

# Empty Seats:

## Addressing the Problem of Unfair School Discipline For Boys of Color

Rhonda Bryant

November 2013



**CLASP**

policy solutions that work for low-income people

## ABOUT CLASP



Since 1969, CLASP has been a trusted resource, a creative architect for systems change, and one of the country's most effective voices for low income people. Through careful research and analysis and effective advocacy, CLASP develops and promotes new ideas, mobilizes others, and directly assists governments and advocates to put in place successful strategies that deliver results that matter to people across America. We are nonpartisan and situated at the intersection of local practice, national research, and state and federal policy, and striving to translate each world to each other.

## ACKNOWLEDGEMENTS

CLASP wishes to acknowledge the Robert Wood Johnson Foundation's Forward Promise Initiative for its support of our policy work addressing issues impacting education and labor market outcomes for boys and young men of color. This brief is one in a series being released by CLASP on various aspects of educational and employment issues. The full range of documents and resource materials can be accessed at <http://www.clasp.org/youthofcolor>

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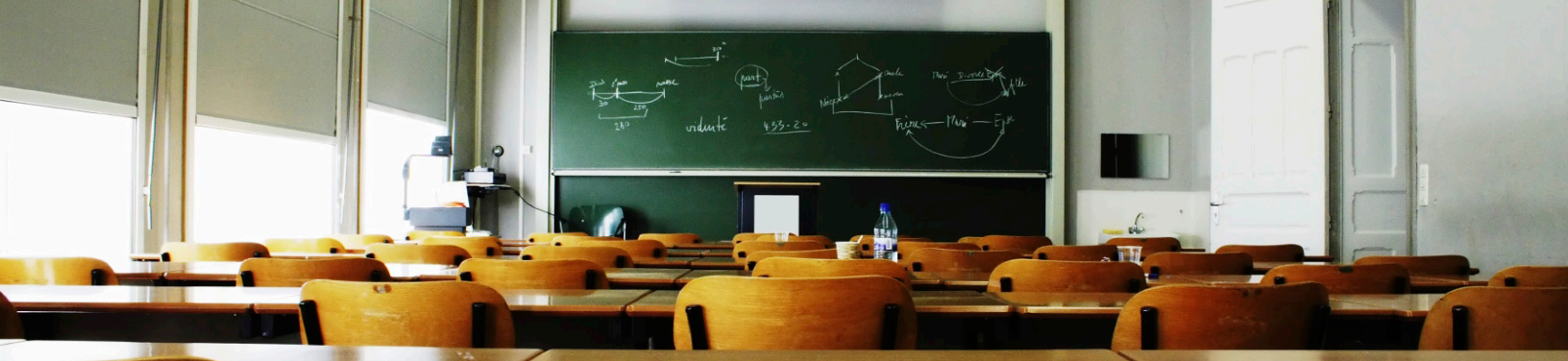
Addressing the Problem of Unfair  
School Discipline for Boys of Color

