# School Suspension & The Unintended Consequences

GREGG ZAIRE
Alcohol and Other Drugs Prevention Partnership
Sequoia Union High School District
Redwood City 2020

Health Equity Now!
How Place, Race, & Health Connect in San Mateo County
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# School Suspension & The Unintended Consequences

"Of all the civil rights for which the world has struggled and fought for 5,000 years, the right to learn is undoubtedly the most fundamental. ... The freedom to learn ... has been bought by bitter sacrifice. And whatever we may think of the curtailment of other civil rights, we should fight to the last ditch to keep open the right to learn."

—W.E.B. DuBois, The Freedom to Learn

		Student X File:				
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### Acknowledgement

21st century education and schooling is not plagued by a singular "thing." There are no quick-fix remedies that can be plugged into existing education and school environments; there are no easy upgrades that might immediately ameliorate existing practices.

Educating young people, helping them become active, contributing members of society is a process with deep philosophical underpinnings operating within historic, economic, and cultural dynamics that often frustrate the effort to create a system that aids the health and vitality of the commonweal.

## Education PATH TO Equity

Preparing all students to meet 21<sup>st</sup> century expectations requires an accompanying commitment to allocate sufficient money, people, and time to the challenge.

Systems must ensure that funds are equitably distributed based on student and school need. Local and state-level officials, working with their communities, must also become responsible for the wise and efficient use of limited financial resources.



### Education PATH TO Equity

A commitment to equity must encompass the range of opportunities and resources critical to student success.

- Ensuring all students are taught by educators who are fully prepared and supported throughout their academic careers.
- Providing students with access to a range of supportive services that ensure their health and well-being.
- Funding schools in a way that is equitable, stable, and adequate to provide all students with a 21st century education.
- Providing all students access to a high-quality college- and careerready curriculum and up-to-date instructional materials and tools, including computers and related technology.



### Suspension: Cause for Concern?

Consensus is growing among researchers and school administrators across the country. They are concerned that many public schools suspend too many children.

Why should we be concerned?

- 1. The Role of Schools?
- 2. In/direct Social Impacts & Costs
- 3. The Health & Vitality of the Commonweal
- 4. Civil Rights: Questions of Equality/Equity

## Suspension & Discipline

Until the 1960s, corporal punishment was the most prevalent form of intervention in schools.

Eventually, as corporal punishment fell out of favor, zero-tolerance suspension and expulsion practices became the "go-to" disciplinary strategies for school administrators.

Those zero-tolerance practices drove suspension and expulsion rates, and continued largely unassessed until fairly recently.

