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ABSTRACT

This report presents findings from a national study of school discipline and zero tolerance policies in school districts nationwide. Findings indicate that in every district studied, there are significant racial disparities in student suspensions and expulsions. By increasing school expulsions, zero tolerance policies have a disproportionate adverse impact on students of color. Zero tolerance policies are often implemented in unfair ways. They can curtail the expression of reasonable professional judgment by school educators and administrators and limit students' and parents' right to due process. There is a significant reporting deficiency in disciplinary actions in U.S. public schools. This report recommends that the U.S. Commission on Civil Rights initiate a full investigation of racial disparities related to zero tolerance policies; support comprehensive, consistent, and centralized school discipline reporting; encourage states and school districts, through federal policies and funding initiatives, to set and meet measurable, quantitative goals to reduce the overall numbers of suspensions and expulsions and to eliminate racial disparities; recommend the elimination of zero tolerance policies in favor of a more flexible approach to serious discipline policies; and encourage Congress to explore more preventive practices, rather than punitive policies, to minimize school disciplinary problems. Appendixes include suspension and expulsion data by race/ethnicity, students expulsions per year in the Chicago public schools (1993-2000), and zero tolerance policies in Providence, Rhode Island public schools. (SM)

Racial Disparities Related to School Zero Tolerance Policies

Testimony to the U.S. Commission on Civil Rights

Feb. 18, 2000

by Terry Keleher, Program Director, ERASE Initiative

Applied Research Center

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The Applied Research Center (ARC), a non-profit, independent research and public policy institute that focuses on issues of race and social change, has recently conducted a national study, in collaboration with a variety of community-based organizations around the country, that involved the collection of data on a variety of key indicators of performance and equity for a dozen school districts geographically distributed throughout the country. Here are some of the findings related to school discipline and zero tolerance:

1. In every school district studied, there are significant racial disparities in student suspensions and expulsions. In general, African American and Latino students are more likely to be suspended or expelled from school than their white counterparts. In every city we studied, African American students are suspended or expelled in numbers proportionately greater than those of any other group. For example, in Los Angeles and Austin, African Americans are suspended or expelled at least twice their proportion of the school population. In San Francisco African Americans are suspended or expelled at three and times their proportion of the school population. The experiences of Latino students were less uniform. In some cities, Latino exclusion rates did not significantly exceed their percentage of the population. But in other cities such as Salem, Oregon and Durham, North Carolina, Latinos were expelled or suspended in numbers two to four times as high as their proportion of the school population. (See **Attachment 1** for discipline data from 12 school districts in the U.S.)

2. By increasing school expulsions, zero tolerance policies have a disproportionate adverse impact on students of color. Chicago's zero tolerance policy went into effect in the middle of the 1995-96 school year. In the 1994-95 school year, 23 students were expelled from the Chicago schools. Two years later, the number of expulsions had jumped to 571. The number continues to skyrocket—it is estimated that the district expelled 1,000 students in the 1998-99 school year. The district projects that it will expel 1,500 students in the current school year. If so, expulsions will have jumped 65 times since the advent of zero tolerance. (See **Attachment 2** for actual and projected expulsions in the Chicago Public Schools from 1993 to 2000.)

Since Chicago suspends and expels African American students at disproportionate rates, African Americans are hurt most by the zero tolerance policies. In the 1997-98 school year, African Americans composed 54% of the student population, but represented 63% of the students suspended and 71% of the students expelled. If that same racial proportion holds

for the current school year, with 1,500 projected expulsions, the district will expel 1,065 African American students. Amplified to the national level, the number of expelled African American students must be staggering.

Numerous studies demonstrate that students who are suspended or expelled are more likely than their peers to drop out of school altogether. Thus, zero tolerance compounds the racial inequities in school discipline by escalating the sheer numbers of students of color who are excluded from public education in the U.S.

3. Zero tolerance policies are being implemented in unfair and unreasonable ways.

Martin, an African American high school student in Providence, Rhode Island, offered to help his teacher dislodge a stuck diskette from his classroom's computer. But when he pulled out his keychain knife to help release the disk, he fell afoul of Providence's "zero tolerance" rules, which mandate automatic exclusion for any student who brings a "weapon" to school. Would Martin have been suspended if he were white? Maybe. On the other hand, a white student in Danville, Vermont was neither suspended nor expelled when he explained that he'd brought a loaded shotgun to school because it was hunting season.