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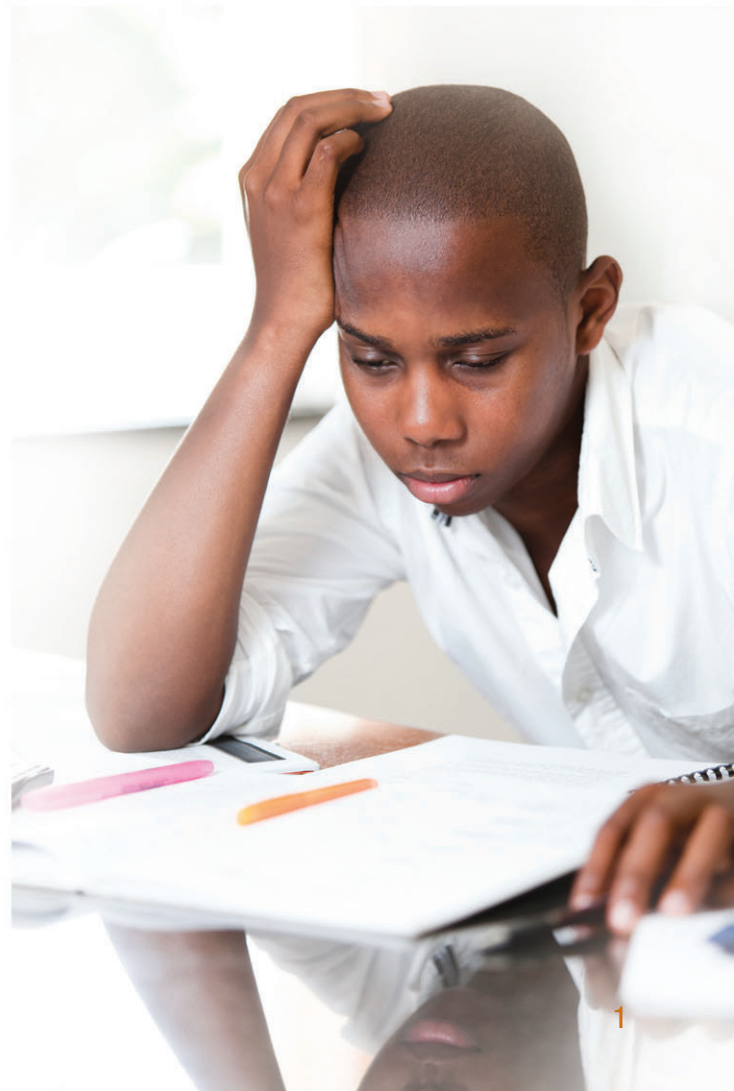


## Introduction

Discipline in schools, when appropriately used, can help to create structure and establish rules for a well-functioning classroom and school. All students should feel safe, and have a positive environment in which to learn. The underlying empirical data show that the harsh discipline policies that have proliferated for the last 30 years, such as out-of-school suspensions, expulsions, school-based arrests, and transfers to alternative education settings, have had the opposite result. These policies have been unevenly applied to boys of color. The educational experience for boys of color is weakened by these unfair discipline policies that impact them more heavily than their white peers. They find themselves outside of the school doors instead of in the classroom learning, and this loss of precious classroom time difficult, if not impossible, to make up.

As a result, schools are failing to accomplish their primary goal: to provide a quality education to all students – including boys of color – that prepares them for the future. U.S. Secretary of Education Arne Duncan, who sees these disparities as the civil rights issue of this generation, stated that, “[t]he undeniable truth is that the everyday education experience for too many students of color violates the principle of equity at the heart of the American promise.”<sup>1</sup>

Disparate treatment of students in school has consequences for students’ lifelong outcomes. As education leaders and school systems acknowledge and come to terms with the racial disparities that affect how boys of color are treated in school, there must be a plan to reverse these differences systemically to assure that boys of color receive the same high-quality educational opportunities as their peers. This presents an opportunity to adopt more developmentally appropriate, common-sense discipline policies and practices that are appropriate for adolescents’ developmental stage and can help to close this education divide.



## Historical Perspectives on School Discipline Policies

Maintaining discipline in school has been seen by educators as critical to ensuring well-functioning classrooms, where students are attentive and ready to learn. Harsh school discipline policies, sometimes referred to as “zero tolerance” policies, began as an attempt to maintain a positive school climate and protect students from drugs, weapons, and violence in schools.<sup>2</sup>

There have, however, been unintended consequences. Over time, schools and districts have utilized out-of-school suspension and expulsion for far lesser school infractions and relied more heavily on police presence to maintain order on the school campus.<sup>3</sup>

Since the 1970s, the number of school suspensions issued each year has risen steadily. As recently as the 2009-2010 school year, more than three million students lost instructional time due to suspension from school.<sup>4</sup> Students of color have been more likely to be suspended than their white counterparts. Suspension rates for students of color doubled between 1972 and 2006. Over the same time period, the gap in suspensions between African-American and white students more than tripled.<sup>5</sup>

In large part a reaction to many school crime incidents such as the Columbine High School shootings, the original intent of these policies was to keep crime out of school and protect students from harmful situations. The policies were designed to send a message that there would be no lenience for dangerous activities or behavior. Students who violated school rules would face harsh penalties, such as long-term out-of-school suspension, expulsion, and referral to the criminal justice system.

