**Literature Review**

The United States Department of Justice and the United States Department of Education have identified school discipline policy as a national priority for education and juvenile justice reform (U.S. Department of Justice and U.S. Department of Education, 2014). According to a 2014 Civil Rights Data Collection data snapshot compiled by the U.S. Department of Education Office for Civil Rights, black students are disciplined in school settings more often than their white counterparts: "Black students are suspended and expelled at a rate three times greater than white students. On average, 5% of white students are suspended, compared to 16% of black students. American Indian and Native-Alaskan students are also disproportionately suspended and expelled, representing less than 1% of the student population but 2% of out-of-school suspensions and 3% of expulsions" (CRDC, 2014, p.1).  Researchers from the Discipline Disparities Research to Practice Collaborative, a group of social scientists, educators, policy analysts, and advocates, point to a growing body of research that illustrates that the gap in discipline rates is not simply the product of disparate rates of misbehavior (Gregory, Skiba, Noguera, 2010; Harvard University, Advancement and Civil Rights Project, 2000; Skiba, Michael, Nardo, & Peterson, 2000; Skiba & Rausch, 2006). The research demonstrates other possible factors that result in higher discipline rates, such as classroom management, diversity of teaching staff, administrative processes, characteristics of student enrollment, and school climate (Bradshaw, Mitchell, O'Brennan, & Leaf, 2012; Losen, 2011; Osher, et al, 2012). Furthermore, schools with higher discipline rates have lower levels of academic achievement (Losen & Martinez, 2013) demonstrating that traditional methods of student discipline can contribute to low school performance.

Disparate use of punishment in educational settings according to race mirrors that of the justice system with minority and lower SES students being punished at levels that are disproportionate to their representation in schools (McIntosh, Girvan, Horner, & Smolkowski, 2014). Black and Hispanic students and students representing lower SES backgrounds are more likely to receive discipline referrals and to experience exclusionary discipline (Carter, Fine, & Russell, 2014; Finn & Servoss, 2013).  As "zero tolerance "policies become increasingly utilized by school administrators, discipline practices have been restructured as forms of social control rather than means to facilitate learning (Hirschfield, 2008). Students who are responsible for minor infractions are treated more punitively than in the past (Devine, 1996).  Discipline referral categories such as misconduct, defiance, and noncompliance account for large racial discipline gaps (Gregory & Weinstein, 2008; Skiba, Horner, Chung, Rausch, May, & Tobin, 2011). Furthermore, schools have increased the presence of criminal justice system symbols; such as uniformed officers, closed circuit video and metal detectors, creating environments similar to correctional institutions (Hirschfield, 2008; Kupchik & Ellis, 2007).  Due to across-the-board zero tolerance policies, a large number of students throughout the United States have been

excluded from educational opportunities because of suspension or expulsions resulting in negative outcomes not only on academic achievement (Gregory, Skiba, & Noguera, 2010), but also to students' health and well-being (Gibson, Wilson, Haight, Kayama, & Marshall, 2014).  Students who have been disciplined in schools are more likely to experience negative educational outcomes, such as dropping out (Balfanz, Byrnes, & Fox, 2014; Fabelo, et. al, 2011; Lee and Burkam 2003) and being held back (Aud, et.al, 2010).

Disciplinary exclusion in the form of out-of-school suspensions, disciplinary placements, and expulsion are becoming more prevalent throughout the United States (Heitzeg, 2009; Losen & Gillespie, 2012); these disciplinary practices are applied disproportionally with specific populations of students, particularly minority students (Wald & Losen, 2003). Disciplinary exclusion practices increase the likelihood of enduring negative outcomes, and also increase involvement in the juvenile justice system (Council on Crime and Justice, 2008; Darensbourg, Perez, & Blake, 2010; Schollenberger, 2012), contributing to a school-to-prison pipeline (Burris, 2012; Fenning & Rose, 2007). The school-to-prison pipeline represents the disciplinary practices of educational institutions that systemically force youth out of school and into the criminal justice system (Advancement Project, 2011; Hirschfield, 2008).  According to the Civil Rights Data Collective: "While black students represent 16% of student enrollment, they represent 27% of students referred to law enforcement and 31% of students subjected to a school-related arrest. In comparison, white students represent 51% of enrollment, 41% of students referred to law enforcement, and 39% of those arrested. Students with disabilities represent a quarter of students arrested and referred to law enforcement, even though they are only 12% of the overall student population" (CRDC, 2014, p.1).

