APPENDIX VI – 6

Moving from Zero Tolerance to Supportive School Discipline:

Creating Safe and Equitable School Environments with Restorative Practices

April 6, 2017

Carl Hermanns, *Mary Lou Fulton Teachers College*
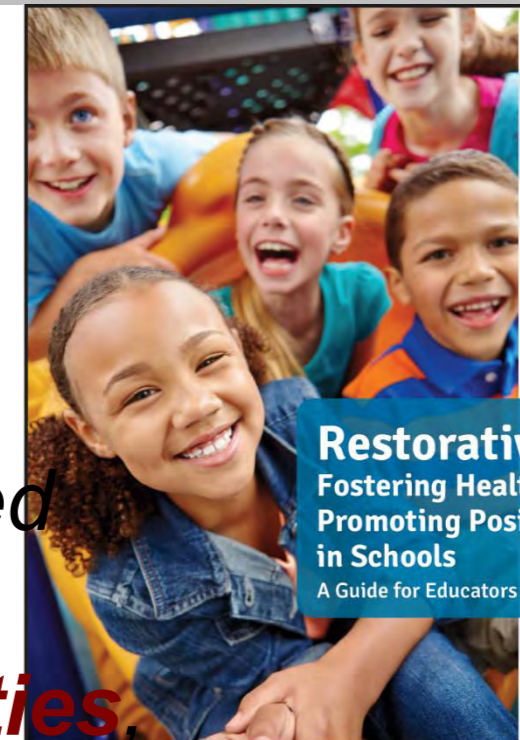
St. Paul Federation of Teachers

"We cannot continue a system that replicates a failed criminal justice system within the walls of our schools. And we cannot continue to ignore student behaviors and not address the underlying issues that are causing them. We need to build a restorative culture that unlocks the gifts of all students in a manner they deserve."

Twin Cities Pioneer Press, May 16, 2016

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National Education Association

Better alternatives to zero-tolerance school discipline policies *(3/20/14)*

*The National Education Association today joined school discipline reform advocates in renewed efforts to **eradicate school discipline disparities**, move away from **harmful and counter-productive zero-tolerance discipline policies**, and end the **school-to-prison pipeline**.*

Restorative Practices:
Fostering Healthy Relationships &
Promoting Positive Discipline
in Schools
A Guide for Educators

MARCH 2014

*The toolkit illustrates how **restorative practices** can be seamlessly integrated into the classroom, curriculum and culture of schools, and how they can help **transform schools** to support the academic growth and health of **all students**.*

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American Federation of Teachers

Moving Past Punishment Toward Support (Winter, 2015

Zero-tolerance policies *intended to maintain safety and order not only have **failed** to do so but have caused considerable **harm**.*

*Data have shown both that these policies have failed to make schoo safer and that their **discriminatory application** violates the 1964 Civil Rights Act.*

...less serious (and more common) incidents should be dealt with using appropriate, proportional strategies,[such as]

***Restorative practices** through which students assume responsibility for the consequences of their actions*

Disproportionate discipline

U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights

January 8, 2014

Dear Colleague:

Purpose: 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*.

Impetus: the alarming *increase in out-of-school suspensions*, the *disproportionate impact* of those suspensions on certain groups of students, and the significant *negative educational and long-term outcomes* that can result from these trends.
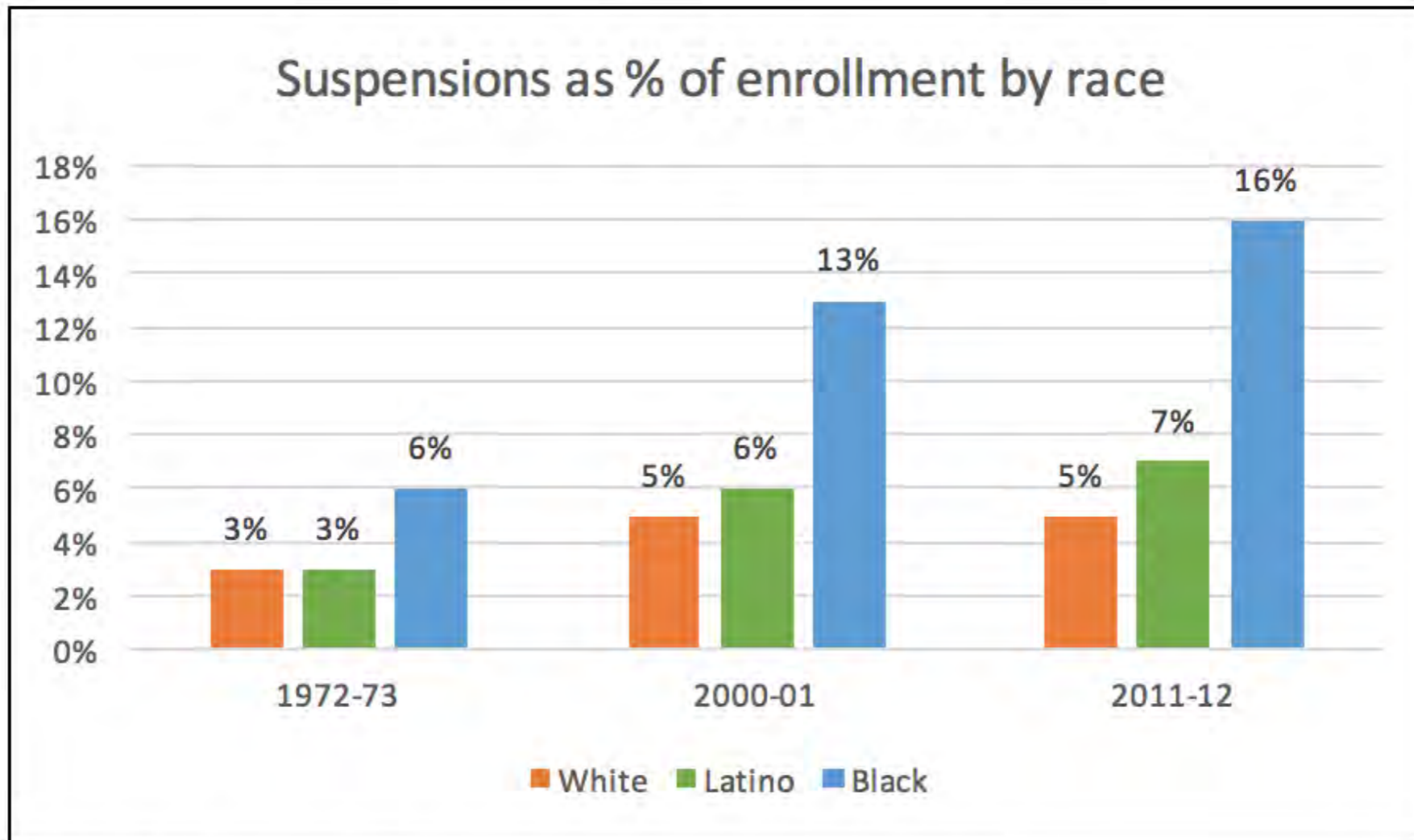
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U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights

