

# Interventions to Address Racialized Discipline Disparities and School “Push Out”

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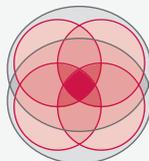
*“Are we seeing a kinder, gentler approach to school discipline in the United States? The tide, at least in some states, appears to be turning. That is very good news for our children, who deserve to be educated in schools that function as communities.”<sup>1</sup>*

The value of education for youth in the K–12 system is generally undisputed. We recognize education as a key societal structure that facilitates opportunity in both the short and long term. Despite this shared interest in students’ educations, unfortunately some school discipline policies, notably zero tolerance policies, can serve as a barrier to this pathway to opportunity.

Since zero tolerance policies gained widespread adoption in the mid-1990s, educational professionals, researchers, policy makers, and the media have been investigating the effects of their implementation in K–12 educational institutions across the country.<sup>2</sup> Much of this scrutiny has revealed unwelcome outcomes, such as the rise of overly punitive atmospheres, lost classroom instructional time, and the inconsistent and indiscriminate application of these policies. Moreover, despite their aims, zero tolerance policies have generally *not* been shown to serve as a behavioral deterrent<sup>3</sup> or to improve school safety.<sup>4</sup> Joining the chorus of those concerned about the use of exclusionary zero tolerance policies are several professional organizations and entities, including the American Psychological Association,<sup>5</sup> the American Bar Association,<sup>6</sup> the National Association of School Psychologists,<sup>7</sup> and the American Academy of Pediatrics.<sup>8</sup>

Additionally, recent data indicates that zero tolerance policies (and other harsh discipline practices) affect racial minority students at alarmingly disproportionate rates. One study found that on

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average, Black students are approximately two to four times as likely to be referred to a principal's office as their White peers.<sup>9</sup> Moreover, national data show that 17 percent of Black students (one out of every six) are suspended at least once, as contrasted with 5 percent of White students (one out of every 20).<sup>10</sup> While these disparities vary among states and school districts, persistent national patterns of disproportionality affecting Black students and other students of color have emerged.

Because of these disheartening findings, concerned parents, school administrators, and educational policymakers have begun to reconsider the wisdom of zero tolerance and other exclusionary policies. To reduce unwanted racialized discipline imbalances, a growing number of states and school districts have modified their policies to slow the “student pushout”<sup>†</sup> effect.

This policy brief explores some of those interventions. Broadly speaking, these leading intervention strategies rethink the punitive philosophy undergirding many contemporary student discipline policies and seek to keep students within the security of the learning environment and out of the “school-to-prison pipeline” (i.e., where student discipline decisions—even for minor, nonviolent offenses—connect with juvenile justice systems). This policy brief is not intended to advocate any particular approach. School systems differ, and there is no right “one size fits all” policy. But overall, policies that move toward stabilizing the connections between youth and schools rather than jeopardizing those connections, head in the right direction.

We begin by defining a few key terms.

*zero tolerance policies (and other harsh discipline practices) affect racial minority students at alarmingly disproportionate rates*

## Relevant Terminology

**Zero Tolerance policies:** Originally conceived as an approach to drug enforcement, zero tolerance policies mandate fixed, predetermined penalties for rule infractions. Often harsh and punitive by design, these policies operate as absolutes, thereby disregarding the unique context and/or circumstance in which an infraction occurs. For example, a student who unknowingly brings a prohibited item to school will be penalized as harshly as the student who knowingly violates school rules. In addition, zero tolerance policies often ignore the variable gravity of student rule-breaking behavior, favoring automatic, one-size-fits-all punishments instead, many times removing students from the classroom or school environment via suspensions or expulsions. Among the goals of zero tolerance policies are 1) to punish offenders; 2) to deter others from engaging in similar misconduct; and 3) to remove offenders to improve the climate for the students who remain.

**Intervention:** Interventions are actions taken by relevant stakeholders (e.g., policymakers, educational personnel, school districts) to improve a situation by changing how it is approached. Alternative interventions in the school discipline context operate at the individual level (as opposed to the offense level) in lieu of traditional punishments. These may include such actions as counseling, community service, or other therapeutic activity to address behavioral problems.