Proponents of harsh disciplinary policies believe that these severe punishments are appropriate and necessary parts of the school discipline structure. However, the overuse of suspensions or expulsion as a disciplinary tactic actually works against the mission of schools: they negatively affect academic performance and marginalize the students they are supposed to educate. Moreover, evidence shows that only five percent of all out-of-school suspensions can be attributed to behavior that genuinely places other students at risk, such as possession of a weapon or drugs.<sup>6</sup> The other 95 percent are categorized as “disruptive behavior” or “other.”<sup>7</sup> Thus, schools undermine their own outcomes by responding to common misbehavior problems with extreme responses that remove young people from the learning environment.

Police presence, in the form of School Resource Officers (SROs), also became more common at schools over the past 20 years. SROs contribute to the use of unnecessary, harsh discipline policies. Police presence can create a school atmosphere in which students are fearful instead of safe. Often, there is hostile interplay between officers and students that heightens disciplinary issues instead of reducing them.<sup>8</sup> Moreover, evidence suggests school staff are more likely to rely on police to manage behavior that they could effectively mediate themselves.<sup>9</sup> When SROs become involved, the likelihood of school arrest is much higher. In Philadelphia, the number of school arrests is strongly correlated to the number of SROs working in the school building.<sup>10</sup> Far too often, minor misbehavior places youth in the justice system, where they lose valuable education time and from that point forward are labeled as having a criminal record.

Research strongly suggests that harsh school discipline policies are psychologically inappropriate disciplinary strategies for youth, given their age and developmental stage. An evidence review by the American Psychological Association (APA) Zero Tolerance Task Force found that adolescent brain development is still immature, and that youth are more likely than adults to take greater risks and less likely to reason sufficiently about the consequences of their actions.<sup>11</sup> According to the APA study, the structure of secondary school discipline is often at odds with the developmental needs of adolescence: autonomy; positive, close peer relationships; support from adults apart from one’s parents; identity development; and academic self-efficacy.







## The Failure of Harsh School Discipline Policies

Several decades later, we know one thing to be true: overly harsh school discipline policies do not work, and in some cases, the unintended consequences – and the outcomes on children's lives – are dreadful. Over time, schools and districts have utilized tactics like out-of-school suspension, expulsion, school-based arrest, and transfer to alternative education settings for increasingly less severe school infractions and relied more heavily on police presence to maintain order on school campuses.<sup>12</sup>

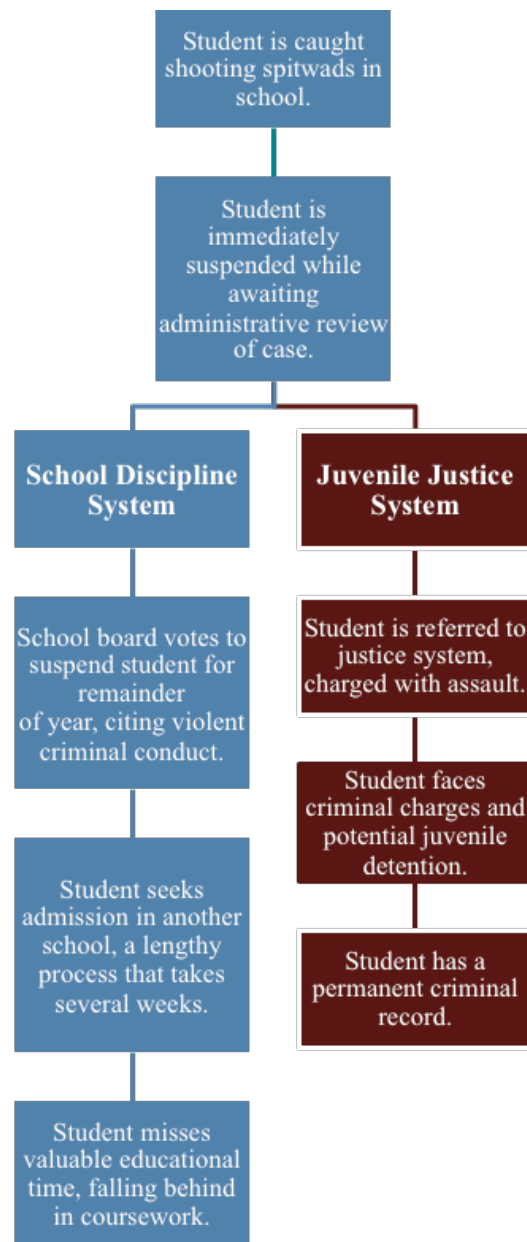
But these policies have failed to keep our young people in school, interfering with common sense approaches to discipline. A myriad of particularly egregious incidents in the School District of Philadelphia provide a case in point.<sup>13</sup> Among the many absurd instances that have been catalogued, there were:

