Beyond Zero Tolerance: Positive Approaches to Discipline

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NAACP LEGAL DEFENSE FUND

Kappa Delta Pi Webinar
October 15, 2013
Today’s topics

1. **Why must we move beyond zero tolerance?** Exploring the causes and harms of our over-reliance on exclusionary discipline

2. **Solutions:** Surveying the field for steps that educators, parents, students, and policymakers are taking to improve school discipline

3. **Supporting school safety:** How the tragedy at Sandy Hook Elementary must inform our work
NAACP Legal Defense & Educational Fund, Inc.: Works to promote a more inclusive and racially just democracy by focusing its advocacy toward:

- Education
- Voting Rights
- Economic Justice
- Criminal Justice
Who is welcome in our schools?
Why must we move beyond zero tolerance?

Exploring the causes and harms of our over-reliance on exclusionary discipline
School discipline has changed

- Suspension and expulsion rates are at their all-time highs – double the rates of the 1970s.
  - 3.3 million students are suspended at least once each year
  - Over 100,000 are expelled each year
- More schools are relying on police, not just to protect school safety, but to address disciplinary issues
  - New York City Public Schools staffs more police officers than the actual police forces of D.C., Boston, or Las Vegas
- More districts are sending students to “alternative schools” for student behavior.
  - Texas sent 128,000 students into “Disciplinary Alternative Education Programs” in 2007-2008
All students are affected

- 6-year-old Salecia Johnson was handcuffed and taken from school to the police station after throwing a temper tantrum at her school in Milledgeville, GA (2012).
- 11-year-old Alexa Gonzalez was arrested for writing “I love my friends” on her desk in eraseable marker at her Queens, NY, middle school (2010).
- 15-year-old Christian Ademik hanged himself after streaking prank left him “facing expulsion and being put on sex offender registry” (2013).
We know better

According to the American Psychological Association, the American Academy of Pediatrics, the Council of State Governments, and the Centers for Disease Control and Prevention:

Out-of-school youth are more likely to:
- Drop out of school
- Be retained a grade
- Engage in delinquent behavior
- Become a parenting teen
- Become involved in the juvenile and criminal justice systems
We know better

Schoolwide effects:
- Lower scores on standardized tests
- Greater teacher dissatisfaction
- No proven gains in safety

Disenfranchised youth are hit the hardest

- Students with disabilities are roughly twice as likely to receive out-of-school punishment compared to their non-disabled peers.
- LGBTQ students are likely to receive harsher disciplinary punishment than their straight-identified peers.
- Students in foster care are three times more likely to be suspended or expelled than students in the care of a guardian.
Students of color are the most affected

- African American students are three-and-a-half times as likely to be suspended or expelled as their white peers.
- Latino students are one-and-a-half times as likely to be suspended and twice as likely to be expelled as their white peers.
- *Race is a predictive factor in who will receive a discretionary suspension*, even when adjusting for other demographic differences. (Council of State Governments)
As rates rise, disparities widen

Growing Racial Disparities:

- In Colorado in 2007-08, a Black student was more than twice as likely to be referred to law enforcement than a White student.
- In the same year in Texas, there were more than five times more suspensions per Black student than there were for White students.
- In Ohio, the pattern is the same, during the same year, Black students were nearly five-and-a-half times more likely to be suspended out of school than White students.
- In Connecticut in 2006-07, Latino students were nearly three times more likely to be suspended than their White classmates.
- In Texas in 2007-08, more than 128,000 students were pushed out of school and into alternative schools (called “Disciplinary Alternative Education Programs”)
Two levels of disproportionality in discipline systems

- **Race is not Neutral:**
  Disproportionality in School Discipline
  Russell Skiba, Robert H. Horner, Choong-Geun Chung
  Karega Rausch, , Seth L. May, and Tary Tobin

  - *Journal of School Psychology*

- **Analysis of office discipline referral data from the school-wide information system**
  - 436 elementary and middle schools
  - 205,932 students who received office discipline referrals
  - Referrals organized by student ethnicity, type of problem behavior, and administrative decision.
Two levels of disproportionality in discipline systems

- **First Finding**: Students from Hispanic/Latino and African American backgrounds were more likely to be sent to the office than their white peers.
Proportion of students per ethnicity with an Office Discipline Referral (436 Elem and Middle Schools 05-06)

- Native American
- Asian
- Hispanic/Latino
- African American
- White/Non-Hispanic
- Pacific Islander

Proportion of Students with ODR

Middle Schools vs. Elementary Schools
Two levels of disproportionality in discipline systems

- **First Finding**: Students from Hispanic/Latino and African American backgrounds were more likely to be sent to the office than their white peers.

