# Ensuring Equitable Discipline: Practices and Policies

## Prepared for Loudoun County Public Schools

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In this report, Hanover Research presents policies and practices designed to eliminate disparities in disciplinary outcomes for students by race and disability status. Following a review of the literature, Hanover presents in-depth profiles of disciplinary policies and practices used by Denver Public Schools and Anne Arundel County Public Schools.

HANOVER RESEARCH

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# EXECUTIVE SUMMARY

Experts agree that black and Hispanic students are disciplined more frequently and more harshly than white students, while students with disabilities are suspended more frequently than non-disabled students. In this report, Hanover Research presents policies and practices designed to eliminate disparities in disciplinary outcomes for students by race and disability status. Following a review of the literature, Hanover presents in-depth profiles of disciplinary policies and practices used by Denver Public Schools and Anne Arundel County Public Schools. Both districts have similar student enrollment to Loudoun County Public Schools (LCPS), and both have received extensive media attention for attempts to implement more equitable approaches to student discipline.

## KEY FINDINGS

- **The disparities evident in LCPS's recent disciplinary data mirror national trends.** According to a 2012 report by the Civil Rights Data Collection, black and Hispanic students make up 42 percent of total U.S. student enrollment, but account for 68 percent of students receiving multiple out-of-school suspensions and 71 percent of students being referred to law enforcement. Similarly, students who are covered by the Individuals with Disabilities Act (IDEA) are more than twice as likely as other students to receive out-of-school suspensions.  Trends in LCPS indicate that Hispanic and black students are two and three times more likely to receive a suspension compared to white students, and disabled students are four times more likely to receive a suspension compared to students without a disability.

- **Awareness of trends in inequitable disciplinary practices should lead to changed policies, practices, and results**. LCPS would benefit from its planned collection and review of the detailed disciplinary data underlying trends in its 2012 report "The State of Discipline in Loudoun County Public Schools." For example, data identifying the number and type of offenses committed by race and disability category, as well as the resulting consequences/interventions, will be powerful tools in guiding reform efforts.

- **Research points to culturally-competent teaching practices as having a strong impact on achievement among underrepresented groups. Therefore, LCPS may need to provide** professional development in areas such as cultural sensitivity and/or behavioral management training for staff members who appear to have disproportionate disciplinary referrals for specific student populations. To determine which staff members may need professional development, school level administrators could conduct classroom observations of teacher and student behaviors to consider along with data on disciplinary referrals by classroom.

- **There is no evidence that suspension produces positive outcomes in students, schools, districts, or communities**. To the contrary, there is evidence that suspension produces negative outcomes among all four populations. As an alternative, LCPS could train staff members in progressive discipline that teaches students *how* to engage in "pro-social" behavior and personal accountability and aims to prevent – rather than react to—

misconduct. Progressive disciplinary approaches are especially valuable as districts seek to provide students with disabilities with the Least Restrictive Environment (LRE). Examples include Schoolwide Positive Behavior Supports, Restorative Practices, and Collective Problem Solving.

■ **The Dignity in Schools Campaign argues that subjective misbehavior categories should be replaced with clearly-defined violations, which are less likely to facilitate bias and discrimination against students.** Denver Public Schools and Anne Arundel County Public Schools have organized disciplinary frameworks which align specific offenses with appropriate consequences or interventions. Nevertheless, both districts continue to use language which the Dignity in Schools Campaign would characterize as ambiguous (i.e. "disrespect" or "disruption").

■ Hanover identified several effective initiatives designed to promote equitable disciplinary practice and policy:

  o **Reacting against the high rates of minority student referrals to law enforcement, Denver Public Schools signed an intergovernmental agreement with the Denver Police Department** (DPD). The agreement limits the role of School Resource Officers; ensures due process protections; requires meetings between SROs, community stakeholders, and school administrators; and incorporates training for SROs, school administrators, and DPD officers.

  o **According to U.S. Education Secretary Arne Duncan, black and Hispanic male teachers make up less than 3.5 percent of the nation's teaching force**. The National Education Association (NEA) suggests several key strategies to increase the number of minority teachers, including early prospective teacher identification initiatives, aggressive recruitment activities, financial aid, and scholarships, mentoring and social support.

  o **Anne Arundel County Public Schools established an Office of Equity Assurance and Human Relations** under the AACPS Superintendent. The Office focuses on issues related to "academic, discipline, special education identification and placement disparities and community engagement."