## Causes and Correlates of Discipline Disparity

- **Implicit Bias**

Discipline disparity may be attributed to implicit biases connected to the causes of classroom behavior issues (Gregory & Mosely, 2004).  "How teachers view culture, whether through dominant ideology as cultural power or through transformative ideology as social practices, influences classroom relationship expectations and interactions" (Pane, Rocco, Miller, & Salmon, 2014, p. 301).

- **Varvus and Cole (2002)** put forward that a majority of suspensions are not the result of violent behaviors but rather ascribe to underlying racial and gender attitudes held by teachers and administrators at the school. The authors contend that when a behavior incident or classroom disruption is singled out by teachers, they often rely on implicit race and gender biases when handling the misbehavior and deciding on an appropriate punishment.
- **Gibson, Wilson, Haight, Kayama, & Marshall (2014)** discuss the concept of pathologizing in their study of the role of race in out-of-school suspensions. According to the authors, cultural differences exist between the majority group of schools (predominately white educators) and black families;

"pathologizing is a process that treats differences as deficits and leads to discriminatory policies and practices" (Gibson, et. al, 2014, p.275). This concept of incorrectly attributing challenges faced by certain groups as deficits leads to a failure to address school-system level biases (Denby & Curtis, 2013; Rodriguez, 2013; Skiba, et.al, 2000)

- o **Van den Bergh, , Denessen, Hornstra, Vouten, & Holland (2010)** studied the implicit bias, generalized associations formed from systematically limited experience or exposure (McIntosh, et.al, 2014) and explicit bias, consciously held values (McIntosh, et. al, 2014), of teachers and found that their implicit biases predicted the extent of the achievement gap on standardized test scores between minority and non-minority students. Research suggests that implicit bias also affects school discipline decision-making (Skiba & Edl, 2004).

- o **Research that examined teachers' perceptions** have found that teachers identify black middle school students as exhibiting more defiant, disrespectful, and rule-breaking behaviors than non-black students (Skiba et al., 2002; Wentzel, 2002).  Studies have found that students are sensitive to differential treatment (McKown &Weinstein, 2008) and that black students are particularly vulnerable to adverse consequences of teachers' underestimation of their abilities (McKown & Weinstein, 2003).  Students of color perceive that their academic abilities and opportunities are viewed as less than when compared to their white counterparts (Olsen, 2008). Gregory and Weinstein (2008) suggest that black students who misbehave in the classroom may be responding to "teachers' low academic expectations or lack of warmth or care" (p.458).

- o **Gay (2006)** discusses culturally responsive teaching and classroom management and points to research that demonstrated how teachers view challenges of school norms as serious infractions worthy of serious discipline could be based on cultural misunderstandings.  Kohl (1994) examines "cultural mismatch" as the gaps between teachers and students in terms of race, culture, ethnicity, language barriers and social identities that results in a disconnection from the academic environment for students. Cultural mismatches may account for teacher perceptions of disrespect and could explain higher discipline rates among minority groups (Skiba, et. al, 2011).

- • **School Level Variables**

At the school level, the racial composition of students, (Christie, Nelson, & Jolivette, 2004; Raffaele Mendez 2003; Raffaele Mendez & Knoff, 2003), budgets/school spending (Christie et al. 2004), socioeconomic status (Raffaele Mendez & Knoff, 2003), school size (Christie et al. 2004), school climate (Cohen, McCabe, Lichelli, & Pickeral, 2009), and family engagement  (Raffaele Mendez & Knoff, 2003; Sheldon and Epstein 2002) have demonstrated an association with punishment rates as well as the likelihood of punishment for individual students according to group.

- **Aggregate research** focused on school districts has illustrated that measures of school climate are associated with discipline rates. Findings indicate that schools characterized by higher student-teacher ratios, lower academic achievement, and a more punitive climate have greater rates of punishment (Eitle and Eitle 2004; Hellman and Beaton 1986; Morrison and Skiba 2001; Skiba et al. 2002; Taylor and Foster 1986).