- A ninth-grade boy handcuffed to a chair, then arrested, suspended and sent to an alternative education program for forgetting about a butter knife in his backpack before going through his school's metal detector;<sup>14</sup>
- A boy given a long-term out-of-school suspension for chewing gum too loudly in class;<sup>15</sup> and
- An eighth-grade honors student who was charged with a "weapons" offense and sent to an alternative education program after scratching a boy who was bothering her with a pen.<sup>16</sup>

These incidents illustrate how schools fail to balance zero-tolerance policies with good judgment. And the anecdotal evidence is supported by research. Harsh discipline policies have been shown to produce the following negative outcomes:

- They damage the school climate, dampening the overall achievement of all students. The punitive environment created by extreme disciplinary policies can be counter-productive to learning, particularly for adolescents.<sup>17</sup>

**Figure 1.**  
**Example of Harsh Discipline and Its Consequences**



<sup>a</sup>Note: This example is based, in part, on an actual 2010 case of a Pennsylvania high school student who suffering doubly punitive measures, both from his school's own disciplinary system and the juvenile justice system. [http://www.huffingtonpost.com/john-w-whitehead/zero-tolerance-policies-schools\\_b\\_819594.html](http://www.huffingtonpost.com/john-w-whitehead/zero-tolerance-policies-schools_b_819594.html)

- Suspension or expulsion from school gives students unsupervised idle time that often leads to involvement in far more concerning negative, or even dangerous, activities.<sup>18</sup>
- Students who are suspended repeatedly have a greater likelihood of dropping out of school.<sup>19</sup> Students who are suspended are three times more likely to dropout by 10th grade than those who were never suspended.<sup>20</sup>
- School referral to the juvenile justice system often leads to an even greater amount of missed instructional time and also increases the likelihood of dropping out.<sup>21</sup>
- Dropping out of school greatly increases the likelihood of involvement in criminal activities that lead to incarceration.<sup>22</sup>

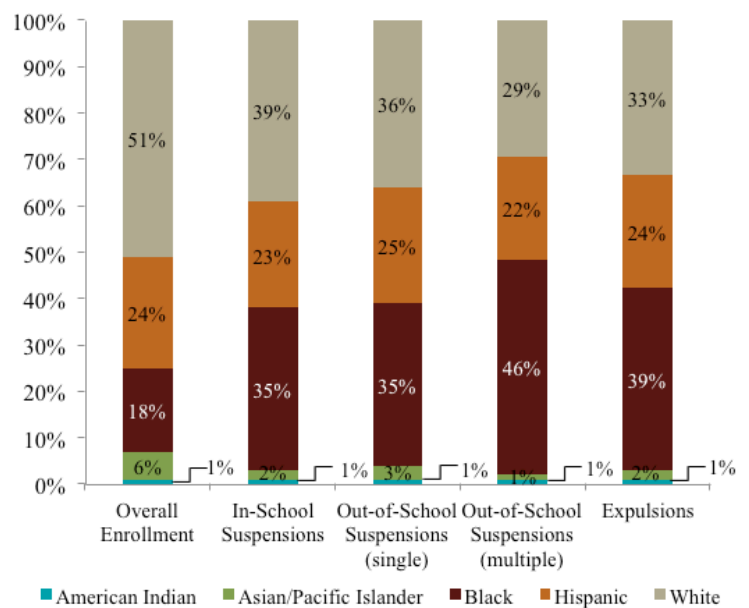
A final consequence, which might seem the most obvious, is also perhaps the most damaging: If students are not in school, they cannot learn. Attendance in school is a key predictor of ongoing attachment to, achievement in, and completion of school.<sup>23</sup> Yet, young men of color in particular are repeatedly removed from classes due to suspension or expulsion.<sup>24</sup> In addition, a large number find themselves facing criminal charges and interactions with the justice system for common youthful misbehavior in school. These students, too, are removed from school and miss valuable instructional time that cannot be reclaimed. Their achievement is affected, as is their attachment to school and peers.