# SECTION I: TOWARD EQUITABLE DISCIPLINARY POLICY AND PRACTICE

## THE BROAD PROBLEM

Educators across the country are faced with a large and growing body of evidence that black and Hispanic students tend to be disciplined more often and more harshly than white students. According to a 2012 report by the Civil Rights Data Collection, which analyzed data from 7,000 U.S. school districts, black and Hispanic students make up 42 percent of total student enrollment but account for 68 percent of students who receive multiple out-of-school suspensions, 63 percent of students expelled, and 71 percent of students referred to law enforcement.[1] Similarly, black and Hispanic students made up 22.2 percent of Loudoun County Public Schools student enrollment in 2011-12, but accounted for 46.4 percent of suspensions.[2]

Concern around this disparity has spawn numerous research studies into whether inequitable disciplinary practices are the result of more frequent or serious violations by black and Hispanic students, teacher discrimination (whether conscious and/or unconscious), or alternative factors. A 2011 article by Skiba et al. in *School Psychology Review* argues that "no study to date has found differences in racial behavior sufficient to explain racial differences in school punishment." [3] Skiba highlights findings to the contrary from a variety of studies conducted over the past 30 years:

> *"No study to date has found differences in racial behavior sufficient to explain racial differences in school punishment."*

- No significant differences in behavior between black and white students (McCarthy and Hoge, 1987; Wu et al., 1982);

- Black students tend to receive harsher punishment for less serious violations (McFadden et al., 1992; Shaw and Braden, 1990);

- Black students tend to receive more disciplinary referrals for "offenses that required a higher degree of subjectivity, such as disrespect or loitering" (Skiba et al., 2002).[4]

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[1] "Answering Questions about Fundamental Fairness." Civil Rights Data Collection. Office for Civil Rights. P. 2. http://www2.ed.gov/about/offices/list/ocr/docs/crdc-2012-data-summary.pdf

[2] "The State of Discipline in Loudoun County Public Schools." February 2012. Discipline Task Force. Loudoun County Public Schools.

[3] Skiba, R., Horner, R., Chung, C., Rausch, M., May, S., and Tobin, T. 2011. "Race is not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline." *School Psychology Review,* 40:1, 85-107. http://www.indiana.edu/~atlantic/wp-content/uploads/2011/12/Skiba-et-al.-Race-is-not-neutral.pdf

[4] Ibid.

The disparate impact of school discipline practices has also significantly affected students with disabilities. According to an Office of Civil Rights study using data from the 2009-10 school year, students who are covered by the Individuals with Disabilities Act (IDEA) are more than twice as likely to receive out-of-school suspension(s) as those not covered by the Act.[5]

These findings have resulted in a growing body of scholarship on strategies that states, school districts, and educators can use to develop more equitable disciplinary policies and practices. In the following subsections, Hanover outlines key factors that have been found to contribute to higher rates of discipline for black and Hispanic students. Each factor is paired with strategies for creating safer, fairer, and more supportive educational communities.

## LEVERAGING DISAGGREGATED DISCIPLINE DATA

The Civil Rights Project advises districts to use disaggregated discipline data in the following ways to make the greatest impact possible:

- Use disaggregated discipline data to guide and evaluate reform efforts.
- Invest in accurate reporting and use data on discipline in early warning systems.
- Seek changes to school policies and practices where suspension rates are high, and as part of efforts to turn around struggling schools and districts.[6]

LCPS appears to already do this to some extent, though district leaders will benefit from collecting and reviewing the more detailed disciplinary data underlying trends presented in the 2012 report "The State of Discipline in Loudoun County Public Schools." [7] In *A Model Code on Education and Dignity*, the Dignity in Schools Campaign notes that **quarterly reviews** of such data are advisable, and should include analyses of the following aspects of district disciplinary actions:

- Disaggregated data by age, grade, gender, ethnicity, zip code, disability and family status (i.e. in foster care/homeless).
- Type of behavior, teacher or staff member reporting the behavior and the consequence, including office referrals, exclusionary or punitive consequences (in-school suspensions, suspensions, expulsions, police referrals, etc.), and proactive approaches (referrals to counseling, community service, peer counseling, etc.).

