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## EXCLUSIONARY SCHOOL DISCIPLINE: AN ISSUE BRIEF AND REVIEW OF THE LITERATURE

by Danfeng Soto-Vigil Koon

Student discipline and its relationship to school climate and classroom instructional capacity has always been a central concern of educators. More recently, state and local policymakers have gained a heightened awareness of this issue area as the U.S. Department of Education began to collect and disseminate national data on school discipline practices and outcomes under the Obama Administration. In this brief, we review data on the major trends in school discipline practices with a focus on out-of-school suspensions and expulsions. We then describe the most widely used alternatives to out-of-school (exclusionary) suspension and expulsion in California and assess the relevant research to gauge the potential of each to improve school and student level outcomes.

### BACKGROUND

Over the past several decades, schools have increasingly relied on suspensions (and to

a lesser extent, expulsions) as disciplinary responses to a wide range of student infractions of school rules and norms. Since the early 1970s, the national suspension rate has more than doubled, rising from 3.7% of students in 1973 to 7.4% in the latest 2009-2010 data.<sup>1</sup> As our colleagues at the UCLA Civil Rights Project have detailed, these figures are equivalent to over three million children suspended in one academic year – enough children to fill every Major League Baseball park and every National Football League stadium in the nation, combined.<sup>2</sup> In California alone, 400,000 students were suspended at least once during the 2009-2010 school year.<sup>3</sup>

Not only are there a large number of suspensions overall, African American children are now more than three times as likely to be suspended than white students, and the gap has widened over time.<sup>4</sup> While suspension rates peaked in the 1990s and declined after 2000 for most racial subgroups, the African

1. Daniel J. Losen and Jonathan Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School* (The Civil Rights Project/ Proyecto Derechos Civiles at UCLA, August 2012); Sam Dillon, "Racial Disparity in School Suspensions," *The New York Times*, September 13, 2010, sec. Education, <http://www.nytimes.com/2010/09/14/education/14suspend.html>. Also see Department of Education, Office for Civil Rights, Civil Rights Data Collection Database (accessed on August 20, 2012), <http://ocrdata.ed.gov/>.

2. Losen and Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*.

3. Daniel J. Losen, Tia Martinez, and Jonathan Gillespie, *Suspended Education in California* (Civil Rights Project/Proyecto Derechos Civiles, 2012), <http://civilrightsproject.ucla.edu/resources/>.

4. Losen and Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*; Russell J. Skiba et al., "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment," *The Urban Review* 34, no. 4 (2002): 317-342, doi:10.1023/A:1021320817372; Anne Gregory, Russell J. Skiba, and Pedro A. Noguera, "The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?," *Educational Researcher* 39, no. 1 (January 1, 2010): 59-68, doi:10.3102/0013189X09357621

American suspension and expulsion rates continued to climb.<sup>5</sup> Native American and Latino students are also overrepresented in suspensions. Eight percent of Native Americans and 7% of Latinos were suspended at least once from school in the 2009-2010 school year, compared to 5% of non-Hispanic white students.<sup>6</sup> While these are national averages, the level and characteristics of disproportionality vary a great deal across states, districts, and even across schools in the same district.<sup>7</sup>

Research shows that children who are suspended encounter more negative life outcomes than those who are not. Children who are suspended miss critical instruction time and often find themselves further behind their peers when they return to school, creating a cycle of lower academic achievement and disengagement from school.<sup>8</sup> Research also shows that out-of-school suspensions often exacerbate behavioral issues among suspended students, who then tend to be suspended more frequently in subsequent years.<sup>9</sup> Decades of research on drop-out factors have found that school suspensions are a significant predictor of being held back a grade and dropping out of school altogether.<sup>10</sup> A recent study of the state of Texas conducted by the Council of State Governments found that a student suspended or expelled was twice as likely to repeat a grade compared to a similar student attending a similar school who was not suspended or expelled.<sup>11</sup> This same report found that a suspended or expelled student was nearly three times as likely as a similarly situated peer to have contact with the justice system the following year, supporting

previous findings that exclusionary school discipline practices lead to a greater chance of incarceration.<sup>12</sup>

While a growing number of educators and advocates agree that the upward trend of suspensions, and the persistent racial disparities involved, are both critical issues in public education, there is much less consensus about the appropriate policy response. Advocates, community groups, and academics have successfully pushed school discipline reform on to the national education reform stage. Under the Obama Administration, the U.S. Departments of Justice and Education have collected detailed discipline data across the country, convened stakeholders, issued guidelines to schools and school districts on ways to address disproportionality, and investigated complaints filed by parent and advocacy groups. State legislatures have similarly responded. In September of 2012, California Governor Jerry Brown signed new state legislation<sup>13</sup> that relaxes zero-tolerance laws and gives principals and superintendents increased discretion to use alternatives to suspension, expulsion, and mandatory reporting to police.

However, policy change is only a necessary first step. Decreasing suspensions and their disparate impact on children of color will require changing the everyday practices in principals' offices, schoolyards, and classrooms. This work is already underway in many places. Over the past two decades, three interventions have emerged in schools as the predominant alternatives to exclusionary practices: School-Wide Positive Behavioral Interventions and Supports (SWPBIS), Restorative Justice, and Social and

5. John M. Wallace et al., "Racial, Ethnic, and Gender Differences in School Discipline Among U.S. High School Students: 1991-2005," *The Negro Educational Review* 59, no. 1-2 (2008): 47-62.

6. Losen and Gillespie, *Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School*. Also see Department of Education, Office for Civil Rights, Civil Rights Data Collection Database (accessed on August 20, 2012), <http://ocrdata.ed.gov/>.

7. Gregory, Skiba, and Noguera, "The Achievement Gap and the Discipline Gap Two Sides of the Same Coin?"; Tony Fabelo et al., "Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement," *The Council of State Governments Justice Center and Public Policy Research Institute* (July 2011), <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=257292>.

8. Gregory, Skiba, and Noguera, "The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?"; Emily Arcia, "Achievement and Enrollment Status of Suspended Students: Outcomes in a Large, Multicultural School District," *Education and Urban Society* 38, no. 3 (2006): 359-369.

9. David Osher et al., "How Can We Improve School Discipline?," *Educational Researcher* 39, no. 1 (2010): 48-58; L. M. Raffaele Mendez, "Predictors of Suspension and Negative School Outcomes: A Longitudinal Investigation," *New Directions for Youth Development*, no. 99 (2003): 17-33.

10. American Psychological Association, "Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations," *American Psychologist* (2008): 852-862; Fabelo et al., "Breaking Schools' Rules"; Dick M. Carpenter and Al Ramirez, "More Than One Gap: Dropout Rate Gaps Between and Among Black, Hispanic, and White Students," *Journal of Advanced Academics* 19, no. 1 (November 1, 2007): 32-64, doi:10.4219/jaa-2007-705; Gary G. Wehlage and Robert A. Rutter, "Dropping Out: How Much Do Schools Contribute to the Problem?," *The Teachers College Record* 87, no. 3 (1986): 374-392.

11. Fabelo et al., "Breaking Schools' Rules."

12. Richard Arum, Irene R. Beattie, and Karly Ford, *The Structure of Schooling: Readings in the Sociology of Education* (Pine Forge Press, 2010); Fabelo et al., "Breaking Schools' Rules."

13. A.B. 1729 (Cal. 2012); A.B. 2537 (Cal. 2012).

Emotional Learning (SEL). Substantial evidence suggests that although these interventions each have unique historical roots, and theories of action, when implemented with high fidelity, SWPBIS, Restorative Justice, and SEL reduce *overall* behavioral issues in schools and the incidence of suspensions, and expulsions.<sup>14</sup>

However, little research exists on the impact of these interventions on reducing racial disproportionality in discipline. What would it take to reduce racial disproportionality in suspensions *and* reduce the overall suspension rate? This issue brief brings together the extensive research on the factors that contribute to racial disproportionality with what we know about effective interventions.

### SUSPENSIONS RISING AND RACIAL GAPS WIDENING: What the Research Tells Us About the Layered Causes of Racial Disproportionality

During the same time that overall suspension rates were doubling, the racial gap in suspension rates between African American and white students more than tripled, increasing from 3 percentage points to over 10.<sup>15</sup> What caused this steep upward trend in suspensions and expulsions and growing racial disproportionality? While existing school discipline practices and zero tolerance policies are designed to be “race-neutral” responses to discipline problems, they have had well-documented disproportionate impact on children of color. Yet, a great deal of variability exists across states, school districts, and even schools serving similar students. This variability highlights the important inter-relationship and influence of state and

district policy, school leadership, and local conditions on the racial discipline gap and the real impact these disciplinary decisions have on children. Extensive research on the causes of racial disparities in school discipline paint a complicated picture – one in which economic and social conditions as well as school factors, each intertwined with racial inequality, layer on top of one another – suggesting we need equally layered and multi-dimensional solutions.