**Positive Behavioral Interventions and Supports (PBIS) or School-Wide Positive Behavioral Interventions and Supports (SWPBS):** Positive Behavioral Interventions and Supports (PBIS) constitute a non-traditional “framework or approach for assisting school personnel in adopting and organizing evidence-based behavioral interventions into an integrated continuum that enhances academic and social behavior outcomes for all students.”<sup>11</sup> PBIS is an evidence-based prevention-ori-

<sup>†</sup> “Push out” occurs when students are prevented or discouraged from continuing their education within the school building. Out-of-school suspensions are an example. National and state data show an uneven and racialized landscape for this form of discipline. For example, one national study of discipline actions in 2006-07 found that Black students were greater than three times as likely as White students to receive out-of-school suspensions.

ented approach adopted to “maximize academic and social behavior outcomes for students.”<sup>12</sup> A principle tenet of PBIS is that “most students will succeed when a positive school culture is promoted, informative corrective feedback is provided, academic success is maximized, and use of prosocial skills is acknowledged.”<sup>13</sup>

**Restorative Justice Practices:** An alternative to traditional discipline, restorative justice changes the focus from *punishing* wrongdoers to *repairing* the damages caused by the misbehavior and preventing its reoccurrence. This approach promotes a culture whereby every school citizen stands in a relation of responsibility to the larger school community. Rather than focusing on rule breaking, restorative justice focuses on the harm that was done, promotes collaborative problem solving by the offender and the victim, and encourages meaningful reparations. Specific restorative justice practices could include mediation, talking circles, and peer juries.

**Persistently Dangerous Schools:** The No Child Left Behind Act of 2001 dictates that schools be considered “persistently dangerous” if they report at least two years of “serious incidents” under existing individual state criteria.<sup>14</sup> States impose different standards for a school to warrant the label “persistently dangerous.” For Ohio schools with more than 300 students, a school is deemed persistently dangerous when it “has two or more weapon-related incidents for which a student is removed from school, per 100 students, in each of two consecutive school years.”<sup>15</sup> Students are allowed to transfer to another school if their school is reported to be persistently dangerous.

## Federal Guidance

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### U.S. DEPARTMENT OF EDUCATION AND U.S. DEPARTMENT OF JUSTICE SCHOOL DISCIPLINE GUIDANCE PACKAGE

On January 8, 2014 the U.S. Department of Education and the U.S. Department of Justice jointly released the first-ever national guidelines on school discipline and school climate for public elementary and secondary schools. The five-part guidance package seeks to assist states, districts, and schools with developing approaches to school discipline that produce safe and supportive school climates. Importantly, the materials focus on helping schools administer discipline without discriminating on the basis of race and in compliance with federal laws. Three guiding principles undergird the guidance package:<sup>16</sup>

1. “Climate and Prevention: Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.”
2. “Expectations and Consequences: Schools that have discipline policies or codes of conduct with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.”
3. “Equity and Continuous Improvement: Schools that build staff capacity and continuously evaluate the school’s discipline policies and practices are more likely to ensure fairness and equity and promote achievement for all students.”

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**This new federal attention signals the importance** of state, district and individual school action toward countering racial disparities in K–12 school discipline.

(“Test, Punish, and Push Out: How ‘Zero Tolerance’ and High-Stakes Testing Funnel Youth Into the School-to-Prison Pipeline.” The Advancement Project. March 2010.)

## Interventions

*“Consider discipline. Tomorrow, if you are disciplining a student, ask yourself whether the disciplinary method you are choosing moves the child closer to educational opportunities or farther away from such opportunities. Ask yourself what that means for the student, then adjust your choice of discipline so that it continues to encourage learning rather than pushing the student out of the classroom.”<sup>17</sup>*

For sake of simplicity, the interventions described below are grouped into three categories: state-level interventions, district-level interventions, and individual school-level interventions, though they are not necessarily mutually exclusive. Together these interventions portray a landscape of options that school systems are experimenting with across the country to reduce student pushout and improve student outcomes.

### Statewide Interventions

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Several states have moved aggressively to reduce student “pushout” and to keep youth on track to finish high school. The strategies they have adopted through the passage of new state laws are still in the early stages of implementation and will need continued study and assessment. However, the early returns are promising, and can serve as a model for other states.

#### ARKANSAS

In April 2013, Arkansas passed into law a school reform bill aimed at lowering the state’s discipline rates. The law requires the Arkansas Department of Education to report discipline data for public school districts to the State Board of Education every year. The Department of Education will report data for in-school suspensions, out-of-school suspensions, expulsions, corporal punishments, and referrals to law enforcement.<sup>18</sup> The report will also document academic achievement to reinforce the idea that higher academic achievement and positive, rather than punitive, discipline strategies are co-constitutive.<sup>19</sup> The goal of the reporting requirements is to increase accountability and to track districts’ progress. The Department of Education will study school districts that reduce discipline rates to determine what the most successful strategies are.