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[5] "Answering Questions about Fundamental Fairness." Op. cit.

[6] Bullet points quoted, with minor alterations, from: Losen, D. and Gillespie, J. August 2012. "Opportunities Suspended: The Disparate Impact of Disciplinary Exclusion from School." The Civil Rights Project. P. 9. http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/upcoming-ccrr-research/losen-gillespie-opportunity-suspended-2012.pdf

[7] "The State of Discipline in Loudoun County Public Schools." Op. cit.

▪ Identify staff members that have engaged in a pattern of referrals that are disproportionate with regard to any groups. Observe the teacher's classroom management and provide targeted professional development and feedback for that staff member.

The Appendix of this report presents excerpts from a guide to developing fair and equitable disciplinary policies prepared by the Dignity in Schools Campaign. At the core of these guidelines is the need for data to be transformed into action. Awareness of trends in inequitable disciplinary practices should lead to changed policies, practices, and results.

## BRIDGING THE CULTURAL DIVIDE

### RECRUIT MINORITY TEACHERS

U.S. school districts face a widespread shortage of minority teachers and a predominance of white female teachers, even in districts in which the minorities make up the majority of the student population. According to U.S. Education Secretary Arne Duncan, black and Hispanic male teachers make up less than 3.5 percent of the nation's teaching force. This has resulted in a lack of role models and mentors for black and Hispanic students.[8,9]

> *Black and Hispanic male teachers make up less than 3.5 percent of the nation's teaching force.*

The NEA highlights five key strategies districts should implement in order to raise the number of minority teachers:[10]

▪ **Early prospective teacher identification** initiatives through secondary school surveys, counseling, motivational workshops, summer college preparatory courses, courses in educational theory and practice, and promise of financial aid.

▪ **Aggressive recruitment activities**, such as holding orientations, recruiting transfer students from two-year colleges, sponsoring future teachers clubs, organizing media campaigns in minority communities, and recruiting minorities to teaching from business and the military sectors.

▪ **Financial aid**, including fellowships, scholarships, and forgivable loans, targeted to minority students who intend to teach.

▪ **Social and economic support**, including improving test-taking skills and providing academic counseling and tutoring.

▪ **Mentoring** in the school setting.

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[8] Skiba, et. al.

[9] Flanagan, G. August 28, 2010. "Education Secretary Says U.S. Needs More Minority Teachers." *CNN.*
http://www.cnn.com/2010/POLITICS/08/28/duncan.minority.teachers/index.html

[10] Bullet points verbatim from: "NEA and Teacher Recruitment: An Overview." National Education Association.
http://www.nea.org/home/29031.htm

An Oakland Unified School District Task Force on African-American Male Student Achievement concluded that parents and community members should play a larger role in educational leadership in order to better reflect the diversity of student populations. The Task Force's Summary Report stated that it is critical for minority community members to influence curricular and policy decisions, as well as the recruitment and retention of "local, diverse, permanent teachers who will view African American males as 'our' children, not 'those' children."[11]

### PROVIDE CULTURAL SENSITIVITY TRAINING

A lack of cultural awareness and sensitivity can further contribute to a "cultural mismatch" between teachers and students. Research shows that educators tend to have negative perceptions and stereotypes about nonverbal behaviors and communication styles associated with black and Hispanic populations. A school-specific study by Ferguson in 2000 found that "culturally specific reactions… to a confrontation with a teacher or administrators" tended to result in a higher rate of disciplinary referrals. The following reaction was perceived to be more "disrespectful" and "threatening" than "expressions of defiance" by white students:[12]

