

Ending Racial Inequity in Out of School Suspensions

Mapping the Policy Landscape and Equity Impact

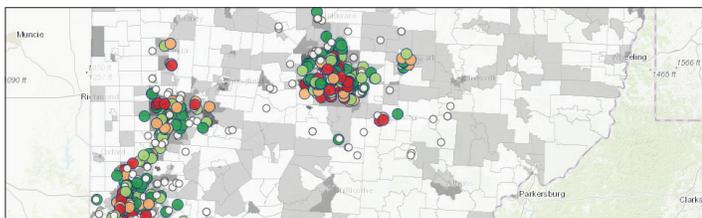
KIRWAN INSTITUTE POLICY BRIEF | MAY 2018

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Purpose Statement

At the Kirwan Institute for the Study of Race and Ethnicity, our research and engagement supports the mission of ensuring that all people and communities have the opportunity to succeed. This call to promote opportunities for future success is never more important than within our education systems. As a society, we must look to policies and practices that can support our youngest citizens and support families that are most in need. As a result, we are reminded of our society's obligation to challenge systemic barriers related to racial inequity and other forms of historic marginalization through more equitable policies. Specifically, we must work to address the dramatic racial disparities evidenced across a variety of educational outcomes—from academic achievement, to school climate, to punitive discipline policies—all of which have been cited as contributing factors which disenfranchise students and increasingly push them into the criminal justice system.

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The Kirwan Institute's interactive statewide out of school suspension (OSS) map is available online at <http://go.osu.edu/CSYg>.

Although our country saw increased federal effort to close persistent racial gaps in educational outcomes during the Obama administration, most of the responsibility for developing specific strategies falls on states and individual districts; as such, discipline reform efforts have suffered from the same two challenges time and time again: 1) **Persistence of the race-based suspension gap**, and 2) **Need for more local-level accountability**. Both of these challenges are focal points of this policy brief.

Moreover, Kirwan recognizes the impact of implicit bias as instrumental in maintaining both of these challenges. In fact, Kirwan's body of research has already uplifted the role of implicit bias through the following areas:

School Discipline Disparities

- *Implicit Racial Bias and School Discipline Disparities: Exploring the Connection* (<http://go.osu.edu/CSAs>)
- *School Discipline Policy: Updates, Insights, and Future Directions* (<http://go.osu.edu/CSAv>)
- *Race Matters... And So Does Gender: An Intersectional Examination of Implicit Bias in Ohio School Discipline Disparities* (<http://go.osu.edu/CSAx>)

Early Childhood Education Outcomes

- *Implicit Bias Strategies: Addressing Implicit Bias in Early Childhood Education* (<http://go.osu.edu/CSAz>)

Maintaining Community-level Trauma in Education Settings

- *From Punitive to Restorative: Advantages of Using Trauma-informed Practices in Schools* (<http://go.osu.edu/CSA3>)

For more information, see Kirwan's website on implicit bias in school discipline, <http://go.osu.edu/CSA5>.

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As a solution to these challenges, the Kirwan Institute has developed a statewide out of school suspension (OSS) map, described in greater detail later in this brief. The most groundbreaking feature of this map is the Suspension Equity Metric, which provides a relative ranking for whether schools implement discipline equitably at the frontlines. While this tool is geographically specific to Ohio metropolitan areas, Kirwan hopes that other states and education institutions will utilize this map as a resource and move to adopt a similar methodology for addressing the overrepresentation of students of color in out of school suspensions.

Policy Overview: A Continuous Case for Equity

As many push forward for more equitable discipline policies, it is important to see what steps and set-backs have occurred so far. Ever more important is understanding the interaction between federal- and state-level policies as they relate to school discipline outcomes and efforts to ensure that all students have the opportunity to benefit equally from their public education experience.

