

Disproportionate Discipline Practices



One year ago—in January 2014—the US-DOE’s Office for Civil Rights (OCR) and the Department of Justice’s Civil Rights Division together issued a remarkable set of requirements and guidelines for reducing the well-documented problem of racial disproportionality in PK-12 suspensions and expulsions. As part of this federal initiative, OCR released a detailed Dear Colleague Letter defining why schools may be investigated for disproportionate and disparate discipline practices. Nearly two decades of research have confirmed how widespread these practices are. More recently, they have been shown to foster the “school-to-prison pipeline.”

How can you decide what this research and the new federal guidelines mean for you as an educator already juggling multiple responsibilities and community pressures, including perhaps new state discipline guidelines?

School districts should adhere to 3 Guiding Principles:

(1) Focus on prevention and creating positive school climates

(2) Develop clear, appropriate, and consistent expectations and consequences to address problem behavior

(3) Ensure fair, equitable, and continuous improvement

Most important is that exclusionary discipline practices are potentially a civil rights issue. Thus, all schools are required to learn about and abide by the new OCR requirements, whatever their local or state regulations may be. The new

federal guidelines, however, provide a wealth of information to support schools in doing so.

A few key points: Students of color, students with disabilities, and LGBTQ youth are significantly more likely to be suspended or expelled. African American female students are six times more likely to be suspended than white females. Students who are suspended are more likely to fall behind in their coursework, repeat a grade, show decreased academic achievement and standardized test scores, become disengaged and drop-out of school, and/or become involved in the court system. In fact, students who are suspended for discretionary (more subjective) violations are nearly three times more likely to have contact with the juvenile justice system the following year. Research shows that being incarcerated as a juvenile dramatically increases the likelihood of being incarcerated as an adult. Hence, the connection between racially disproportionate, exclusionary school discipline and the school-to-prison pipeline.

What are some critical strategies to deal with this problem?

The new federal guidelines emphasize the connection between improving school climate and school discipline. According to the guidelines, school districts should adhere to three Guiding Principles: (1) Focus on prevention and creating positive school climates, (2) develop clear, appropriate, and consistent expectations and consequences to address problem behavior, and (3) ensure fair, equitable, and continuous improvement.

A critical first step is to collect and examine your own school and district discipline data,

disaggregated by race/ethnicity, gender, and disability status. Reviewing your discipline and code of conduct policies to identify systemic issues that may lead to disproportionality is also an important early step. Also, reviewing and possibly re-negotiating your memorandum of agreement with law enforcement is a closely related action step. In revising such policies and agreements, incorporating language to reinforce the importance of school climate improvement is essential. Research-based approaches, including culturally responsive social-emotional learning programs and restorative practices, should be considered. The School Discipline Consensus Report provides detailed information on these various steps.

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Some widely used approaches have been shown to reduce overall disciplinary suspensions and expulsions. However, reducing such disciplinary outcomes does not necessarily reduce racial and other forms of disproportionality.

If you are interested in technical assistance and/or professional development on the topics raised in this article, please contact us directly at ross@schoolclimate.org and jsavage@schoolclimate.org.