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Racial Disproportionality in School Discipline

Implicit Bias is Heavily Implicated

KIRWAN INSTITUTE ISSUE BRIEF • *February 2014*

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Research shows that African American students, and especially African American boys, are disciplined more often and receive more out-of-school suspensions and expulsions than White students. Perhaps more alarming is the 2010 finding that over 70% of the students involved in school-related arrests or referred to law enforcement were Hispanic or Black (Education Week, 2013). A 2009–2010 survey of 72,000 schools (kindergarten through high school) shows that while Black students made up only 18 percent of those enrolled in the schools sampled, they accounted for 35 percent of those suspended once, 46 percent of those suspended more than once and 39 percent of all expulsions. Over all, Black students were three and a half times more likely to be suspended or expelled than their White peers (Lewin, 2012).

The following city-specific data illustrate the magnitude of this problem: African American students in Portland public schools are nearly five times more likely to be expelled or suspended than White students (Cody, 2013). According to the *San Francisco Chronicle*, almost 20 percent of Oakland's Black male students were suspended at least once in 2011—six times the rate of White students (Lyfe, 2012). In Chicago public schools, Black students comprised 45 percent of the student body in the 2009–2010 academic year but 76 percent of the suspensions (New York Times – Education, 2012).

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of the students involved in school-related arrests or referred to law enforcement were Hispanic or Black

Data compiled by the Ohio Children's Defense Fund show that the level of disparity between out-of-school suspension rates for Black and White students in Ohio's largest urban school districts ranges from a factor of 1.9 to a factor of 13.3. Overall, the disparity factor is 4.0, somewhat higher than the national average. This means that the average Black student enrolled in these districts is four times more likely to be suspended than the average White student (Children's Defense Fund – Ohio, 2012).

A 2010 study found that among students who were classified as overtly aggressive, African Americans were more likely to be disciplined than any other group (Horner, Fireman, & Wang, 2010). However, this trend varied based on the racial background of the teacher. Researchers have found that once Black students and White students are both placed with same-race teachers, and are similar on the other covariates, Black students' classroom behavior is rated more favorably than is White students' behavior (Downey & Pribesh, 2004).

Research suggests that Black students as young as age five are routinely suspended and expelled from schools for minor infractions like talking back to teachers or writing on their desks. In a simple analysis of this phenomenon, the over-zealous application of "zero tolerance" policies gets all the blame, but a deeper dig will show a far more complex scenario.

Contrary to the prevailing assumption that African American boys are just getting "what they deserve" when they are disciplined, research shows that these boys do not "act out" in the classroom any more than their White peers. For example, in a study conducted by the Indiana Education Policy Center, researchers conclude that:

> *Although discriminant analysis suggests that disproportionate rates of office referral and suspension for boys are due to increased rates of misbehavior, no support was found for the hypothesis that African American students act out more than other students. Rather, African American students appear to be referred to the office for less serious and more subjective reasons. Coupled with extensive and highly consistent prior data, these results argue that disproportionate representation of African Americans in office referrals, suspension and expulsion is evidence of a pervasive and systematic bias that may well be inherent in the use of exclusionary discipline* (Skiba, 2000).

These findings contrast sharply with prevailing stereotypes of African American youth, stereotypes energized by a mental process called "cultural deficit thinking." This process creates the perception that poor African American and other marginalized students and their parents are disconnected from the education process. Consequently, teachers and other school personnel may harbor negative assumptions about the ability, aspirations and work ethic of these students—especially poor students of color—based on the assumption that they and their families do not value education in the same way it is valued by middle- and upper-income White students. This comment posted on the topix.com blog is emblematic of extreme cultural deficit thinking:

> *Black children lack any form of family structure. They are not taught respect for teachers or any [authoritive] figures. Most black children are disruptive, aggressive and are [more keen] on gang culture than getting an education (*www.topix.com, 2010*).*

This perception of disinvestment often creates a stereotype of poor Black students as unruly, disruptive and disrespectful. Not surprisingly, research suggests that, generally, African American teachers rate the behavior of African American students more favorable than White teachers.

"Implicit bias" is heavily implicated as a contributing factor when we analyze the causes of racial disproportionality in school discipline. In this context, implicit bias is defined as the mental process that causes us to have negative feelings and attitudes about people based on characteristics like race, ethnicity, age and appearance. Because this cognitive process functions in our unconscious mind, we are typically not consciously aware of the negative racial biases that we develop over the course of our lifetime. In the general population, implicit racial bias often supports the stereotypical caricature of Black youth—especially males—as irresponsible, dishonest, and dangerous. In an ideal world, teachers and school administrators would be immune to these unconscious negative attitudes and predispositions about race. But, of course, they are not. So, for example, a 2003 study found that students who displayed a "black walking style" were perceived by their teachers as lower in academic achievement, highly aggressive and more likely to be in need of special education services (Neal, et al., 2003).

