

School Discipline Disparities in New Jersey

Background

Draft

Studies have consistently found substantial evidence of systematic and prevalent bias in the application of school discipline across racial/ethnic, socioeconomic, gender, sexuality, and disability lines.

African American, male students are particularly likely to be suspended - 1 in 5 African American boys is suspendedⁱ. Their female counterparts are also disproportionately disciplined.. African American students comprise 13% of the public school population but 20% of the discipline population. Studies have shown that 50% of African-American males and 33% of African-American females experienced out-of-school suspensions in a school yearⁱⁱ. In addition to race and gender, disability status contributes to a student's likelihood of disciplinary involvement, on average, 13% more than their non-disability peers.

Besides the loss of instructional time, the effects of this disproportionality are long-term and extend beyond academic domains. Skiba et. al.ⁱⁱⁱ found that persistent discipline disparities result in:

- lower achievement.
- lower school commitment.
- lower academic engagement.
- higher rates of school dropout.
- increased physical and mental health problem.
- increased odds of contact with the criminal justice system.

In addition to negative impacts on students' families, expelled students may be stuck with "deviant" labels which can follow them throughout their academic careers.

There are also a number of school-related risk factors^{iv} such as:

- high student-teacher ratios – this may result in teachers feeling overwhelmed by large class sizes and they may look to discipline as a mechanism of classroom control
- insufficient curricular and course relevance – this may result in students feeling disengaged and unchallenged by their work which may, in turn, be misinterpreted as disobedience or defiance
- Weak administrative leadership – this may result in a lack of standardization of enforcement of practices and enable teachers to do whatever they want with respect to discipline
- Identity mismatch between students and teachers – this may produce assumptions of bad behavior placed on students from different racial/ethnic backgrounds

Why students get suspended and expelled also varies according to racial/ethnic background. White students^v are more likely to be punished for objective behaviors (e.g. smoking, leaving the school without permission, vandalism, obscene language). African American students are more likely to be policed and punished for subjective behaviors (e.g. disrespect, excessive noise, loitering, threats)^{vi}. The cultural mismatch between teachers and students can be a factor in these processes (e.g. white teachers may misinterpret African-

American and Hispanic students' actions as disobedient based on a lack of familiarity with these groups or preconceived notions and stereotypes about them), when teachers punish a minority student for an offense they deem disobedient, like speaking loudly, which may actually have no ill intent behind it.

Discipline in New Jersey

The picture of racial/ethnic disparities with respect to discipline in New Jersey is bleak. Despite only accounting for 16% and 26% of the K-12 student population of New Jersey, African-American and Hispanic students account for 42% and 30%, respectively, of out-of-school suspensions. According to a 2015-16 study by ProPublica^{vii}, African-American and Hispanic students are 5.4 and 2.4, respectively, times more likely to face out-of-school suspensions than white students. Nationally these statistics are considerably lower: African-American students are 3.9 times more likely than white students and Hispanics students are 1.3 times more likely than white students to face out of school suspension. Across the state this disparity also varies:

- In Garfield, black students were 7.2 times as likely to be suspended as white students, while Hispanic students were 1.9 times as likely.
- In Paramus, black students were 12.4 times more likely to be suspended, while Hispanic students were 2 times as likely.
- In Cherry Hill, black students were 4.3 times as likely to be suspended, while Hispanic students were 3.1 times as likely.
- In Brick Township, black students were 5.9 times more likely to be suspended as white students, while Hispanic students were 2.4 times as likely.

- In Morris Township, black students were 8.3 times as likely to be suspended as white students. Hispanic students were 3.8 times as likely.

In addition to the stigma attached to these disparities higher rates of discipline also mean fewer days of instruction. On average, New Jersey schools lose 80 days of instruction due to out-of-school suspensions. Given the disproportionate application of discipline practices on minority students, these are the students who are most likely to miss days of instruction which can have long-term consequences on academic performance and achievement.

School Discipline – Best Practices & Sample Recommendations

Despite the disproportionate application of school discipline among racial/ethnic minority students and the clear lack of a universal standard, many school districts and states are implementing reforms. Many of these involve comprehensive, preventative approaches instead of punitive and exclusionary practices. For example, school districts in New York, Colorado, and Ohio have started to provide more teacher training in appropriate and culturally competent methods of instruction and classroom management, trauma and stress. Some districts are also replacing traditional approaches to disciplining with restorative practices that focus on solving the problem and supporting the school community (including both the victim and the offender, when appropriate). Part of this approach supports student panels^{viii} that serve as juries to advise on consequences for disciplinary infractions. Additionally, increased involvement among special educators in development of school discipline practices. A common thread throughout these efforts, and in particular among successful efforts, is the idea that zero tolerance doesn't work and that teachers, administrators, and

other school personnel need to be better trained and supported in de-escalating conflict (see Syracuse City School District, for example^{ix}). Specific best practices and reforms worth noting are detailed below:

Public schools in California can't suspend K-3 students for infraction that don't "threaten" others^x

- Training and hiring more minority teachers who may be more sensitive to minority student behaviors
- Connecticut won't suspend any young students at all
- Many states are revising student codes of conduct to combat overuse of exclusionary discipline practices
- Socio-emotional learning (SEL) as discipline reform strategy – student-centered approaches, for example:
 - o Syracuse, NY – shifting from discipline that follows a strict code of conduct outlined in a matrix of deviance, that often dictates exclusion from learning, to an SEL orientation that focuses on supports and early interventions that focus on the development of self-discipline. This is a part of a multi-tiered system of support comprised of 4 levels: Level 1, school-wide efforts of teaching, practicing, and recognizing positive student behaviors; Level 2, student-level targeted interventions; Levels 3 and 4, students with the greatest needs are provided with targeted interventions. The Syracuse code emphasizes “restorative” interventions, grounded in socio-emotional competencies in self-management, relationship skills, and decision-making processes.