Facts: Out-of-school suspensions have *increased dramatically* over the last 40 years.

Suspensions as % of enrollment by race

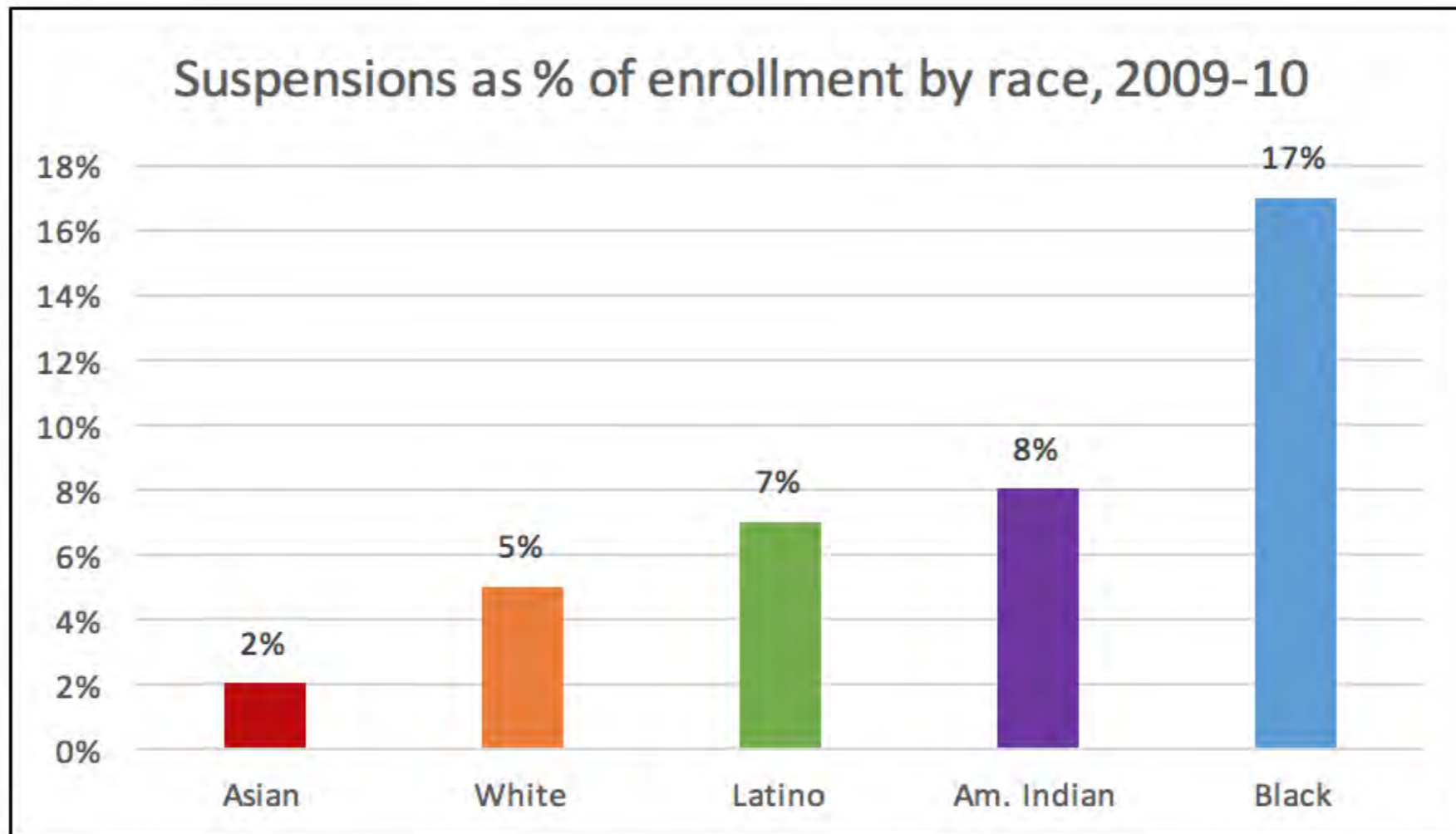*Source*: U.S. Dept. of Education, Office for Civil Rights

U.S. Department of Justice
Civil Rights Division

U.S. Department of Education
Office for Civil Rights

Facts: Out-of-school suspensions impact certain groups of
students *disproportionately*

