Out of School and Off Track
Policy to Address Disparate Impact and Racial Bias in Discipline
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Out-of-school Suspension Impact

• Loss of instruction
• Lower achievement
• Lower graduation rates
• Heightened risk for gang involvement
• Increased risk of involvement in the juvenile justice system
• Higher crime rate in the community
• Long-term economic costs for individual and the community
National Data (2009-10) Show Suspension Rates at the Secondary Level are Typically 4 to 10 Times Higher Than Elementary Level
Secondary Suspension Rates: Then and Now
Educational Justification?

• How about when students are a danger to themselves or others, or exhibit other extreme misbehaviors? But unsupervised?
• Are these justifications for the *frequent* use of out of school suspension for less serious non-violent conduct?
• Suspension for truancy and tardiness? Dress code violations?
Three Prominent Justifications

• To get parents attention
• To deter future misbehavior...peers and student
• To ensure a safe, orderly and effective educational environment, “So the good kids can learn.”

• What does the research say?
• Research suggests that suspensions reinforce misbehavior, especially among disengaged youth.
Alternatives Work Better

- School codes can change
- Classroom management can improve
- Interventions with more adults working with youth and the community
- Positive is more powerful than negative
- Additional resources are needed, but there are many things schools can do with the resources they have.....
- Many schools districts are successful
10 Districts with the Largest Number of Lower Suspending Secondary Schools (Under 10% of Every Group)

- **Los Angeles Unified, CA (81)**
- San Diego Unified, CA (39)
- Charlotte-Mecklenburg Schools, NC (36)
- Philadelphia City School Districts, PA (35)
- Montgomery County Public Schools, MD (33)
- Fairfax County Public Schools, VA (31)
- District of Columbia Public Schools, DC (26)
- East Baton Rouge Parish School Board, LA (26)
- Detroit City School District, MI (26)
- **Clark County School District, NV (26)**
More on What Works

- **Cleveland:** Study of Cleveland Ohio: Social emotional learning strategies, and revised code of conduct were much more effective for safety than more police and metal detectors. (Osher)
- **Virginia:** Statewide study on the Virginia Threat Protocol: reduced suspensions for all. (Cornell)
- **Chicago:** Strong relationships between teachers and students and teachers and parents adds the most to sense of safety; schools serving children from the highest crime neighborhoods had produce environments that felt as safe as those serving youth from the wealthiest low-crime neighborhoods. (Steinberg)
- **Denver:** Restorative justice reduced both suspension rates and racial disparities.
- **Randomized Control:** Teacher training focused on teacher-student engagement.
Policymakers and Economics

• The economic argument is likely the most powerful: Suspensions have tremendous hidden costs!
• Texas, Council of State Governments Study
• Principal, High School in East San Jose describes cost savings....
Untenable Discipline

• Intentional discrimination?
• Unconscious bias?
• Disparate impact of unjustifiable policy or practice?
• Denial of free appropriate education for students with disabilities?
Racial Disparities In Use of Suspension for First Time Offenders By Type of Offense

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>Black</th>
<th>White</th>
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<tbody>
<tr>
<td>Cell Phone</td>
<td>32.7</td>
<td>14.5</td>
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<tr>
<td>Dress Code</td>
<td>38.3</td>
<td>16.6</td>
</tr>
<tr>
<td>Disruptive</td>
<td>40</td>
<td>23.5</td>
</tr>
<tr>
<td>Display of Affection</td>
<td>42.9</td>
<td>14.5</td>
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Frequent and Disparate Use of **Out-of-School Suspension** for Minor Offenses Under Willful Defiance Compared with Serious Violations by Race

![Bar chart showing disparities in out-of-school suspensions by race.](chart)

- **White**:
  - Out-of-School Suspensions per 100 Students:
    - Offenses involving weapons, drugs, and violence with injury: 1.6 suspensions
    - Willful defiance: 2.4 suspensions
  - Total suspensions: 4.0

- **Black**:
  - Out-of-School Suspensions per 100 Students:
    - Offenses involving weapons, drugs, and violence with injury: 4.5 suspensions
    - Willful defiance: 10.1 suspensions
  - Total suspensions: 14.6

**Gap**

- Offenses involving weapons, drugs, and violence with injury: 2.9 suspensions
- Willful defiance: 7.7 suspensions

Total suspensions:
- Offenses involving weapons, drugs, and violence with injury: 6.1 suspensions
- Willful defiance: 12.5 suspensions

**Total gap**: 6.6 suspensions
Frequent and Disparate Use of Out-of-School Suspension for Minor Offenses Under Willful Defiance Compared with Serious Violations by Race and Disability Status

- White Students with Disabilities: Out-of-School Suspensions per 100 Students
  - Serious offenses involving weapons, drugs, and violence with injury: 2.9 suspensions
  - Willful defiance: 4.9 suspensions
  - Gap: 4.2 suspensions

- Overall suspensions for Willful defiance: 15.0 suspensions
  - Gap: 10.1 suspensions
The School-to-Prison Pipeline has Many Interacting Contributors That Policy Can Influence

- Unsound disciplinary practice
- Resource Inequity and Racial Bias
- Accountability Structures
Potential for Change

• Changes to policy:
  • -Data use
  • -End counter-productive discipline policy (i.e. truancy, graduated offenses for minor offenses)
  • -Accountability that includes discipline review and other outcomes like graduation rates.
  • -Support for alternatives
  • -Investment choices: more cops or more counselors?
  • - Training that works
Policy Change Possibilities

• Actively and regularly use the race and disability data. (Guilford Cty NC)
• Restrict out-of-school suspensions to avoid highly subjective minor offenses...only permitted as a measure of last resort for the most serious violations. LAUSD, State of CT, State Board of Education in MD.
• Implement restorative practices (Denver)
• SEL (Cleveland)
• Provide opportunities for teacher training focused on student engagement.
Policy Recommendations

• Data: Require annual discipline data collection and public reporting that is disaggregated...internally use data quarterly...look at offense codes.

• Accountability: Make school discipline a core component of school and district evaluation and accountability...

• Support: Provide funds and incentives for training in classroom management... and alternatives including restorative justice and tiered intervention systems of support...

• Grants: Counselors before cops.....

• Support greater due process: All students and for students with disabilities
Revise Code of Conduct

• Eliminate suspensions for young children, truancy, dress codes...more.
• Use alternatives to out of school suspension for minor offenses...
• Even for repeated offenses...
• Align code with systemic reforms like restorative practices or PBIS.
• Provide resources to make alternatives viable.
Review Special Education

- Quality of services
- Procedures and practices
- Behavioral assessments and improvement plans
- Relationship with school policing
- Differences by category
- Training of leaders and teachers
- Under and over identification
Policy Developments

- IDEA request for information
- Council of State Governments Consensus Report
- State level developments
- Funding for counselors or cops
The End

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