1. **Federal Policy Landscape:** The need to create equitable and supportive education settings for all students continues to motivate our national education system. Despite many improvements, disparities are evident in many school achievement metrics and discipline outcomes. In fact, the Office for Civil Rights found, through an analysis of 2013–2014 discipline data, that Black students were 3.8 times more likely to receive an out of school suspension than White students.¹

These challenges are not new; in fact, much of the federal education policy landscape has been specifically designed to improve opportunities for all students by providing supports for those who were marginalized due to poverty, race, or ability status. One example of these comprehensive equity-focused policies was the Elementary and Secondary Education Act (ESEA), originally signed by President Lyndon B. Johnson in 1965. ESEA aimed to “improve educational equity for students from lower-income families by providing federal funds to school districts serving poor students.” Since its inception, the ESEA has been reauthorized and revised eight times. The most prominent reauthorizations include the No Child Left Behind Act (NCLBA) of 2002 and, most recently, the Every Student Succeeds Act (ESSA) of 2015.²

Notably, the ESSA moved beyond purely performance based evaluation standards, a tenet of the NCLB which received significant criticism. Under the ESSA, states must measure school performance based on academic and non-academic factors. Most importantly, states can encourage districts to have flexibility in what non-academic factors they measure; benchmarks include improvements in chronic absenteeism, school safety, or parent engagement. While, specific discipline policies are not mandated at the federal level, the implementation of the ESSA creates a new opportunity to strategically address discipline outcomes, particularly out of school suspensions, as a non-academic indicator of school quality.³

The Kirwan Institute views this shift toward the integration of non-academic benchmarks as a critical moment in our national educational landscape. For the first time in years, states have the perfect opportunity to make substantial inroads to address the pervasive racial inequities that have haunted our national and state education systems for decades. The need

to capitalize on the opportunities afforded by the ESSA is particularly important for incentivizing students to be in their classrooms ready to learn by reducing exclusionary discipline, such as out of school suspensions. The stakes are even greater when one considers that out of school suspensions and other exclusionary disciplinary decisions disproportionately affect historically marginalized student populations, particularly Black, Latinx, and other immigrant youth.³

2. **State and District Policy Landscape:** Research has demonstrated that efforts to target discipline gaps at the aggregate level must also incorporate statewide reforms to achieve federal benchmarks. Oftentimes, these reforms also trickle down to the district level.

Thus, many states, districts and individual schools have taken steps over the last decade to reduce exclusionary school discipline practices. While many have seen a variety of successes in keeping students in school and implementing restorative (rather than punitive) discipline approaches, discipline disparities between students of color and their white counterparts remain. These disparities are exacerbated when we include students who hold other marginalized identities, such as those with different ability status.

Lessons Learned from Education Policy Reform

While the policy landscape addressing discipline disparities can vary greatly across states, there are two important lessons that we can take away from these efforts that can help inform and encourage education leaders and policymakers to create lasting change to address equity concerns: The persistence of the suspension gap,⁴ and the need for more local-level accountability.

1. **Suspension Gap Persistence:** Studies and data analysis have shown that disparities exist between the school performance of white students and students of color. This can manifest in a variety of ways: test scores, classroom cohesion, etc. We find, however, that this disparity in school performance is intricately related to disparate school discipline policy. The zero-tolerance policies that have been adopted in schools across the country are subjective in nature, allowing the implicit biases of teachers to manifest in more frequent and more severe punishments for students of color than for white students.

To illustrate, **TABLE 1** includes examples of state- and district-level policies that have made significant moves towards eliminating excessive exclusionary discipline and addressing racial disparities in discipline outcomes. However, while some of these practices can serve as exemplary models, many have failed to move the needle toward equitable discipline in a meaningful way. In spite of these challenges, we must also recognize that

each of these exemplars have demonstrated a significant investment and effort to correct their longstanding discipline concerns. Instead focusing on “what went wrong”, we must use this data as a learned lesson to help inform discipline reform efforts in other areas across the country that have yet to make a comparable investment.

2. **Need for Local-Level Accountability:** When states implement discipline reform, the policies rarely offer prescriptive methods for schools, and districts have the flexibility to implement their own codes of conduct. In this way, state regulation is often only there to serve as a “floor” or “ceiling” rather than requiring any particular strategy or approach to individual districts. While offering flexibility and local governance for addressing disciplinary procedures certainly has its advantages, there is always room to improve how individual schools are held accountable to state and national guidance around equitable discipline.