> A bodily display of 'stylized sulking' as a face-saving device . . . For boys, the display involved hands crossed at the chest, legs spread wide, head down, and gestures such as a desk pushed away.[13]

Research points to culturally-competent teaching practices as having a strong impact on achievement among underrepresented groups. In 1995, for example, Ladson-Billings examined the practices of successful teachers of black students in culturally diverse schools through a three-year observational study. She found that teachers who were able to effectively reach students were those who possessed the ability to relate to students' cultures and to their communities.[14]

According to the NEA, there are four essential areas of cultural competence needed for teachers to serve a diverse group of students:

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[11] "Task Force Summary Report – African-American Male Achievement." June 2011. Oakland Unified School District. P. 21. http://www.thrivingstudents.org/sites/default/files/AAMA%20Year%20End%20Report%202010-11.pdf

[12] "Report of the Task Force on the Education of Maryland's African-American Males." March 2007. Maryland State Department of Education. http://www.marylandpublicschools.org/NR/rdonlyres/0E934240-08D1-4906-A767-DF18EC7D2745/16730/African_American_Male_Taskforce_Report_March_08.pdf

[13] Ibid.

[14] Ladson-Billings, G. 1995. "But That's Just Good Teaching! The Case for Culturally Relevant Pedagogy,"  in Klump, J. "Research-Based Resources: Cultural Competency of Schools and Teachers in Relation to Student Success." Northwest Regional Education Laboratory. P. 12. www.ode.state.or.us/opportunities/grants/saelp/cuturlcmptencebibnwrel.pdf

- *Valuing diversity*: Accepting and respecting different cultural backgrounds and customs, different ways of communicating, and different traditions and values.

- *Being culturally self-aware*: Understanding that educators' own cultures—all of their experiences, background, knowledge, skills, beliefs, values, and interests—shape their sense of who they are, where they fit into their family, school, community, and society, and how they interact with students.

- *Understanding the dynamics of cultural interactions*: Knowing that there are many factors that can affect interactions across cultures, including historical cultural experiences and relationships between cultures in a local community.

- *Institutionalizing cultural knowledge and adapting to diversity*: Designing educational services based on an understanding of students' cultures and institutionalizing that knowledge so that educators, and the learning environments they work in, can adapt to and better serve diverse populations.[15]

## IMPLEMENTING PROGRESSIVE DISCIPLINARY POLICIES

### MOVE AWAY FROM ZERO-TOLERANCE POLICIES

Many U.S. school districts developed "zero-tolerance" disciplinary policies over the past 20 years in an effort to promote a safety and order within the school environment. The approach originated from the Gun Free Schools Act of 1994, "which mandated that schools expel students found with firearms or lose federal funding."[16]

Unfortunately, over time school districts began to apply the harsh consequences initially intended for violent offenses (expulsion, referral to law enforcement, out-of-school suspension, etc.) to a much broader range of misbehavior. Ultimately, zero-tolerance disciplinary policies have resulted in the following negative outcomes:

- Racial disproportionality;
- Negative impact on students with disabilities;
- National increase in suspensions and expulsions;
- Increased length of expulsion; and
- Increased dropout rates.[17]

Education leaders have since developed progressive alternatives to the punitive zero-tolerance approach to student discipline. Progressive discipline teaches students *how* to engage in "pro-social" behavior and personal accountability and aims to prevent – rather

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[15] "Promoting Educators' Cultural Competence to Better Serve Culturally Diverse Students." 2008. National Education Association. P. 1. www.nea.org/assets/docs/mf_PB13_CulturalCompetence.pdf

[16] "A History and Critique of the Effective of Zero-Tolerance Discipline." Dignity in Schools. http://www.dignityinschools.org/content/history-and-critique-effectiveness-zero-tolerance-discipline