- **Second Finding**: If students from Hispanic/Latino or African American backgrounds were sent to the office, they were more likely than white students to receive a consequence that resulted in their being removed from school (suspension/expulsion)
Two levels of disproportionality in discipline systems

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<td>• Vandalism</td>
<td>• Excessive noise</td>
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<td>• Leaving without permission</td>
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<td>• Obscene language</td>
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The High Costs of Dropout

If all of the US students who dropped out of the Class of 2009 had graduated from high school instead, they would have earned an additional $335 billion in their lifetimes.

Alliance for Excellent Education
Question: symptom or sickness?

Are our disciplinary rates caused by:
- The Gun-Free Schools Act?
- Zero tolerance policies?
- The War on Drugs?

Are our disciplinary rates a side effect of:
- Teacher turnover and attrition?
- Education budget cuts?
- No Child Left Behind?
National suspension projections post NCLB

Out-of-School Suspensions per Student Nationwide
2002 to 2006
Source: U.S. Department of Education

White Students
-3%

Black Students
8%

Latino Students
13%
National expulsion projections post NCLB

Expulsions per Student Nationwide
2002 to 2006
Source: U.S. Department of Education

- White Students: -2%
- Black Students: 33%
- Latino Students: 6%
With increased accountability based on student test scores, we’ve seen:

- Limited curricula
- Greater focus on test prep/teaching to the test
- Insufficient class time for social and emotional learning
- Focus on “bubble kids” whose scores may raise a school’s
- Teachers and administrators under greater pressure
- Students bored by “drill and kill” test preparation
- Alarming examples of schools and districts dis-enrolling low-performing students
- A perverse incentive to suspend or expel low-performing youth so that their scores will not bring the school down
How can we close the “achievement gap” or end the “dropout crisis” if students aren’t allowed in school?
II. Solutions

Surveying the field for steps that educators, parents, students, and policymakers are taking to improve school discipline
Denver

- Padres y Jovenes Unidos worked with the Advancement Project and Denver Public Schools to:
  - Revise the district’s discipline code and embed the principles of restorative justice
  - Secure funding for professional development on restorative justice.
- Denver’s suspension rate has dropped by over 40% while its arrest rate has dropped by 60%.
- Forthcoming study (Gonzales & Cairns, 2013): restorative justice + strong school leadership = reduced racial disproportionality in discipline.
What is restorative justice?

- Members of the school community affected by an incident gather to discuss the incident and:
  - Identify the harms
  - Identify solutions
  - Make the community whole
- Discussions are often called “circles” and can be large or small and run short or long
- Can be facilitated by educators, administrators, or students
Los Angeles

- CADRE, a parent-organizing group, worked with district, legal, and community partners to develop Los Angeles’ Discipline Foundation Policy in 2006:
  - Built on human rights principles
  - Required implementation of Positive Behavior Support district-wide
  - Monitored implementation in LAUSD District 7:
    - *Redefining Dignity in Our Schools* (CADRE, MHAS, Public Counsel)
  - LAUSD just announced an end to suspensions for “willful defiance”
Intensive Individual Interventions: 5%
Targeted Group Interventions: 15%
Universal Interventions: 80%
James Jones
Disruptive behavior

Mark Scott
Hallway

Jennifer Martin
1:00 pm
PROBLEM
Students are disruptive on their way back from lunch.

SOLUTION
Place hall monitors at the beginning and end of the hall.
Other correction strategies

- Student conference
- Re-teach behavioral expectations
- Mediate conflict and assign appropriate consequences.
- Create behavior contracts
- Require student to complete community service tasks.
- Develop a home/school communication system.
- Have students partake in reflective activities about a disciplinary incident
- Take away a student privilege for misbehavior
- Create a check-in/check-out plan for the student with an adult in the school.
- Require daily or weekly check-ins with an administrator for a set period of time.
- Refer student to counselor, social worker, interventionist or Teacher Support Team.
- Work with the student to choose an appropriate way for him/her to apologize and make amends to those harmed or offended.
- Use after-school detention or high-quality in-school suspension during which the student receives assistance with academic and behavioral issues.
## Local changes

<table>
<thead>
<tr>
<th>City</th>
<th>Changes</th>
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               - City Council rolls back LA’s costly truancy policy (2012)  
               - LAUSD ends suspensions for “willful defiance” (2013) |
| New York City| - Passes the Student Safety Act to call for data reporting on school-based arrests and school suspensions (2010) |
| Philadelphia | - Adopts new code of conduct that eliminates out-of-school suspensions for minor misbehavior (disrupting public school) and sets up a graduated approach to discipline (2012) |
| Chicago      | - Adopts new code of conduct limiting the use of suspension, reducing the maximum number of days a student can be suspended, and emphasizing corrective approaches like restorative justice (2012) |
Changes to state law and policy

