

Disproportionate Discipline in Schools

Disproportionate discipline refers to instances when students who belong to specific demographic groups (e.g., race/ethnicity, sex, disability status) are subjected to disciplinary actions disproportionately — at a greater rate than students who belong to other demographic groups.¹

For example, the state's suspension data shows that Black/African American, Native American, Hispanic/Latinx, and Pacific Islander students are more likely to be suspended from school than White and Asian students. Specifically, while the unduplicated suspension rate for White students is 2.0% and for Asian students is 0.7%, the following races experience higher unduplicated suspension rates:

- Black/African American at 6.8%
- American Indian/Alaskan Native at 5.4%
- Hispanic/Latinx at 2.5%
- Pacific Islander at 3.3%
- Two or more races at 2.5%

Students with disabilities also experience higher unduplicated suspension rates at 4.9%, and foster youth have suspension rates of 11.9% compared to the total student population's rate of 2.5%. This data is detailed in Appendix Table A1. For the purposes of this paper, we will examine disproportionate discipline as it relates to student race.

Students who belong to the demographic groups listed above are more likely to face severe) or exclusionary (e.g., out-of-school-suspension) discipline compared to White students even when committing similar offenses and/or exhibiting minor (e.g., violating dress code) or subjective behaviors (e.g., talking back). One study found that White students tended to receive disciplinary office referrals for behavior that can be observed more objectively —e.g., smoking, vandalizing, leaving class without permission, making obscene comments—while Black students compared with White students were more likely to receive disciplinary office referrals for behaviors that can be interpreted more subjectively (e.g., disrespecting, threatening, making excessive noise).²

Disproportionate discipline exacerbates disparities and outcomes for students of color relative to grades, graduation rates, student assessments, etc. One way to measure the impact of suspensions on education is through the days of lost instruction for students experiencing both in-school and out-of-school suspensions. The data, taken from the Civil Rights Project at UCLA, is shown in the chart below:³

Days of lost instruction per one hundred students for Black, Latinx, Native American, and two or more races is higher than for White students. This indicator demonstrates how different racial groups experience disparate exclusion from school. This data

¹ -See link: <https://supportiveschooldiscipline.org/discipline-disparities>

² See Ann Gregory, Russell J. Skiba, and Pedro A. Noguera, "The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?" *Educational Researcher* 39(1):59-68.

³ Daniel J. Losen, Grace Shin, and Mahreen Alam, "Using Data to Challenge the School to Prison Pipeline in California, The Center for Civil Rights Remedies at the Civil Rights Project, UCLA, September 17, 2021.

demonstrates the importance of emphasizing equal opportunity in every discussion concerning school safety and discipline.

RATES OF LOST INSTRUCTION (DAYS LOST DUE TO SUSPENSION PER 100 STUDENTS) CALIFORNIA STATEWIDE PROJECTIONS BASED ON 2/3RD OF THE 2019-20 YEAR			
<i>Race/Ethnicity</i>	<i>2018-19</i>	<i>2019-20 thru March</i>	<i>2019-20 Projected</i>
All Students	11.5	7.6	10.8
White	9.5	6.1	8.7
Black	35.6	24.7	35.0
Latinx	11.5	7.6	10.8
Asian	2.8	1.9	2.6
Native American	27.4	17.4	24.6
Two or More Races	12.5	8.1	11.5

Source: California Department of Education, 2019-20 (preliminary analysis).

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Factors such as lost instruction days and the legislative ban against willful defiance have contributed to the recent decline of suspension. However, disproportionality remains a major concern.⁴ The report from the Civil Rights Project at UCLA shows a decline in the number of days of lost instruction over nine years from 2011-12 through 2019-20.⁵ The trend is reflected in all racial groups identified in the chart. However, the chart also notes that days of lost instruction remain consistently higher for Black, Native American, and Pacific Islander students. It demonstrates that disproportionate discipline remains an issue that needs to be addressed.

Principles

The Education Coalition Racial Justice Committee believes that the disproportionate discipline of students of color compared with White students must be examined and addressed. This requires a comprehensive understanding of different student needs and practices. To that end, the following principles are intended to help guide policy and funding decisions to address disproportionate discipline.

1. Support policies to create a positive school climate.

The state must support a school climate where adults understand the school community's social, cultural, physical, cognitive, and neurological diversity to address the many factors that affect student performance and behavior. With this understanding, adults will recognize that students bring emotional issues and trauma into the school environment that require significant attention and support. Further, the state should reject discipline policies and practices proven to discriminate disproportionately against students of color, those who identify as LGBTQ, those

⁴ AB 420-Dickinson [Chapter 660, Statutes of 2014] eliminated the authority to suspend a pupil in grades 1 through 3 and SB 419-Skinner [Chapter 279, Statutes of 2019] eliminated the authority to suspend a pupil enrolled in grades 4 and 5. It also prohibited the suspension of pupils in grades 6 through 8 for willful defiance until July 1, 2025.