### School Policy Contexts

Researchers have identified several shifts in school policy contexts that have led to increased exclusionary discipline policies and practices. Over the past four decades, schools, especially those serving children of color, have steadily increased their use of crime control technology, personnel, and procedures, paralleling a larger political shift in public policy from rehabilitation and services to criminalization.<sup>16</sup> Additionally, in the early 1990s, a rash of high-profile school shootings heightened public concern over school violence and led policy-makers at every level of government, from President Clinton down to local school boards, to adopt zero tolerance policies modeled after Reagan-era drug laws.<sup>17</sup> These zero tolerance policies mandated severe consequences, including suspension and expulsion, for a range of misbehaviors and rested on the assumption that removing some students from school would deter others from engaging in similar behaviors.

Concurrently, the standards-based accountability movement increased pressures on schools to show academic progress, creating incentives for some teachers

14. Benjamin G. Solomon et al., “A Meta-analysis of School-wide Positive Behavior Support: An Exploratory Study Using Single-case Synthesis,” *Psychology in the Schools* 49, no. 2 (2012): 105–121; Osher et al., “How Can We Improve School Discipline?”; Robert R. Horner et al., “A Randomized, Wait-List Controlled Effectiveness Trial Assessing School-Wide Positive Behavior Support in Elementary Schools,” *Journal of Positive Behavior Interventions* 11, no. 3 (2009): 133–144; Robert H. Horner, George Sugai, and Cynthia M. Anderson, “Examining the Evidence Base for School-wide Positive Behavior Support,” *Focus on Exceptional Children* 42, no. 8 (2010): 1–14; Jeanne B. Stinchcomb, Gordon Bazemore, and Nancy Riestenberg, “Beyond Zero Tolerance Restoring Justice in Secondary Schools,” *Youth Violence and Juvenile Justice* 4, no. 2 (2006): 123–147; *Health Impact Assessment of School Discipline Policies* (Human Impact Partners, University of California, San Francisco and Berkeley, 2012); David R. Karp and Beau Breslin, “Restorative Justice in School Communities,” *Youth & Society* 33, no. 2 (2001): 249–272; Joseph A. Durlak et al., “The Impact of Enhancing Students’ Social and Emotional Learning: A Meta-Analysis of School-Based Universal Interventions,” *Child Development* 82, no. 1 (2011): 405–432.

15. Daniel J. Losen, *Discipline Policies, Successful Schools, and Racial Justice* (The Civil Rights Project/ Proyecto Derechos Civiles at UCLA, 2011).

16. Paul J. Hirschfield, “Preparing for Prison? The Criminalization of School Discipline in the USA,” *Theoretical Criminology* 12, no. 1 (February 1, 2008): 79–101.

17. American Psychological Association, “Are Zero Tolerance Policies Effective in the Schools?”; Richard R. Verdugo, “Race-Ethnicity, Social Class, and Zero-Tolerance Policies: The Cultural and Structural Wars,” *Education and Urban Society* 35, no. 1 (2002): 50–75, doi:10.1177/001312402237214; Stinchcomb, Bazemore, and Riestenberg, “Beyond Zero Tolerance: Restoring Justice in Secondary Schools.” Also see, Richard Arum, *Judging School Discipline: The Crisis of Moral Authority* (Harvard University Press, 2003) for an argument that increasing due process rights in schools damaged the moral authority of school personnel and hastened the formalization of discipline in schools and zero tolerance policies.

While existing school discipline practices and zero tolerance policies are designed to be “race-neutral” responses to discipline problems, they have had well-documented disproportionate impact on children of color.

and school administrators to suspend and expel students deemed disruptive to the learning environment and who incidentally also tended to have lower test scores.<sup>18</sup> These zero tolerance and standards-based accountability pressures fell disproportionately on schools with the highest percentages of children of color,<sup>19</sup> thus contributing to both the overall increase in suspensions and increasing racial disproportionality.

### Larger Economic Trends

Larger economic conditions contributed as well. Researchers have documented how recent decades of increasing social and economic inequality and racial segregation have combined to produce unprecedented hardship and stress on middle- and low-income families and communities of color.<sup>20</sup> Research suggests that children living in neighborhoods of concentrated poverty demonstrate trauma symptoms and coping mechanisms that may appear disruptive in schools, such as anxiety, hypervigilance,

and presenting a “tough front” to ward off further victimization.<sup>21</sup> Since race and socio-economic status are so intimately connected in America, the concentration of poverty and resulting neighborhood effects on children of color likely contribute to racial disproportionality in discipline and require attention when analyzing intervention options. This research would suggest the importance of strategies to mitigate the impact of concentrated poverty, including, community mental health services, and trauma-informed care. These services would reduce the overall suspension rates in poor urban school districts that tend to have some of the highest rates of suspensions.

Studies show that children who grow up in neighborhoods of concentrated poverty not only learn coping mechanisms, they develop an understanding of society and their place in it that may lead to “acting out” behaviors deemed disruptive or counterproductive in schools.<sup>22</sup> Researchers found that by middle and high school, children of color have sophisticated understandings of the poor quality of their schools, the unequal distribution of social goods by race, and the hesitance of school personnel to recognize these social realities.<sup>23</sup> Children create oppositional identities as “bad boys” to cope and resist. Finally, children in high poverty communities may recognize the fundamental sorting function of schools, and the loss of the working class jobs that might have supported early exit from school in prior generations.<sup>24</sup> By watching the life paths of their older siblings, cousins, parents, and

18. David N. Figlio, “Testing, Crime and Punishment,” *Journal of Public Economics* 90, no. 4–5 (May 2006): 837–851, doi:10.1016/j.jpubeco.2005.01.003.

19. Kelly Welch and Allison Ann Payne, “Racial Threat and Punitive School Discipline,” *Social Problems* 57, no. 1 (February 1, 2010): 25–48.

20. Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Harvard Univ Pr, 1993); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (The New Press, 2010); Sean Reardon and Kendra Bischoff, *Growth in the Residential Segregation of Families by Income, 1970-2009* (US2010 Project, November 2011); Richard Wilkinson and Kate Pickett, *The Spirit Level: Why Equality Is Better for Everyone* (Penguin Books Limited, 2010).

21. Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (WW Norton & Company, 1999); Eric A. Stewart, Christopher J. Schreck, and Ronald L. Simons, “‘I Ain’t Gonna Let No One Disrespect Me’ Does the Code of the Street Reduce or Increase Violent Victimization Among African American Adolescents?,” *Journal of Research in Crime and Delinquency* 43, no. 4 (November 1, 2006): 427–458.

22. Susan Eaton, “Beyond Zero Tolerance: Creating More Inclusive Schools by Improving Neighborhood Conditions, Attacking Racial Bias, and Reducing Inequality,” in *Changing Places: How Communities Will Improve the Health of Boys of Color* (University of California Press, 2010); Gregory, Skiba, and Noguera, “The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?,” Ann A. Ferguson, *Bad Boys: Public Schools in the Making of Black Masculinity* (University of Michigan Press, 2001).

23. Michelle Fine, *Framing Dropouts: Notes on the Politics of an Urban Public High School* (SUNY Press, 1991); Ferguson, *Bad Boys*. Kenzo K. Sung, “Hella Ghetto!”: (Dis)locating Race and Class Consciousness in Youth Discourses of Ghetto Spaces, Subjects, and Schools, *Race, Ethnicity, and Education* (manuscript submitted for publication).

24. Samuel Bowles and Herbert Gintis, *Schooling In Capitalist America: Educational Reform and the Contradictions of Economic Life* (Haymarket Books, 2011); Jeannie Oakes, *Keeping Track: How Schools Structure Inequality, Second Edition* (Yale University Press, 2005); Peter Sacks, *Tearing Down the Gates: Confronting the Class Divide in American Education* (University of California Press, 2007).

Since race and socio-economic status are so intimately connected in America, the concentration of poverty and resulting neighborhood effects on children of color likely contribute to racial disproportionality in discipline and require attention when analyzing intervention options.

grandparents, a greater number of children may come to doubt whether education can actually lead to a better life, putting them at odds with the espoused purpose of schooling.<sup>25</sup> This research suggests that effective school level policies must also be paired with larger economic and social policies that actualize the promise of equal opportunity.

Socio-economic status explains only a portion of the racial gap in discipline, however.<sup>26</sup> While some poor urban school districts have the highest levels of suspensions overall, the racial discipline *gap* tends to be the same size or even larger in wealthier suburban school districts.<sup>27</sup> This research suggests that the interventions that reduce suspensions overall may be inadequate for addressing the layered causes of racial disproportionality in different settings.