Similarly, a 1999 study by the Student Advocacy Center of Michigan found that when two white students in Olivet, Michigan were caught with a gun in their car trunk, they got off with a 10-day suspension and 40 hours of community service. By comparison, in another Michigan county, a Black student was expelled for cleaning his nails with a pocket knife—which he immediately handed to his teacher when asked to do so. The police were called, and the student was expelled.

While zero tolerance penalties appear to be racially neutral, they can be applied in very subjective ways, influenced by racial prejudice. For example, in Chicago, students in the Southwest Youth Collaborative's Generation Y program reported that they were suspended when school authorities interpreted their break dancing poses as "gang representation." Parents involved in Indian People's Action in Missoula, Montana reported that their children were being disciplined for "defiance of authority" if they didn't look their teachers in the eye when being reprimanded, even though it is disrespectful in some Native American cultures for a young person to look directly at an elder in such an interaction.

Since no two incidents are exactly alike, it can be difficult to legally prove that similarly situated students of different races were treated unequally. But the weight of mounting

anecdotal evidence, which is well-aligned with statistical evidence of racial disparities in discipline, cannot be ignored.

4. Zero tolerance policies curtail the expression of reasonable professional judgment by school educators and administrators, and limit students' and parents' right to due process. In the case of Martin in Providence, the African American high school student caught with a small utility knife, the police, rather than the school district, notified the parent. Though a hearing was allowed, neither Martin nor his mother were permitted to be present while witnesses testified against him. There are countless cases of students, especially students of color, being suspended or expelled for non-violent and non-threatening offenses. Many states and school districts have implemented zero tolerance policies that exceed the scope and intent of the 1994 Gun-Free Schools Act. (**Attachment 3** shows how the Providence schools exceeds federal and state zero tolerance policies.)

Now, in addition to weapons possession, schools are expelling students for fighting, violating school dress codes, possessing drugs and alcohol, or carrying anything that resembles a weapon or could be used as a weapon. Students have even been punished for possessing cough medicine, mouthwash, art tools or toy guns. Even after they are confronted and it becomes clear that there is no safety threat or intent to harm anyone, school administrators proceed to substitute their professional judgment for rigidly-prescribed zero tolerance penalties. Often, due process is bypassed. Evidence suggests that schools are more willing to recognize mitigating circumstances when they perceive the student involved in an incident as having "a real future" that would be destroyed by expulsion. Overwhelmingly, it is African American and Latino students whose futures are wrecked by zero tolerance policies. Too often, we receive reports of cases where white students are given the benefit of the doubt, while students of color are presumed guilty until they can prove themselves innocent, if they are even afforded the privilege of a defense.

5. There is a huge reporting deficiency in disciplinary actions in U.S. public schools. Some school districts collect comprehensive data, while others collect minimal data. For example, some districts collect discipline data that is fully broken down by race, gender and age, while others simply collect total disciplinary actions. Some districts do not have data that distinguishes the suspensions from expulsions. Some do not distinguish which suspension are in-school from those that are off-campus. Most have no way of tracking which offenses and penalties fall within the zero tolerance policies. This makes it difficult to tell what is really going on.

Even when the data is collected, there can be inconsistencies. For example, if you ask for discipline data in San Diego, the racial categories are different than the categories used in San Francisco. What's more, the racial categories for discipline used in both of these school districts differs from the racial categories for student enrollment used by the state of California. This makes cross-district comparisons difficult. Some school districts use different terminology to describe their disciplinary actions. For example, one community organization recently tried to get data on "in-school suspensions" from its local school district. Unlike previous years, the school district reported having zero "in-school suspensions" during the last school year. The community organization inquired further and discovered that the school district could claim to have no "in-school suspensions" only because they had changed the name to "in-school supervisions."