Suspensions as % of enrollment by race, 2009-10

Asian	White	Latino	Am. Indian	Black
2%	5%	7%	8%	17%

Source: Civil Rights Data Collection (CRCD) 2009-10 national sample

U.S. Department of Justice
Civil Rights Division

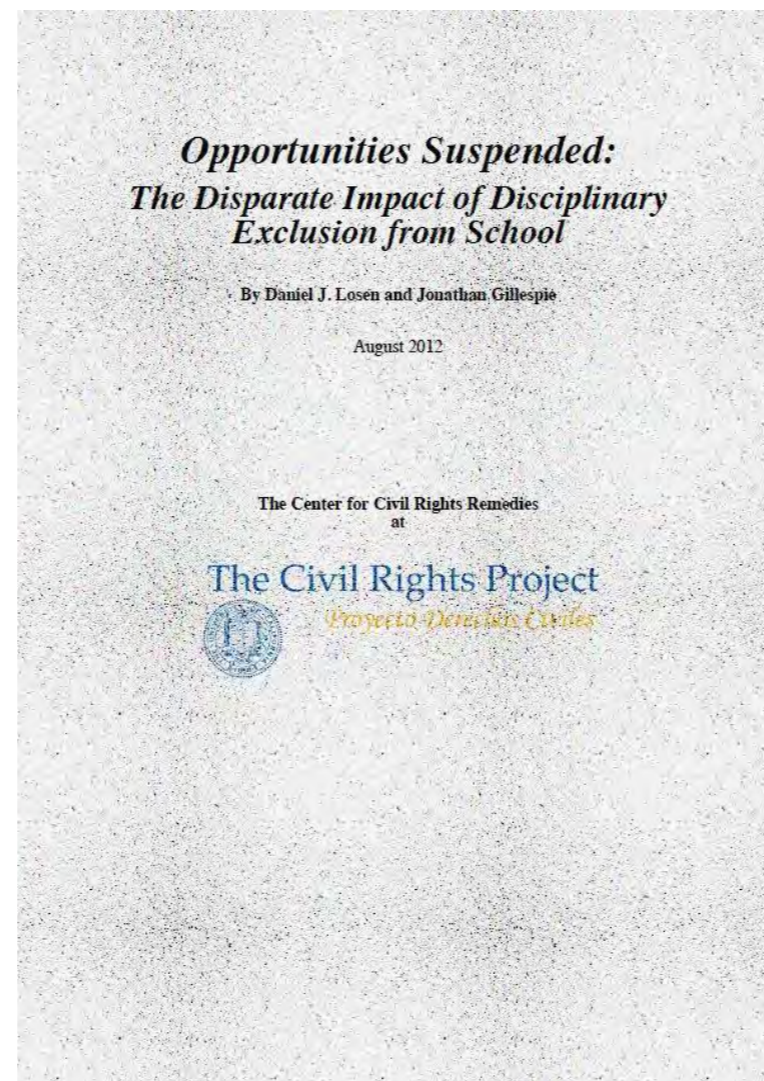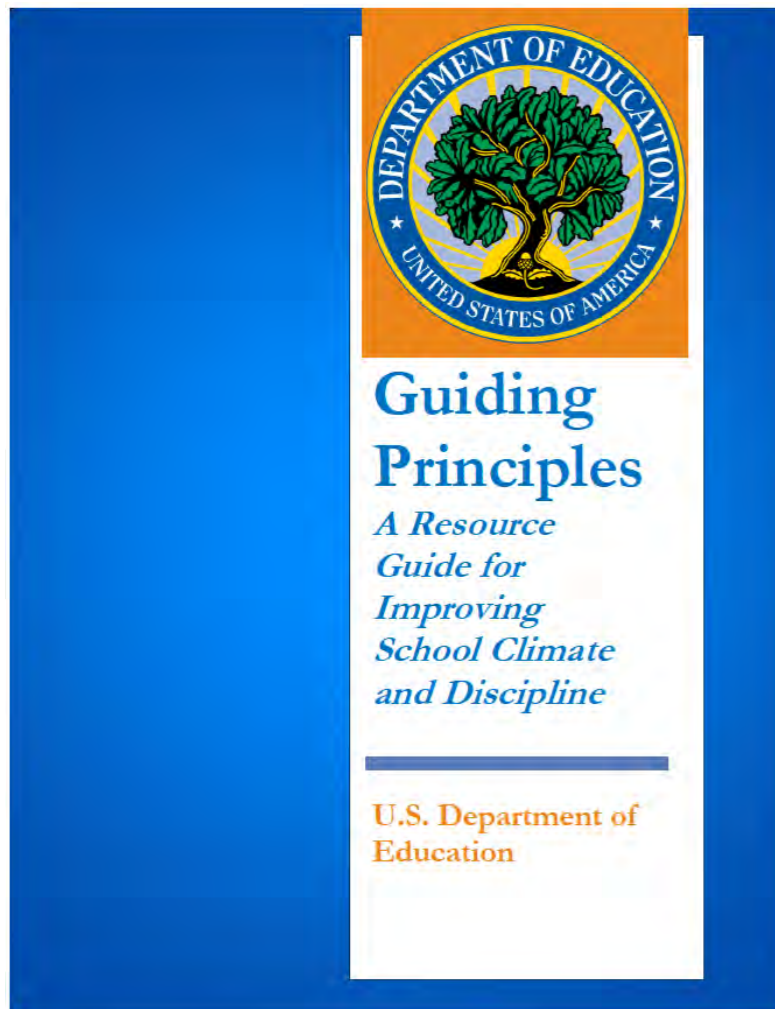**U.S. Department of Education**
Office for Civil Rights

Facts: Out-of-school suspensions create the potential for *significant, negative educational and long-term outcomes*.

- Individual students who are suspended are:
  - ➢ *less likely to graduate on time* and
  - ➢ *more likely to repeat a grade*,
  - ➢ *drop out*, or become involved in the
  - ➢ *juvenile justice system*.

- High rates of out-of-school suspensions have been related to *lower school-wide academic achievement and standardized test scores*.

Common responses

✓ *Children of color get suspended more because they misbehave more.*

✓ *We need to suspend these students to keep other students safe.*

✓ *We need to suspend the bad kids so the good kids can learn.*

- *Do these responses make sense to you?*

- *Would you expect to hear responses like this in your own school context?*

- *How would you respond?*

A few additional facts....

Facts: (behavior)

- *Children of color get suspended more because they misbehave more*

  - ➤ Research has found *no evidence* that over-representation in suspension of students of color is due to higher rates of misbehavior.

  - ➤ Studies show that Black students are more likely than white students to be suspended *for the same behavior*.

Facts: (behavior)

- *We need to suspend these students to keep our other students safe*

  ➢ Many districts are frequently resorting to suspension for violations of even minor school rules

  ➢ Contrary to popular belief, most suspensions are not for guns, drugs, or violence – *only 5% of all out-of-school suspensions were considered serious or dangerous.*

  ➢ *95%* of out-of-school suspensions were for nonviolent disruptions, with the majority being for subjective violations such as *disrespect*, or *defiance*.