⁵ -see Daniel J. Losen, Grace Shin, and Mahreen Alam, op cit .

identified with special needs, and those who experience any of the following: poverty, homelessness, foster care, former incarceration, or immigration issues.

For example, a zero-tolerance policy often results in the implementation of blanket rules that do not consider cultural differences in expression, the nuances of misbehavior, the reasons for the incident, or any extenuating circumstances. Zero-tolerance policies eliminate the possibility of restorative justice and other positive interventions that develop accountability and social skills that improve campus climate. School behavior policies that require all students to comport with behavioral norms associated with affluent white culture are also problematic as they are inconsiderate of the aforementioned diversity within our school system. These policies disproportionately hurt students of color and contribute to what is commonly referred to as the “school-to-prison pipeline.” These types of discriminatory discipline policies and practices must be addressed.

2. Promote Restorative Justice and Other Positive Interventions

Widespread efforts to curb exclusionary and discriminatory discipline in schools have led to a growing focus on restorative approaches, a set of practices aimed at building solid relationships and attachments at school rather than pushing students out of school.

As a result, many schools have sought to replace harsh disciplinary policies with restorative approaches, which “proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing.” Unlike zero-tolerance approaches, which seek to hold students accountable through punitive discipline—often in the form of classroom or school removals—restorative approaches achieve accountability through the development of caring, supportive relationships and through strategies that allow students to reflect on their behavior and make amends when needed to preserve the health of the community.

Instead of compelling students to meet expectations by rewarding desired behaviors and punishing misbehavior, restorative approaches promote student investment and responsibility for shared routines and norms. These approaches promote intrinsic motivation for treating others with respect rather than extrinsic motivations like rewards and punishment. Intrinsic motivations, like helping students understand the impact their actions have on others, have proved to be more impactful and long-lasting.

3. To eliminate disproportionate discipline, California must provide the training and tools to reshape how we help students succeed at school.

Improving disciplinary practices will require ongoing professional development and training of all school staff to reframe perspectives and provide tools to address various disciplinary scenarios. District leadership, school site administrators, and all school personnel must be equipped to use behavioral management techniques that best serve changing and diverse student populations. All professional development or restorative practices must be implemented with cultural, socioeconomic, and race/ethnicity lenses to ensure they are free from implicit bias and deficit-based attitudes. Training content should include trauma-informed approaches to learning,

positive behavioral interventions, restorative practices, and implicit bias training. Training in these areas would allow staff to utilize local disciplinary data to address inequities and share best practices with other educators.

Professional development must also include a component to delineate which school personnel is responsible for implementing student discipline policies and under what circumstances. For example, although school peace officers are involved in more severe incidents, they are not responsible for issuing discipline or determining whether disciplinary action is necessary.

4. Evaluate the prohibition on the use of suspension for willful defiance.

An evaluation of SB 419's suspension prohibition for willful defiance should be conducted to discover how schools addressed issues of willful defiance absent the ability to suspend the student. This could include a report to the Legislature and Governor outlining the alternative steps schools took to address and respond to incidences of willful defiance and whether alternative behavioral interventions or other tools have proven effective in addressing student behavior and learning. Specifically, the evaluation should include:

- Did school districts receive adequate programmatic support or funding to provide positive alternatives to suspension for willful defiance?
- Did the prohibition on willful defiance suspensions decrease disproportionate discipline, or does it continue through other non-suspension actions?
- Identification of districts or schools with particularly high rates of disproportionate discipline and whether the prohibition on willful defiance suspensions motivated changes to discipline policies and practices.
- Identification of best practices used to respond to willful defiance behaviors that would have traditionally resulted in a student's suspension from school.

5. Additional behavioral and mental health support for school sites.

Supplemental staff members are needed at school sites to implement services and programs that improve students' behavioral and mental health. Mental health professionals, counselors, school nurses, school social workers, speech therapists, welfare attendance workers, campus monitors, paraeducators, and other classified staff, educators, and administrators would ensure comprehensive delivery of services and programs to address the whole child's needs. At each level of support, these services must be funded, culturally relevant, and help mitigate the adverse impacts of implicit biases.

6. Streamline Medicaid reimbursements and county behavioral health services.

Existing barriers to receiving Medicaid reimbursement and county behavioral health services deter many LEAs from providing these services at school sites. LEAs do not have the staff capacity to perform the school-based administrative activities required for participation in these programs. The state should streamline the process for receiving Medicaid reimbursement and county behavioral health services so schools can support students locally.