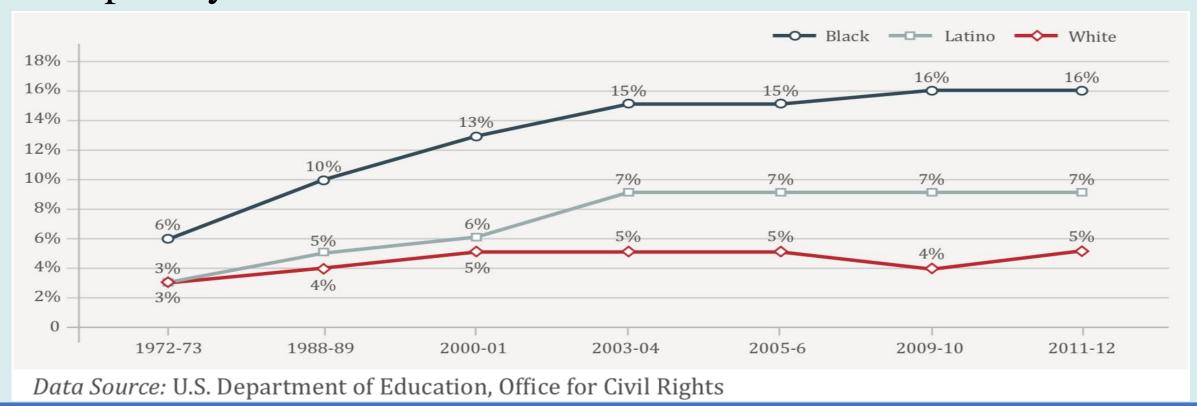
In-School Suspension

Out-of-School Suspension

**Expulsion** 

### Suspension & Discipline

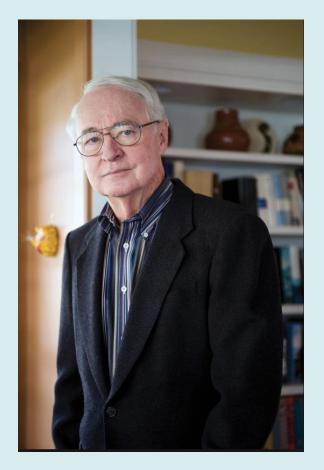
Today, zero-tolerance, out-of-school suspension practices have become the most common administrative response to student disciplinary infractions.

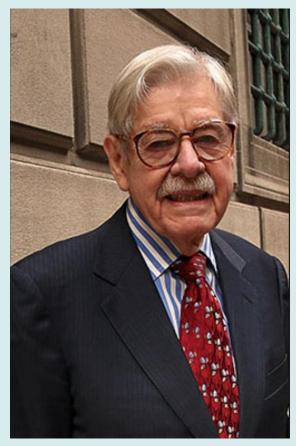


### Zero-tolerance: Broken Windows

### Zero-tolerance policies

"Broken Windows" Theory claim that crime is a disorder that, if not eliminated or controlled early on, increases like likelihood of committing a more serious crime later in life.





James Q. Wilson & George Kelling

### Zero-Tolerance: An Overview

Zero tolerance prescribed harsh punishment for any amount of

behavior regardless of the circumstances

- Based in 1980's drug programs
- 1990: Gun-Free School Zones Act (GFSZA)
- Picked up in schools 1989-1990
- 1994: Gun Free Schools Act (GFSA)—which the Improving America's Schools Act of 1994
- 2000's: Zero tolerance policies include a wide range of behaviors and offenses

### **Zero-Tolerance: Common Punishments**

The common punishments that warrant suspension and expulsion:

- Bringing any weapon to school
- Having any alcohol or drugs on campus
- Fighting
- Threatening other students or teachers
- Insubordination
- Any behavior considered disruptive

### Zero-Tolerance: Criminology & Schools



• In 2012, 6-year-old Salecia Johnson was handcuffed and taken from school to the police station after throwing a temper tantrum at her school.



• In 2010, 11-year-old Alexa Gonzalez was arrested for writing "I love my friends Abby and Faith" and "Lex was here 2/1/10" on her desk with erasable marker.



• In 2012, 17-year-old Diane Tran, an 11th grade honor student, was held in contempt of court after being warned by a justice of the peace to stop skipping school. She was later sentenced to jail when the absences continued.

### Zero-Tolerance: As Practice

The notion of deterring future misbehavior is central to the philosophy of zero-tolerance.

The impact of any consequence on future behavior has to be the defining characteristic of effective punishment, correction, Bresearch about that a zero-tolerance approach to school discipline does not promote school safety. In fact, punitive approaches that exclude children and youth from schools can actually increase behavior problems, the risk of substance use and violence, and the likelihood of academic failure.

### To Underscore...

"When children fail to succeed, the whole community is harmed. Keeping students engaged in the classroom is fundamental to academic success. The use of punitive disciplinary practices that rely on suspension, expulsion, and other harsh consequences—often applied disproportionately to minority students—undermine the goal of success for all."