- Denver, CO – a multi-tiered, restorative approach that focuses on relationship building, collaborative problem-solving, and communication between the harmed and the person causing harm. Based on reforms in the criminal justice arena, and often includes students, their families, and community members. Similar to the Syracuse model this is also a multi-level system. At tier 1, students participate in community-building exercises where they are given space to voice their concerns. At tier 2, students involved in low(er) level discipline incidents work together in smaller groups to resolve the problem. At tier 3, for serious discipline incidents, students participate in restorative conferences with a trained facilitator and participants are asked to collectively develop a solution. Areas/questions of focus include: What happened?; Who was affected by what you did?; What do you think needs to happen to make things right?^{xi} This last tier also includes processes related to returning to school after long, discipline-rooted, absences.
- Cleveland, OH – These interventions focus a great deal on early (or pre) intervention processes by establishing support services and teams for students who *may* benefit from early behavioral help. The district aims to provide equal access to these supports, that could help destigmatize students who are often criminalized. They also restructured their in-school-suspension practices and have rebranded them as “planning centers” that aim to provide problem solving strategies and alternative ways (rather than hostility or violence) of conflict resolution.

- In all 3 of these districts efforts to promote emotional literacy, problem-solving skills, and self-control are in place. All 3 districts have experienced decreases in exclusionary discipline (CITE):
 - Syracuse: 54% fewer African-American students were suspended (2014/15 v. 2011/12)
 - Denver: 39% fewer white students were suspended and the districts overall suspension rate was cut in half (2013 v. 2006)
 - Cleveland: Suspensions dropped by 60% over a 3 year period
- Restorative practices – community service, restorative group conferencing, victim impact panels, student-run disciplinary proceedings

Traditional Approach	Restorative Approach
<i>School and rules violated</i>	<i>People and relationships violated</i>
Justice focused on <i>establishing guilt</i>	Justice identifies <i>needs and obligations</i>
Accountability = <i>punishment</i>	Accountability = <i>understanding impact, repairing harm</i>
Justice directed at <i>offender (victim ignored)</i>	Justice includes <i>offender, victim, schools</i> → all have direct roles in justice process
<i>Rules and intent</i> outweigh whether outcome is positive or negative	<i>Repairing harm and working towards positive outcomes</i> → offender responsible for harmful behavior
No <i>remorse or amends</i>	<i>Expression of remorse and amends</i>

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- ⁱ Carter, Prudence, Michelle Fine, and Stephen Russel. "Discipline Disparities Series: Overview". *Discipline Disparities: A Research-to-Practice Collaborative* (2014).
- ⁱⁱ Skiba, Russel J. and M.K. Rausch. "Zero tolerance, suspension, and expulsion: Questions of equity and effectiveness." In *Handbook of classroom management: Research, practice, and contemporary issues*, edited by C.M Evertson and C.S. Weinstein, pp. 1063-1089. Mahwah: Lawrence Erlbaum, 2006.
- ⁱⁱⁱ Skiba, Russel J., Robert S. Michael, Abra Carroll Nardo, and Reece L. Peterson. "The color of discipline: Sources of racial and gender disproportionality in school punishment". *The Urban Review* 34, 4 (2002): 317-342.
- ^{iv} Krezmien, Michael P., Peter E. Leone, and Georgianna M. Achilles. "Suspension, race, and disability: Analysis of statewide practices and reporting." *Journal of Emotional and Behavioral Disorders* 14, 4 (2006): 217-226.
- ^v Skiba, Russel J. Choon Geung-Chung, Megan Trachok, Timberly L. Baker, Adam Sheya, and Robim L. Hughes. "Parsing Disproportionality: Contributions of Infraction, Student, and School Characteristics to Out-of-School Suspension and Expulsion". *American Educational Research Journal* 51, 4 (2014): 640-670.
- ^{vi} Skiba, Russel J., Robert S. Michael, Abra Carroll Nardo, and Reece L. Peterson. "The color of discipline: Sources of racial and gender disproportionality in school punishment". *The Urban Review* 34, 4 (2002): 317-342.
- ^{vii} Groeger, Lena V., Annie Waldman, and David Eads. *Miseducation. Is There Racial Inequality at Your School?* Propublica, 2018.
- ^{viii} Noguera, Pedro A. "How Listening to Students Can Help Schools to Improve". *Theory Into Practice* 46, 3 (2007): 205-211.
- ^{ix} <http://www.syracusecityschools.com/districtpage.cfm?pageid=595>
- ^x Sartain, Lauren, Elaine M. Allensworth, and Shanette Porter. *Suspending Chicago's students. Differences in discipline practices across schools*. Chicago: The University of Chicago Consortium on Chicago School Research, 2015.
- ^{xi} Ibid, 124.

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