Lowered expectations in the classroom may result in differential treatment for students of color

At the Kirwan Institute, our research suggests that implicit bias is implicated in every aspect of racial and ethnic inequality and injustice. One of the most powerful consequences of implicit racial bias is that it often robs us of a sense of real compassion for and connection to individuals and groups who suffer the burdens of racial inequality and injustice in our society. So, for example, many policy makers and voters feel that people of color who are isolated in segregated low opportunity communities in our major metropolitan areas are just getting "what they deserve." In each of us, implicit bias contributes to the development of an unconscious "hierarchy of caring" that influences who we care about and what groups and individuals are beyond our caring, in a place of invisibility or disposability.

Existing research suggests that implicit racial bias may influence a teacher's expectations for academic success. For example, a 2007 meta-analysis of research found statistically significant evidence that teachers hold lower expectations—either implicitly or explicitly, or both—for African American and Latino children compared to European American children (Rosenthal & Jacobson, 1968; Tenenbaum & Ruck, 2007). The results of this study align with previous meta-analyses investigating this issue. In a 2002 study, researchers used a sample of 561 elementary school children to determine if a student's race or ethnicity played a role in their susceptibility to teacher "expectancy effects." By conceptualizing teacher expectations as the degree to which teachers over- or under-estimated achievement compared to the students' actual academic performance, researchers found that African American children are more likely than White children "to confirm teacher underestimates of ability and less likely to benefit from teacher overestimates of ability" (McKown & Weinstein, 2002, p. 176).

Lowered expectations in the classroom may result in differential treatment for students of color, including less praise and more disciplinary action from teachers. Research suggests that when given an opportunity to choose among several disciplinary options for a relatively minor offense, teachers and school administrators often choose more severe punishment for Black students than for White students for the same offense. For example, in the 2008–2009 academic year, Black students in North Carolina public schools were suspended at rates significantly higher than White

students: eight times higher for cell phone use, six times higher for dress code violation, two times higher for disruptive behavior, and 10 times higher for displays of affection (Losen, 2010).

When Black students do "act out" in their classrooms in relatively benign ways, zero tolerance policies provide the opportunity for teachers and administrators—regardless of race or ethnicity—to apply excessive punishment, not just as a consequence of the minor infraction, but also as a reflection of implicit racial bias and a reprisal for the student's perceived cultural deficiency. In California, 48% of the 710,000 suspensions issued in the 2011–2012 school year were for "willful defiance," an offense that includes behaviors such as refusing to take off a hat, turn off a cellphone or failing to wear a school uniform (Los Angeles Times, 2013). During the 2010–2011 school year, according to data from the Ohio Department of Education, only 6% of out-of-school suspensions involved weapons or drugs, while 64% of suspensions were for disobedient or disruptive behavior, truancy, or intimidation (The Ohio Senate, 2013).

Students who enter the juvenile justice system through the school-to-prison pipeline often find it difficult to return to school.

In 1998, the Ohio General Assembly passed a broad mandate that requires all public schools in the state to adopt a zero tolerance policy for "violent, disruptive, or inappropriate behavior (Section 3313.534 of the Ohio Revised Code.) As schools and districts in Ohio and across the country take an overly-punitive approach to the implementation of zero tolerance policies, more and more students of color—and younger students—are being pushed out of school by suspensions or expulsions for relatively minor infractions like talking back to teachers or inappropriate dress. When these students are away from school, often in unsupervised settings, they fall behind academically and are often unable to catch up. Students who enter the juvenile justice system through the school-to-prison pipeline often find it difficult to return to school.

As the ACLU points out, many under-resourced schools become gateways to the school-to-prison pipeline by placing increased reliance on police rather than teachers and administrators to maintain discipline. "As a result, children are far more likely to be subject to school based arrests—the majority of which are for non-violent offenses, such as disruptive behavior—than they were a generation ago" (ACLU, 2008). In 2008, the American Psychological Association said this about school suspensions:

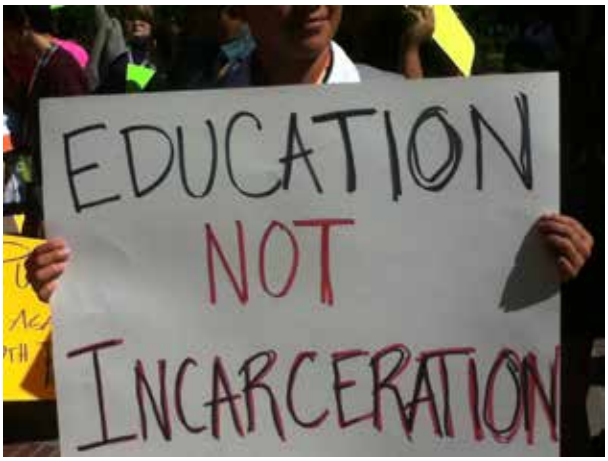
> *"There are no data showing that out-of-school suspension or expulsion reduce rates of disruption or improve school climate; indeed, the available data suggest that, if anything, disciplinary removal appears to have negative effects on student outcomes and the learning climate" (American Psychological Association, 2008 in Minnesota Department of Education, 2012).*