### Academic Opportunity and Achievement

Researchers have found that academic achievement is linked to a range of social skills, including level of aggression and classroom behavior.<sup>28</sup> A longitudinal study that traced the interaction of behavior and academic achievement in children found that children struggling to read

in the first and third grades were very likely to exhibit teacher-reported aggression by the third grade, which was then associated with low academic achievement in the fifth grade.<sup>29</sup> This research indicates that as expectations of reading mastery increased through the early elementary grades, students who struggled with reading tasks began also to exhibit "acting out" behaviors, and this acting-out negatively affected classroom interactions between teacher and student, and was associated with poor academic achievement in the later grades. Academic achievement is itself related to existing racial inequalities in educational opportunities – what many researchers refer to as the "education debt" owed to communities of color for years of discriminatory social and economic policies.<sup>30</sup> This research suggests that the racial gap in academic achievement likely contributes to racial disproportionality in discipline as well. Thus, addressing the racial discipline gap likely requires interventions that specifically improve the teaching and learning of children of color, especially when they target the early childhood and elementary grades, focus additional resources on struggling students, and teach pro-social skills.

25. Fine, *Framing Dropouts*.

26. Skiba et al., "The Color of Discipline."

27. Wallace et al., "Racial, Ethnic, and Gender Differences in School Discipline Among U.S. High School Students"; Tamela McNulty Eitle and David James Eitle, "Inequality, Segregation, and the Overrepresentation of African Americans in School Suspensions," *Sociological Perspectives* 47, no. 3 (2004): 269–287.

28. Sarah B. Miles and Deborah Stipek, "Contemporaneous and Longitudinal Associations Between Social Behavior and Literacy Achievement in a Sample of Low-Income Elementary School Children," *Child Development* 77, no. 1 (2006): 103–117, doi:10.1111/j.1467-8624.2006.00859.x; Kali H. Trzesniewski et al., "Revisiting the Association Between Reading Achievement and Antisocial Behavior: New Evidence of an Environmental Explanation From a

Twin Study," *Child Development* 77, no. 1 (2006): 72–88, doi:10.1111/j.1467-8624.2006.00857.x; Gian Vittorio Caprara et al., "Prosocial Foundations of Children's Academic Achievement," *Psychological Science* 11, no. 4 (July 1, 2000): 302–306, doi:10.1111/1467-9280.00260.

29. Miles and Stipek, "Contemporaneous and Longitudinal Associations Between Social Behavior and Literacy Achievement in a Sample of Low-Income Elementary School Children."

30. Gloria Ladson-Billings, "From the Achievement Gap to the Education Debt: Understanding Achievement in U.S. Schools," *Educational Researcher* 35, no. 7 (October 1, 2006): 3–12, doi:10.3102/0013189X035007003; Bryan McKinley Jones Brayboy, Angelina E. Castagno, and Emma Maughan, "Equality and Justice For All? Examining Race in Education Scholarship," in *Review of Research in Education*, vol. 31, 2007, 159–194, <http://rre.aera.net>.

## Classroom Practices

Even taking into account the socio-economic status and academic achievement of students, research demonstrates that school and classroom-level policies and practices contribute independently to the racial discipline gap.<sup>31</sup> Studies find that racial disparities exist largely in classroom referrals to the office and, to a smaller extent, in the sanctions applied by administrators. African American students are more likely to be suspended for subjective disciplinary infractions such as defiance, disrespect, or non-compliance,<sup>32</sup> and are more likely to receive more severe punishments like out-of-school suspension and corporal punishment than other students.<sup>33</sup> Researchers attribute this disproportionality to the differing social expectations and cultural mismatch between school employees and students, negative expectations or stereotypes of students, and conscious and unconscious biases. Research in cognitive psychology support these findings and suggest that individuals rely on deeply embedded heuristics, or mental short cuts, to interpret and predict the behaviors of others. Studies find that even when individuals eschew overt racist attitudes, they hold unconscious and implicit racialized schemas that lead them to perceive African Americans as more threatening and more aggressive than whites even when behaviors are identical.<sup>34</sup>

Research on disparities in office referrals and administrative discretion on punishment suggest that conscious perceptions of race, as well as unconscious biases,

influence how school employees interpret student behaviors, and how they respond. This research suggests that successful interventions should include a focus on addressing racial biases of staff, strengthening relationships and understanding between school employees and students, providing teacher professional development on effective classroom management, and offering on-going opportunities for data-driven reflection by teachers on racial/ethnic and gender disparities that result from their application of “race-neutral” school discipline.

## School-Wide Practices

Finally, more recent research on the impact of school level characteristics on the racial discipline gap found that when comparing schools serving almost identical student populations and with similar school contexts, large variability existed in the rate of suspensions.<sup>35</sup> This research suggests that schools respond very differently to similar pressures and challenges, and that these differences in how schools respond matter a great deal for suspension rates. Prior research provides evidence that school-level variables such as school climate, racial climate, and the school leader’s perspectives on punishment may impact racial disproportionality in suspension rates. For example, a study analyzing a state-wide sample of school climate surveys found that in schools that measured high on both structure (i.e., having clear academic and behavioral expectations) and student supports, suspension rates fell and the racial discipline gap

31. Skiba et al., “The Color of Discipline”; Wallace et al., “Racial, Ethnic, and Gender Differences in School Discipline Among U.S. High School Students”; Gregory, Skiba, and Noguera, “The Achievement Gap and the Discipline Gap Two Sides of the Same Coin?”; Russell J. Skiba et al., “Race Is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline,” *School Psychology Review* 40, no. 1 (2011): 85.

32. Skiba et al., “The Color of Discipline”; Anne Gregory and Rhona S. Weinstein, “The Discipline Gap and African Americans: Defiance or Cooperation in the High School Classroom,” *Journal of School Psychology* 46, no. 4 (August 2008): 455–475, doi:10.1016/j.jsp.2007.09.001.

33. Gregory, Skiba, and Noguera, “The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?”

34. Anthony G. Greenwald and Linda H. Krieger, “Implicit Bias: Scientific Foundations,” *California Law Review* 94, no. 4 (2006): 945–967; Jerry Kang, “Trojan Horses of Race,” *Harvard Law Review* 118 (2004): 1489.

35. Fabelo et al., “Breaking Schools’ Rules”; Anne Gregory, Dewey Cornell, and Xitao Fan, “The Relationship of School Structure and Support to Suspension Rates for Black and White High School Students,” *American Educational Research Journal* 48, no. 4 (August 1, 2011): 904–934, doi:10.3102/0002831211398531.; Russell J. Skiba, Megan Trachok, Choong-Geun Chung, Timberly Baker, and Robin Hughees, “Parsing Disciplinary Disproportionality: Contributions of Behavior, Student, and School Characteristics to Suspension and Expulsion,” (Paper presented at the annual meeting of the American Educational Research Association, Vancouver, British Columbia, Canada, April 16, 2012). In Fabelo et al.’s study, schools were compared after holding constant student achievement measures (annual drop-out rate, attendance rate, campus accountability rating, and percentage meeting state standards), student demographics (percentage enrollment in special education or bilingual education, diversity, percentage economically disadvantaged), and school conditions (teacher racial diversity, expenditure per student, teacher salary, teacher experience, student/teacher ratio).

shrank.<sup>36</sup> Another study found that schools rated poorly for racial climate by their African American students exhibited higher disproportionality in rates of detention and suspension.<sup>37</sup>

Studies find that principal attitudes on school discipline matter. Schools led by principals who were more supportive of prevention efforts suspended and expelled students significantly less than schools with principals who were more punishment oriented.<sup>38</sup> In a very recent, and yet unpublished, study using multi-level modeling, researchers found that more than student behavior or demographic variables, school-level variables contribute a great deal to racial disproportionality.<sup>39</sup> The growing body of research on the impact of school-level variables on suspensions overall and the racial discipline gap in particular provide some interesting implications for reform. The research suggests that to close the racial discipline gap we need schools with clear academic and behavioral expectations, robust student support systems, school climates with low levels of racial discrimination, and school leaders who believe in and support their teachers to implement alternative responses to behavioral issues.

## EXPLORING THREE ALTERNATIVES TO TRADITIONAL PUNISHMENT MODELS

The substantial evidence on the complex and layered causes of racial disproportionality in discipline demonstrates that a similarly complex and layered solution may be required to address it. Recent studies that compare disciplinary data

of similarly situated schools show a sizeable number of schools suspending and expelling students at significantly lower levels than would be expected.<sup>40</sup> This research tells us that schools are capable of doing things differently and achieving very different results even with very similar student populations and facing shared challenges.

So what can and should schools be doing? Three interventions that provide alternative means for addressing school discipline have emerged.<sup>41</sup> School-Wide Positive Behavioral Interventions and Supports (SWPBIS) and Social and Emotional Learning (SEL) have been in practice for over two decades and are both well studied. Restorative Justice practices have been used in certain locations such as Minnesota, Denver, and southeastern Pennsylvania since the 1990s, but the widespread recognition of Restorative Justice as an alternative to punishment is relatively new in schools, and the research on its effectiveness is only beginning to emerge.

In a recent report published by EdSource, nearly half of California districts surveyed were implementing a program such as Second Step or Safe Schools Ambassadors that generally incorporate SEL principles.<sup>42</sup> Thirty-eight percent of districts surveyed were implementing some form of SWPBIS. Seven percent of districts reported having a district-wide Restorative Justice program, including Oakland, Richmond, and San Francisco. What do we know about these different interventions and their potential to address high-levels of suspensions overall, and racial disproportionality in particular?