- **California** (2013) (fixschooldiscipline.org) latest reform calls on districts to outline roles of adults, *including police*, in order to prevent exclusionary discipline and arrests.
- **Connecticut** (2007) disallows out-of-school suspensions unless student poses “such a danger to people or property, or causes such a disruption of the educational process…”
- **Colorado** (2012) requires implementation of best practices to limit student contact with the criminal and juvenile justice system
- **Delaware** (2009) allows districts to modify the terms of expulsions and determine if expulsion is not appropriate
- **Florida** (2009) revises its zero tolerance discipline statute to better delineate between which offenses should not be referred to law enforcement
- **Louisiana** (2010) requires districts to plan for, and deliver, classroom management training for school staff
Changes to state law and policy

- **Maryland** (2010) prohibits suspensions for attendance-based offenses
- **Massachusetts** (2012) installs greater disciplinary due process protections
- **Oregon** (2013) removes mandatory expulsion requirements from state law
- **Texas** (2013) makes it much harder for school resource officers to issue “tickets” for school discipline matters
- **Virginia** (2013) rolls back much of its zero tolerance policies

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**Maryland Board of Education** (July, 2012) publishes regulations (for adoption after public comment) to restrict use of suspension and expulsion as “a last resort”

**Michigan Board of Education** (June, 2012) passes advisory resolution to urge school districts to "adopt discipline policies without mandated suspension or expulsion for issues that do not involve weapons"
Tools for policy change

What’s here now:
• The Dignity in Schools Campaign’s Model Code for Education and Dignity

What’s around the corner:
• Guidance on school discipline from the U.S. Departments of Education and Justice
• Recommendations from the Council of State Governments School Discipline Consensus Project
III. Supporting School Safety

How the tragedy at Sandy Hook Elementary must inform our work
Ending the School-to-Prison Pipeline Hearing
Dec. 12, 2012
Sandy Hook Elementary  
Dec. 14, 2012
School safety cannot be political

- NRA calls for arming of school personnel
  Dec. 21, 2012
Dangers of over-reliance on school policing

- Students far more likely to be arrested or become court involved for school disciplinary matters when police are present in schools (ACLU of Massachusetts)
- A first arrest doubles the odds of dropout, a first court appearance quadruples them (Sweeten)
- Schools can prevent violence by encouraging trust and communication between students and educators (US Secret Service, US Department of Education)
- Relying on police to address discipline can foster distrust and alienation among students (Leone & Mayer)
- There are no proven gains for school safety by placing police in schools (Gottfredson)
To address a 1248% increase in court referrals from school, Clayton County Juvenile Court convened education and justice stakeholders to delineate between:

- Discipline matters, to be handled by schools, and,
- Safety matters, to be handled by law enforcement.

The Protocol has led to:

- 64% reduction in court referrals
- 8% reduction in suspensions
- 20% increase in graduation rates
Clayton County Schools’ Court Referrals

Number of Court Referrals

- Number of Court Referrals
## School-to-court referral rates by race

<table>
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<tr>
<th>Year</th>
<th>Risk of Referral for African-American Students</th>
<th>Risk of Referral for White Students</th>
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<tbody>
<tr>
<td>2005</td>
<td>1.69%</td>
<td>0.61%</td>
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<tr>
<td>2006</td>
<td>1.48%</td>
<td>0.55%</td>
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<td>2007</td>
<td>1.25%</td>
<td>0.71%</td>
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<td>2008</td>
<td>1.39%</td>
<td>0.31%</td>
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<tr>
<td>2009</td>
<td>0.96%</td>
<td>0.46%</td>
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<td>2010</td>
<td>0.69%</td>
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<td>2011</td>
<td><strong>0.51%</strong></td>
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Proven & Promising Practices: School Offense Protocols

Since the implementation of the School Offense Protocol, the number of serious weapons in Clayton County schools is down by 70%.

According to School Resource Officers (SROs) in Clayton County, the School Offense Protocol has also increased students’ trust in them, making it more likely that students will confide in them about genuine safety threats.
Resources

- National Center on Safe, Supportive Learning Environments: http://safesupportivelearning.ed.gov
- Technical Assistance Center on Positive Behavioral Interventions and Supports: http://pbis.org/
- International Institute for Restorative Practices: http://www.iirp.edu/
- Dignity in Schools Campaign: http://dignityinschools.org/
- Advancement Project: http://safequalityschools.org/
- Teaching Tolerance/Teaching Diverse Students Initiative: http://www.tolerance.org/tdsi/
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NAACP Legal Defense Fund
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