Facts: (not only *student* behavior)

- Suspensions are significantly influenced by *factors other than student misbehavior*.

  ➤ Recent research indicates that the *attitude* of both *school leaders and district leaders* toward the use of suspension correlated highly with its use.

- **Middle school** is a real concern

  ➤ Out-of-school suspensions *almost doubled* between 2007 and 2010 for Black and White middle school students.

Facts: (achievement)

- *We need to suspend the bad kids so the good kids can learn*

  - ➢ The frequent use of suspension brings *no benefits* in terms of *test scores* or *graduation rates*.

  - ➢ After controlling for race and poverty, schools with *higher out-of-school suspension* rates tend to have *lower academic achievement*.

  - ➢ Conversely, the *lower use of out-of-school suspension* rates correlates with *higher test scores*, not lower.

Facts: (Civil Rights Project report, 2015)

- In terms of academic success, **suspensions matter** because:

  - ➢ **Loss** of classroom instruction time **damages** student **performance**.

    - ✧ In 2011-12, nearly 3.5 million public school students were suspended out of school at least once

    - ✧ Of that 3.5 million, 1.55 million were suspended at least twice

    - ✧ The average suspension is conservatively put at 3.5 days.

    - ✧ U.S. public school children lost nearly **18 million days of instruction** in just one school year because of exclusionary discipline.

    - ✧ One recent study (Attendance Works, 2014) found that missing **three days** of school in the month before taking the National Assessment of Educational Progress translated into fourth graders scoring a **full grade level lower** in reading on this test.

  - ➢ *"We conclude that our nation cannot close the achievement gap if we ignore the discipline gap."*

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Facts:

- Bottom Line: a strong body of research indicates that **frequent out-of-school suspension** does **not** produce better learning environments or higher academic achievement, or deter future misbehavior; it **does** create the potential for significant, negative educational and long-term outcomes, including dropping out and/or becoming involved in the juvenile justice system (*school-to-prison pipeline*).

  - Both the American Academy of Pediatrics and the American Psychological Association have policies criticizing the use of zero tolerance policies and out-of-school suspension, except under exceptional circumstances.

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Our data, 2015-16

To what extent does our district-level data mirror the national data?

- What am I seeing?
- What are the implications?

Our data, 2015-16 discipline referrals

Table 1. *Student enrollment demographics by race/ethnicity and gender*

	White / Anglo	African American	Hispanic	Native American	Asian American	Multi-Racial		Female	Male		TOTAL
#	10, 784	4,860	31,161	1,925	1,043	1,725		25,044	26,454		51,498
%	20.94%	9.44%	60.51%	3.74%	2.03%	3.35%		48.63%	51.37%		100%

Table 2. *Discipline referral data by race / ethnicity and gender (*unduplicated – 1 or more referrals.)*

	White / Anglo	African American	Hispanic	Native American	Asian American	Multi-Racial		Female	Male		TOTAL
#	889	634	2,632	203	33	170		1,321	3,240		4,561
%	19.49%	13.90%	57.71%	4.45%	0.72%	3.73%		28.96%	71.04%		100%

*Unduplicated indicates students who had at least one or more referrals.

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Our data, 2015-16 in-school suspensions

Table 1. *Student enrollment demographics by race/ethnicity and gender*

	White / Anglo	African American	Hispanic	Native American	Asian American	Multi-Racial		Female	Male		TOTAL
#	10, 784	4,860	31,161	1,925	1,043	1,725		25,044	26,454		51,498
%	20.94%	9.44%	60.51%	3.74%	2.03%	3.35%		48.63%	51.37%		100%

Table 3. *In-school Suspension data by race/ethnicity and gender*

	White / Anglo	African American	Hispanic	Native American	Asian American	Multi-Racial		Female	Male		TOTAL
#	324	333	1,244	95	17	68		571	1,510		2081
%	15.57%	16.00%	59.78%	4.56%	0.82%	3.27%		27.44%	72.56%		100%

Our data, 2015-16 off-campus suspensions

Table 1. *Student enrollment demographics by race/ethnicity and gender*

	White / Anglo	African American	Hispanic	Native American	Asian American	Multi-Racial		Female	Male		TOTAL
#	10, 784	4,860	31,161	1,925	1,043	1,725		25,044	26,454		51,498
%	20.94%	9.44%	60.51%	3.74%	2.03%	3.35%		48.63%	51.37%		100%

Table 4. *Out of School Suspension data by race/ethnicity and gender*

	White / Anglo	African American	Hispanic	Native American	Asian American	Multi-Racial		Female	Male		TOTAL
#	294	250	903	86	9	68		445	1165		1610
%	18.26%	15.53%	56.09%	5.34%	0.56%	4.22%		27.64%	72.36%		100%

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Our data, 2015-16 suspension incident categories

Incident Category	In-School Suspension	Out of School Suspension	Total
Aggression	1511	935	2871
Alcohol, Tobacco and Other Drugs	176	531	661
Other Violations of School Policy	363	193	1297
Harassment, Threat and Intimidation	228	122	421
Weapons and Dangerous Items	109	109	245
Sexual Offenses	136	92	287
Lying, Cheating, Forgery	49	63	157
Technology, Improper Use	4	55	100
Vandalism or Criminal Damage	46	54	141
Theft	69	31	175
School Threat	3	30	35
Attendance Policy Violation	41	24	378
Arson	10	14	21
Trespassing	8	8	18
TOTAL *(*Distinct Students)*	2081	1610	4561

Our data, 2015-16 combined suspensions

Table 1. *Student enrollment demographics by race/ethnicity and gender*

	White / Anglo	African American	Hispanic	Native American	Asian American	Multi-Racial		Female	Male		TOTAL
#	10, 784	4,860	31,161	1,925	1,043	1,725		25,044	26,454		51,498
%	20.94%	9.44%	60.51%	3.74%	2.03%	3.35%		48.63%	51.37%		100%

Table 5. *Combined In-School Suspension and Out of School Suspension data by race/ethnicity and gender*

	White / Anglo	African American	Hispanic	Native American	Asian American	Multi-Racial		Female	Male		TOTAL
#	503	462	1756	145	19	115		842	2158		3000
%	16.77%	15.4%	58.53%	4.83%	0.63%	3.83%		28.07%	71.93%		100%

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Encouraging Third Quarter Trends in TUSD!