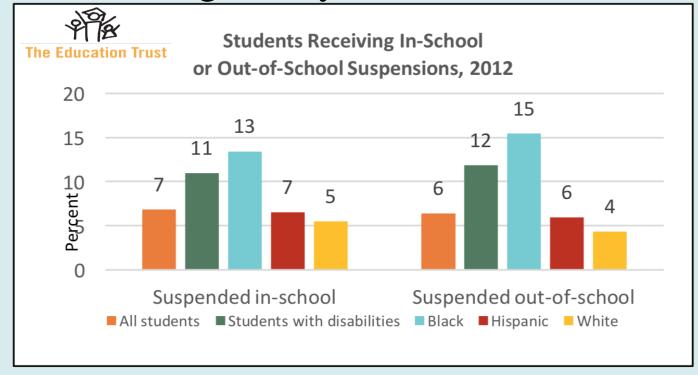


### A Question of Justice

In 2014, the Obama administration questioned school discipline policies around the country. It issued new guidelines to urge school administrators to ensure they are not being overly zealous with strict

punishments for students.

The Departments of Education and Justice warned schools to make sure they are being fair and equitable and that they are complying with civil rights laws.



Source: National Center for Education Statistics, 2015 Digest of Education Statistics

### **Suspension & Discipline**

### **CA Education Code for Student Discipline**

Education Code, Section 48900 (21)

Section 48900.2: Sexual Harassment

Section 48900.3: Hate Violence

Section 48900.4: Harassment, Threats or Intimidation

Section 48900.5: Required Other Means of

Correction/Exceptions

Section 48900.6: Disciplinary Action/Community Service

Section 48900.7: Suspension or Expulsion for Terroristic

**Threats** 

Section 48900.8: Suspension, Expulsion, Parent Notification and State Department of Education Report

Section 48915: (Expulsion)

### CALIFORNIA EDUCATION CODE FOR STUDENT DISCIPLING

48900 and 48915. A student may be suspended or expelled for acts which are related to school activity or attendance while and 40/13. A student may be suspended or expended to acts which are returned to school activity or automatic white school grounds, while going to or coming from school, during the lunch period whether on or off campus, and during

- to has committed the industrial acts is subject to unsequent by adoptional visual, attempted to cause, or threatened to cause physical injury, to another person.

  Ilfully used force or violence upon the person of another, except in self-defense. unity used some or vinerace upon the person or manner, except in servicerace.

  essed, sold or otherwise furnished my firearm, knife, explosive, or other dangerous object unless, in the case
- sion of any such object, the pupir has consumed written pertursation to passess use a such atomical ployee, which is concurred in by the principal or the designee of the principal, by possessed, used, sold, or otherwise furnished, or been under the influence of, any <u>controlled</u>
- red, arranged, or negonated to seal any controlled substance tissed in Chapter 2 (commencing 153) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any with Section 11055) of Division 10 of the Heatin and Sarely Cook, an accounce severage, or an intoxician or an and, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material

- ction 11014.5 of the Heatin and Surety Code.

  Stypted school activities or otherwise willfully defied the valid authority of supervisors, teachers. nol officials, or other school personnel engaged in the performance of their duties
- ugly received stolen school gaupetty or private property.

  rd an imitation firearm. As used in this section, means a replice of a firearm that it is so substantially

- sted to engage in, hazing as defined in Section 32050.
- of bullying, including, but not limited to, bullying
- A pupu may not be suspensed or expetito for any of me acts enumerated unless that act is related to school stacking or school attendance occurring within a school under the jurisdiction of the superintendent or principal or coursing within any other school district. A pupil may be suspended or expelled for each that are enumerated in

  - While going to or coming from school.

    During the lunch period whether on or off the campus

  - (4) Duning, or write going to or coming from, a school sponsored activity.
    A pupil who aids or abets, as defined in Sec. 31 of the Penal Code, the infliction or attempt ical injury to another person may suffer suspension, but not expulsion, pursuant to the provisions of this rry to another person may surter suspension, our not expursion, pursuant to the provisions of the pt that a pupil who has been adjudged by a juvenile court to have committed, as an aider and

# School Suspension Rates Falling

California's legislators have put the state among those at the forefront of discipline reform. Most importantly, according to the most recent data available from the California Department of Education, there has been a consistent decline

totaling over 200 thousand fewer suspensions in 2013-2014 than two years ago.