In addition to tracking the discipline data, the Department of Education will survey districts to determine successful intervention strategies and report this, along with information about the resources required to implement these intervention strategies. The Department of Education has also indicated that they will provide information about potential funding to districts that need assistance.<sup>20</sup>

#### COLORADO

In May 2012, the Colorado legislature passed a bill to replace zero tolerance policies with a “common sense” and “proportionate” discipline approach.<sup>21</sup> Students and organizers with Padres & Jóvenes Unidos and The Advancement Project led the movement to pass the bill under the slogan “Books Not Bars.”<sup>22</sup> The bill counsels that the “involvement of students in the criminal or juvenile justice systems should be avoided when addressing minor misbehavior that is typical for a student based on his or her developmental stage.”<sup>23</sup> Under the school reform, districts are expected to use a pro-

portionate discipline approach with a goal to decrease out-of-school suspensions, expulsions, and law enforcement referrals.<sup>24</sup> To accomplish this, districts must implement “prevention strategies, restorative justice, peer mediation, [and] counseling.”<sup>25</sup> Colorado districts must also diligently report school arrest data, tickets, and court referrals. This data will be disaggregated by age, gender, school, race or ethnicity, and offense.<sup>26</sup> Finally, the bill requires improved training for school resource officers.<sup>27</sup>

Under the new system, statewide, expulsion rates decreased 25 percent, suspension rates decreased 10 percent, and overall law enforcement referrals decreased nine percent from the 2011–2012 school year to the 2012–2013 school year (for some racial groups).<sup>28</sup>

However, while overall discipline rates decreased, some important racial disparities persisted. For example, Black-White disparities and the Native American-White disparities in expulsion rates and referral to law enforcement rates increased.<sup>29</sup> Referrals to law enforcement increased by 8 percent and 3 percent for Black students and Native American students, respectively.<sup>30</sup> The Latino-White disparity in law enforcement referrals also increased slightly.<sup>31</sup> Thus, while Colorado’s discipline disparity data show that progress has been made toward the state’s goal of reducing suspensions and disrupting the linkages between students and the juvenile and criminal justice systems, there is still work to be done.

#### **MARYLAND**

In July 2012, the Maryland State Board of Education voted to ban zero tolerance policies in an effort to reduce suspensions and expulsions. The state policy now mandates that schools adopt rehabilitative practices for disruptive behavior, and that they use exclusionary practices like suspensions and expulsions only as a last resort.<sup>32</sup> The state also requires that schools track discipline data to ensure that minority students and special education students are not being disciplined unfairly.<sup>33</sup>

After the changes were approved, the number of students facing suspension and expulsion decreased by approximately 8,000 exclusions, from 50,000 students in 2011–2012, to 42,000 students in 2012–2013.<sup>34</sup> Nevertheless, even under the new system, troublesome racial gaps continued to persist. After the changes were implemented, statewide African American students constituted 8.7 percent of students subjected to suspension or expulsion in Maryland, while White students constituted only 3 percent.<sup>35</sup> In some counties, the rates of suspension and expulsion of African American students exceeded 10 percent.<sup>36</sup>

Unsatisfied with these results, the state decided additional reforms were necessary to create a more constructive approach to school discipline, and to correct the persisting racial disparities.<sup>37</sup> In early 2014, the Maryland State Board of Education approved regulations intended to reduce school suspension and expulsion rates.<sup>38</sup> The guidelines recommended the adoption of alternatives to suspensions and expulsions that would hold students accountable for their actions while keeping them in school. One example is a loss of a valued privilege, such as recess for elementary school children. While local school boards in the state have until the beginning of the 2014–15 school year to revise their discipline policies,<sup>39</sup> advocates have uplifted some individual schools have exhibited innovative approaches. One school, Rockville High School, launched a program that permits parents to choose an alternative penalty when an older student is facing suspension, such as cleaning the school on a Saturday morning.<sup>40</sup> Anne Arundel County adopted a restorative justice approach that reduced

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the expulsion rate of African-American students by 37 percent.<sup>41</sup>

### OREGON

In May 2013, Oregon passed a bill that eliminated mandatory expulsions and encouraged the use of Positive Behavioral Interventions and Supports. Previously, state law had mandated a one year expulsion for any student who brought to school any item considered dangerous, regardless of whether the students intended any harm.<sup>42</sup> The new bill aims to reduce the number of students being pushed into the criminal justice system by overly harsh student discipline rules. (In 2011, 44 percent of the students under the authority of the Oregon Youth Authority had been suspended or expelled from their previous schools four or more times.<sup>43</sup>) It also hopes to decrease high dropout rates in the state.<sup>44</sup> (In 2011, only 68 percent of Oregon students graduated high school in four years.<sup>45</sup>) The bill recommends the use of PBIS, restorative justice, or similar intervention strategies to reduce suspension rates and keep students in school.<sup>46</sup> The new legislation will go into effect in July 2014.