For example, it can be very difficult to gather meaningful discipline data at a district or school-level. This “blind spot” in our data reporting is exacerbated when researchers try to gather information on racial disparities and discipline outcomes as certain racial groups may not be represented in a particular school or district. Thus, it can be difficult to obtain a meaningful sample size. Moreover, while many districts may have developed strategies and interventions to successfully reduce the discipline gap, it is very difficult to model and replicate best practices with so much variation between district policies and the lack of communication between districts that are situated differently geographically.

Despite these blind spots, the cumulative data is clear on the need to produce more equitable discipline outcomes. States must do better at including local data as many seek solutions to the overrepresentation of students of color in statewide and national out of school suspension data. Thus, we must expand our existing resources to include information on the equity impact of school policies—policy makers, researchers, and educational advocates are better informed if they not only know how often suspensions occur, but how equitably they are being implemented on the frontlines. Thus, there must be a collective push to incorporate equity-focused metrics and benchmarks through online portals, interactive tools, and other educational resources if we hope to meaningfully address the inequities in our education system.

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Table 1

Notable State-Level Efforts			
Location	Action	Result	Equity Impact
Colorado	In 2012, Colorado legislators passed a bill to remove zero-tolerance policies in schools, in an attempt to decrease expulsions, suspensions and referrals to law-enforcement. ⁶	Colorado schools experienced a general decrease in incidences of exclusionary discipline, as suspensions decreased by 8%, expulsions by 13% and law enforcement referrals by 13% in the 2013-2014 school year. However, disciplinary incidents for students of color, specifically Black, Native American and Hispanic students, increased. ⁶	 Disparities Increased
California	In 2014, several bills related to school discipline were passed—most notably, Assembly Bill 420 forbade the suspension or expulsion of kindergarten through third grade students for willful defiance. ⁶	While California schools saw a 20% decrease in expulsions and 15% decrease in suspensions, minority student populations (Black, Hispanic and Multiracial) saw a slight increase in suspension rates. ⁶	 Disparities Increased
Notable District-Level Efforts			
Location	Action	Result	Equity Impact
Minneapolis Public Schools	In 2014, Minneapolis Public Schools (MPS) ignited controversy when it initiated a joint school discipline agreement. The agreement intended to decrease discipline disparities between Black and White students by emphasizing review policies, consultation services and the use of exclusionary methods only as a last resort. Required of staff was a review of suspension cases for students of Black, Hispanic or American Indian backgrounds—many opponents deemed this unconstitutional because it “requires different review procedures for different races.” ⁷	According to the Minnesota Disciplinary Incident Report System (DIRS), the disparity in Black and White student discipline persists, as Black students comprised 12% of the student body and 39% of out of school suspensions in the 2016–2017 school year. As of February 2018, 43 Minnesota school districts are under investigation for violating the state Human Rights Act on the basis of disparate discipline practices. ⁸	 No Change
Oakland Unified School District	The district implemented a restorative justice model in 2011. Additionally, this corresponded with the 2010 roll-out of their Manhood Development Program which educates black males on black masculinity and leadership through history, literature and college readiness. ⁶	Suspension rates have been cut in half, high school graduation rates have increased 60% and absenteeism decreased 24%. Since 2011, the suspension of Black students for willful defiance/disruption has decreased 40%, and the Black/White discipline gap decreased by 24%. ⁹	 Disparities Decreased
Portland Public Schools	After being issued a citation for the disparate discipline of Black students by the Oregon Department of Education in 2009–2010, Portland Public Schools implemented Coordinated Early Intervening Services (CEIS), which provided teachers and students with behavior coaches to mitigate the impacts of exclusionary discipline practice. ⁶	In the two school years following the implementation of CEIS, Portland Public Schools experienced a 51.5% reduction in exclusionary discipline overall, including a 62.4% reduction for students with disabilities and 56.8% reduction for Black students with disabilities. ⁶	 Disparities Decreased

