, especially regarding whether PBIS would be an effective alternative to previous approaches.

Another form of discipline policy criticism regards the continuous disproportionate overrepresentation of students of color (Bañes, 2014). In response, the district has specific plans to address these disparities, including a grant focused on informing staff about best practices for working with students who have experienced trauma (Bañes, 2014). Finally, in 2015, the Vallejo City Unified School District hired a resource officer. The district believes that it will provide youth with a positive experience with law enforcement and promote safety (Widjono, 2015). Overall, Vallejo’s discipline policies

continue to be a source of controversy when trying to strike a balance between discipline reduction and school safety (Bañes, 2014).

**Individual School Initiatives**

*Cherokee Point Elementary School- San Diego*

Cherokee Point Elementary School has worked to tailor their school discipline policy toward youth who have experienced trauma or ongoing stress. As a cornerstone of this policy, staff members are trained to understand the effect toxic stress can have on student behavior and collaborate on how to best meet the students’ needs (Higa, 2014). In the past this has meant providing counseling service, fresh foods, and other basic amenities to help offer stability (Higa, 2014). Additionally, restorative justice programs were added to the school as part of a district level initiative in 2014. Evidence suggests these policies were effective, as the school exhibited declining suspension rates over three years, which culminated with a year of zero suspensions in 2012-2013 (Higa, 2014). In 2014, the school principal Godwin Higa was appointed to serve as the Human Relations Commissioner for the Mayor of San Diego (Higa, 2014). In this role, he trains county officials from Health and Human Services Department in order to promote trauma-informed schools city-wide.

*Wilson Senior High School— Washington, DC*

Wilson Senior High School in Washington, D.C. implemented an alternative discipline plan which decreased suspensions from 332 to 209 over the course of three years (Graves, 2014). The strategy was initiated by former principal, Pete Cahall, in order to mitigate behavior concerns for the school. The plan consisted of teacher training, selection of highly qualified



staff, and consideration of the student's home life when a behavior concern occurs (Graves, 2014). Additionally, suspensions are only used as a last resort (Graves, 2014). However, in spite of this decline, Black youth continued to

be overrepresented in suspensions, accounting for 80 percent of those who were suspended while only comprising 20 percent of the school population (Graves, 2014).

## Common Themes

In light of the national landscape of discipline policy and reform, some general trends are evident in regards to data tracking and dissemination. Moreover, some recurrent themes regarding the uneven impacts of these interventions have emerged.

### Persistence of Racial Disparities

It is a cause for rejoicing to see that many schools locally and state-wide have decreased suspensions and expulsions through the implementation of the aforementioned interventions. However, the most notable and disturbing trend is the continuation of discipline disparities along racial and ethnic lines despite many policies that were specially aimed toward countering these disparities among minority students. It should be noted that while the persistent racial disproportionality was an alarming trend, not all cases were equal. As evidenced by the examples in this document, discipline for minority students across the country



relative to their White counterparts generally aligned with one of these three trends: 1) discipline of minority students decreased, but not enough to reduce or eliminate disproportionality; 2) discipline decreased, but not at a rate comparable to White students; or 3) discipline was unaffected, and even increased in some instances. Though acknowledged by many of the administrators advocating for discipline reform, it is necessary to reiterate the necessity of identifying behavior management strategies that benefit students who are most affected, such as students of color and individuals with disabilities.

### Availability of Data

Many of the policies originating in 2014-2015 included provisions that specifically addressed data gathering and reporting methods to increase transparency. In fact, increased tracking of data and progress monitoring is one of the primary recommendations made throughout the cases included in this report. The nature of educational policy lends itself to distant deadlines for assessment and evaluation. To illustrate, following policy implementations, progress monitoring



will take place over the academic year, after which data analysis and interpretation occurs. As such, meaningful interpretation of discipline policy trends may take several years. This approach to evaluation may indicate the need for earlier markers of progress on discipline reform interventions. Additionally, it is necessary to track students' trajectory post-graduation to ensure early intervention efforts successfully curb the school-to-prison pipeline as they transition into adulthood.

