

Unpacking the Departments of Education and Justice School Discipline Guidance Package

School Justice Leadership Summit
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School Discipline Guidance Release

On January 8, Secretary of Education Arne Duncan and Attorney General Eric Holder released the School Discipline Guidance at an event in Baltimore.



What Is “Guidance”?

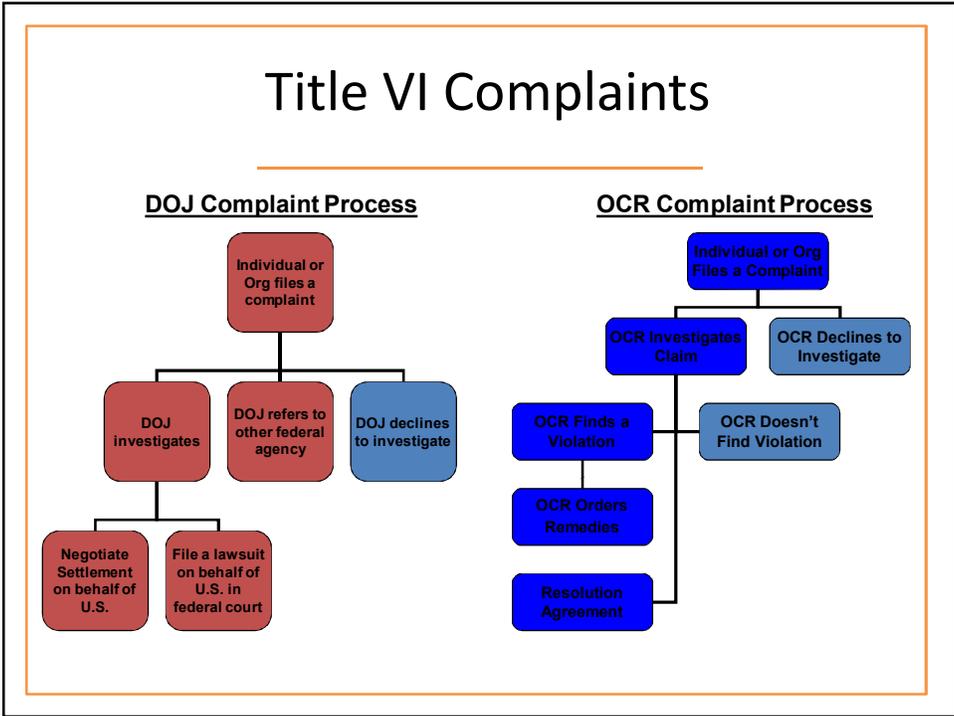
- Interpretation of federal law by agencies
- NOT new law
- Helps local agencies follow the law



A little background on Title VI

- Title VI was enacted as part of the **Civil Rights Act of 1964**
- It prohibits discrimination on the basis of **race, color, or national origin** in programs and activities receiving federal financial assistance.





Title VI Complaints






- Sue a school district in court and use evidence to prove that the district discriminated against students of color.
- Need a lawyer to help file and argue the case before the judge.
- If you win the case, the judge decides how the school district should fix the problem.
- Alert the U.S. Dept. of Ed. Office for Civil Rights (OCR) that a school district should be investigated because it's discriminating against students of color.
- The complaint is just a request for the OCR to open an investigation. You don't need a lawyer, and the process is supposed to be community-friendly.
- School districts often *voluntarily* agree to fix the problem on their own, instead of waiting for formal findings from OCR.

School Discipline Guidance Package

- “Dear Colleagues” Letter
- Guiding Principles
- Other resources available at <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

School Discipline Guidance Package

Why?



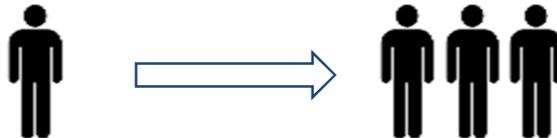
Racial Disparities: The Numbers

Percentage of African American students in CRDC	Percentage of African American students suspended once	Percentage of African American students suspended more than one	Percentage of African American students expelled
15%	35%	44%	36%

Racial Disparities: The Numbers

For every 1 white student to receive an OSS

3 black students received an OSS



Dear Colleagues Letter

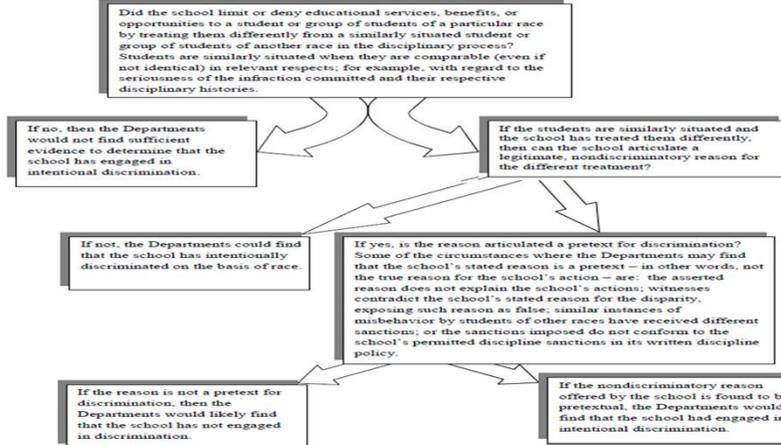
- What school disciplinary practices may be discriminatory
- What are the remedies if schools are engaging in discriminatory practices
- What are best practices for responding to student behavior and using exclusionary discipline