## The School Discipline Problem for Students of Color

The failure of harsh school discipline policies has significant impact for communities of color. Suspensions, expulsions, and school arrests are far more prevalent for males of color, particularly for African-American boys.<sup>25</sup> African-American male students are more than 2.5 times more likely to be suspended, and more than 3 times more likely to be expelled.<sup>26</sup> While African-American students represent 18 percent of the nation's student population, they account for 35 percent of those receiving out-of-school suspension once, 46 percent of

students receiving out-of-school suspension on multiple occasions, and 39 percent of those expelled from school (see Figure 2). One in five African-American boys and more than one in ten African-American girls receive an out-of-school suspension (see Figure 3). More than 70 percent of students involved in school-related arrests or referred to law enforcement are African-American or Hispanic (see Figure 4).

**Figure 2.**  
**Disparate Discipline Rates**



Source: U.S. Department of Education, Office of Civil Rights, Civil Rights Data Collection, 2009 data sample

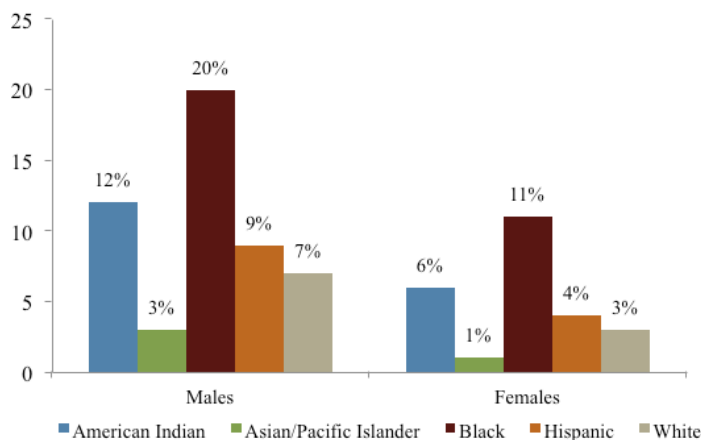
Compelling research refutes the notion that males of color commit more school infractions than their white peers. For example, several analyses of teacher behavior lead to the conclusion that African-American students are more likely to be subject to disciplinary action than other students who display the same behavior. Moreover, African-American students are more likely to be suspended for subjective infractions requiring interpretation (e.g., disrespect, excessive noise, threatening behavior),<sup>27</sup> while white students are more likely to be suspended for clearly defined infractions (e.g., smoking, vandalism).<sup>28</sup> The American Psychological Association cites other primary factors as driving this phenomenon, such as lack of teacher preparation, racial stereotyping, and insufficient training in classroom management and culturally competent practices.<sup>29</sup>



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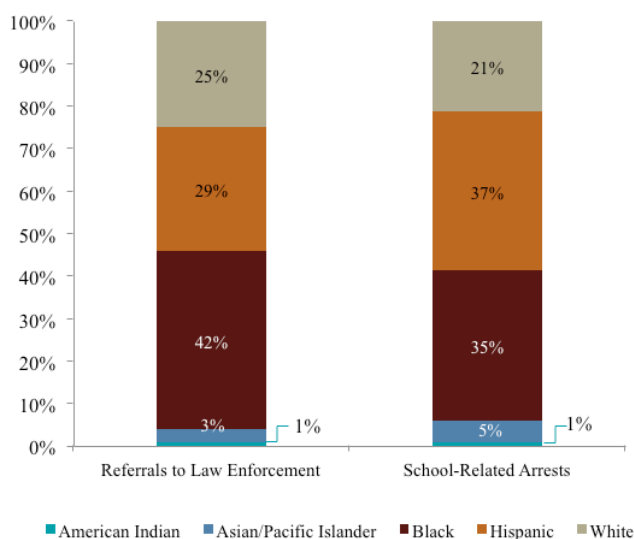
**Figure 3.**  
**Out-of-School Suspensions Rates by Race and Gender**



Source: U.S. Department of Education, Office of Civil Rights, Civil Rights Data Collection, 2009 data sample

Note: columns may not always total 100% due to rounding.