### Disproportionality

Suspension rates, however, are still very high, and the discipline

gap between White and non-white students alarming-Black students, for example, experience 19 more suspensions than White students per every 100 students enrolled.



### Racial Disparities in School Discipline

Black students are **3-4 times** more likely than their white peers to be expelled or face multiple suspensions from school.







Risk of Being Expelled

Risk of Facing Multiple Suspensions





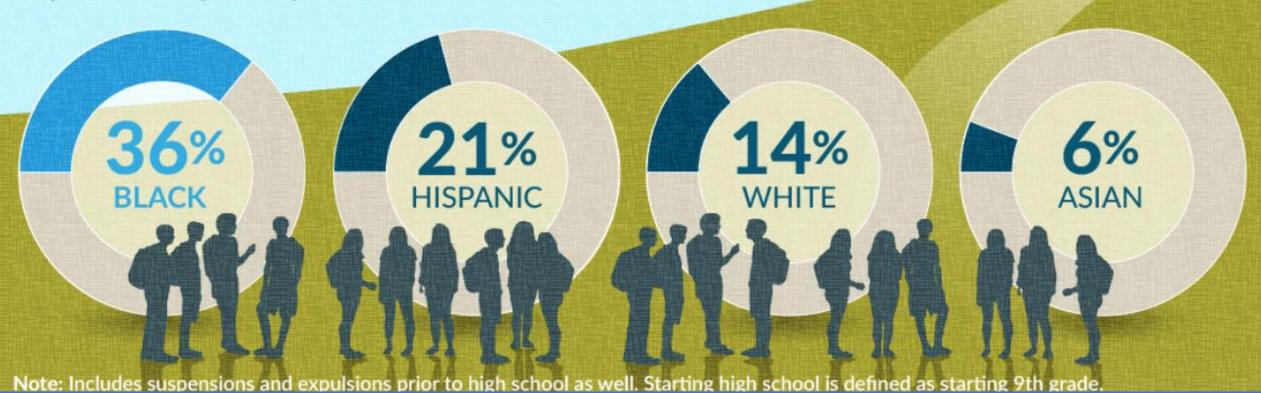
Source: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2009-10

American Institutes for Research | www.air.org

## Disproportionality

### Suspensions and Expulsions by Race/Ethnicity

Among students who started high school in 2009, a higher percentage of Black students than of Hispanic, White, and Asian students had ever been suspended or expelled by 2012.



### Disproportionality

Non-white students receive more harsh punitive measures and less mild discipline than their non-minority peers, even controlling for Socio-economic Status

- African-American students are 3.5 times as likely to be suspended or expelled as their white peers.
- Latino students are 1.2 times as likely to be suspended and 1.5 times as likely to be expelled as their white peers.
- Pacific Islander students are 1.5 times as likely to be suspended or expelled as their white peers.

# Suspension (CA SY 2017-18)



In SY 2017-18, there were **6,384,919** students enrolled in California schools.

**363,406** of all California students were suspended during the 2017-18 school year.

# Suspension (CA SY 2017-18)

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• Violent Incident (Injury)
                                                   (12.8\%)
                                          46,433
• Violent Incident (No Injury)
                                         179,219
                                                   (49.3\%)
  Weapons Possession
                                          11,786
                                                    (3.2\%)
  Illicit Drug Related
                                                   (13.9\%)
                                          50,547