## District-level Initiatives

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### BALTIMORE CITY PUBLIC SCHOOLS • BALTIMORE, MARYLAND

Baltimore City Public Schools has a history of challenges. The high poverty and crime rates in the city affect and are affected by the high dropout rate in schools and climate of school instability. In the past, the Baltimore City school district utilized punitive measures to curb unruly student behavior and maintain order in its schools. With a new superintendent at the helm, in April 2007, the district began to revise the student code of conduct with the intention of reducing the number of students removed from schools. The new code of conduct dramatically reduced student pushout by disfavoring suspensions and expulsions while emphasizing prevention and intervention. In 2008, Baltimore City Public Schools administered 16,500 suspensions; by 2011–12, that number had fallen to 9,271.<sup>47</sup> The graduation rate also increased with the new code.<sup>48</sup>

Several schools have seen great improvement with the new code of conduct. Superintendent Andres Alonso made each school principal responsible for decreasing suspension rates at their respective schools. For example, Principal Rhonda Richetta decided to implement restorative justice discipline techniques at City Springs Elementary/Middle School, and the suspension referrals dropped from 50 in 2007-2008 to just 21 in the 2011–2012 school year.<sup>49</sup> Other district schools have embraced peer mediation, parent conferences, and award assemblies to reward positive student behavior.<sup>50</sup>

### BROWARD COUNTY PUBLIC SCHOOLS • MIAMI, FLORIDA

Florida has a long history of utilizing harsh zero tolerance policies.<sup>51</sup> Originally implemented in 1997, by 2002, the state's zero tolerance law had been amended three times to increase its reach and severity.<sup>52</sup> Rethinking the wisdom of that policy in 2009, the Florida legislature passed a law (SB 1540) that began to take steps to reduce some of the effects of its punitive discipline practices.<sup>53</sup> In spite of the aims of SB 1540, however, Broward County Public Schools continued to employ excessively harsh and exclusionary school discipline, which resulted in litigation.<sup>54</sup>

In November 2013, Broward County Public Schools entered into a settlement agreement with the NAACP and law enforcement agencies to reduce the number of students arrested in schools for minor offenses. Under the new agreement, students would no longer be arrested for nonviolent misdemeanors. Instead of being channeled into the justice system, students would be offered the chance to participate in counseling and community service.<sup>55</sup> A signature feature of the agreement was the establishment of a PROMISE (Preventing Recidivism through Opportunities, Mentoring, Interventions, Supports, and Education) Program,<sup>56</sup> eliminating mandatory suspensions for minor

infractions.<sup>57</sup> Students participating in the PROMISE Program receive counseling for several days.<sup>58</sup>

In 2011–12, Broward County had the highest number of school-related arrests in the state.<sup>59</sup> After entering into the settlement agreement, school-based arrests decreased by approximately 45 percent, expulsions by 55 percent, and suspensions by 66 percent.<sup>60</sup> Of the 700 students who participated in the district's new discipline program, only 25–30 had to repeat it.<sup>61</sup>

#### **BUFFALO PUBLIC SCHOOLS • BUFFALO, NEW YORK**

In the 2009–2010 school year, 1 out of every 5 students was subjected to an out-of-school suspension in the Buffalo Public Schools district.<sup>62</sup> In June 2010, one of these students, 15-year-old Jawaan Daniels, was killed in a drive-by shooting while serving an out-of-school suspension. Daniels had been suspended for skipping class and wandering the hallways of his high school. This tragic incident pushed the district to rethink its discipline policies. Will Keresztes, the associate superintendent for student support, admitted that “the district was far too casual about student suspensions,” and that there were better methods of dealing with student misconduct.<sup>63</sup>

After Daniels was killed, the school district began to seek discipline methods that focused on prevention rather than punishment. The district also partnered with advocacy groups like the Advancement Project, the Alliance for Quality Education, and Citizen Action of Western New York to revise its code of conduct, a process that took 3 years.<sup>64</sup> The new code prohibited out-of-school suspensions for minor discipline violations such as skipping class, running in the hallways, cheating, smoking, and dress code violations.<sup>65</sup> In lieu of suspensions to respond to those violations, the code recommended positive intervention strategies such as “seating changes, written apologies, notifying parents, peer mentoring and conflict resolution.”<sup>66</sup> (Forty additional pages were added to the code of conduct to describe an assortment of prevention and intervention strategies.<sup>67</sup>)