**Figure 4.**  
**Arrests and Referrals to Law Enforcement**



Source: U.S. Department of Education, Office of Civil Rights, Civil Rights Data Collection, 2009 data sample

Given the stereotypes of urban, minority communities, it is not surprising that the zero tolerance movement grew exponentially in urban school districts located in high-poverty communities with high crime rates. Research has shown that implicit bias continues to exist in

education, with teacher perceptions of student behavior resulting in harsher disciplinary actions for white and African-American students.<sup>30</sup> Implicit bias refers to “unconscious, automatically activated, and pervasive mental processes” that influence behaviors across society.<sup>31</sup> This bias is present in our nation’s schools, particularly our high-minority and high-poverty schools. As a result, African-American male students may be quickly labeled when they enter the schoolhouse. This labeling marginalizes African-American male students, isolates them in disciplinary spaces, and brands them as criminals as early as elementary school.<sup>32</sup> These biases have created a pattern of punishment that is evident in the tremendous disparities we see in school suspensions, expulsions, referral to law enforcement, and referral to disciplinary alternative settings.<sup>33</sup>

## Examples of Alternative Discipline Strategies

There is no question that solid and specific discipline practices and policies are needed to protect the safety and well-being of students. These policies, however, must balance the need to hold students accountable when they make mistakes with striving to keep kids in school and advance their academic achievement. Schools and districts can employ alternative discipline strategies that reduce out-of-school suspensions, expulsions, and criminal justice referrals for boys of color while requiring students to take responsibility for their behavior. These kinds of common-sense disciplinary policies are beginning to take root around the country.

Some schools have implemented approaches such as Saturday school, afterschool detention, in-school suspension, and required community service with varying success. Two models that are demonstrating success are Positive Behavior Interventions and Supports and restorative practice models. It is important to understand, however, that no approach will be maximally effective without first addressing the underlying bias that exists in the minds of adults in the school that are tasked with formulating and implementing school discipline policies.

## POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORTS<sup>34</sup>

Positive Behavior Interventions and Supports (PBIS) is a systemic approach to improving learning environments in schools. PBIS is designed to change the underlying attitudes of school staff and the policies regarding how student behavior is addressed. It changes the structural framework of discipline in the school from reactive approaches to proactive systems change performance.

A key feature of schools with PBIS is consistency—in everything from the expectations set for students to the rewards given for good conduct and the consequences meted out for bad behavior. Even and effective implementation of both the rules and rewards make it easier and more appealing for students to behave the right way.<sup>35</sup>

One recent study found students at schools using PBIS had significantly reduced behavioral and concentration problems and improved social-emotional functioning.

Children at PBIS schools were also one-third less likely to receive an office discipline referral than peers at schools without PBIS.<sup>36</sup>

The model has several levels:

The school-wide or primary level is a data-driven approach to reducing punitive disciplinary measures. It includes monitoring disciplinary referrals and setting goals for reducing them. The intent is to change the focus from the student as the problem to the “collective behaviors, working structure, and routines of educators.”<sup>37</sup> This preventive, school-wide work is important because it cohesively unites all the adults in the school building to use common language, common practices, and consistent application of positive and negative reinforcement.

The second and third levels are mechanisms for all adults in the school building to provide additional supports and services to students who demonstrate behavioral challenges in school. The secondary level may include supports to targeted groups of identified students with similar behavioral concerns, or basic individual supports for students with relatively small incidents of behavioral issues. The tertiary level involves the provision of supports for students with the greatest challenges. For both

of these levels, a wide array of activities or supports may be designed to improve personal, health, social, family, and academic results for the students.

To support the work of individual schools implementing PBIS, this model encourages the creation of a support network across multiple schools, a school district, or state so that a common vision, language, and experience are established. This approach provides schools more support, improves implementation efforts, the efficiency of resource use, and opportunities for sustained policy change to enhance these efforts.

## RESTORATIVE PRACTICES

Restorative practices are a set of strategies focused on repairing harm. Unlike routine disciplinary forms that focus on punishing the offender, restorative practices, also referred to as restorative justice, emphasize restoring a sense of well-being to everyone involved—those who were harmed and those who committed the harm. It gives the person who caused the harm a chance to make peace and restitution and to remain a part of the community.