Making a Data Driven Impact: Using Ohio as a Model

Drawing from the two lessons featured earlier in the report—the persistence of the suspension gap and the need for local-level accountability—Ohio policy makers are uniquely positioned to promote school discipline practices that are mindful of bias and actively work to counteract persistent inequities. This opportunity is more salient than ever given the feasibility for districts to include discipline equity as a non-academic indicator of quality as part of ESSA. Additionally, Ohio has seen success in efforts to reduce excessive discipline through policy and legislation. For example, in 2017, Ohio adopted legislation to ensure that no school can suspend, expel, or remove a student from school based solely on their absence.¹⁰ Moreover, Ohio is notorious for our “bellwether” political landscape. Thus, united, state-wide efforts to address inequities in school discipline have the potential to serve as a national model.

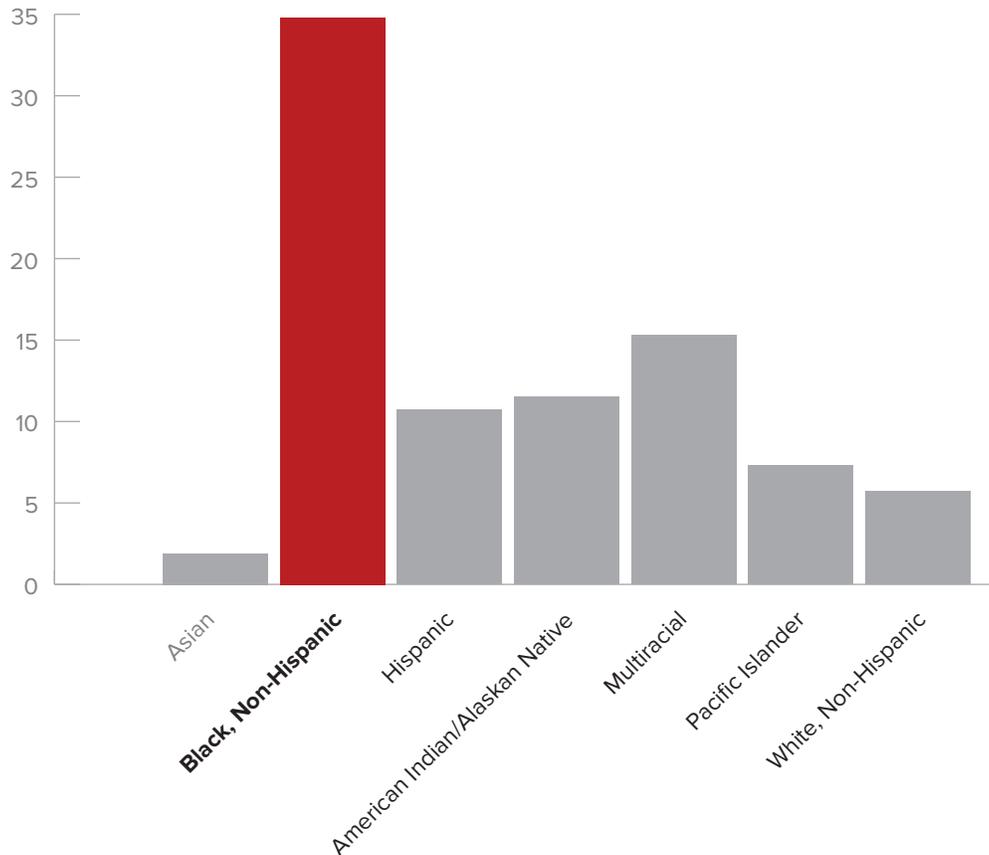
Addressing our Legacy of Zero Tolerance

The Ohio Revised Code explicitly outlines a policy of “zero tolerance” for violent, disruptive or inappropriate behavior which must be adopted by each district and include strategies to address behavior through prevention and/or intervention methods.¹¹ Zero tolerance policies have often been at odds with the need to ensure that students are receiving adequate education time and benefitting from the structure and support affording from the school setting. As is the common thread, zero tolerance policies are often implemented in inequitable ways. For example, most suspensions occur for non-violent offenses such as disobedient or disruptive behavior. The ambiguity in determining what is considered “disruptive” behavior is the perfect storm for seeing wide sweeping individual differences in how this policy is implemented. The research on implicit bias also demonstrates that we are more susceptible to making automatic, biased judgments in ambiguous decision-making contexts. The combination of high-discretion and high-opportunity for bias is why disciplining disobedient or disruptive behavior continues to produce the most frequent cause of out of school suspensions and most dramatic inequities for students of different races in Ohio.⁴