36. Gregory, Cornell, and Fan, "The Relationship of School Structure and Support to Suspension Rates for Black and White High School Students."

37. Erica Mattison and Mark Aber, "Closing the Achievement Gap: The Association of Racial Climate with Achievement and Behavioral Outcomes," *American Journal of Community Psychology* 40, no. 1 (2007): 1–12, doi:10.1007/s10464-007-9128-x.

38. Gathogo Mukuria, "Disciplinary Challenges How Do Principals Address This Dilemma?," *Urban Education* 37, no. 3 (May 1, 2002): 432–452, doi:10.1177/00485902037003007.

39. Skiba et al., "Parsing Disciplinary Disproportionality."

40. Fabelo et al., "Breaking Schools' Rules."

41. Comprehensive counseling models represent another promising model for improving school climate and discipline. However, under current funding conditions, comprehensive counseling would not be a viable intervention in state likes California where student to counselor ratios are 1,016 students to one counselor. U.S. Department of Education. Institute of Education Sciences, National Institute for Educational Statistics. *Public Elementary and Secondary School Student Enrollment and Staff From the Common Core of Data: School Year 2010-2011*, <http://nces.ed.gov/pubs2012/snf201011/tables.asp>.

42. Louis Freedberg and Lisa Chavez, *Understanding School Discipline In California: Perceptions and Practice* (EdSource, 2012), [www.edsource.org/disciplinesurvey](http://www.edsource.org/disciplinesurvey).

## School-Wide Positive Behavioral Interventions and Supports

Drawing on applied behavioral theories in psychology and prevention theories in public health, aspects of School-Wide Positive Behavioral Interventions and Supports have been adopted by more than 9,000 schools in over 44 states.<sup>43</sup> SWPBIS focuses on creating and maintaining school and classroom climates that positively enforce good behaviors school-wide, and then respond to children engaging in problem behaviors with a tiered structure of intervention and support.<sup>44</sup> Although a number of SWPBIS-inspired programs exist, SWPBIS is better understood as an approach.<sup>45</sup> Rather than relying entirely on outside expertise, SWPBIS involves the development of a leadership team within the school or school district to identify effective research-based intervention practices, garner monetary and political support, train and coach staff, and monitor progress. This approach builds on local capacity and is designed to ensure that interventions are adapted to local conditions. SWPBIS also involves systematic collection of discipline data that can be summarized by student, grade level, referring teacher, location, type of infraction, and time of day or year. Once collected, the SWPBIS leadership team uses this data to design additional intervention plans, adjust existing ones, and provide feedback to teachers.

Positive Behavioral Supports (PBS), an early precursor to SWPBIS, was initially used to teach pro-social behaviors to individuals with severe behavioral disorders that were being re-integrated into schools through changes in special education policies and practices.<sup>46</sup> Many practitioners and proponents recognized the utility of the PBS approach to populations other than those with severe disabilities and

## THE GOOD BEHAVIOR GAME

The Good Behavior Game (GBG) is a classroom-level intervention that has been in practice since 1969.<sup>i</sup> Exemplifying some of the principles of School-Wide Positive Behavioral Interventions and Supports as applied to elementary grades, GBG uses student peer pressure to enforce good behavior rather than bad. In GBG, the teacher breaks the class into two or more teams and articulates a set of rules. If a team member breaks a rule, the team is given a point. At the end of a specified time (e.g., the end of an activity), the team with the fewest points wins. The winning team receives a particular reward, such as extended recess, treats, special privileges, or “victory tags.” GBG, and its variants, have spread to many different classrooms around the world. Research has shown that GBG effectively decreases problem behaviors such as talking out of turn, getting up from one’s seat, cursing, and verbally or physically aggressive behavior in K-6 grade settings.<sup>ii</sup> However, some studies caution that GBG can also over-heighten peer pressure, ostracize children that continue to exhibit problem behaviors, and provide opportunities for aggressive children to take out their aggression on children who gain the team a point.

i. Harriet H. Barrish, Muriel Saunders, and Montrose M. Wolf, “Good Behavior Game: Effects of Individual Contingencies for Group Consequences on Disruptive Behavior in a Classroom,” *Journal of Applied Behavior Analysis* 2, no. 2 (1969): 119–124.

ii. Daniel H. Tingstrom, Heather E. Sterling-Turner, and Susan M. Wilczynski, “The Good Behavior Game: 1969-2002,” *Behavior Modification* 30, no. 2 (March 1, 2006): 225–253.

43. Catherine P. Bradshaw, Mary M. Mitchell, and Philip J. Leaf, “Examining the Effects of Schoolwide Positive Behavioral Interventions and Supports on Student Outcomes: Results From a Randomized Controlled Effectiveness Trial in Elementary Schools,” *Journal of Positive Behavior Interventions* 12, no. 3 (July 1, 2010): 133–148, doi:10.1177/1098300709334798. Likely, many more schools implement aspects of the SWPBIS model even if they don’t officially consider themselves SWPBIS schools.

44. Solomon et al., “A Meta-analysis of School-wide Positive Behavior Support”; Osher et al., “How Can We Improve School Discipline?”; George Sugai and Robert R. Horner, “A Promising Approach for Expanding and Sustaining School-wide Positive Behavior Support,” *School Psychology Review* 35, no. 2 (2006): 245–259.

45. George Sugai and Robert H. Horner, “Defining and Describing Schoolwide Positive Behavior Support,” in *Handbook of Positive Behavior Support*, ed. Wayne Sailor et al., Issues in Clinical Child Psychology (Springer, 2009), 307–326; Horner, Sugai, and Anderson, “Examining the Evidence Base for School-wide Positive Behavior Support”; Sugai and Horner, “A Promising Approach for Expanding and Sustaining School-wide Positive Behavior Support”; Bradshaw, Mitchell, and Leaf, “Examining the Effects of Schoolwide Positive Behavioral Interventions and Supports on Student Outcomes: Results From a Randomized Controlled Effectiveness Trial in Elementary Schools.”

46. Glen Dunlap et al., “Overview and History of Positive Behavior Support,” in *Handbook of Positive Behavior Support*, ed. Wayne Sailor et al., Issues in Clinical Child Psychology (Springer, 2009), 3–16.



began implementing it more widely. As PBS was implemented to larger populations, and to schools as a whole, individualized programs proved to be largely ineffective because of time and resource constraints. Large-scale prevention efforts from public health were integrated with PBS strategies to narrow the proportion of the overall population that needed more intensive interventions, giving birth to SWPBIS.

What does this look like in practice? If you walked into a SWPBIS school you would see some common features. For example, you would likely see three to five commonly agreed upon expectations for student behavior posted up in classrooms, hallways, playgrounds, and cafeterias (e.g., “Respect, Responsibility, Relationships”).<sup>47</sup> In each location, clear definitions of how students would embody these behavioral expectations would also be posted. For example, being respectful in class may include, “Raise your hand,” while being respectful in the hallways may be defined as “Use a quiet voice at all times.” These expectations are taught explicitly at the start of the school year and continue to be taught and reinforced throughout the year. Teachers respond to behavioral problems as teachable moments, pointing out the behavior expected, modeling the desired behavior, and providing opportunities to practice. Under SWPBIS, school staff members acknowledge good behaviors, often with tickets or tokens that students accumulate to purchase prizes or participate in a raffle. In addition, a clear continuum of consequences exists for rule violations.

If the school-wide systems (or Tier 1 interventions) are ineffective for a child, SWPBIS responds with specialized group systems where children engaging in mild to moderate behavioral problems have additional regularly-scheduled opportunities to learn and practice adaptive social skills, and often involve daily or weekly feedback and

self-reflection (or Tier 2 interventions).<sup>48</sup> School counselors, psychologists, special education specialists, and community mentors typically identify, coordinate, and engage students in these Tier 2 activities. For example, in Check & Connect programs, hired “monitors” check in with students identified with chronic attendance problems or emerging behavioral issues, develop relationships with the students and their families, and coordinate support among school staff.<sup>49</sup> Other examples are homework clubs, increased supervision, or behavior logs. For children engaging in severe or high-risk behaviors, individualized supports and intervention generally begins with a functional behavior assessment in which experienced staff identify the environmental factors causing the student’s behavior and create a comprehensive behavior plan that may include mental health counseling, new skills instruction, parent-teacher conferences, coordination with social welfare programs, and assessments for special education (or Tier 3 interventions).<sup>50</sup> Tier 3 interventions require coordinated and robust mental health and student support systems and the specialized human resources and specialized institutional capacities (e.g., mental or behavioral health experts and student identification and service delivery systems) that these interventions imply.