Buffalo launched its new discipline policy in 2013–2014, making it too early to draw firm conclusions about its success. Nevertheless the early results to its shift from a punitive to a preventative discipline system have been dramatic and promising. Short-term suspensions decreased from 12,369 in March 2010 to 7,480 in March 2013, a decline of approximately 40 percent.<sup>68</sup> Jason Sinocruz, an attorney with the Advancement Project, believes that with the new discipline policy “Buffalo becomes a national model to end the school-to-prison pipeline.”<sup>69</sup>

#### **CHICAGO PUBLIC SCHOOLS • CHICAGO, ILLINOIS**

Chicago Public Schools approved a new student code of conduct in June 2012 that aims to keep students in schools. A group of students organized as the Voices of Youth in Chicago Education (VOYCE) demanded change in the district's punitive policies. A 2012 article from VOYCE reported that 25 students were arrested every day in the Chicago Public Schools.<sup>70</sup> In 2011, students collectively lost over 300,000 school days from out-of-school suspensions.<sup>71</sup> The students in VOYCE organized rallies and shared personal stories about how the unjust discipline policies had affected them.

The new Code of Conduct allowed for in-school suspensions to be implemented in lieu of or in conjunction with out-of-school suspensions.<sup>72</sup> The lengths of some out-of-school suspensions were decreased as well; 5-day suspensions were reduced to 3-day suspensions, and 10-day suspensions were decreased to 5-day suspensions.<sup>73</sup> The district reduced the suspension lengths in order to keep students in school for corrective consequences, as opposed to removing them from the learning environment.

**DENVER PUBLIC SCHOOLS • DENVER, COLORADO**

Tori Ortiz, a student and activist with Padres y Jóvenes Unidos, recalls instances when students in the Denver Public Schools district were “being ticketed and being escorted away” for talking back to teachers or speaking without permission.<sup>74</sup> To Ortiz and other zero tolerance critics, police involvement in student infractions were excessive,<sup>75</sup> failed to address the root causes of student misbehavior, and created a climate where students lived in fear of tickets and arrests in school.<sup>76</sup>

Denver Public Schools abandoned the state’s zero tolerance discipline policies in 2008, and dramatically decreased the overall number of its out-of-school suspensions, expulsions, and law enforcement referrals.<sup>77</sup> The district’s implementation of restorative practices in the place of zero tolerance mandates have contributed to these successes. Yet despite these reductions, racial disparities in the discipline data persisted even as overall number of cases dropped. During the 2011–2012 academic school year, Latino students were suspended twice as often as White students, while Black students were suspended approximately five times as often as White students.<sup>78</sup>

In February 2013, Denver Public Schools and the Denver Police Department signed a historic Intergovernmental Agreement that limited the role of police in its schools.<sup>79</sup> The Intergovernmental Agreement was a collaborative agreement between the Denver Police Department and Denver Public Schools that was facilitated by Padres y Jóvenes Unidos and other organizations. The Agreement limited police involvement in school discipline matters, specifying due process protections for students, and mandating community input.<sup>80</sup>

In an effort to reduce discipline disparities, administrators and police officers in Denver are expected to attend training on implicit bias, adolescent development, and working with LGBTQ youth.<sup>81</sup> Police officers also undergo training to help them differentiate between criminal and disciplinary matters that can be left within the jurisdiction of the schools. Within schools, administrators implement restorative justice practices to address less serious misbehavior. The district plans to hold regular meetings with organizations and stakeholders to monitor the school discipline reform process.<sup>82</sup>

**LOS ANGELES UNIFIED SCHOOL DISTRICT • LOS ANGELES, CALIFORNIA**

The Los Angeles Unified School District (LAUSD) has adopted two new school discipline measures of note.

First, beginning in 2007–08, Los Angeles Unified School District sought to implement School-Wide Positive Behavior Support (SWPBIS).<sup>83</sup> A 2010 report that evaluated this initiative stated that while the overall number of suspensions and expulsions had decreased, the disproportionate number of Black students facing disciplinary measures has not.<sup>84</sup> The report discussed the incomplete implementation of Positive Behavior Interventions and Supports across the district as one possible explanation.<sup>85</sup>

Second, in the state of California, “willful defiance” by a student could result in a suspension. Willful defiance was defined to include a wide array of student behavior, including dress codes violations and a refusal to turn off a cellphone. Willful defiance offenses alone were responsible for almost half of all out-of-school suspensions in California during the 2011–2012 school year,<sup>86</sup> and disproportionately impacted racial minority students in the district. A 2013 article on FixSchoolDiscipline.org reported that only 9 percent of enrolled Los Angeles Unified School District students were Black, but 26 percent of its suspended students were Black.<sup>87</sup>