The operation of implicit bias and personal discretion are just two contributors to the well-documented gap in suspension data between students of different races. For example, statewide data from the Ohio Department of Education during the 2016–2017 school year shows that for every 100 Black students, nearly 35 out of school suspensions were recorded.¹² Yet, there are only 5.7 and 1.9 out of school suspensions recorded per every 100 White and Asian Students, respectively. Additionally, Multiracial and American Indian/Alaskan Native had the 2nd and 3rd highest rates of out of school suspensions. For a full depiction of statewide out of school suspensions data, see **FIGURE 1**.

Figure 1

2016–2017 School Year Out of School Suspensions
Disciplinary Actions per 100 Students



Next Steps: Mapping Discipline Equity Impact

We have already seen successful challenges to excessive, exclusionary discipline in Ohio. As mentioned earlier, in summer 2017, Ohio made its first sweeping commitment to challenging the broad application of zero tolerance policies, specifically the use of suspensions and expulsions with chronically absent students.¹⁰ As a research institute, the Kirwan Institute for the Study of Race and Ethnicity is well positioned to develop tools and resources to assist a wide-range of stakeholders in championing equitable educational policies that benefit all students. As such, the Kirwan Institute launched an interactive map, **Out of School Suspensions Data: Mapping the Equity Impact Across Ohio** (<http://go.osu.edu/CSYg>), to help parents, educators and policymakers visualize trends in out of school suspension data across Ohio’s metropolitan areas.

Our new map added the functionality and specificity for users to identify individual schools and how equitably they are administering out of school suspensions across student racial groups. The interactive map is composed of three features that can help policymakers, advocates, and other readers better understand the discipline equity landscape in Ohio's metro areas: 1) suspension equity metric, 2) racial demography, and 3) school-level data accountability. For more information on the map's functionality, see our user guide in **APPENDIX A**.

Most importantly, this map can serve as a tool to move the needle toward more equitable discipline policies with a variety of audiences. For example:

- Families can use this information for planning their students' education pathway.
- Policy makers can develop benchmarks and see a snapshot of local-level trends within the educational policy landscape.
- Researchers can incorporate data into their research design and share best practices from schools with a high equity rating.
- Educational professionals can encourage investment and develop strategies for advancing discipline reform efforts at the school level, such as piloting restorative justice programs or implementing a student-led discipline council.
- Advocates and community organizations can create local interventions and encourage more community investment in neighborhood schools.

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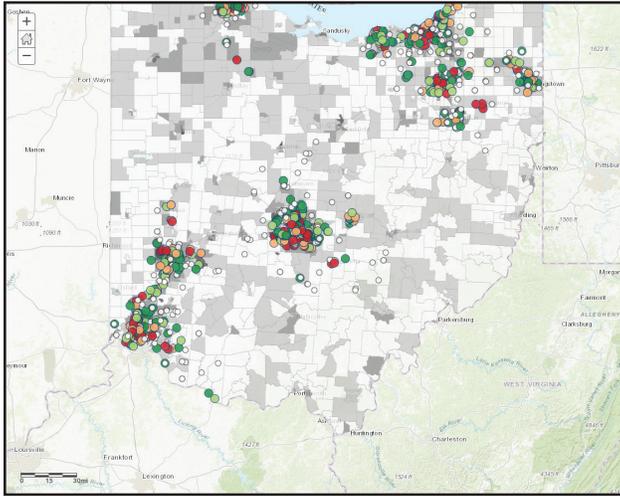
At the Kirwan Institute, we believe in the power of useful, accessible data to transform the equity landscape in our state and across the country. However, this is only one piece of the puzzle—this tool is only as useful as its application. As such, we need champions of equitable discipline reform to utilize this data and catalyze real change. We believe in collective impact and the need to pair research with policy to ensure that all students have the support and opportunities available for success.