A number of recent large-scale studies have found positive effects of SWPBIS on reducing office referrals and suspensions. A 5-year longitudinal randomized controlled effectiveness study in 37 Maryland elementary schools found that schools that were randomly assigned to implement SWPBIS were able to implement SWPBIS with high fidelity, had 35% fewer office referrals, and experienced significantly lower suspension rates compared to the schools that did not implement SWPBIS.<sup>51</sup> A related study found that Maryland’s state-wide implementation of SWPBIS reduced average rates of suspension from

47. Sugai and Horner, “Defining and Describing Schoolwide Positive Behavior Support.”

48. Ibid.; Horner, Sugai, and Anderson, “Examining the Evidence Base for School-wide Positive Behavior Support.”

49. Amy R Anderson et al., “Check & Connect: The Importance of Relationships for Promoting Engagement with School,” *Journal of School Psychology* 42, no. 2 (March 2004): 95–113, doi:10.1016/j.jsp.2004.01.002.

50. Sugai and Horner, “Defining and Describing Schoolwide Positive Behavior Support.”

51. Bradshaw, Mitchell, and Leaf, “Examining the Effects of Schoolwide Positive Behavioral Interventions and Supports on Student Outcomes Results From a Randomized Controlled Effectiveness Trial in Elementary Schools.”

6.67% to 4.07% in elementary schools, and from 33.36% to 26.66% in middle schools.<sup>52</sup> Other randomized, wait-list controlled studies have found that first-tier prevention techniques of SWPBIS can be effectively implemented by typical personnel without additional outside funding, an essential attribute for any intervention expected to be brought to scale.<sup>53</sup> However, researchers note that further study is necessary to understand whether second and third tier interventions are effective with existing school personnel and resources.

## LOS ANGELES

In response to a year-long parent and community organizing campaign lead by CADRE (Community Asset Development Re-defining Education), the Los Angeles Unified School District (LAUSD) adopted SWPBIS as their district-wide disciplinary policy in March 2007 with the goals of increasing academic achievement and attendance and decreasing out-of-school suspensions. A 2011 independent and impartial evaluation of the district discipline policy by the University of Oregon Institute on Violence and Destructive Behavior found that in middle and high school, a generally positive relationship existed between one measure of SWPBIS implementation and higher attendance and improved test scores. Researchers also found a correlation between SWPBIS implementation and fewer suspensions in middle and high school. In elementary school, there was not a positive relationship between SWPBIS implementation and attendance, but there was a slight correlation between SWPBIS implementation and higher test scores, as was the case for fewer suspensions.

Studies of smaller scale implementation also found positive results. A meta-analysis of 20 published single-case studies, spanning 16 years of research on SWPBIS, found that SWPBIS is effective in reducing students' overall office

disciplinary referrals and observed problem behaviors.<sup>54</sup> Additionally, implementing SWPBIS in unstructured settings, like the cafeteria, hallways, and school buses, was found to be significantly more effective than in the classroom. The researchers suggest that SWPBIS implementation in unstructured settings provided swift and significant results because these unstructured settings were more likely to lack consistent behavioral expectations or trained supervision before implementation of a school-wide intervention like SWPBIS.

The meta-analyses also provided some evidence that SWPBIS had larger effects in urban schools than rural or suburban schools. Finally, the study found that SWPBIS in middle schools had a higher mean effect than in elementary schools, although not statistically significant. The researchers noted that middle schools may experience greater behavioral improvements from SWPBIS because middle schools require students to transition between different classrooms with varying behavioral expectations. In the middle school environment, school-wide implementation of common behavioral expectations may provide students with consistent guidance on how to behave. SWPBIS proponents also note that although nearly 1000 American high schools have attempted to adopt SWPBS, a consistent finding has been that implementation is particularly challenging in the high school context.<sup>55</sup> This meta-analysis provides evidence that SWPBIS may work better in some contexts than others.

While the research provides evidence that SWPBIS improves student behaviors overall, especially in elementary and middle schools, very little of this research measures the impact of SWPBIS on racial disproportionality. Bringing together the existing body of research on SWPBIS with what has been documented about the causes of the racial discipline gap suggests that effective implementation of SWPBIS has the potential for decreasing the gap if it creates multiple intervention points before suspension or expulsion, provides mental health support for children dealing with trauma, teaches behavioral

52. Susan B. Barrett, Catherine P. Bradshaw, and Teri Lewis-Palmer, "Maryland Statewide PBIS Initiative Systems, Evaluation, and Next Steps," *Journal of Positive Behavior Interventions* 10, no. 2 (April 1, 2008): 105–114, doi:10.1177/1098300707312541.

53. Horner et al., "A Randomized, Wait-List Controlled Effectiveness Trial Assessing School-Wide Positive Behavior Support in Elementary Schools."

54. Solomon et al., "A Meta-analysis of School-wide Positive Behavior Support."

55. Horner, Sugai, and Anderson, "Examining the Evidence Base for School-wide Positive Behavior Support."

expectations that might minimize cultural mismatch in the classroom, and creates structured school environments with clear behavioral expectations – all characteristics that have been found to decrease racial disproportionality.

However, in a separate study, utilizing a data set taken from 364 schools implementing SWPBIS in 17 states, African American elementary students were still found to be more than twice as likely, and African American middle school students nearly four times as likely, as their white peers to be referred to the office.<sup>56</sup> In addition, African American and Latino students received harsher punishments than their white peers for similar misconduct. Although not intended to be an evaluative study of SWPBIS, this study showed that SWPBIS may improve school climate overall, but without addressing some of the other layered-causes of racial disproportionality, such as the conscious or unconscious biases of school staff, racial climates of schools, or school leader perspectives on discipline, effective implementation of SWPBIS alone may not be enough to reduce racial disparities in suspensions.

### Restorative Justice

Restorative Justice models of school discipline represent a distinct departure from the retributive philosophy that pervades much of American criminal justice and zero tolerance school policies. Prevailing school discipline policies follow the retributive model that separates the offender from the victim, and empowers school authorities or the state with the exclusive right to define offenses, weight their seriousness, and determine punishment.<sup>57</sup> Restorative Justice supporters raise concerns that retributive justice models, when applied in schools, tend to alienate offenders from the school community and may encourage future delinquent behavior rather than deter it. In contrast, Restorative Justice practices emerge from a commitment to restorative visions of justice and to

rebuilding relationships. Restorative Justice seeks to recognize the impact of offenses to the wider community, engages the victim and the perpetrator in coming to solutions, and has the goal of both repairing the harm to the victim as well as reintegrating the offender into the school community. Restorative Justice has also been used in some places to address substance abuse – a form of self-harm.<sup>58</sup>

Many scholars trace the use of restorative justice as an alternative to state-sanctioned punishment to the traditional Maori practice of repairing harms between families in New Zealand.<sup>59</sup> In the 1980s, police adapted these traditional practices to a criminal justice context. Restorative Justice practices spread to different fields, like education, as well as different nations, including Australia, Canada, South Africa, Japan, Brazil, Indonesia, the United Kingdom, and the United States.<sup>60</sup> In the United States, Restorative Justice practices in schools were initially piloted in several school districts in Minnesota, Colorado, Arizona, and New York in the late 1990s and have since spread to other school districts (including Oakland and San Francisco) and to other educational settings.

A core component of Restorative Justice models are facilitated community circles that bring together victims, offenders, their supporters, and other community members affected by the offense. Circles typically start with the parties to the conflict telling their side of the story. Then supporters, most often friends and family of the victim and offender, discuss how the actions impacted them. School administrators also share their perspectives and experiences. Then everyone discusses possible ways that the offender can take responsibility and make reparations for the harm he/she has caused to the victim and the community. The solutions are memorialized in a written agreement that the offender and the community must follow. Through this process, the offender is reintegrated into the community and the community is strengthened.<sup>61</sup>

56. Skiba et al., “Race Is Not Neutral.”

57. Brenda E. Morrison and Dorothy Vaandering, “Restorative Justice: Pedagogy, Praxis, and Discipline,” *Journal of School Violence* 11, no. 2 (2012): 138–155, doi:10.1080/15388220.2011.653322; Karp and Breslin, “Restorative Justice in School Communities.”

58. Karp and Breslin, “Restorative Justice in School Communities.”

59. Morrison and Vaandering, “Restorative Justice”; Michael D. Sumner, Carol J. Silverman, and Mary Louise Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland* (Thelton E. Henderson Center for Social Justice, Berkeley Law, 2010).

60. Stinchcomb, Bazemore, and Riestenberg, “Beyond Zero Tolerance Restoring Justice in Secondary Schools”; Morrison and Vaandering, “Restorative Justice.”

Successful implementation of Restorative Justice in schools requires a commitment by school leadership, faculty, and students to a philosophical shift away from punishment models of discipline and often involves training all staff in Restorative Justice principles and practices. Implementation also often involves on-going technical assistance provided over a number of years. Some school districts partner with local nonprofit community organizations to provide Restorative Justice support to their staffs.<sup>62</sup>

Research on early implementation of restorative practices in schools show promising results. In a case study of an Arizona school, police calls dropped from 300 to 2 in one year, and the principal noted a significant decline of disciplinary office referrals. The principal attributed the decline to improved conflict resolution skills and the handling of more disciplinary issues at the classroom level.<sup>63</sup> In another study, researchers found that in a Minnesota elementary school referrals, out of school suspensions, and in-school suspensions all fell to a third of the previous level. However, in another elementary school, referrals and in-school suspensions increased while out-of-school suspensions decreased. The researcher attributed this difference to the level of trust school staff had for Restorative Justice staff and the commitment and perspectives of school leadership.