In May 2013, the Los Angeles Unified School district passed an innovative School Climate Bill of

Rights that contained multiple provisions to address discipline issues and disparities in the district. The bill effectively reversed the district's former reliance on zero tolerance policies by offering alternatives to exclusion and automatic arrests. The bill also banned suspensions for the offense of "willful defiance."<sup>88</sup> Moreover, it included a plan for implementation of restorative justice programs<sup>89</sup> and limited the involvement of police in school discipline matters<sup>90</sup> with a goal of removing the perception of the schools as a "pre-prison environment."<sup>91</sup>

#### **MERIDIAN PUBLIC SCHOOLS • MERIDIAN, MISSISSIPPI**

Mississippi's Meridian Public Schools drew national attention to the school-to-prison pipeline phenomenon due to their school discipline policies and high rates of law enforcement referrals. Troubling numbers of students in Meridian Public Schools had been suspended or arrested for trivial offenses (e.g., dress code violations and using the bathroom without permission), and penalized severely for highly subjective misbehaviors or actions not explicitly prohibited in any code of conduct (e.g., talking back to teachers or refusing to participate in classroom activities). Students as young as age 10 had been sent to juvenile detention facilities.<sup>92</sup> Meridian's discipline record was also stunningly racialized: between 2006 and 2010, every one of the students referred to law enforcement officials or expelled was Black.<sup>93</sup>

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In March 2013, the U.S. Department of Justice entered into a consent decree with the Meridian Public Schools requiring extensive changes to the district's approach to student discipline, including a complete overhaul of its discipline code.<sup>94</sup> The decree was attached to a school desegregation order from 1969 that the town had never fulfilled. Approved in May 2013, the decree aims to put an end to the school-to-prison pipeline in Meridian by reducing police intervention in schools, providing due process protections for students charged with suspension or expulsion, and requiring schools to alert parents about dress code violations.<sup>95</sup> The consent decree also mandates school reports on discipline data by race, and ameliorative action by the district if racial disparities are detected.<sup>96</sup> The Meridian Public School consent decree could be a model for other districts seeking to address racial disparities in the application of school discipline policies.<sup>97</sup>

#### **PHILADELPHIA PUBLIC SCHOOLS • PHILADELPHIA, PENNSYLVANIA**

Philadelphia Public School District suspends students more than three times as often as other districts in the state.<sup>98</sup> Serving 155,000 students, the district reported 46,552 out-of-school suspensions<sup>99</sup> and 4,541 violent incidents<sup>100</sup> in 2009–2010.

For years, Philadelphia Public School students campaigned to replace the district's punitive zero tolerance policies with common sense discipline. In collaboration with the Campaign for Nonviolent Schools, students advocated for intervention strategies that would keep students in a positive learning environment, as opposed to being removed via of out-of-school suspensions.

In August 2012, the Philadelphia School Reform Commission approved an updated discipline policy, banning out-of-school suspensions for minor acts of misconduct like class disruptions, using profanity, skipping class, and dress code violations.<sup>101</sup> The new policy also prohibits discrimination against gender non-conforming students based on the dress code.<sup>102</sup> Changing the district's approach to discipline, Philadelphia Public Schools have been increasingly using PBIS and restorative practices.<sup>103</sup> Although out-of-school suspensions may still be ordered, the new policy permits that course of action only after all restorative intervention strategies have been exhausted.<sup>104</sup>

Students have responded favorably to these changes though there is still work to be done to implement restorative practices more broadly across the system.<sup>105</sup> Although it is still early to assess outcomes resulting from these changes, the district has already reduced the number of its schools denominated “persistently dangerous.”<sup>106</sup>

#### **SAN FRANCISCO UNIFIED SCHOOL DISTRICT • SAN FRANCISCO, CALIFORNIA**

In the past, students in the San Francisco Unified School District were suspended for a wide range of minor offenses. One student, Kevin Murcia, recalls being suspended for “chewing gum, talking in class, wearing a hat — stuff someone could have just talked to me about.”<sup>107</sup> Kevin’s story is not unusual. In the past, African American and Latino students comprised 81 percent of all “willful defiance” suspensions in the district.<sup>108</sup> (“Willful defiance” is a catch-all term for minor misbehaviors that, as elsewhere disproportionately affected students of color in the district.) Moreover, African American and Latino students accounted for 77 percent of the district’s total suspensions.<sup>109</sup> Although African American students made up less than 10 percent of the total student population, they received over 50 percent of the total suspensions.<sup>110</sup>