We encourage you to reach out to us, as we aim to partner with passionate organizations and individuals to create more equitable and inclusive schools and communities. Thus, we hope to hear from you, connect with passionate organizations and individuals who can partner with us and our tools, and create more equitable and inclusive schools and communities.

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Appendix A: Interactive Map User Guide



interactive map available at <http://go.osu.edu/CSYg>.
Created by MI-Kyung Baek, Senior Research Associate.

Research shows that Students of Color, particularly Black and Latino youth, are overrepresented in statewide and national out of school suspension data.ⁱ Yet, it can still be hard to understand how individual schools are contributing to these broader trends. To fill this gap, The Kirwan Institute for the Study of Race and Ethnicity launched an interactive map (available online at <http://go.osu.edu/CSYg>) to help parents, educators, and policymakers visualize trends in out of school suspension (OSS) data across Ohio's metro areas. This map also has the specificity for users to look at individual schools and see how equitable OSS's are being implemented across student racial groups.

Interactive Map Features

Suspension Equity Metric

The Suspension Equity Metric is calculated by first looking at the number of discipline incidents recorded per every 100 students within the following racial groups: Black, Hispanic, Asian, Multiracial and White. Next, we look at the difference in OSS's recorded between the highest disciplined group and lowest-disciplined group. So instead of the frequency of suspensions, you actually get to see a rating

i. See the Kirwan Institute's Statewide Data Report at <http://go.osu.edu/CSZd>.

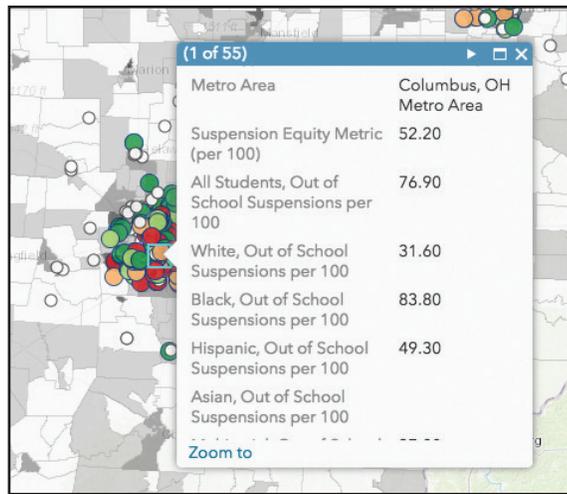
for how equitable OSS's are being implemented. Schools with the most equitable OSS data are represented by a dark green dot. On the other hand, schools with the least equitable discipline are represented by red. The rating is calculated so that data is compared relative to schools throughout the state—so these are based on Ohio's current performance, rather than a set standard or manual cutoff.

Racial Demographic Backdrop

Since OSS trends disproportionately impact students of color, we also added a neighborhood-level demographic backdrop. This allows users to see how the racial demographics of the surrounding community may relate to the trends exhibited within the neighborhood schools.

School Info Pop-Ups

By clicking on any of the circles, you can see more information about the school, including a bar chart of the OSS data and the count of total OSS's recorded per every 100 students.



Clicking on an individual dot produces a pop-up window with detailed information for each school.



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This publication was produced by the Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University. As a university-wide, interdisciplinary research institute, the Kirwan Institute works to deepen understanding of the causes of—and solutions to—racial and ethnic disparities worldwide and to bring about a society that is fair and just for all people.

Kirwan Institute research is designed to be actively used to solve problems in society. Its research and staff expertise are shared through an extensive network of colleagues and partners—ranging from other researchers, grassroots social justice advocates, policymakers, and community leaders nationally and globally, who can quickly put ideas into action.

For More Information

The Kirwan Institute for the Study of Race and Ethnicity at The Ohio State University is known and respected nationally and deeply engaged in social issues. We are focused on projects that are integrated with sound research, strategic communication, and advocacy. To learn more, visit www.kirwaninstitute.osu.edu.



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