With heightened public awareness and scrutiny of school safety issues, zero tolerance policies, and actual and perceived inequities in school disciplinary actions, it is critical that all school districts in the U.S. have sufficient information to assess the effectiveness and fairness of its disciplinary policies and practices.

Recommendations:

Based on the findings from our research, we recommend the following:

6. The U.S. Commission on Civil Rights should initiate a full investigation of racial disparities related to zero tolerance policies. Current anecdotal and statistical evidence, though incomplete, provides ample indicators of racial inequality to warrant further study.

7. The Commission should support comprehensive, consistent, and centralized school discipline reporting. The Commission should urge Congress and the U.S. Department of Education to require all schools to fully report all suspensions and expulsions. The current state of public reporting on school disciplinary actions is atrocious. The reports should be disaggregated by race, gender and age of the student, and should specify the nature of the offense, the type and duration of the punishment, whether the suspensions were "in school" or "off campus," and whether the punishment was mandated under a zero tolerance policy. The data can then be used for sound research and policy-making purposes. The reports should be easily accessible to policy-makers and the public.

Penalties should be imposed for schools that fail to report discipline data. Also needed are more studies of policy options, as well as independent evaluations of alternative education and other intervention programs in order to determine their effectiveness, and to ensure that these avenues do not just become convenient ways of tracking students into separate and unequal education.

8. School districts and states should be encouraged, through federal policies and funding incentives, to set and meet measurable, quantitative goals to reduce the overall numbers of suspensions and expulsions, and to eliminate racial disparities.

Where significant racial disparities exist and persist, The Department of Education's Office of Civil Rights and the Department of Justice should be urged to expand their efforts to compel school districts to remedy these inequalities in their disciplinary actions.

9. The Commission should recommend the elimination of zero tolerance policies in favor of a more flexible approach to serious discipline problems.

While discipline policies must absolutely protect school communities from legitimate safety threats, reason and fairness warrants consideration of mitigating circumstances and access to due process. The use of suspensions and expulsions should be reserved for the most extreme situations. Zero tolerance policies, especially those that exceed the scope and intent of federal law, exclude too many students, especially students of color.

10. The Commission should encourage Congress to explore more preventative practices, instead of punitive policies, to minimize school disciplinary problems.

Mandatory minimum punishments, surveillance, a curtailment of due process rights, and a presence of police in schools are counterproductive when they result in the creation of a hostile school environment. Instead of focusing attention and resources after problems have occurred, we must focus on how to prevent the disciplinary problems in the first place. An exploration of how disciplinary problems are closely linked to the overall learning environment can lead to preventative interventions that reduce the disciplinary incidents and inequalities. (Attachment 4 provides describes how the staff at the James Lick Middle School in San Francisco are working to implement preventative practices.) Measures that can prevent disciplinary problems include:

- √ providing a respectful learning environment with challenging and culturally appropriate curricula.

- √ providing professional development to teachers and administrators to expand their repertoire of practices to accommodate different styles and paces of learning;
- √ providing adequate classroom resources and facilities, with reduced class sizes; and
- √ providing the full expectation and opportunity for all students to excel and succeed.

Ultimately, mutual respect and excitement about teaching and learning are the most effective discipline measures available to any teacher or school. In summary, we urge you to investigate and oppose policies and conditions that aggravate existing inequalities experienced by some students, and to support policies that truly promote equity, excellence and opportunity for all students.