In February 2014, the San Francisco Unified School District passed a resolution that banned suspensions or expulsions for disruption/willful defiance.<sup>111</sup> The Safe and Supportive Schools Resolution requires schools in the district to use restorative practices and positive behavior supports to respond to student misbehavior, and to order out-of-school suspensions only as “an absolute last resort.”<sup>112</sup> Improved monitoring expectations were also put in place, requiring schools that suspend especially high numbers of African American students to track and report their discipline records.<sup>113</sup>

The district has also implemented a stress-relief program in some of its schools. The meditation-based program, called Quiet Time, is credited with reducing suspensions in participating schools.<sup>114</sup>

#### **VALLEJO CITY UNIFIED SCHOOL DISTRICT • VALLEJO, CALIFORNIA**

Vallejo City Unified School District became one of the top ten suspending districts in California by taking approximately 80,000 disciplinary measures against a student population of only 14,000.<sup>115</sup> Based on this record, the district’s disciplinary actions (including referrals, suspensions, and expulsions) outnumbered students 5 to 1.<sup>116</sup> As elsewhere, the district’s discipline impacted different racial groups unevenly. For example, African American students accounted for 32 percent of the student population but more than half of the district’s referrals, suspensions, and expulsions.<sup>117</sup>

In April 2011, the district welcomed a new superintendent, Dr. Ramona Bishop. Dr. Bishop called for implementation of trauma- and resilience-informed practices, positive behavioral support, and restorative justice practices. Despite being only one-third of the way through a proposed seven-year district overhaul, data showed that the new approach had significantly reduced student pushout: graduation rates had steadily increased and the system was losing far fewer students to parental removal.<sup>118</sup> Since 2010–2011, referrals within the district have dropped 75 percent, suspensions by nearly 70 percent, and expulsions by 50 percent.<sup>119</sup> More needs to be done to remedy the racial gap that persists in discipline action, however. While the overall suspension rate has decreased, African American students continue to be disciplined at rates that exceed their representation in the student population.<sup>120</sup> The district recently received a grant to implement a Positive Youth Justice Initiative that targets “crossover” youth, or those involved with the juvenile justice and child welfare systems.<sup>121</sup> For the 121 “crossover” youth in the district, this program hopes to disrupt the school-to-prison pipeline.<sup>122</sup>

## Individual Schools

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### **JAMES LICK MIDDLE SCHOOL • SAN FRANCISCO, CALIFORNIA**

In 1999, James Lick Middle School embarked on a program to reduce discipline disparities. According to a 2002 report, African American students in James Lick Middle School were overrepresented in discipline referrals; Black students comprised less than one third of the school's population, but they represented more than half of the discipline referrals.<sup>123</sup> The majority of the office referrals given to African American students were for defying authority.<sup>124</sup>

To address the disparity, teachers and school administrators implemented multiple interventions, many of which involve teacher self-evaluation and reflection. First, the school collected the discipline data and developed a system to give the data directly back to the teachers, so that they could better understand the discipline disparities.<sup>125</sup> Additionally, teachers review all of their discipline referrals monthly to look for patterns in the referrals and to understand the discipline disparities as a systemic issue. School staff also implemented monthly meetings to discuss the discipline problems teachers experience in the classrooms and to share strategies for handling conflicts.<sup>126</sup> During these meetings, the teachers role-played situations that could lead to disciplinary action and acted out possible reactions to determine how best to manage the situation. Heidi Hess, the reform coordinator, reported that the results of the exercise, which included teachers taking on the role of students, were profound.<sup>127</sup> In the classroom, teachers choose one alternative strategy and one student to work with each week, and fellow teachers provide accountability by requesting documentation of how well each week's plan was going.<sup>128</sup>

As a result of these interventions, the racial discipline disparity at James Lick Middle School decreased by approximately five percent.<sup>129</sup>

### **REEDLEY HIGH SCHOOL • REEDLEY, CALIFORNIA**

When the Kings Canyon Unified School District decided to implement PBIS, Reedley High School's zero tolerance policies were pushing students out of school at alarming rates. In response, the school eliminated automatic suspensions for verbal fights and automatic expulsions for substance abuse.<sup>130</sup> Rather than expel students for substance abuse violations, Kings Canyon began to impose 5-day suspensions with an option to join a free substance treatment program.<sup>131</sup>

After two years of PBIS and restorative justice practices, Reedley's suspension and expulsion rates dropped by 40 and 80 percent, respectively.<sup>132</sup> In 2011–2012, the school began to use the PBIS data system to analyze the trends in school discipline.<sup>133</sup> This analysis enables teachers and administrators to understand the context of every discipline referral. Armed with specific data concerning the type, time, and location of each infraction, staff can better predict where and when discipline infractions might occur, allowing them to be more proactive.