In 2008, the American Civil Liberties had this to say about school suspensions:

> *Suspensions, often the first stop along the pipeline, play a crucial role in pushing students from the school system and into the criminal justice system. Research shows a clear correlation between suspensions and both low achievement and dropping out of school altogether. Such research also demonstrates a link between dropping out of school and incarceration later in life. Specifically, students who have been suspended are three times more likely to*

> *drop out by the 10th grade than students who have never been suspended. Dropping out in turn triples the likelihood that a person will be incarcerated later in life. In 1997, 68 percent of state prison inmates were school dropouts* (New York Civil Liberties Union, 2008).

Today, many teachers and school administrators are frustrated by seemingly insurmountable problems in our country's K–12 education system, especially in racially isolated, under-resourced, low-performing urban school districts. Too often, teachers get a disproportionate share of the blame for problems like high dropout rates, the racialized achievement gap, and the school funding crisis. When these problems are compounded by growing animosity toward teacher unions and a teacher evaluation/compensation system based heavily on standardized test results, it is not difficult to understand a growing sense of frustration among public school teachers, counselors and other personnel. These pressures coupled with growing classroom demands may leave inadequate time for teachers to voluntarily reflect on their own racial attitudes and how these attitudes might impact their students. What's needed is an expansion of formal cultural competency training to include information about implicit bias and its consequences. If teachers and school administrators are aware of their racial biases, they will be better equipped to push back against these harmful attitudes.



The problem of racial and ethnic disproportionality in school discipline is not new. In 1975, in one of the earliest investigations of school disciplinary policies and practices, the Children's Defense Fund revealed that suspension rates for African American students were between two and three times higher than those for White students (Drackford, 2006). Ongoing research shows that in many places, this problem has worsened, significantly. Our willingness to address this and other "racialized" problems in the Nation's public education system is influenced by long standing racial discrimination and implicit racial bias. To proactively address racial imbalance in school discipline, we must continue to call out and push back against implicit racial bias and we must convince the American people that racial and ethnic bias in school discipline is a sign that the entire education system is out of balance.

Racialized disproportionality in the administration of school discipline is now a national crisis. In January of 2014, The U.S. Department of Justice, Civil Rights Division and the U.S. Department of Education, Office of Civil Rights issued a national "guidance" to assist public elementary and secondary schools in meeting their obligations under Federal law to administer student discipline without discriminating on the basis of race, color, or national origin. Special emphasis is placed on the impact of discipline bias on students of color who have disabilities. The Guidance provides a national overview of racial disparities in the administration of school discipline and articulates a robust list of remedies to be implemented in cases where a school is in violation of Title IV or Title VI in the administration of discipline. These remedies include the following:

- Providing school-based supports for struggling students whose behavior repeatedly disrupts their education and/or the education of other students;
- designating a school official as a discipline supervisor to ensure that the school implements its discipline policies fairly and equitably;
- revising discipline policies to provide clear definitions of infractions to ensure that consequences are fair and consistent;
- developing a training and information program for students and community members that explains the school's discipline policies and what is expected of student in an age-appropriate, easily understood manner.

To ensure compliance with the provisions of the Guidance, the U.S. Department of Education and the Department of Justice will investigate complaints of bias in the application of school discipline and both departments will conduct compliance reviews nationwide (U.S. Department of Justice; U.S. Department of Education, 2014).

Additional interventions that can be effective in reducing and eliminating racial bias in the application of school discipline include the following:

- Apply zero tolerance policies only in cases where this magnitude of action is warranted;
- provide in-service training that exposes all teachers and school administrators to information about the causes and consequences of implicit racial and ethnic bias, especially in the form of "cultural deficit thinking;"
- facilitate meaningful relationship building between teachers and all of their students by ensuring that all undergraduate teacher certification and Bachelor degree programs include substantial training in "cultural competency;"
- implement "Positive Behavioral Interventions and Support" (PBIS) practices and interventions in all schools. PBIS is a "decision making framework that guides selection, integration, and implementation of the best evidence-based academic and behavioral practices for improving important academic and behavior outcomes for all students (PBIS.org, 2013)." Schools that successfully implement PBIS have teaching and learning environments that are less reactive, aversive, dangerous, and exclusionary, and more engaging, responsive, preventive, and productive;
- implement "Restorative Justice" practices in all schools: Restorative Justice is a victim-centered response to crime that provides opportunities for those most directly affected by the crime —the victim, the offender, their families, and representatives of the community—to be directly involved in responding to the harm caused by the crime;
- as an alternative to out-of-school suspensions, implement in-school disciplinary measures that temporarily separate serious offenders from the general student population but keep these students in school. A model program, the Success Academy (Education Week, 2013) has been implemented in the Baltimore public school system with very positive outcomes.

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