What the Guidance Tells Us: Discrimination

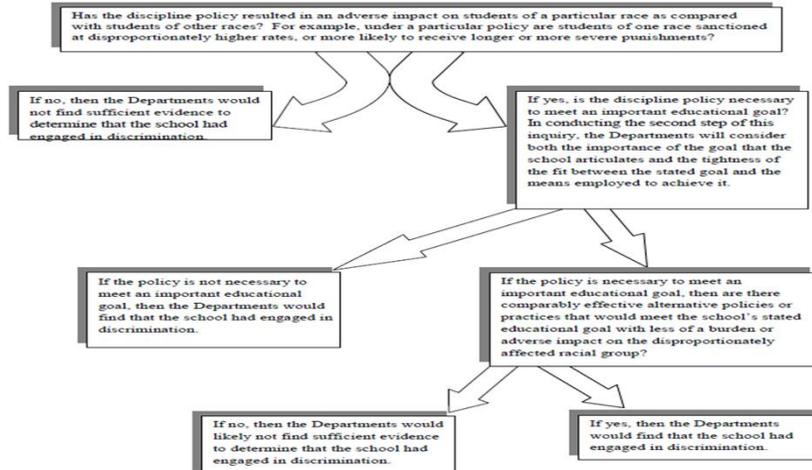
- Different Treatment
 - Similarly situated students receive different outcomes for same offense
 - Selective enforcement
 - Neutral policy that in reality targets one race
 - Racially discriminatory motives
- Disparate Impact
 - Neutral policy with no intent to discriminate that has the effect impacting students of a particular race

Different Treatment

Illustration 1: Different Treatment Flowchart



Disparate Impact



What The Guidance Tell Us: Policies & Practices

Red Flags

- Subjective offenses (p.20)
- Policy that doesn't mention race but targets students of a particular race (this could apply to rules about hairstyles, clothing, etc.) (p.8)
- Zero tolerance policies for being tardy to class; possessing a cell phone; insubordination or acting out; or being out of uniform (p. 12)
- Corporal punishment(p.12)
- Exclusionary discipline for truancy (p. 12)

Best Practices

- Intentional school climate creation (p. A-2)
- Defined role for law enforcement (p. A-3)
- Range of responses that are proportional, including positive alternatives to exclusion (p. A-4; A-6)
- Re-entry supports and services (p. A-6)
- Data collection & analysis (p. A-7)
- Training and development for school staff (p. A-3)

Best Practices: School Climate

- School and district wide programs like peer mediation and restorative justice
- School-based supports like counselors, social workers, nurses, and psychologists
- Development of social and emotional competencies
- Training on classroom management, conflict resolution, de-escalation, and cultural competencies

Best Practices: Infractions & Sanctions

- Clearly defined, non-subjective offenses with specific and objective criteria
- Range of sanctions with the understanding that exclusion is for only the most serious offenses
- Guidance for staff who are applying the range of sanctions
- Alternatives to using exclusionary discipline

Best Practices: Law Enforcement

- Clearly defined and formalized roles and responsibilities
- Differentiate between school discipline and school safety/serious crimes
- Training on bias-free policing and implicit bias, child development, and cultural competency
- Data collection and monitoring

Best Practices: Community Involvement

- Involve families & students in development and implementation of discipline policies
- Encourages districts to solicit family, student, & community input through committees or taskforces
- Regularly review and evaluate discipline policies & practices
- Districts should commit to plans of actions to address STPP and racial disparities

Remedies

- Revising discipline policies, provide clear definitions of infractions, ensure that consequences are fair
- Developing and implementing strategies for teaching, including the use of appropriate supports and interventions, which encourage and reinforce positive student behaviors and utilize exclusionary discipline as a last resort;
- Providing training to school staff
- Providing school-based supports for students who are struggling
- Conducting annual reviews with all stakeholders to discuss how discipline is working in the school

Strategies For Using Guidance To Reform Policies & Practices

- Review codes of conduct to see if there are any red flags
- Revise codes of conduct based on best practices
- Include the community:
 - Release data
 - Create process for reviewing & revising code with community input
 - Develop plans for acknowledging and addressing racial disparities

Questions & Next Steps

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