- **Eitle and Eitle (2004)** examined the importance of school climate in predicting discipline, and found that the overrepresentation of black students in suspension rates was, in part, due to the school culture. They conceptualized school culture as a composite measure comprised of the percent of students who were absent 21 days or more, the dropout rate, and percent of students who didn't meet passing levels on state achievement tests. The authors found that black students were underrepresented in suspensions in schools that were higher on this measure, net of racial composition and other school and district level measures (Eitle and Eitle 2004).

- **Brand, Felner, Seitsinger, Burns, & Jung (2007)** examined the effect of the academic climate of schools on punishment outcomes. Using a measure that detailed the positive aspects of school climate, including high student and teacher morale, learning as a priority, and teacher encouragement among students, the author found that students who attended schools where the academic climate was higher were less likely to receive suspensions.

- **Arcia (2007)** found that students who were below the 50th percentile of reading achievement were more often punished than those who were above the 50th percentile.

- **Hemphill, Toumbourou, Herrenkohl, McMorris, and Catalano (2006)** found that school suspension increased the risk of antisocial behavior one year after the punishment, even after taking into account prior acts of violence or aggression in addition to other risk factors such as association with negative peer groups and poor academic performance.

## Interventions and Evidence-Based Practices

Research demonstrates that short-term professional development can present barriers to implementation of innovative or improved instructional practices, classroom management strategies, and school policies (Darling-Hammond, Wei, Andree, Richardson, & Orphanos, 2009; Philpott & Dagenais, 2011). Professional development for teachers and instructional staff is best supported by way of long-term, sustained opportunities where the focus is to examine a particular issue via actual instructional practice (Van Es, Tunney, Goldsmith, & Seago, 2014). Embedded performance feedback (Brown, Gatmaitain, & Harjusola-Webb, 2014), iterative refinement of instructional practice (Lewis, Perry, & Murata, 2006), and teachers' analysis of video (Van Es, Tunney, Goldsmith, & Seago, 2014) have demonstrated efficacy in the literature for supporting high-quality professional development.

- **Sustained Professional Development Programs** (integrated into school day)
    - *Example:* My Teaching Partner – Secondary (MTP-S) professional Development Program: Teachers receive ongoing, personalized coaching and feedback, teachers reflect on video recording of their instruction with their coaches who employ the Classroom Assessment Scoring System with illustrative examples of positive and negative interactions. The teacher and coach work together to develop an action plan to build on strengths and address challenges.
        - Empirical evidence demonstrates positive student change when MTP programs are utilized: increased scores on standardized tests (Allen, Pianta, Gregory, Mikami, & Lun, 2011; Pianta, 2011), increases in student engagement (Gregory, Allen, Mikami, Hafen, & Pianta, 2012), and positive peer interactions (Mikami, Gregory, Allen, Pianta, & Lun, 2011). However, no studies have examined the MTP program in terms of teachers' disciplinary practice.
- **Restorative Practices** (classroom circles, fairness committees, peer juries, classroom management trainings for instructional staff) foster positive school climate and reduce discipline rates. Research demonstrates that schools utilizing Restorative Practice (RP) models of discipline reduce exclusionary discipline practices (Gregory, Clawson, Davis, & Gerewitz, 2014).
    - *Example:* Denver Public Schools adopted restorative justice practices  (family group conferencing, victim-offender mediation, classroom peace circles, and reparation of harm) in the 2008-09 school year and saw a 40% decrease in out-of-school suspensions (Advancement Project, 2011)
    - *Example:* West Philadelphia High School was on the state's "Persistently Dangerous Schools" list for six years. One year after implementing restorative practices using the *SaferSanerSchools* whole school change implementation model of restorative practices focusing on prevention and intervention, suspension decreased by 50% in the 2007-08 school year and violent acts and serious incidents decreased by 52% and another 40% by December of 2008 (Olson & Viola, 2007).
    - *Example:* Chicago Public Schools adopted restorative peer jury programs in 2006 and over 1,000 days of suspension were avoided in 2007-08 by referring students to peer jury programs, thereby keeping them engaged in the learning environment. Additionally, one high school saw an 83% decrease in student arrest rates after one year of peer jury implementation (Illinois PBSN, Progress Report, 2007-08).