While comprehensive research on Restorative Justice implementation in U.S. schools remains sparse, more systematic reviews have been conducted elsewhere. In a study of 18 Scottish schools, researchers found that Restorative Justice implementation was more successful in primary schools than secondary schools, finding the implementation in secondary schools often faced more resistance and was offered as “another tool in the tool box” rather than as a comprehensive shift in philosophy.<sup>64</sup> This led to inconsistent application. The most successful implementation occurred in schools where staff recognized a need

for change, shared a commitment to infusing Restorative Justice into the entire school culture, and believed in their own ability to improve school cultures. Limited success occurred when only staff members responsible for school-wide discipline implemented Restorative Justice. Finally, in schools where Restorative Justice practices were only implemented when students engaged in serious behaviors that would otherwise have resulted in criminal charges, individuals involved in the Restorative Justice process reported positive outcomes but surveys of teachers and other students showed limited familiarity with key Restorative Justice ideas and little impact on school culture.

These findings are supported in part by a more recent study of Restorative Justice in an Oakland middle school. Researchers found that the integration of Restorative Justice practices into the culture, norms, and values of the school, along with strong committed leadership and a multi-year partnership with a local non-profit Restorative Justice organization resulted in an 87 percent decline in suspensions and zero expulsions.<sup>65</sup> Ninety-one percent of the middle-school students believed that Restorative Justice improved relationships between students, and 83 percent believed it helped to reduce fighting. Researchers note that the transformative experience of Restorative Justice on school culture and relationships cannot be captured by quantitative measures alone. Thus, many case studies of Restorative Justice implementation provide moving examples of enemies that become best friends as well as thoughtful student and staff testimonials on the impact of Restorative Justice on their lives.<sup>66</sup>

Researchers find that successful implementation of Restorative Justice requires a high level of commitment by the leadership and staff, and initial training, because Restorative Justice represents a fundamental shift in how schools think about and respond to discipline issues.<sup>67</sup> While teachers who support Restorative Justice

61. Karp and Breslin, “Restorative Justice in School Communities.”

62. Sumner, Silverman, and Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland*.

63. Stinchcomb, Bazemore, and Riestenberg, “Beyond Zero Tolerance Restoring Justice in Secondary Schools.”

64. Gillean McCluskey et al., “Can Restorative Practices in Schools Make a Difference?,” *Educational Review* 60, no. 4 (2008): 405–417.

65. Sumner, Silverman, and Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland*.

66. Stinchcomb, Bazemore, and Riestenberg, “Beyond Zero Tolerance Restoring Justice in Secondary Schools”; Sumner, Silverman, and Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland*.

SWPBIS focuses on creating and maintaining school and classroom climates that positively enforce good behaviors school-wide, and then respond to children engaging in problem behaviors with a tiered structure of intervention and support. Restorative Justice seeks to recognize the impact of offenses to the wider community, engages the victim and the perpetrator in coming to solutions, and has the goal of both repairing the harm to the victim as well as reintegrating the offender into the school community.

often see the value of community circles in improving the instructional environment, others may see it as detracting from instructional time.<sup>68</sup> Conducting effective community circles also takes a great deal of expertise. Researchers found that effective circle leaders understood adolescents, knew the communities from which students came, demonstrated an ability to negotiate cultural differences, and balanced empathy with professionalism. These socially skilled circle leaders were able to build trust, resolve problems, and strengthen community. Researchers warned that circle leaders without these traits “had the potential of inflicting more harm than good.”<sup>69</sup> Finally, Restorative Justice represents a different vision of staff-student relationships – one in which teachers and students are more equal members of the school community. This research suggests that Restorative Justice principles will likely be more successfully implemented in schools with these existing values or where staff members are committed to building these relationships with students.

While existing research demonstrates that successful implementation of Restorative Justice practices reduce overall suspensions and expulsions, more systematic study

of these implementation efforts in different U.S. settings is necessary. In addition, little if any research has been conducted on the impact of Restorative Justice on the racial discipline gap. Bringing together the research evidence on the causes of racial disproportionality in discipline with the existing research on Restorative Justice would suggest that the successful implementation of Restorative Justice in schools may help to reduce the racial discipline gap by providing safe spaces for children to strip back the “tough front” and find alternative ways to resolve conflicts. Successful implementation of Restorative Justice principles throughout a school would also strengthen relationships between students and teachers and strengthen overall school culture, which has been associated with fewer suspensions and smaller racial discipline gaps.<sup>70</sup> However, without specific ways to support children in healing childhood traumas, improving academic instruction in classrooms, addressing teacher bias, and improving the racial climate in schools, racial disproportionality is likely to persist. In addition, the significant commitment to reform and cultural expertise necessary for successful Restorative Justice implementation in schools with diverse student populations raises

67. McCluskey et al., “Can Restorative Practices in Schools Make a Difference?”; Sumner, Silverman, and Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland*.

68. Sumner, Silverman, and Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland*.

69. Ibid., 26.

70. See Gregory, Cornell, and Fan, “The Relationship of School Structure and Support to Suspension Rates for Black and White High School Students”; Matison and Aber, “Closing the Achievement Gap.”

concerns about whether Restorative Justice can be implemented effectively in schools that have the largest racial discipline gaps.

### Social Emotional Learning

The third intervention, Social and Emotional Learning (SEL), grows out of child development research and encompasses a family of ideas about what makes a healthy child and healthy community. Child development experts explain that to become socially competent adults, children during early childhood and elementary school years need to learn to integrate their natural emotional responses with increasing cognitive and linguistic skills.<sup>71</sup> By learning to identify the emotions that they and others are feeling, communicate about those emotions, regulate how they express or respond to emotions, and empathize with others, children gain ways of coping with life that promote healthy life-long pro-social behaviors.

SEL programs focus on teaching self-awareness, self-management, social awareness, relationship skills, and responsible decision making, so that children learn to effectively manage emotions, set and achieve goals, understand and appreciate other perspectives, build and maintain healthy relationships, and make healthy decisions in their lives.<sup>72</sup> In other words, researchers have found that SEL helps children “integrate thinking, feeling, and behaving to achieve important life tasks.”<sup>73</sup> These skills have most recently been identified by the National Research Council as the “intra-personal” skills critical to life-long learning.<sup>74</sup> Further, analysts have argued that these SEL competencies not only lead to stronger academic performance and fewer behavior problems in school, but also represent adaptive behaviors that all humans need to succeed in life. School-wide SEL programs teach, model, practice, and

apply the core competencies named above in classrooms, and often involve school-wide community building activities, home-school components, class meetings, and service learning. Two key features of this model rest on building supportive teacher-student relationships and encouraging student-centered self-discipline. Rather than a behavior management model, SEL is driven by larger aspirations: preparing children and youth with the life-long skills necessary to become responsible, socially skilled, and caring citizens.

SEL grew out of recognition in the early 1990s that schools had become the catch all for countless prevention efforts.<sup>75</sup> Numerous well-intentioned programs addressing everything from violence to teen pregnancy, HIV/AIDS, civic engagement, and drug abuse filled schools, yet these efforts were often uncoordinated, introduced as short-term fragmented activities, and not well integrated into the core mission and work of schools. A convening in 1994 brought together researchers, educators, and child advocates to address the growing concern over the fragmented and ineffective nature of many school-based prevention efforts. SEL emerged as a framework for connecting the range of social and emotional skills that, if learned, would decrease harmful risk factors and improve children’s development and resilience.<sup>76</sup>

Like SWPBIS, initiating SEL at a school or in a district requires the formation of a coordinating leadership team, training this leadership team, and developing a program. More so than even SWPBIS or Restorative Justice, SEL requires significant commitment from teachers because effective SEL programs require integrating social emotional skills teaching into their curriculum and classroom practices. SEL can be taught through specific SEL curricula on topics such as bullying or substance abuse, or integrated

71. Chi-Ming Kam, Mark T. Greenberg, and Carol A. Kusche, “Sustained Effects of the PATHS Curriculum on the Social and Psychological Adjustment of Children in Special Education,” *Journal of Emotional and Behavioral Disorders* 12, no. 2 (2004): 66–78; Osher et al., “How Can We Improve School Discipline?”; Claire B. Kopp, “Antecedents of Self-regulation: A Developmental Perspective,” *Developmental Psychology* 18, no. 2 (1982): 199–214, doi:10.1037/0012-1649.18.2.199; Lev S. Vygotsky, *Mind in Society: The Psychology of Higher Mental Functions* (Cambridge: Harvard University Press, 1978).

