

POLICY BRIEF

EDUCATIONAL POLICY INFORMATION CENTER (EPIC)

David C. Anchin Center For The Advancement Of Teaching
University of South Florida College of Education



TACKLING EQUITY IN DISCIPLINARY PRACTICES

BRIEF DEVELOPED BY:

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UNIVERSITY of
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Zero tolerance discipline policies were adopted in US schools in 1994 after federal legislation required states to expel students for bringing firearms to school or face losing federal funding [19]. These policies were intended to discourage violence, drug use and other dangerous behaviors by enacting strict consequences, but policies intended to make schools safer actually paved the way for schools to punish students for other, relatively minor infractions, such as using profanity, disrespect and non-compliance [7, 25].

DISPROPORTIONATE EFFECTS OF ZERO TOLERANCE POLICIES



The disturbing and largely unanticipated results of these policies are that, beginning in middle school, a disproportionate number of African American and Hispanic students are suspended at alarming rates, usually with negative effects on academic performance. Specifically, they score lower in reading and math achievement and drop out at higher rates than white classmates (4, 12, 21, 23). Further, students enrolled in low-performing or Title I schools experience more disciplinary incidents and higher suspension rates than their counterparts in higher performing schools. In fact, in 2014, the U.S. Department of Education and the U.S. Department of Justice jointly declared racial discrimination in student discipline a national concern, due in part to the negative impact it had on countless numbers of students of color (25).

Nearly 40 years ago, researchers regularly documented African American disproportionality in a range of exclusionary practices related to discipline, including suspensions, expulsions, disciplinary referrals and even corporal punishment (1, 6). For hispanic students, more recent findings have concluded that disproportionate exclusionary practices exist once these students enter middle school and high school (8, 13, 21).

Multiple studies have concluded that contextual factors, such as high rates of poverty or high rates of student misbehavior, do not fully explain disparities in disciplinary practices by race (20, 22). In fact, as recently as 2014, researchers found that hispanic and black high school students were substantially more likely to receive out of school suspensions for the same infraction or level of misbehavior as their white classmates (8).

Factors that appear to affect these disparities include

the nature of school administrator and classroom teacher decisions, the make-up and diversity of the student body,

the composition of the faculty employed in the school, and perceptions of the school's climate (21, 16, 15). Gender also plays an important role in exclusionary practices in schools and intersects closely with race. Research has routinely shown that males were more likely to be suspended from school than females, and black males had a stronger likelihood of being suspended than any other racial and gender group. And, although males overall were more likely to get into trouble than females, black females were suspended significantly more than hispanic and white males and more than females of other races (8, 24).

FLORIDA CONTEXT



In the 2011-12 school year, the State of Florida led the nation with nearly double the national average in the percentage of secondary students receiving suspensions (14). According to a multi-year study conducted by the Florida Department of Juvenile Justice, there were about 167,000 school-related arrests in the state of Florida between 2004 and 2010, with nearly half (47%) of the arrests being black youth who represent only 22% of the student population in Florida (3). Recent national attention to the long-term consequences of inequities in discipline systems has led many districts to address harsh disciplinary practices in line with guidance issued by the United States Department of Education in 2014. In Florida, for example, the state statute was amended to allow school districts to soften their zero tolerance policies. Yet, while there has been a decline in overall suspensions and arrests of students, an enormously disproportionate number of students of color continue to receive harsher consequences than their white classmates (14).

ADMINISTRATION OF SCHOOL



In January 2014, the Obama administration issued guidance on “Nondiscriminatory Administration of School Discipline,” with the sole purpose of assisting public K-12 schools with meeting their responsibilities, under Federal law, to administer student discipline without discriminating on the basis of national origin, race or color (25). In a subsequent complaint filed with the U.S. Department of Education’s Office of Civil Rights, it was alleged that districts in Florida had very different results in the administration of disciplinary policy. As an example, one school district in the state, with 100,000 fewer students than the largest district and 60,000 fewer students than the second largest, reported twice as many disciplinary incidents as the largest district and 800 more than the second largest in the 2015-16 school year (9).

An earlier study by the juvenile justice system revealed that while Black students in one of the state’s largest districts made up only 21.3% of enrolled students during the 2004-05 school year, they accounted for 59.3% of suspended students (10). A similar study of the same district, conducted in 2015, revealed that Black students still made up only 21% of students enrolled but accounted for an alarming 64% of arrests and 62% of suspensions (11).

ACADEMIC IMPACT



A longitudinal study conducted across the state of Florida and focused on 9th grade students concluded that only 36% of high-school freshmen who were not suspended failed an academic course, while 73% of freshmen who were suspended at least once failed a course (2). That same study concluded that even after considering attendance, socio-demographics and course performance, being suspended once in the 9th grade is linked to a 20% increase in high school drop-out rates.

Though many factors contribute to low student achievement, years of research conclude that students suspended from school end up exhibiting significantly lower achievement, and that the consequences of these suspensions have lasting, often devastating effects on students and the community. Researchers concluded that there are also substantial economic

costs to suspending students, mainly because these students are more likely to drop out of high school and continue the cycle of poverty from which many come. At the national level, suspensions of students increased the number of students who dropped out by more than 67,000, costing taxpayers more than \$11 billion in lost earnings potential and increased demand on social services (17).

EFFECTIVENESS OF SUSPENSION



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During an adult labor dispute, one arbitrator called suspensions and zero tolerance “the last refuge of weak managers” (18). That may be true in schools as well. At the end of the day, suspensions do not change students’ behaviors. Often times, students return to school repeating the same behaviors because they have not learned how to make better choices when they are faced with troubling circumstances (7). Additionally, suspended students tend to feel alienated from school staff because, to children, the message sent by a suspension is that they don’t belong in school and are clearly not wanted. Unfortunately, given existing policies,

it is technically easy for school leaders to refer students for suspension and expulsion, especially disruptive students. On the other hand, it takes time, coordination and intentional shifts in how all school personnel function in their daily efforts to support students to address student behavior problems in a positive manner.

POLICY IMPLICATIONS



Most state and district policies addressing student behavior focus on the students and, to a lesser extent, their families. However, research from Indiana University suggests that school perspectives and practices are among the most powerful predictors of suspensions and disproportionality in suspension rates. A principal’s perspective on discipline and what constitutes effective interventions had a great influence on racial disparities in discipline in schools, thereby suggesting that rather than focusing on individual student shortfalls, “disparity-reducing intervention efforts will be more productive by focusing on changing school factors (20).”

Guidance for policy formation addressing school factors and practices can be found in multiple studies that point to effective ways schools can reduce misconduct and suspensions by establishing less punitive interventions (5), allowing students to take responsibility for their actions (7), and rewarding students for targeted behaviors rather than punishing students for misbehavior.

Examining existing policies and crafting new ones requires that schools address the alarming statistics about disproportionality in suspension and expulsion rates from the lens of equity, not just punishment. Shifting the discipline focus from a deficit based view of students to an educational, developmental approach reduces the likelihood that students may receive harsher disciplinary consequences simply because of the color of their skin and increases the chances that, by achieving equity in student discipline, student achievement and school performance will ultimately improve.

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