- **Positive Behavior Interventions and Supports (PBIS)**
    - PBIS is a systemic, data-driven school-wide prevention strategy for improving school environment/climate to reduce discipline and foster a safe learning community. It focuses on altering staff approaches and underlying ways of thinking regarding student behaviors to support positive and constructive approaches, paying specific attention to cultural differences (Sugai & Horner, 2006).

- o Positive school climate has been associated with decreased discipline rates, reduced absences, and increased academic achievement (Bradshaw, Mitchell, & Leaf, 2010; Brand et.al, 2008; Han & Weiss, 2005).

- o School-wide positive behavior support consists of several components, which include (a) organizing and training a SWPBS support team, (b) defining behavioral expectations, (c) teaching behavioral expectations, (d) implementing systems to encourage expected behaviors and discourage inappropriate behaviors, and (e) collecting data to make decisions and evaluate effectiveness (Caldarella, Shatzer, Gray, Young, & Young, 2011;Horner et al., 2005).

- o In a study of features predicting sustained implementation of school-wide positive behavioral interventions and support, Matthews and colleagues (2013) identified regular acknowledgement of expected behaviors, matching instruction to student ability, and access to additional support as the strongest predictors of sustained implementation of PBIS within classroom systems.

- **Virginia Threat Assessment Protocol**
  - o A non-punitive systematic protocol used to respond to students' threats without the use of zero-tolerance policies that reduces suspensions. Guidelines are utilized by school-based multidisciplinary teams to evaluate and resolve student threats, selecting the most appropriate response to student behavior issues with the aim of keeping students in school rather than using suspension as punishment (Cornell, Shin, Ciolfi, Sancken 2013).

  - o Research in Virginia schools demonstrates reduced reliance on long-term suspensions (19%) and short-term suspensions (8%) as well as "significantly benefit[ing] Black males by narrow[ing] the race/gender discipline gap" (Losen, Hewitt, & Toldson, 2014, p.7).

  - o The U.S. Secret Service and Department of Education advise prevention of student violence as the primary goal for long-term management of threatening situations. These departments caution that exclusionary discipline may not be the most effective method for better long-term outcomes and advise threat managers to consider the most preventative and least damaging course of action (Cornell, Shin, Ciolfi, Sancken 2013).

The discipline data for the first quarter of 2015-16 (Focus Discipline file, 10/15/2015) were analyzed from multiple angles. One way to investigate the gap is to look at the probability of receiving a referral or receiving an out-of-school suspension (OSS) for black students as compared to non-black students. The black / non-black gap (or ratio) for referrals for the overall district was 3.7 to date in 2015-16 (Quarter 1) and the ratio for out-of-school suspensions was 4.8 in 2015-16 (Quarter 1).*

For the current school year, this indicates that a black student is almost 4 times as likely to receive a referral and approximately 5 times as likely to receive an out-of-school suspension as compared to their non-black peers. Additionally, while black students make up only 22% of the district population* more than half of the number of total referrals was represented by black students.

*Note: The percentages are calculated for purposes of this document by the Bradley definition of black because of the nature of the study. The percentage of black students in the district by the local ethnic code is 18%. A variety of methodologies can be used to arrive at appropriate gap analyses and conclusions, including the analysis of the number of black students who received a referral versus the number of multiple referrals received by black students. Each of these approaches presents a different gap / ratio but each shows the same (or a similar) trend.*

**These gaps are consistent with data that were analyzed in 2014-15** by the area superintendents and the district MTSS specialists. The MTSS specialists analyzed the data through a number of methods and found similar gaps. For example, the black, non-black ratios can be represented by comparing each subgroup to the entire school population and also by comparing each subgroup to itself (black to black, Hispanic to Hispanic, etc.), among other methods. Concerns around these gaps led the area superintendents to design a mandated training for all principals related to the research briefs from the Equity Project through Indiana University. A subsequent research study is ongoing through the district's Office of Assessment, Accountability and Research and our district's national research partner / Hanover Research.

**Data for the first quarter of 2015-16 were reported to the School Board** by the area superintendents and show promising drops in referrals and suspensions overall and among black students, though a gap still persists.