Reedley High School has also implemented a restorative justice program in partnership with the Reedley Police Department and the West Coast Mennonite Central Committee.<sup>134</sup> The program gives students charged with misdemeanors the opportunity to participate in restorative justice in lieu of entering the juvenile justice system.

### **VISITACION VALLEY MIDDLE SCHOOL • SAN FRANCISCO, CALIFORNIA**

Situated in an area where shootings are disturbingly common,<sup>135</sup> Visitacion Valley Middle School experienced severe problems with discipline. The school experienced an alarming amount of unruliness, frequent fighting, and vandalism, leading to some of the highest rates of suspensions and absenteeism in San Francisco.<sup>136</sup> However, in 2007, Visitacion Valley Middle School became the

first public school in the country to implement a stress reduction program called Quiet Time. Quiet Time allows students and faculty to clear their minds and meditate twice a day.<sup>137</sup> The program has been credited with not only reducing stress, but also improving education and managing discipline. Grade point averages in the school improved greatly, making it possible for some students to gain admission to elite high schools.<sup>138</sup> Absenteeism dropped, raising the daily attendance rate to 98 percent.<sup>139</sup> Within the first year of the implementation of Quiet Time, Visitacion Valley's suspension rate had fallen by 45 percent.<sup>140</sup> After four years, its suspension rate was among the lowest in San Francisco,<sup>141</sup> and students at Visitacion Valley Middle School reported the highest happiness levels in the city.<sup>142</sup> In addition, other schools in the district that have implemented the Quiet Time program have reported significant increases in student academic achievement, decreases in student stress and depression, and higher levels of student self-esteem.<sup>143</sup>

## Concluding Reflections

The interventions highlighted in this document show significant promise to lessen student pushout and discipline disproportionality. While each school and district has its own unique environment, experiences, resources and constraints, and more time is needed to get a full picture of the effects of these interventions, the record amassed to date counsels aggressive consideration of the replacement of zero tolerance policies and the adoption of alternative approaches to keep students within the security of school environments.

Recognizing that there is not a universal model or formula that will reduce push out and disrupt the school-to-prison pipeline, we still uplift these interventions as inspiring lessons learned. Looking across these interventions, a few common threads emerge.

Several of these interventions **look beyond specific disciplinary incidents to address broader school climate issues**. Positive Behavioral Interventions and Supports (PBIS) is one example of this approach that many states and districts have embraced.<sup>144</sup> The federal school discipline guidance package released in January 2014 reinforced the relationship between discipline and school climate, providing strategies for enhancing school climate and improving school discipline practices.

**Restorative justice practices** (e.g. community service) are another approach to school discipline that many schools increasingly are exploring.<sup>145</sup> These alternatives enable students to repair damages that their behavior causes to other members of the school community.<sup>146</sup>

Some interventions **limit police involvement in schools** while seeking to **increase parental involvement**. In contrast to zero tolerance policies, which have contributed to the uptick of police presence in schools, many interventions aimed at reducing discipline disparities, decreasing student pushout, and disrupting the school-to-prison pipeline are minimizing the role that law enforcement officers play in the school environment.

**Tracking discipline data at the district and/or state level** has emerged as a promising aspect of efforts to improve discipline records. This data should be disaggregated by race, gender, and other variables to enable teachers and administrators to identify trends in disciplinary actions. A March 2014 report from The Council of State Governments Justice Center found that fewer than 20 states have statutes that require discipline data collection or reporting.<sup>147</sup>

**The push to raise awareness of discipline disparities and advocate for change has been a col-**

**laborative effort** in many areas, involving schools, student activists, parents, and/or local organizations. Cities such as Chicago and Denver have successfully altered policies with energy from youth organizing organizations.

Additional **training for school personnel, particularly police officers and school resource officers**, was a common theme in several locations. Raising awareness of implicit bias and other factors that can influence school discipline can be a vital step towards decreasing discipline disparities.

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**As this review shows**, a range of possible interventions exist to reduce unwanted racial disparities in school discipline decision-making. The Kirwan Institute urges states, districts, and schools to consider the ideas and approaches that have been adopted elsewhere with promising results. While the task of dismantling the school-to-prison pipeline is complex, interventions such as those described here have taken a crucial first step toward keeping students in school and on the path toward becoming the responsible, engaged, and well-educated adults that our nation will need.

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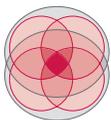
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