72. Durlak et al., “The Impact of Enhancing Students’ Social and Emotional Learning”; Osher et al., “How Can We Improve School Discipline?”.

73. Joseph E. Zins et al., *Building Academic Success on Social and Emotional Learning: What Does the Research Say?* (Teachers College Pr, 2004).

74. National Research Council (2013). *Education for Life and Work: Developing Transferable Knowledge and Skills in the 21st Century*, (Washington, DC: The National Academy Press).

75. Mark T. Greenberg et al., “Enhancing School-based Prevention and Youth Development Through Coordinated Social, Emotional, and Academic Learning,” *American Psychologist* 58, no. 6–7 (2003): 466–474, doi:10.1037/0003-066X.58.6-7.466.

76. Ibid.

into the regular academic curriculum. For example, teachers can provide opportunities for students to assess their own learning, set goals, and monitor their progress in the classroom. In addition, SEL encourages schools to develop a supportive learning environment, utilize cooperative learning, build partnerships between parents and teachers, and engage students in active and experiential learning<sup>77</sup> - all components of a positive school climate. SEL proponents note that continued consultation and support with SEL experts and trainers are beneficial throughout this process.<sup>78</sup>

One such program, Promoting Alternative Thinking Strategies (PATHS), is a series of short lessons, usually 30-minutes or so, designed for teaching pre-kindergartners through sixth graders.<sup>79</sup> Lessons include using literature to discuss responsible behavior, identifying and understanding the different kinds of every day emotions that people have, building character through reading “role-model” biographies, and using conflict resolution to talk out and resolve problems between students.<sup>80</sup> Each PATHS lesson states the goals and background, builds on previous skills, and provides extension activities. In a unit on self-control, children are told a story about a young turtle who forgets to “stop to think.”<sup>81</sup> As a result, the turtle encounters numerous academic problems and problems with friends. A wise old turtle teaches the young turtle to retreat into his or her shell to calm down and then discuss the problem. Children practice “doing turtle” by folding their arms and following three simple steps for calming down. The practice of “doing turtle” is reinforced and rewarded for several weeks by giving children “turtle stamps,” but as the behavior is normalized, this external reward system is phased out. PATHS provides a two-day training to implementing schools and offers a train-the-trainer system to support on-going implementation.

## OAKLAND

In 2012, the Oakland Unified School District (OUSD) entered an agreement with the U.S. Department of Education’s Office of Civil Rights (OCR) to take substantive steps to reduce racial discipline disparities. OUSD agreed to implement alternative discipline interventions, revise disciplinary policies, convene stakeholders, train school staff, educate parents, collect data, and assess the effectiveness of the School Security Officers (SSO) program. Important features of this agreement include targeting resources to a cohort of schools that have the highest racial disproportionality in discipline and allowing these schools to choose the intervention or interventions that align best with the culture, values, and goals of the school. Existing programs include Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice (RJ), among others. Schools and the district will continue to monitor and assess the impact of these programs on the racial discipline gap and provide annual reports to OCR. As a part of a 5-year district-wide strategic plan, OUSD will also become a full service community schools district that provides physical, social, and emotional supports and services for children and families at school sites. Social and Emotional Learning (SEL) will be incorporated into school and classroom-level practices to teach a range of social skills, including understanding emotions, showing empathy, maintaining positive relationships, and making responsible decisions.

An incredible wealth of research links SEL programs to decreased truancy, less drug use, lower dropout rates, improved academic performance, improved connection

77. Zins et al., *Building Academic Success on Social and Emotional Learning*.

78. Maurice J. Elias and Roger P. Weissberg, “Primary Prevention: Educational Approaches to Enhance Social and Emotional Learning,” *Journal of School Health* 70, no. 5 (2000): 186–190, doi:10.1111/j.1746-1561.2000.tb06470.x.

79. See Collaborative for Academic, Social, and Emotional Learning website, <http://casel.org/guide/framework/sel-program-descriptions/promoting-alternative-thinking-strategies-paths/> (Last visited Oct. 1, 2012).

80. See Promoting Alternative Thinking Strategies Program website, <http://www.channing-bete.com/prevention-programs/paths/paths.html> (Last visited Oct. 1, 2012).

81. Kam, Greenberg, and Kusche, “Sustained Effects of the PATHS Curriculum on the Social and Psychological Adjustment of Children in Special Education.”

Research demonstrates that high fidelity implementation of SWPBIS, Restorative Justice, and SEL decreases overall suspensions, expulsions, and negative behaviors in schools. Yet, little research examines the impact of these interventions on the gap between the suspension rates of children of color and their white peers.

to school, and fewer behavioral problems.<sup>82</sup> Different programs show a great deal of variability, but a meta-analysis of 213 studies on SEL that involved 270,034 K-12 students over 50 years found that SEL programs, when implemented well, significantly improved students' social and emotional skills and attitudes towards self and others.<sup>83</sup> SEL programs also decreased behavioral problems and translated into an average 11-percentile gain in academic performance in a smaller subset of the reviewed studies. The study also showed that regular school staff could effectively implement the program. Thus SEL practices can be integrated into the regular routine of schools and does not require ongoing outside expertise. In fact, the study showed that academic achievement only improved when school personnel lead the intervention.

The meta-analysis found that the most effective programs made sure that activities were sequenced to support skill development, employed active learning strategies to

teach new skills, had at least one component dedicated to developing personal or social skills, and explicitly taught SEL skills rather than more general concepts related to positive development.<sup>84</sup> Other studies found that safe, caring, cooperative, and well-managed learning environments were important to the effective implementation of SEL, although the implementation of SEL can enhance these features of the school environment.<sup>85</sup>

While a recent analysis of school practices found that 59% of American schools already have programs to support children's social and emotional development, it remains unclear how many of these programs are informed by best practice research and evidence-based interventions.<sup>86</sup> Proponents of this approach hope that with greater federal support and funding, a National Technical Assistance and Training Center can begin to provide training, support, and research on evidence-based SEL practices to schools, and create assessment and accountability systems for SEL programs.

The research on SEL effectiveness finds that, if implemented well, SEL can decrease behavioral problems, improve learning, and teach the essential skills for being happy, healthy, and responsible adults. However, SEL evaluation research lacks an explicit examination of SEL's impact on racial disproportionality. Research on the complex causes of racial disproportionality would suggest that SEL can contribute to decreasing the racial discipline gap if activities are specifically targeted to improve the academic performance of children of color, and strengthen relationships between teachers and children of color. However, untargeted race-blind solutions may leave unaddressed other causes of the racial discipline gap, namely – the trauma inflicted on children growing up in areas of concentrated poverty, teacher bias, and poor racial climates, discussed in the previous section.

82. David B. Wilson, Denise C. Gottfredson, and Stacy S. Najaka, "School-Based Prevention of Problem Behaviors: A Meta-Analysis," *Journal of Quantitative Criminology* 17, no. 3 (2001): 247–272, doi:10.1023/A:1011050217296; Osher et al., "How Can We Improve School Discipline?"; Durlak et al., "The Impact of Enhancing Students' Social and Emotional Learning"; Zins et al., *Building Academic Success on Social and Emotional Learning*; Sandra Jo Wilson and Mark W. Lipsey, "School-Based Interventions for Aggressive and Disruptive Behavior: Update of a Meta-Analysis," *American Journal of Preventive Medicine* 33, no. 2, Supplement (August 2007): S130–S143, doi:10.1016/j.amepre.2007.04.011.

83. Durlak et al., "The Impact of Enhancing Students' Social and Emotional Learning."

84. Ibid.

85. Zins et al., *Building Academic Success on Social and Emotional Learning*.

86. Durlak et al., "The Impact of Enhancing Students' Social and Emotional Learning."



## CONCLUDING OBSERVATIONS

### Common Threads

Substantial evidence exists that School-Wide Positive Behavioral Interventions and Supports (SWPBIS), Restorative Justice, and Social and Emotional Learning (SEL) provide effective alternatives to traditional exclusionary models of school discipline.<sup>87</sup> While these interventions approach school discipline and behavior from different historical, philosophical, and professional roots, several common features of effective implementation emerge from the research.

### Schoolwide Commitment by Teachers and Administrators

First, each intervention requires a school-wide commitment to an alternative approach to school discipline that emphasizes prevention, restoring community, or teaching explicit social skills, instead of punishment. Thus, effective implementation of SWPBIS, Restorative Justice, and SEL often starts with school leaders and a significant portion of the staff recognizing that existing school discipline is not working well. Then a committed leadership team is charged with choosing appropriate programs, gathering resources, and leading implementation.

### Active Participation by Day-to-Day Staff in Implementation.

Second, each program relies predominantly on existing school staff for day-to-day implementation, thus choosing an intervention, or combination of interventions, that fit with the existing school vision, culture, and pedagogical orientation can improve the probability of success. For example, SEL emphasizes strong student-teacher relationships and constructivist teaching of social skills, which works well with schools already committed to student-centered teaching methods. Conversely, the research suggests that interventions, which rely on external staff or experts,

and do not engage the day-to-day staff in implementation will meet with limited success or sustainability.