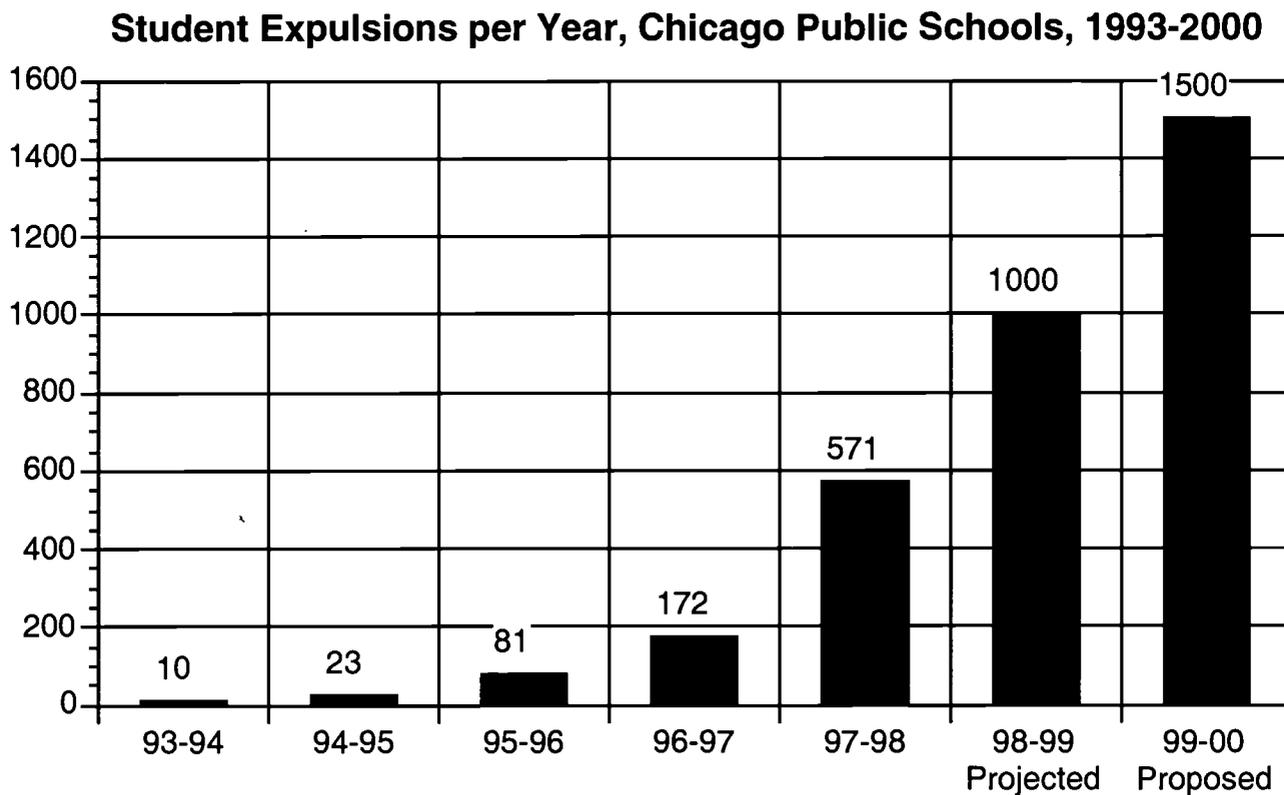
Suspension and Expulsion Data by Race

		African American	Latino	Asian/PI	Native American	Other	White
Austin, TX	All Students Susp./Exp.	18% 36%	43% 45%	2% 0%	0% 0%	0% 0%	37% 18%
Boston, MA		55% 70%	23% 19%	8% 2%	0% 1%	0% 0%	13% 9%
Chicago, IL		53% 63%	33% 27%	3% 1%	0% 0%	0% 0%	10% 8%
Columbia, SC		78% 90%	0% 0%	0% 0%	0% 0%	2% 1%	20% 9%
Denver, CO		21% 36%	50% 45%	3% 2%	1% 1%	0% 0%	24% 16%
Durham, NC		58% 68%	4% 15%	2% 0%	0% 0%	0% 0%	36% 15%
Los Angeles, CA		14% 30%	69% 58%	7% 3%	0% 0%	0% 0%	11% 8%
Miami-Dade County, FL		33% 48%	53% 43%	1% 0%	0% 0%	0% 0%	12% 8%
Missoula, MT		0% NA	1% NA	2% NA	3% NA	0% NA	94% NA
Providence, RI		23% 39%	46% 45%	11% 3%	1% 0%	0% 0%	21% 13%
Salem, OR		1% 4%	10% 22%	3% 3%	1% 2%	0% 0%	84% 69%
San Francisco, CA		18% 56%	24% 19%	43% 13%	1% 1%	0% 0%	14% 11%

Applied Research Center, 2000

Attachment 2

**Applied Research Center
USCCR Testimony, 2/18/00**



Source: Chicago Public Schools, "Measuring Progress Toward Goals"
(http://www.cps.k12.il.us/Trending_Up/Measuring_Progress_Toward_Goal/o7-p41-C.PDF); Chicago Public Schools, FY 2000 Final Budget.