    Defiance Only

                                          59,808
                                                   (16.5\%)
   Other Reasons
                                          15,613
                                                    (4.3\%)
```

# 363,406 / 6,384,919 = 5.7%

# Suspension (CA SY 2017-18)

Racial/Ethnic Categories		Cumulative Enrollment	Total Suspensions	% Suspension by Ethnicity	% Total Suspended
African American	(5.64%)	360,326	63,009	17.5%	17.3%
American Indian/Alaskan Native.	(0.53%)	33,808	4,310	12.7%	1.2%
Asian	(9.15%)	584,002	8,188	1.4%	2.3%
Filipino	(2.42%)	154,530	2,694	1.7%	0.7%
Hispanic/Latino	(54.19%)	3,459,758	195,187	5.6%	53.7%
Pacific Islander	(0.47%)	30,046	2,182	7.3%	0.6%
White or More Races	(23.15%)	1,470,216	71,443	4.8%	19.7%
Two or More Races	(3.55%)	226,787	13,641	6.0%	3.8%

### Does it Take A Village?

If school effects on child and adolescent outcomes exist, presumably they are constituted from processes that involve collective aspects of community life—i.e. schooling. What are the collective processes that make for a healthy educative experience and social environment for children and adolescents?

### Does it Take A Village?

A suspension can be life altering. It is the #1 predictor—more than poverty—of whether children will drop out of school, increasing the likelihood of unemployment, reliance on social-welfare programs, and imprisonment.

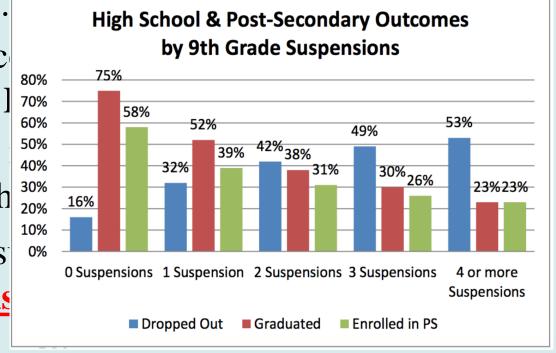
Exclusionary discipline practices <u>increase High School dropout rates</u> and

cost the nation billions in lost tax revenue.

High school dropout on average experience expectancy that is 6-9 years shorter than 1

 Young adults with a history of suspension and volunteer in civic activities after high

• Only <u>10%</u> of young men who have been so school are likely to <u>enroll in four-year ins</u>



# Helpful Reading: Dear Colleague





January 8, 2014

The U.S. Department of Education and the U.S. Department of Justice (Departments) are issuing this 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. The Departments recognize the commitment and effort of educators across the United States to provide their students with an excellent education. The Departments believe that guidance on how to identify, avoid, and remedy discriminatory discipline will assist schools in providing all students with equal educational opportunities. 1

The Departments strongly support schools in their efforts to create and maintain safe and orderly educational environments that allow our nation's students to learn and thrive. Many schools have adopted comprehensive, appropriate, and effective programs demonstrated to: (1) reduce disruption and misconduct; (2) support and reinforce positive behavior and character development; and (3) help students succeed. Successful programs may incorporate a wide range of strategies to reduce misbehavior and maintain a safe learning environment, including conflict resolution, restorative practices, counseling, and structured systems of positive interventions. The Departments recognize that schools may use disciplinary measures as part of a program to promote safe and orderly educational environments.

Page 1 - Dear Colleague Letter: Nondiscriminatory Administration of School Discipline

Dear Colleague Letter, January 8, 2014 (U.S. Departments of Education and Justice)



U.S. Department of Education Office for Civil Rights (OCR) www2.ed.gov/ocr



U.S. Department of Justice **Civil Rights Division** www.justice.gov/crt

The Departments have determined that this Dear Colleague Letter is a "significant guidance document" under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. This and other policy guidance is issued to provide recipients with information to assist them in meeting their obligations, and to provide members of the public with information about their rights, under the civil rights laws and implementing regulations that we enforce. The Departments' legal authority is based on those laws. This guidance does not add requirements to applicable law, but provides information and examples to inform recipients about how the Departments evaluate whether covered entities are complying with their legal obligations. If you are interested in commenting on this guidance, please send an a-mail with your comments to OCR@ed.gov, or write to the following address: Office for Civil Rights, U.S. Department of Education, 400 Maryland Avenue, S.W.,

### In Closing

The traditional model says, 'Throw the kids out for refusing to listen...'
What students need the most is NOT negative consequences and zero tolerance policies. What...students need is absolutely consistent and urgent SUPPORT around maintaining appropriate behavior. They need to feel VALUED and CONFIDENT in one of our society's most CRITICAL INSTITUTIONS.

# Thank you.

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