## Individual Schools



Another factor contributing to the difficulty in monitoring the progress of new discipline interventions is the lack of consistency in policy endorsement and implementation at the individual school level. Due to the high levels of career mobility associated with this field, the likelihood of policy longevity decreases if its main proponent (i.e., usually a particular administrator, such as a principal) is promoted or moves to a different position. Therefore, discipline policies at individual schools, though

remarkable at times, are subject to increased fragility in the absence of a champion consistently endorsing its continued implementation.

On a similar note, the political nature of schools can mean that discipline reform initiatives, particularly those which are locally led, are more easily overturned than those on the district or state level if it is unpopular with community members or receives varying levels of buy-in from school personnel.

## Implications

Bearing in mind that efforts to reduce racial disproportionality in discipline can be a long-term challenge, the cause of ensuring equitable discipline to all students is certainly a crucial effort. However, researchers, practitioners, and administrators alike may be left puzzled at the gap between intentions and the real impact that discipline reform has on students of color.

To address this question of why, we have to face the unwelcome reality that many caring, intelligent, and well-intentioned individuals may play a role in perpetuating disproportionality in school discipline outcomes. However, understanding implicit racial bias and its part in a larger system of inequality sheds an enormous light on how bias can occur in schools where teachers, principals and other staff ultimately have the best intentions for supporting their students. In fact, the 2014 federal guidance package on non-discriminatory administration of school discipline noted the importance of providing trainings to school personnel related to implicit bias and



countering racial stereotypes as a primary recommendation for education institutions (U.S. Department of Justice & U.S. Department of Education, 2014).

The Kirwan Institute defines implicit bias as the “attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner” (Staats, 2013). Implicit bias includes both favorable and unfavorable assessments, and is activated without an individual’s awareness or intentional control (see, Dovidio, Kawakami, Smoak, & Gaertner, 2009; Greenwald & Krieger, 2006; Rudman, 2004) Moreover implicit bias has been linked to the disparate racial outcomes evidenced in school discipline data. Recent examples include increased punishment for students of color compared to White students, and harsher discipline strategies used with Black female students with a darker skin tone compared to Black female students with a lighter skin tone (Carter, Skiba, Arrendondo, & Pollock, 2014; Hannon, DeFina, & Bruch, 2013).

Even though individuals’ implicit biases can contribute to many of these negative discipline-related outcomes, possessing these unconscious associations should not be understood as a personality flaw or an indicator that someone is a “bad person.” In fact, these biases are often perpetuated by how people groups are portrayed in the media or simply through exposure to stereotypes (Rudman, 2004). This means that someone may hold implicit biases even though they do not

necessarily intend to treat others differently. However, this understanding does not excuse inequality or minimize explicit acts of prejudice and racism, as they are still an everyday occurrence; rather, implicit bias helps us understand why disparate school discipline outcomes may persist even in the absence of recognizable, explicit racism.

“**The Kirwan Institute defines implicit bias as the ‘attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner’**”

The significance of implicit racial bias is often goes unrecognized in discipline reform efforts. Yet, understanding the subtle but substantial impact of implicit bias on school discipline is crucial to pursuing meaningful solutions in this realm. Therefore, taking action against implicit biases through training, professional development, and other awareness raising strategies can serve as a first step to ensuring equitable discipline that is both fair for all students and effective at addressing the problematic behavior.

To do so, we at the Kirwan Institute encourage the consideration of a holistic view of each child and their environment. Ultimately, all behavior serves a function, thus the unique factors associated with a student’s community, culture, and interpersonal relationship must be considered as potential determinants for their actions. By widening our focus to the child’s life experience and not just his or her behavior, educators can promote equity, justice, and positively impact students’ life trajectories indefinitely. Teachers, administrators, and other school personnel hold an essential role in our nation’s efforts to eliminate the school-to-prison pipeline and create opportunity for students regardless of race, gender, ability, income, or other characteristics.