Zero Tolerance Policies in Providence, Rhode Island Public Schools

Federal Gun Free Schools Act, 1994	Rhode Island State Law 16-21-18, 1995	Providence Zero tolerance Policy, 1996
<ul style="list-style-type: none"> • Guns • Explosive devices that expel projectiles • Silencers and mufflers • Bombs, grenades, rockets, missiles, and mines 	<ul style="list-style-type: none"> • Guns • Explosive devices that expel projectiles • Silencers and mufflers • Bombs, grenades, rockets, missiles, and mines 	<ul style="list-style-type: none"> • Guns • Explosive devices that expel projectiles • Silencers and mufflers • Bombs, grenades, rockets, missiles, and mines
	<p>And...</p> <ul style="list-style-type: none"> • Realistic replicas of firearms 	<p>And...</p> <ul style="list-style-type: none"> • Realistic replicas of firearms
		<p>And...</p> <ul style="list-style-type: none"> • Knives • Razors • Gas repellent • Mace • Martial arts devices • Objects which could inflict bodily harm, such as: blackjacks, chains, clubs, brass knuckles, night sticks, pipes, studded bracelets, etc. • Any object which, by virtue of its shape or design, gives the appearance of any of the above.

Report on Providence School Department's Zero Tolerance Policies by Direct Action for Rights and Equality (DARE), Providence, Rhode Island.

Attachment 4

What Can Happen When a School Takes a Race-Conscious Approach to Discipline?

That is exactly what staff at James Lick Middle School in San Francisco, California decided to find out. Heidi Hess is Focused Effort Coordinator at James Lick. She says that teachers at her school were concerned that African American students, who make up less than a third of the student body, receive almost half the referrals for discipline.

"The first thing we had to do," to address this disparity, says Hess, "was to really become rigorous about collecting the data. We developed forms for teachers to use which documented when a student was sent out of class (for a disciplinary referral), who sent them out, and why." Collecting this data yielded some surprising results. "We found that over 75% of the referrals given out last school year were for defiance of authority or disruption of class." Furthermore, most cases involved conflicts between students and teachers, rather than between students. More serious offenses, such as possession of a weapon, were rare.

Collecting the data was just the first step. "We developed a system to feed the data collected directly back to the teaching staff," Hess says, "so they can better understand what is going on" and gauge their progress. "We looked at how teachers set the rules in their classrooms, and whether and how teachers involved students in defining classroom rules." They found that when students participate in forming the rules, they are less likely to perceive them as unfairly applied.

James Lick staff began holding monthly professional development meetings to work out alternative strategies for de-escalating conflict. They sought to emphasize teachers' roles in these interactions, rather than focusing solely on methods of changing students' behavior.

Although most of the power resides with the teachers, "it was a paradigm shift for the teaching staff to buy into the idea that it is their responsibility to minimize defiance situations," Hess continues. "We had to ask, 'What might be going on in the students minds? What's going on for the teacher? And what would be alternative practices?'"

"One of the best exercises we did was to role-play the beginning of a defiance scene. For example, a student walks into class and puts a soda on the table, even though no drinks are allowed in the classroom. The teacher asks the student to remove the drink. Just acting out different possible responses to this scene, with the staff taking not only the teacher's role, but also trying on the student's role-it was profound."

James Lick's revamped approach to discipline is still too new to determine whether these interventions will reduce the racial disparities in suspension referrals. But already teachers are experiencing some success. Hess offers an example: "One teacher reported that she was just about to yell, from across the room, at two African American girls who appeared to be talking and carrying on excessively. But she gave herself a few seconds to think of an alternative strategy for dealing with them. Instead, she walked over to them, and much to her surprise, found that they were talking about their work assignment. Far from yelling at them, she realized she didn't need to say anything at all."

(Interview by Applied Research Center, from **Facing the Consequences: An Examination of Racial Discrimination in U.S. Public Schools.**)



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