*When comparing the Third Quarter of 2015-2016 to the Third Quarter of 2016-2017, the percentage of disciplinary incidents in TUSD has been reduced at every school level.

	2016	2016	2016		2017	2017	2017		
	Incidents	Students	%		Incidents	Students	%		Discipline Reduction
Elementary Schools	361	17,991	2.01%		246	17542	1.40%		0.61%
K-8 Schools	358	9081	3.94%		247	8823	2.80%		1.14%
Middle Schools	892	7044	12.66%		588	6930	8.48%		4.18%
High Schools	347	13804	2.51%		308	13733	2.24%		0.27%
TOTAL	1964	47986	4.09%		1410	47118	2.99%		1.10%

➢ *How did we get here?*

➢ *Why is it happening?*

➢ *What can we do about it?*

How did we get here?

A brief history of "the School-to-Prison Pipeline"

Definition: *a metaphor for explaining how certain groups of children are pushed out of schools and into the criminal justice system.*

Pipeline of opportunity

Pathway to incarceration

How did we get here?

A brief history of "the School-to-Prison Pipeline"

- 1970s: War on Drugs

- 1980s: Mandatory minimum sentences

- 1986: Zero tolerance spreads to schools: Drug-Free Schools and Communities Act

- 1994: Safe and Gun-Free Schools Act

- 1999: Columbine shootings; COPS in Schools program; expansion of COPS program in early 2000s

  ➢ Between 1997 and 2007, # of SROs rose 38%

Since 1993, incidents of school violence have been steadily dropping (National Center for Education Statistics) VI - 6, p. 26

How did we get here?

A brief history of "the School-to-Prison Pipeline" (cont.)

"The wave of punitiveness that washed over the United States with the rise of the drug war and the get tough movement really flooded our schools.

Schools, caught up in this maelstrom of fear, zero tolerance policies, and increased police presence in school, began viewing children as criminals or suspects, rather than as young people with an enormous amount of potential struggling in their own ways and their own difficult context to make it and hopefully thrive. **We began viewing the youth in schools as potential violators rather than as children needing our guidance."**

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\- Michelle Alexander

How did we get here?

A brief history of "the School-to-Prison Pipeline" (cont.)
Results:

- *Zero tolerance, originally focused on drugs and guns, came to target an ever-expanding range of behaviors (e.g., disrespect, defiance, aggression, other violations of school policies).*

- *The number of suspensions has increased dramatically since 1974*
  - *Rates escalated in the mid-1990s, as zero tolerance policies became more widely adopted.*

How did we get here?

### *A brief history of "the School-to-Prison Pipeline" (cont.)*

Consequence:

- *A student who is suspended or expelled for a discretionary violation is nearly **three times** as likely to be in contact with the juvenile justice system the following year.*

- *Once students enter the juvenile justice system, they are more likely to **fail** in school, which in turn **increases** their chances of ending up back in the juvenile justice system.*

- *Research indicates that the minute a child sets foot in the juvenile justice system, their chances of becoming an adult offender go up **50%.***

- *Over **70%** of students in school-related referrals to law enforcement are African-American or Latino.*

Why is it happening?

Implicit bias

Lack of Authentic Relationship

Implicit bias
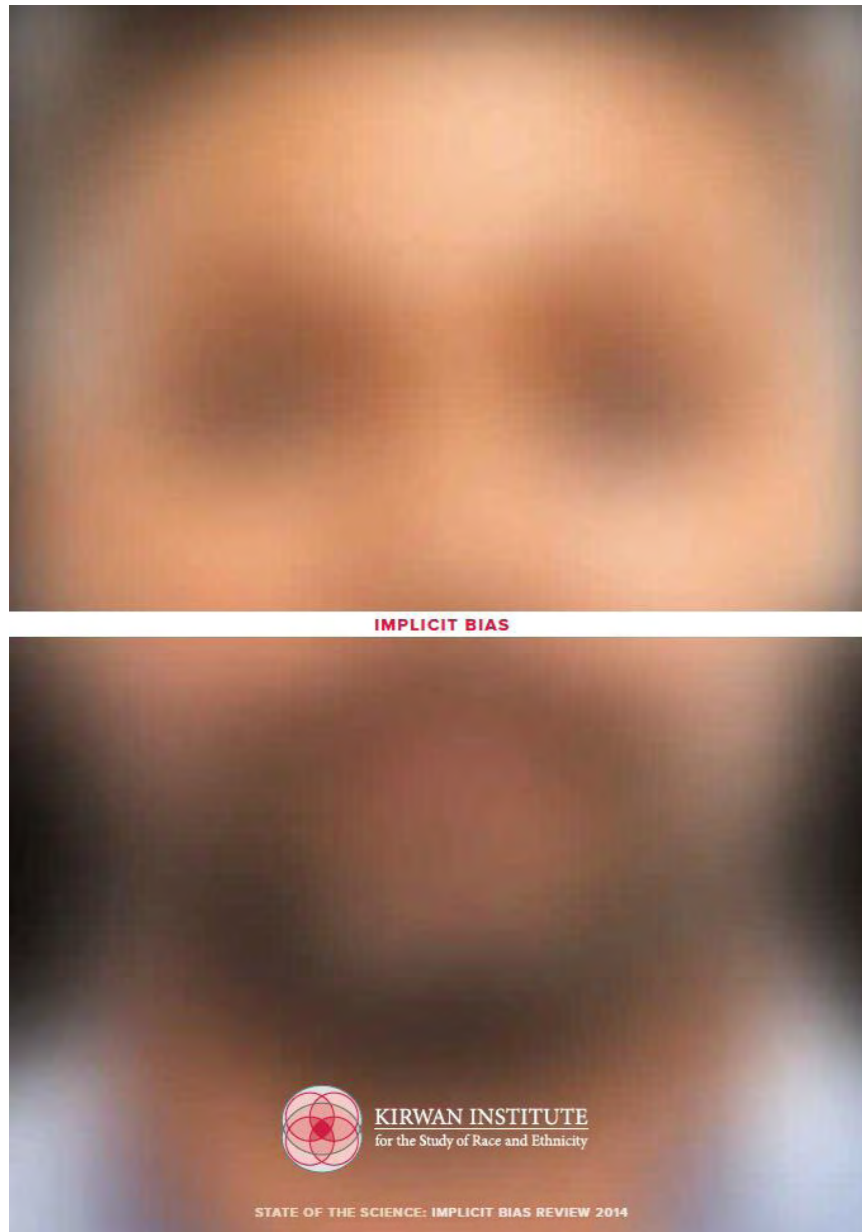
Kirwan Institute   *State of the Science: Implicit Bias Review 2014*

Implicit bias: definitions

- *Implicit bias* is the bias in judgment and/or behavior that results from subtle cognitive processes (e.g., **implicit attitudes and implicit stereotypes**) that often operate at a level **below conscious awareness and without intentional control**.