Having proven useful in a number of cultural and community settings, restorative practices are now being utilized to address school climate and behavior issues. Restorative practices help students learn how to solve problems and resolve conflict in a constructive manner. This approach holds the students who have created problems accountable for solving them. They learn how to communicate, de-escalate conflict, and repair relationships. These practices also keep students in the school setting rather than removing them through suspension or expulsion.

Districts that have eliminated their zero tolerance policies are beginning to report impressive changes.

There are several different restorative practice models, but in general such practices all have the power to transform the school culture and climate. According to research studies, “[schools that] implement restorative justice programs see a lowered reliance on detention and suspension; a decline in disciplinary problems, truancy, and dropout rates; and an improvement in school climate and student attitudes.”<sup>38</sup>





## Examples of Success

Some schools and districts have begun eliminating extreme disciplinary policies, especially those focused on out-of-school punishments for common behavioral problems. They are replacing them with more developmentally appropriate and supportive strategies to address issues of discipline in schools. For example, the adoption of restorative practices cut discipline referrals by half in seven schools within Detroit's Hamtramck School District, one of the most diverse and poorest districts in the state.<sup>39</sup> In Pennsylvania, at two of Bethlehem Area School District's largest and most diverse schools, restorative practices cut suspensions in most categories by 60-80 percent and expulsions by over 40 percent.<sup>40</sup> At Waco Independent School District, Governor Perry has invested \$600,000 in a pilot project called Suspend Kids to School, which uses classroom management training, peer meditation and campus teen courts, among other tools. In one year, misdemeanor citations dropped over 40 percent.<sup>41</sup>

The Baltimore City and Denver public school systems have been trailblazers in eliminating extreme disciplinary strategies, with impressive results.

### BALTIMORE

In 2008, Baltimore City Public Schools engaged in a process in partnership with Open Society Institute-Baltimore and Advancement Project to revamp the district's discipline code. The district's enrollment is primarily African American; thus, most suspensions were of African-American students, primarily males.

The new discipline code includes four important changes:

- Placing a high priority on keeping students in school;
- Mandating the use of "intervention methods," such as restorative justice or PBIS, before resorting to more severe discipline;

- Removing vague or subjective disciplinary categories and behaviors; and
- Limiting long-term suspensions and expulsions as responses to only the most serious transgressions.

Since restructuring its discipline code, the district has seen a significant reduction in out-of-school suspensions. In 2009-10, the district suspended 6,547 students, compared with 26,000 in the 2003-04 school year.<sup>42</sup> The district has cut its suspension rate to one-quarter of its average rates prior to reworking the discipline code. Moreover, in that same time period, graduation rates for African-American males increased significantly, with three times more African-American males graduating than were dropping out.<sup>43</sup>

### DENVER

Padres y Jovenes Unidos has partnered with Advancement Project since 2003 to reform discipline policies and practices in Denver Public Schools. The district implemented new discipline policies in the 2008-09 school year, and these quickly have become a model for school districts and communities across the nation. An important part of the district's strategy has been the expansion of its in-school suspension and restorative justice programs to serve as an alternative to out-of-school suspensions. This program has been highly successful, and suspension rates have decreased dramatically. Student behavior and satisfaction with the disciplinary process have also improved. These changes have led to "a 68 percent reduction in police tickets and a 40 percent reduction in the use of out-of-school suspensions within Denver Public Schools."<sup>44</sup>

The new policies include a few key changes:<sup>45</sup>

- School officials must handle minor acts of misconduct within the school setting. Greater emphasis is placed on keeping students in the learning environment and limiting the time spent outside of class;



- Out-of-school suspensions, expulsions, and referrals to the police are an option only for very serious misconduct, and their use is discouraged even in those instances; and
- Schools must collect data to continuously assess their school discipline practices and work toward eliminating racial disparities in how they handle discipline.

## Ideas for Action

To improve student achievement for boys and young men of color, we must change the face of discipline in schools and districts across the nation. Punitive disciplinary structures that over-rely on out-of-school suspensions and expulsions and school-based police presence have failed to yield safer schools, and they have put the achievement of students in significant jeopardy.