Appendix

Table A1: Student Enrollment, Total Suspension and Unduplicated Suspension Data, 2019-20

All Schools Statewide	Total Student Enrollment 2019-20	Total Student Suspension 2019-20	Total Unduplicated Suspensions 2019-20	Subgroup % of Total Enrollment	Unduplicated Suspension Rate 2019-20	Subgroup % of total Suspensions
African American	340,492	40,122	23,151	5.4%	6.8%	15.0%
American Indian/Alaskan Native	31,100	2,687	1,685	0.5%	5.4%	1.1%
Asian	588,964	5,322	4,063	9.3%	0.7%	2.6%
Filipino	148,753	1,602	1,281	2.4%	0.9%	0.8%
Hispanic/Latinx	3,457,694	128,789	87,739	54.8%	2.5%	56.7%
Pacific Islander	28,220	1,281	941	0.4%	3.3%	0.6%
White	1,410,521	42,208	28,488	22.4%	2.0%	18.4%
Two or More Races	250,566	9,895	6,157	4.0%	2.5%	4.0%
Not Reported	50,624	1,847	1,213	0.8%	2.4%	0.8%
Students with Disabilities	815,964	70,626	39,681	12.9%	4.9%	25.6%
Socioeconomically Disadvantaged	1,214,236	43,397	28,796	19.3%	2.4%	18.6%
Foster Youth	45,307	10,973	5,411	0.7%	11.9%	3.5%
Statewide Total/Average	6,306,934	233,753	154,718	100.0%	2.5%	100.0%

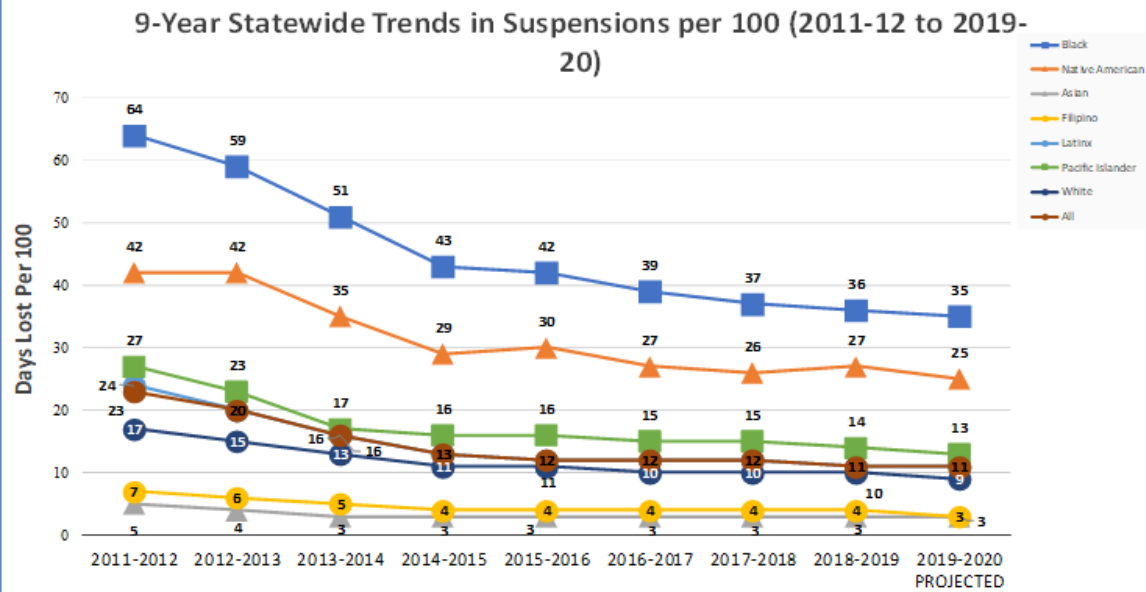
Table A2: Suspension Rates for California by Year Unduplicated Student Counts⁶			
Year	Enrollment	Students Suspended	Suspension Rate
2013-14	6,397,446	278,765	4.4%
2014-15	6,410,278	243,054	3.8%
2015-16	6,407,013	234,172	3.7%
2016-17	6,405,168	233,476	3.6%
2017-18	6,384,919	223,869	3.5%
2018-19	6,329,883	219,446	3.5%
2019-20	6,306,934	154,718	2.5%

Source: California Department of Education

Table 3: Suspension Rates by Selected Demographics Unduplicated Student Counts		
Race/Ethnicity	2013-14 Suspension Rate	2019-20 Suspension Rate
African American	11.3%	6.8%
American Indian or Alaska Native	8.4%	5.4%
Asian	1.2%	0.7%
Filipino	1.7%	0.9%
Hispanic or Latino	4.5%	2.5%
Pacific Islander	5.2%	3.3%
White	3.6%	2.0%
Two or More Races	4.4%	2.5%
Race Not Reported	3.4%	2.4%
Students with Disabilities	8.0%	4.9%
Socioeconomically Disadvantaged	3.6%	2.4%
Foster Youth	11.8%	11.9%
Statewide Total	4.4%	2.5%

⁶ - The suspension rate is defined as the unduplicated count of students suspended divided by the cumulative enrollment at the selected entity for the selected population. See <https://dq.cde.ca.gov/dataquest/dqCensus/DisSuspRate.aspx?year=2020-21&agglevel=State&cds=00>

ESTIMATES OF DAYS OF LOST INSTRUCTION (USING PROJECTED VALUES)



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