Moreover, we are called to promote equal opportunity for our nation's students because our future rests on their shoulders. In the years to come, today's students will be the ones responsible for the welfare of many of those reading this report. Therefore, supporting more equitable methods of discipline in schools is not only an imperative for the field of education, but for society.



## Appendix A: Relevant Terminology

### Achievement Gap:

In terms of education, an achievement gap refers to differences in academic performance between groups of students (National Education Association). Specific to this report, racial achievement gaps, where White students outperform their minority peers in an educational domain, are caused by systemic inequality that inhibits all groups from performing well.

### Discipline Gap:

The discipline gap is similar to the achievement gap in that it refers to disparate levels of discipline for students. Discipline rates can vary by race, gender and ability level.

Intervention:

- Interventions are actions taken by relevant stakeholders (e.g., policymakers, educational personnel, school districts) to improve a situation by changing how it is approached. Alternative interventions in the school discipline context operate at the individual level (as opposed to the offense level) in lieu of traditional punishments. These may include such actions as counseling, community service, or other therapeutic activity to address behavioral problems.
- Local Control and Accountability Plan (LCAP)
- A LCAP is a three-year plan completed by all Local Education Agencies in California (California Department of Education, 2014). An LCAP includes various district goals related to pupil support, school climate, and budgeting (California Department of Education, 2014).
- Positive Behavioral Interventions and Supports (PBIS) or School-Wide Positive Behavioral Interventions and Supports (SWPBS):
- Positive Behavioral Interventions and Supports (PBIS) is a school-based framework which utilizes evidence-based behavioral interventions as a means to “maximize academic and social behavior outcomes for students” (Positive Behavioral Interventions and Supports, 2010, p. 2). Core principles of PBIS include promoting positive school culture and academic success, providing corrective feedback, and acknowledging use of prosocial skills (Positive Behavioral Interventions and Supports, 2010).

### Restorative Justice Practices:

An alternative to traditional discipline, restorative justice changes the focus from punishing wrongdoers to repairing the damages caused by the misbehavior and preventing its recurrence (Clifford). This approach promotes a culture whereby every school citizen stands in a relation of responsibility to the larger school community. Rather than focusing on rule breaking, restorative justice focuses on the harm that was done, promotes collaborative problem solving by the offender and the victim, and encourages meaningful reparations (Clifford). Specific restorative justice practices include mediation, talking circles, and peer juries (Clifford).



### *Circle Keeping*

As a tenant of Restorative Justice, dialogue between teachers, students, parents, and other parties takes place within a circle. The circle seating arrangement acts as a way to absolve any power differentials that may occur in a traditional classroom space (Clifford). In addition to service as a way to arrange dialogue, circle keeping referred to the ability to maintain conversation, build trust, and resolve conflicts within this context. A common way to achieve these principles is through the use of a talking stick (or other object) so that each individual is afforded to opportunity to share their thoughts and feelings without interruption (Clifford).

### **School-to-Prison Pipeline:**

As defined by the American Civil Liberties Union, the school-to-prison pipeline refers to: “policies and practices that push our nation’s schoolchildren ... out of classrooms and into the juvenile and criminal justice systems” (American Civil Liberties Union, 2008, p. 1). This phenomenon reflects the prioritization of punishment and removal over education and adversely affects the most at-risk populations (American Civil Liberties Union, 2008).

### **Zero Tolerance Policies:**

Zero tolerance policies mandate fixed, predetermined penalties for rule infractions. Often harsh and punitive by design, these policies operate as absolutes, thereby disregarding the unique context and/or circumstance in which an infraction occurs. For example, a student who unknowingly brings a prohibited item to school will be penalized as harshly as the student who knowingly violates school rules. In addition, zero tolerance policies often ignore the variable gravity of student rule-breaking behavior, favoring automatic, one-size-fits-all punishments instead, many times removing students from the classroom or school environment via suspensions or expulsions. Among the goals of zero tolerance policies are 1) to punish offenders; 2) to deter others from engaging in similar misconduct; and 3) to remove offenders to improve the climate for the students who remain.



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