National Center for State Courts: *Helping courts address implicit bias - FAQs*

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Implicit bias: law enforcement

The New York Times | http://nyti.ms/1Cj5SH3

POLITICS

F.B.I. Director Speaks Out on Race and Police Bias

By MICHAEL S. SCHMIDT   FEB. 12, 2015

Mr. Comey said there was significant research showing that **all people have unconscious racial biases**. Law enforcement officers, he said, need "to **design systems and processes** to overcome that very human part of us all."

"Although the research may be unsettling, **what we do next is what matters most,**" Mr. Comey said.

Implicit bias: medicine

Physicians and Implicit Bias: How Doctors May Unwittingly Perpetuate Health Care Disparities

- Chapman, E.N., et al., 2013

Although the medical profession strives for **equal treatment** of all patients, **disparities in health care** are prevalent.

... Research suggests that **implicit bias** may contribute to health care disparities by **shaping physician behavior** and **producing differences** in medical treatment along the lines of **race, ethnicity, gender** or other characteristics.

Implicit bias: medicine

Fixes

Fixes looks at solutions to social problems and why they work.

A Fix for Gender Bias in Health Care? Check

- Jessica Nordell,
1.11.17

In health care, **gender disparities** are especially pernicious.

Women ...were in considerable **greater danger** of dying of preventable blood clots **than men**.

...What's especially difficult in ending such discrimination is that providers **may not even realize** they're behaving in biased ways.

Whether **unintentional**, **unconscious** or simply based on **erroneous assumptions**, treatment differentials clearly exist. **Interventions** like the Hopkins checklist can help correct them.

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Implicit bias: military/gender

Pacific Standard
STORIES THAT MATTER

Can the Marine Corps Stop Bias Before It Starts?

- Kate Wheeling, 3.23.16

Marines will receive mandatory training to combat **unconscious bias** as more **women** join their ranks.

... The seminars will walk officers through the elements of the Corps' plan for opening ground combat jobs to women. ... Topics include **unconscious bias**, which focuses on how people **prejudge** others based on factors such as **race** and **gender**, and principles of institutional change.

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Implicit bias: disproportionate discipline

New research on school discipline

- Quintero, E., 12/18/2014

School discipline was one of the most prominent education issues this year. A **major theme** within the discipline conversation conversation has been the **large discipline disparities** by **race/ethnicity and gender**, which are exhibited **as early as pre-K**.

These disparities drew attention to the important issue of **implicit bias** – i.e., the idea **that we all harbor unconscious attitudes** *that tend to favor individuals from some groups while putting others at a disadvantage.*

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Implicit bias: academic expectations

The Washington Post

White teachers and Black teachers have different expectations for Black students

- Emma Brown, 3.31.16

A new study suggests that **race** plays a big role in influencing how teachers see their students' potential for academic success, raising questions about whether **teachers' biases** could be holding back black students and contributing to the nation's yawning achievement gap.

Implicit bias: science education/gender

The Upshot
UNEQUAL EDUCATION

The New York Times

How Elementary School Teachers' Biases Can Discourage Girls From Math and Science

FEB. 6, 2015

Claire Cain Miller

We know that **women are underrepresented in math and science jobs**. What we don't know is **why** it happens.

... A new study points to the influence of **teachers' unconscious biases**, but it also highlights how powerful **a little encouragement** can be.

...The pipeline for women to enter math and science occupations narrows at many points between kindergarten and a career choice, but **elementary school** seems to be a **critical juncture**. **Reversing bias among teachers** could increase the number of women who enter fields like computer science and engineering...

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Implicit bias: strategies

Charles Hamilton Houston
Institute for Race & Justice
Harvard Law School

Can "de-biasing" strategies help to reduce racial disparities in school discipline?

Summary of the literature

March 2014

The positive news it that unconscious stereotypes are not set in stone. They can be "unlearned."

The authors describe a "toolkit" of five strategies that research showed to be effective in reducing implicit bias in schools.

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Implicit bias: stringategies

Patricia Devine, University of Wisconsin: likens bias to "habits" that, with intention and practice, can be broken

1. **Stereotype Replacement**: An individual recognizes that he or she is responding to a situation or person in a stereotypical fashion. (S)he considers the reasons and actively replaces this biased response with an unbiased one.

2. **Counter-stereotypic Imagining**: Once an individual detects a stereotypical response, he or she thinks of examples—either famous or personally known to the person—that prove the stereotype to be inaccurate.

3. **Individuating**: This strategy involves gathering very specific information about a person's background, tastes, hobbies, and family, so that one's judgments will be based on the particulars of that person, rather than on group characteristics.

Implicit bias: strategies

Patricia Devine, University of Wisconsin

4. **Perspective-taking** involves stepping into the shoes of a stereotyped person. What does it feel like to have your intelligence automatically questioned, or to be trailed by detectives each time you walk into a store? Perspective-taking can be very useful in assessing the emotional impact on individuals who are constantly being stereotyped in negative ways.

5. **Increasing Opportunity for Positive Contact**: A final strategy for reducing implicit bias is to actively seek out situations where one is likely to be exposed to positive examples of African Americans or others subject to stereotypes.

Lack of Authentic Relationships

➢ When our interactions with students are predicated on maintaining **authority** and administering **punishment**, we **forfeit** the ability to form authentic and meaningful **relationships** with our students.