**A more in-depth examination of the types of referrals** for both 2014-15 and for 2015-16 (first quarter) revealed that black students in the district were also over-represented in certain types of infractions, including defiance / insubordination and class disruption. The ratios for defiance/insubordination showed that black students were 4-5 times as likely to receive a referral for defiance as non-black students. The ratio for class disruption showed that a black student was 1-2 times as likely to receive a referral for class disruption when compared to a non-black student.

**Guiding Questions:**

- What are our district core values around discipline and behavior management?

- Do our systems, processes and responses align with those values?

**Discussion Questions:**

Do we believe in preventative and restorative approaches to student discipline?

- **Probing questions:** If we believe in a preventative approach then are we looking at and tackling the root causes of referrals (defiance, disruption, etc.) more so than focusing on reducing consequences like the number of detentions or suspensions? If we believe in a preventive approach, might administrators and counselors partner with teachers to address the "minor" concerns in classrooms that are typically left for teachers to deal with alone? Might minor infractions be dealt with more urgently so as to avoid having them become big things? What would that look like in practice?

Do we believe that out-of-school suspension as a consequence runs counter to learning?

- **Probing questions:** If we believe that out-of-school suspension has little value in changing behavior (and runs counter to learning), have we considered all types of in-school alternatives where the student is removed from the classroom but real learning continues? Have we considered having students serve longer suspensions (such as 5-day or 10-day out-of-school suspensions) at an alternative site where learning can continue? Might we find a "serious" consequence that replaces out-of-school suspension altogether? Is that even possible or practical?

Do we believe in a highly relational (students having some "say") school climate?

- **Probing questions:** If we have a system built on relationships then should we spend more time developing a more systematic re-integration plan for when kids return to class (or to school) after a referral? Do our schools provide an authentic venue for kids to have their "say" on what happened regarding a disciplinary incident?

Do we believe in differentiated responses to misbehavior or should one size fit all (for consistency reasons)?

- **Probing questions:** Are the consequences for misbehavior that are provided by the teacher or administrator pre-determined with little or no wiggle room? Do our district policies provide any degree of differentiation? Do the students describe the system and consequences as fair or equitable? If not, why do their perceptions not match the adult perceptions? What can be done to bring them closer into alignment?

Do we believe that our classroom curriculum is highly engaging and are we successful in differentiating curriculum based on personal interest, culture, socio-economic status or learning style?

- **Probing questions:** If a certain type of student is getting in trouble in class more than others does that require us to examine both the curriculum and teaching style (or lesson) to assess whether some students are disengaged by the curriculum or disinterested in the lesson because one or both are lacking relevance (no connection to my life)? Might the root causes of disruption be tied to engagement?

### Professional Development / Awareness

- Consider increasing professional development and then moving from awareness to action.

### Alignment of Systems / Resources

- Consider taking a broader view first. Re-visit Tier 1 processes. This may be a Tier 1 problem with Tier 1 solutions.

### Revision of Code of Conduct / Consequences, Interventions

- Consider attacking this problem from both preventative and restorative perspectives.
- Consider consequences, interventions that increase learning and lessen the chance for repeated misconduct.

### Revision of Curriculum / Learning Tools

- Consider whether or not "disengagement" is contributing to misbehavior.
- Consider practical ways to provide differentiated materials, lessons to teachers.

### A Comprehensive Plan / Being Bold for Change

- Consider moving from an "additive" or "intervention-focused" model to a more transformational model.

**Transformational Model / Outline**

Systems change / alignment

- Student-focused / family-focused / highly relational
- Restorative and preventative (instead of reactive) / focused on "root causes"
- Learning-centered / highly engaging curriculum, lessons
- Personalized / differentiated responses, supports
- Creative and flexible / consequences / alternatives to suspension / intentional re-integration plans
- Collaborative in nature (teachers not left alone to handle discipline)
- Empowering by design (teacher and administrators provided flexibility, better (even stronger) options for repeated misconduct, supported by district leadership, responsive not bureaucratic).

**Possible Next Steps**

- Stay informed. Review data and best practices.
- Set up pilot interventions at selected schools for evaluation.
- Build on current actions, professional development already in place via area superintendents / MTSS specialists.
- Establish a cross-functional task force to look for creative and practical solutions.

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