Several steps can be taken at the local level to improve school discipline for boys and young men of color:

- Engage school district leaders and/or organizations that work directly with schools district leaders to rethink local discipline strategies with the goal of improving, rather than simply punishing, behavior. This includes reevaluating the police presence in schools and exploring opportunities to train teachers in such areas as cultural competency and classroom management.
- Develop technical assistance resources that offer schools practical alternatives to harsh suspension and expulsion policies and promote developmentally appropriate ways to improve student behavior and school safety. Share the lessons of schools that have made positive changes and are demonstrating success.
- Support national policy efforts to address the unintended consequences of police in schools and an overreliance on school suspensions and expulsions. Develop and promote common-sense policies that address behavioral problems without pushing young men out of schools and that align with national goals for increasing graduation rates.
- Expand community-based alternatives to juvenile detention such as evening reporting centers, home-based alternative services, and community-based therapy treatment. Specifically, use this strategy to address the disproportionately high rate of young men of color engaged with the justice system.
- Offer additional training to teachers, school leaders, and district administrators in cultural competency. Include topics on gender and masculinity, awareness and understanding of diverse racial and ethnic norms. In high-poverty districts, incorporate a deeper understanding of the dynamics of low-income communities and families, and trauma-informed interventions.
- Offer additional training to teachers and school leaders on classroom management. Increased knowledge of topics such as behavior modification strategies, effective time management, fair rules and consequences, and creating warm and accepting learning environments will help teachers to more effectively manage their classrooms and keep students learning.
- Train school district leaders, school administrators, school police, and teaching staff to implement different models of school discipline and provide incentives to implement those in schools.
- Conduct a detailed and annual district- or school-level analysis of school discipline and school policing data and disseminate this data to the public. The data should be disaggregated by race, gender, age, socioeconomic status, disability status, type of behavior, length of suspension, number of suspensions per student, expulsions, referrals to law enforcement, and transfers to alternative disciplinary settings.





- Deepen research by school leaders and identify correlations of local school district discipline data with academic outcomes, such as school achievement, graduation rates, and college and career readiness. This will foster a more complete understanding of the relationship that exists between discipline and academic outcomes, and how and why discipline policies undermine student achievement.
- Community advocates should elevate the importance of the issue of punitive school discipline policies, seek opportunities to share data, and call for concrete local action on the part of schools and districts. Advancement Project's action kit for communities outlines how to collect and analyze data on school discipline policies and practices, as well as how to develop messages that resonate with decision makers. It is available at [http://www.advancementproject.org/sites/default/files/publications/Action\\_Kit.pdf](http://www.advancementproject.org/sites/default/files/publications/Action_Kit.pdf)

These actions on the local level should be supported and encouraged by action at the federal level where, at present, school discipline policy is not part of the Elementary and Secondary Education Act. Its reauthorization should:

- Include incentives for schools, districts, and states to make strategic improvements in school discipline policies;
- Consider high rates of suspension and expulsion, as well as racial and gender disparities in rates of suspension and expulsion as a part of the school accountability structure to ensure that all students receive a quality education; and
- Give the Department of Education Office of Civil Rights greater authority to investigate and sanction school districts where major racial disparities in school discipline exist.

## Conclusion

Every young person deserves an opportunity to receive a quality education. This opportunity is frequently denied to boys of color due to disproportionately harsh discipline policies that push them out of school. These boys are suspended, expelled, arrested, or placed in alternative settings at higher rates than their peers, and for what generally tends to be regarded as typical misbehavior for boys that age. They fall behind because they have lost precious instructional time. After frequent sanctions, many boys of color become disengaged, stay away from school and eventually drop out. We know that failure to complete high school has major implications for the health and well-being of young people, their families, and their communities.

As schools seek to lower dropout rates and improve academic outcomes, graduation rates, and readiness for college and careers, they must evaluate the role of discipline reform in keeping boys of color connected to school and learning. We cannot continue to ignore the obvious – we are suspending and expelling boys of color with a fervor greater than that with which we are supporting their academic achievement. With common-sense disciplinary strategies, schools can balance the need for a safe, productive learning environment with their primary purpose – to successfully educate and strengthen the fabric of America's future.

Keeping our young men of color in school and assuring their academic success should be our primary goal. As a nation, we have made a promise to all our young people – that they will have a fair chance to thrive and succeed. We must fulfill that promise for our young men of color. It is the right and essential thing to do if we want to build strong, healthy communities across our country.

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