➢ **Zero tolerance** discipline that is imposed on young people without regard to the circumstances that influence their behaviors **erodes** their belief in fairness and further **alienates** them from school.

➢ Out-of-school suspensions often trigger a cycle of **disengagement** from schools, where students become less trusting and more resentful of their teachers, losing the "**connectedness**" that is such a critical component of academic success.

What can we do about it?

What can we do about it?

In your daily lives at school

➢ *What are some ways that you have identified, wrestled with, or addressed **implicit bias** in yourself, and/or in others?*

➢ *What are some ways that you have built, or facilitated the building of, **authentic relationships** with or among students and/or staff?*

Restorative Justice

Restorative Justice Principles

- Building authentic **relationships** and a sense of **community** to address and prevent conflict and wrongdoing

- Accepting **responsibility** and **repairing** harm

- Creating and maintaining **trust** through making and following through on agreements

- **Reconciliation** through care and
reintegration

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Restorative Justice

Restorative Justice Principles

- Focuses on **righting** a wrong and **repairing** harm

- Focuses on constructive **dialogue** between the harmed and the harm-doer to share how they were harmed, and how they will accept **responsibility** and work to resolve the harm caused.

- Focuses on repairing **relationships** that have been injured, and **reintegration** into the school community.

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Restorative Justice

Restorative Justice Principles

- Restorative justice holds harm-doers accountable not by asking them to "*take the punishment*," but rather to ensure they *take responsibility* by making amends to their victims and the community harmed.

- By **empowering** youth to be responsible for their own actions and their concomitant impacts, restorative justice offers students a means to *rebuild their dignity through mature reparation of harm*.

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Restorative Justice

Restorative Justice Principles

In sum, a restorative philosophy :

- Emphasizes **problem-solving** approaches to discipline,

- Attends to the social/emotional as well as the physical/intellectual **needs of students**,

- Recognizes the importance of the **community** to establish and practice agreed-upon norms and rules, and

- Emphasizes **prevention** and early restorative **intervention** to create safe learning environments.

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Restorative Justice

Restorative Justice Outcomes

Nationally as well as internationally, there is considerable evidence that restorative approaches can result in:

➢ **Reduced** suspension and expulsion,

➢ **Decreased** disciplinary referrals,

➢ **Improved** academic achievement.

Restorative Justice

Bottom Line

Restorative justice works, but it is not a silver bullet and is not a program that can be simply plugged in – it is a *mindset* and array of practices that take *intentional* and *sustained* practice on the part of both adults and students, in the context of *supportive school structures* and *adequate resources*, in order to build and sustain a safe, caring and respectful school culture and climate.

Restorative Justice/PBIS integration

Response to Intervention (RtI)Framework

Restorative Justice

PBIS

Circles of support and accountability for re-entry and re-integration following incarceration or expulsion

Individualized services for students in need of one on one and family support. Positive behavior plans, ongoing support of Multi-disciplinary Team

Alternatives to suspension that support conflict resolution, peer mediation, family and community conferencing

Targeted supports and skill-building groups, Check-in/check-out (CICO) mentoring

Tier 3

Tier 2

Tier 1

Practices (circles) that build relational trust and shared values. Restorative conversations that enable shared problem solving.

Equitable school-wide norms & expectations for all school settings that are taught and positively reinforced

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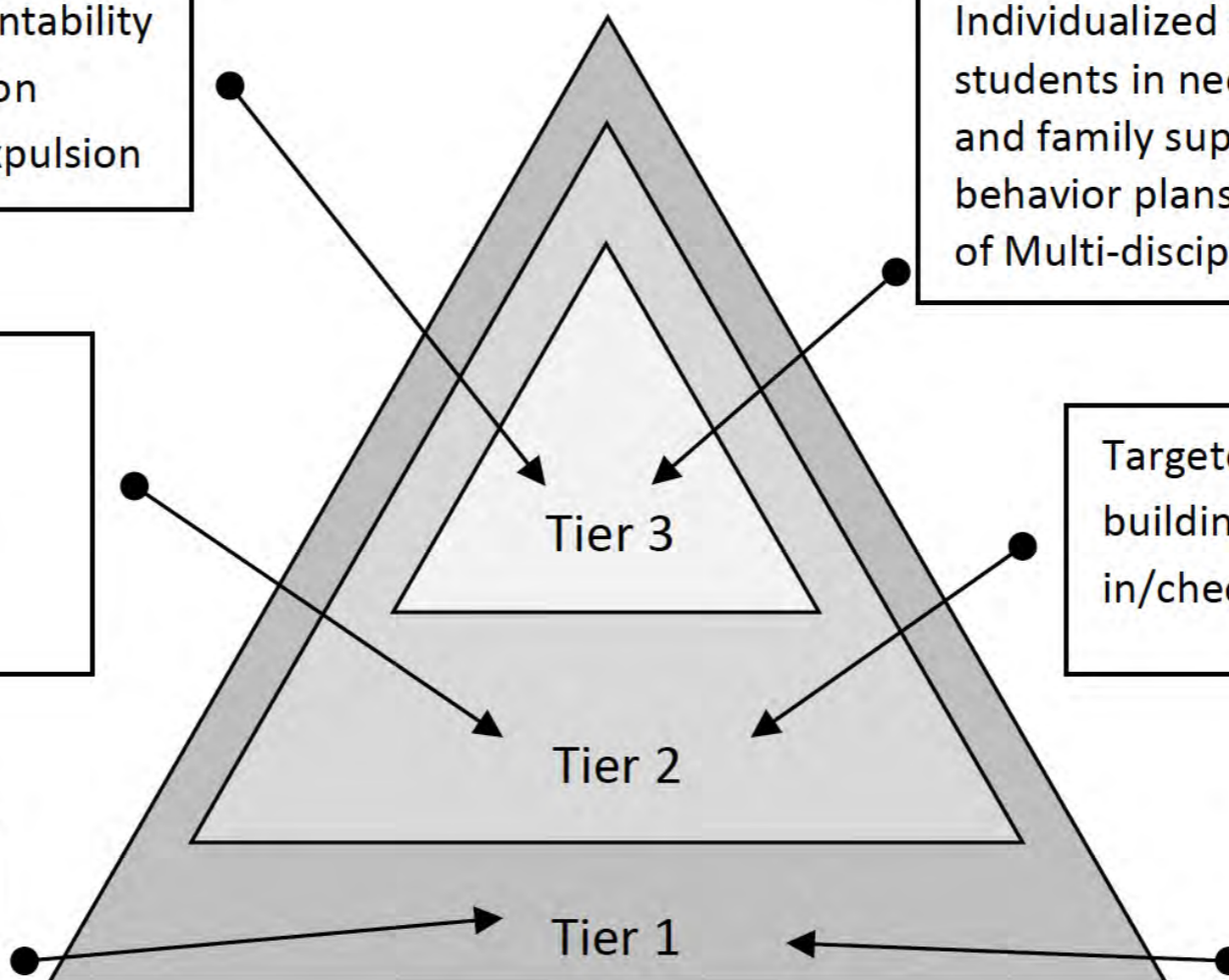
Being and *Doing*