### Clear and Consistently Articulated Vision for Change.

Third, successful implementation of these interventions requires setting clear and consistent school-wide expectations of behavior, consequences for not meeting expectations of good behavior, and procedures for teaching good behavior or addressing poor behavior. While each intervention may approach discipline differently, the approach must be clear and consistent throughout the school. Finally, in order to build the capacity necessary for successful school-wide implementation, each intervention requires initial training of school staff, subsequent technical support over time, and, at times, the hiring of specialized staff to do things like provide SWPBIS Tier 3 interventions or run Restorative Justice community circles.

### What's Still Missing?

Research demonstrates that high fidelity implementation of SWPBIS, Restorative Justice, and SEL decreases overall suspensions, expulsions, and negative behaviors in schools. Yet, little research examines the impact of these interventions on the gap between the suspension rates of children of color and their white peers.

Researchers who study the layered causes of the racial discipline gap suggest that while larger economic trends, concentrated poverty, uneven academic opportunity, and classroom practices contribute to the racial discipline gap, school level policies and practices have an independent effect. Thus, the research emphasizes the importance of improving the larger social conditions facing communities of color, and at the same time, advocating for school level policies that produce better disciplinary outcomes given current conditions. Recent uses of multi-level modeling have found that similarly situated schools serving similar student populations suspend students at very different

87. Solomon et al., "A Meta-analysis of School-wide Positive Behavior Support"; Osher et al., "How Can We Improve School Discipline?"; Horner, Sugai, and Anderson, "Examining the Evidence Base for School-wide Positive Behavior Support"; Sumner, Silverman, and Frampton, *School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland*; Stinchcomb, Bazemore, and Riestenberg, "Beyond Zero Tolerance Restoring Justice in Sec-

ondary Schools"; McCluskey et al., "Can Restorative Practices in Schools Make a Difference?"; Wilson, Gottfredson, and Najaka, "School-Based Prevention of Problem Behaviors"; Durlak et al., "The Impact of Enhancing Students' Social and Emotional Learning."

Providing schools with evidence that policies and practices implemented in similarly situated schools produce improved outcomes can provide motivation for school administrators and teachers to set explicit goals for reducing racial disproportionality in discipline, and suggest best practices.

rates and have different rates of racial disproportionality.<sup>88</sup> While research on the school level policies that decrease racial disparities in discipline are sparse, other bodies of research suggest some first steps: explicit goal setting, data collection to drive improvements, and increased research on school level mechanisms for reducing racial disparities.

#### Making the Reduction of Racial/Ethnic Disparities an Explicit Goal.

Decades of organizational management research shows that if individuals and complex organizations set goals, they have a better chance of reaching them. Setting conscious goals improves task performance, directs attention towards particular activities and away from irrelevant ones, encourages sustained effort, and leads to the discovery of new, or use of existing, knowledge and strategies to meet goals.<sup>89</sup> The research also suggests that by convincing teachers of both, the importance of reducing racial disparities and that they have the ability to reduce them, teachers will be more committed to the task, which leads to better outcomes. Providing schools with evidence that policies

and practices implemented in similarly situated schools produce improved outcomes can provide motivation for school administrators and teachers to set explicit goals for reducing racial disproportionality in discipline, and suggest best practices. Moreover, researchers discovered that setting specific goals lead to higher performance than telling people to “do your best.”<sup>90</sup> Thus, to decrease the racial discipline gap, schools and school districts must make it an explicit goal, and provide evidence that it is possible.

#### Using a Data-driven Approach to Promote Greater System Accountability for Racial-Ethnic Disparities.

Additionally, organizational management research provides evidence that people need summary feedback along the way to meet goals.<sup>91</sup> This summary feedback provides opportunities for people to see their progress towards a goal and to adjust the efforts and strategies they utilize. Presently, not all schools use data to track their racial discipline gap. An EdSource report found that while 81 percent of surveyed California districts use data to evaluate the effectiveness of their discipline policies, only 65

88. Fabelo et al., “Breaking Schools’ Rules”; Russell J. Skiba, Megan Trachok, Choong-Geun Chung, Timberly Baker, and Robin Hughes, “Parsing Disciplinary Disproportionality: Contributions of Behavior, Student, and School Characteristics to Suspension and Expulsion.”

89. Edwin A. Locke and Gary P. Latham, “Building a Practically Useful Theory of Goal Setting and Task Motivation: A 35-year Odyssey,” *American Psychologist* 57, no. 9

(2002): 705; Edwin A. Locke and Gary P. Latham, *A Theory of Goal Setting & Task Performance* (Prentice Hall, 1990); Gary P. Latham, *Work Motivation: History, Theory, Research, and Practice* (SAGE, 2011).

90. Locke and Latham, “Building a Practically Useful Theory of Goal Setting and Task Motivation.”

91. Ibid.

Consistent use of data to examine racial disproportionality can provide opportunities for practitioners to reflect on their own practices, devise interventions, and perhaps overcome implicit biases if outcomes data conflict with avowed beliefs and values.

percent used data to evaluate racial disproportionality in discipline.<sup>92</sup> Research suggests that collecting data on racial disproportionality, and using it to provide feedback to teachers and school administrators can support schools in reducing the racial discipline gap. Consistent use of data to examine racial disproportionality can provide opportunities for practitioners to reflect on their own practices, devise interventions, and perhaps overcome implicit biases if outcomes data conflict with avowed beliefs and values.<sup>93</sup> However, research also warns that if data is tied to accountability pressures, unintended consequences such as efforts to “game” the system, may result.<sup>94</sup> These efforts to “game” the system may lead, in the case of school discipline, to increased in-school suspensions or being sent home with parental permission, informal practices that remove students from class and reduce learning time for students, but fail to draw the attention that using out-of-school suspensions would elicit. More research on these informal disciplinary practices is necessary.

#### Promoting Greater Attention to Racial-Ethnic Inquiry in Research and Program Evaluation.

More empirical research is necessary to study the impact of SWPBIS, Restorative Justice, and SEL on the racial discipline gap. More empirical research on the school-level mechanisms that minimize the racial discipline gap are also important. While some research suggests that school leaders’ perspectives on discipline, the racial climate of the school, school-wide expectations for students, the academic ethos of the school, and school funding contribute significantly to either reducing or exacerbating the racial discipline gap,<sup>95</sup> more research on what schools can do differently to decrease racial disproportionality in discipline is necessary. For example, future research should study the school-level factors that contribute to the variation in the racial discipline gap among schools that serve nearly identical populations of students. Research that illuminates how and under what conditions aspects of school culture,

92. Freedberg and Chavez, *Understanding School Discipline In California: Perceptions and Practice*.

93. Kang, “Trojan Horses of Race”; Greenwald and Krieger, “Implicit Bias.”

94. David N. Figlio and Lawrence S. Getzler, *Accountability, Ability and Disability: Gaming the System* (National Bureau of Economic Research, 2002); Julie Berry Cullen and Randall Reback, “Tinkering Toward Accolades: School Gaming Under a Performance Accountability System” (2006).

95. Gregory, Cornell, and Fan, “The Relationship of School Structure and Support to Suspension Rates for Black and White High School Students”; Mattison and Aber, “Closing the Achievement Gap”; Mukuria, “Disciplinary Challenges How Do Principals Address This Dilemma?”; Fabelo et al., “Breaking Schools’ Rules”; Eitle and Eitle, “Inequality, Segregation, and the Overrepresentation of African Americans in School Suspensions.”

leadership, and policies reduce the racial discipline gap can provide educators with the motivation and tools to address this pressing issue.

Finally, to decrease statewide racial discipline gaps, research suggests that policymakers and advocates focus on two independent drivers of the overall racial discipline gap. Many schools or school districts in urban settings that have some of the highest overall rates of suspensions don't exhibit a large racial discipline gap because they serve predominantly students of color. Yet, a focus on these schools by policymakers and advocates can reduce the overall racial discipline gap because these schools produce a sizeable percentage of the total students-of-color suspensions. School-wide implementation of SWPBIS, Restorative Justice, or SEL can lower overall suspensions in these schools and reduce the absolute number of students of color suspended. Additionally, school-level

efforts to address or mitigate the psychological and social impact of concentrated poverty in these schools continue to be critical.

Research suggests that policymakers and advocates should also focus on the second driver of the overall racial discipline gap: schools that serve a heterogeneous school population but exhibit racial disparities in school discipline at the school level. In these schools, it is possible that reducing overall suspensions may not adequately address the racial discipline gap. Researchers found that the racial discipline gap was larger in less segregated districts or districts under court-ordered desegregation, and suggested that suspensions became a way to resegregate children in more heterogeneous schools.<sup>96</sup> More research on the historical, social, and political conditions that lead to the racial discipline gap in these heterogeneous settings can better inform policymakers on how to intervene.

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96. Eitle and Eitle, "Inequality, Segregation, and the Overrepresentation of African Americans in School Suspensions."

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