Mindset +
Practice
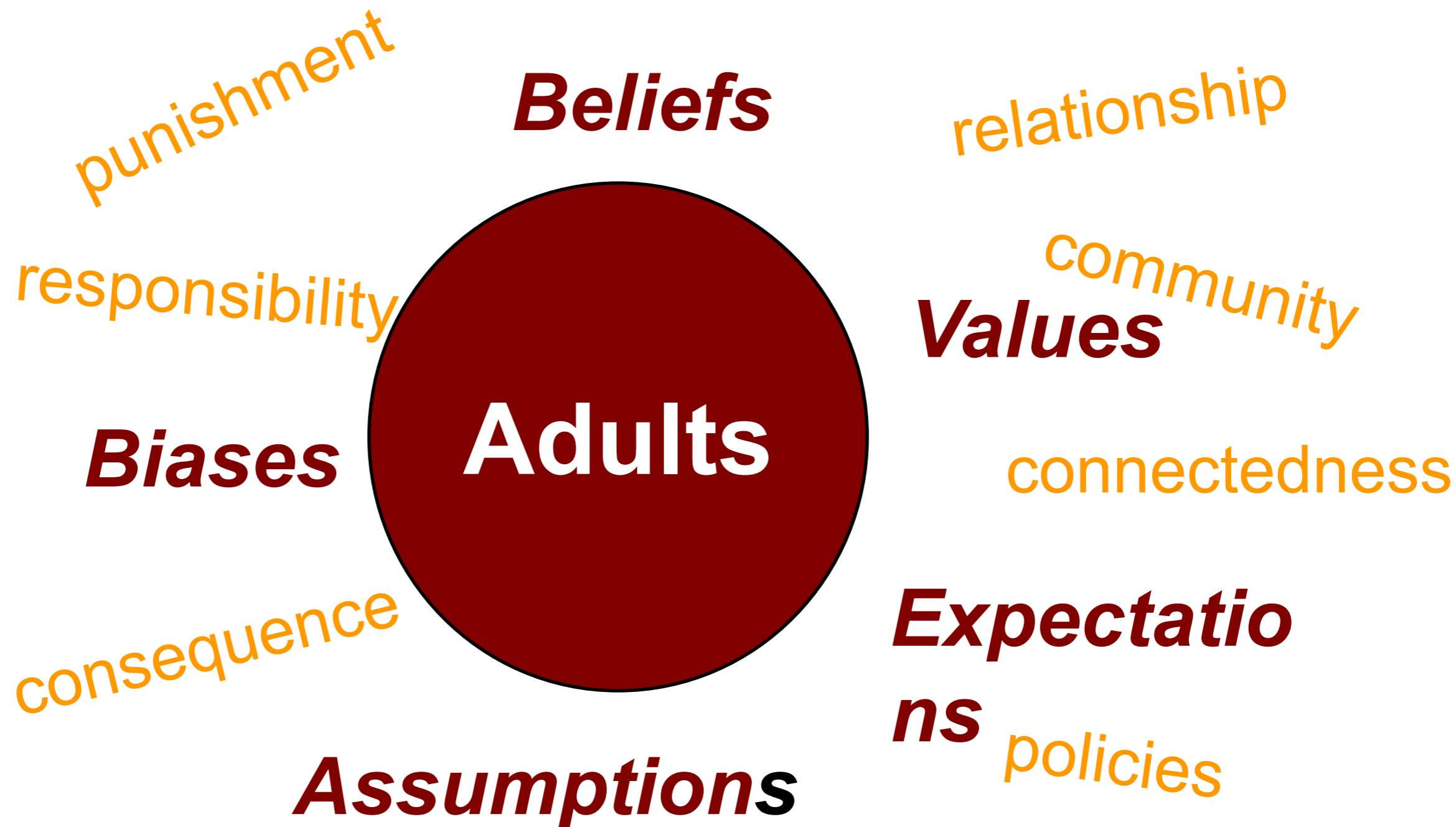*Restorative Justice*

Being +
Doing
Whole School Change

A focus on Being

What do we, as adults, bring to the table?

A focus on Being

Essential questions:

➢ What are the *beliefs, values, expectations* and *assumptions* that we bring to our everyday interactions in school?

➢ To what extent to those beliefs, values, expectations and assumptions *support*, or *impede*, what it *sounds like*, *feels like*, and *looks like* to "*be*" R.J?

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Thinking about Restorative Justice...

*An **opportunity** that RJ presents is…*

Thinking about Restorative Justice...

*A **challenge** that RJ presents would be...*

Thinking about Restorative Justice...

My **hope** *for RJ is...*

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Thinking about Restorative Justice...

*My **fear** about RJ would be*

…

How do we get there?

What's next?

Moving Forward...

TUCSON UNIFIED
SCHOOL DISTRICT

Tucson Unified is where
Students love to Learn
Teachers love to Teach
and People love to Work
We are Team TUSD

Moving from Zero Tolerance to Supportive School Discipline:

Creating Safe and Equitable School Environments with Restorative Practices

April 6, 2017

Carl Hermanns, *Mary Lou Fulton Teachers College*

ASU
ARIZONA STATE UNIVERSITY