[17] "Zero Tolerance and Alternative Strategies: A Fact Sheet for Educators and Policymakers." National Association of School Psychologists (NASP) Resources. http://www.nasponline.org/resources/factsheets/zt_fs.aspx

than react to – misconduct. When students violate the code of conduct, however, an appropriate intervention and/or consequence is designed to match the "nature, severity, and scope of the behavior."[18] Out-of-school suspension is typically considered to be a last resort, as there is no evidence that suspension produces positive outcomes in students, schools, districts, or communities. To the contrary, there is evidence that suspension produces negative outcomes among all four populations.[19]

## ADDRESS THE NEEDS OF STUDENTS WITH DISABILITIES

Progressive disciplinary approaches are especially valuable as districts seek to provide students with disabilities with the Least Restrictive Environment (LRE). In "A Model Code on Education and Dignity," the Dignity in Schools Campaign argues that school districts should "establish school-wide preventive and positive discipline policies that … address the particular needs of students with disabilities." The Campaign identifies the following steps as having the potential to reduce disciplinary disparities for students with disabilities:[20]

- Develop **proactive systems** to identify, adopt, and sustain effective practices and routines that prevent problem behavior, reinforce appropriate behavior and have organized responses to misconduct.

- Implement a **multi-tiered approach** that outlines the skills necessary to meet individual needs and ensure that cultural and individual differences are valued rather than criticized.

- Provide staff, families and students with the necessary **information and training** to ensure that behavioral expectations are clearly communicated, that behavior plans are developed collaboratively and understood by all, and that those plans are aligned with supporting the educational programs of students.

- Ensure that no behavioral intervention shall cause physical or psychological injury, harm and/or deprive a student of basic human necessities or rights (including food, hydration and bathroom visits) or demean the student in any way.

- Refer students with disabilities to law enforcement or the court system only in situations involving a real and immediate threat to physical safety. Convene a school-based **risk assessment team** to determine the seriousness of the behavior and if it meets the necessary criteria.

Examples of progressive approaches to school discipline include Positive Behavior Support, Restorative Justice, and the Collaborative Problem Solving Model. The following subsections provide a brief overview of each of these models.

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[18] "Citywide Standards of Intervention and Discipline Measures." September 2012. New York City Department of Education. P. 4. http://schools.nyc.gov/NR/rdonlyres/F7DA5E8D-C065-44FF-A16F-55F491C0B9E7/0/DiscCode20122013FINAL.pdf

[19] Losen, Op. cit., p. 42.

[20] Bullet points quoted, with minor alterations, from: "A Model Code on Education and Dignity." August 2012. The Dignity in Schools Campaign. http://www.dignityinschools.org/files/DSC_Model_Code.pdf

## SCHOOL-WIDE POSITIVE BEHAVIOR SUPPORT

Positive Behavioral Interventions and Supports (PBIS), commonly referred to as School-Wide Positive Behavior Support (SWPBS),[21] when applied at the school level, is a proactive approach to problem behavior prevention, supported by additional interventions for small groups and individual students as necessary.[22] The approach is strongly supported by the National Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS TA Center), established by the U.S. Department of Education's Office of Special Education Programs. While SWPBS has been frequently discussed in the context of supporting students with disabilities, it is promoted as a successful approach to all types of students.[23]

The approach uses a three-tiered approach to combine prevention with more targeted supports for students continually displaying problem behaviors. This differentiated approach is well-aligned with Response to Intervention (RTI) practices, where instruction and interventions are closely coordinated with the needs of individual students, and student data are widely used to inform decision making.

## RESTORATIVE JUSTICE PRACTICES

Restorative justice practices have been framed as a valuable "alternative to zero-tolerance policies that mandate suspension or expulsion" that seeks to address student misbehavior while keeping students in school and holding them accountable for their actions.[24] A 2010 presentation by the Minnesota Department of Education highlighted the differences between a more "standard" approach to discipline and a restorative approach, as presented in Figure 1.1.[25]

Restorative approaches focus on the *practical consequences* of misbehavior, rather than the specific rule that was broken. The response to misbehavior seeks to ensure the offending student understands the consequences of his or her actions, allows the student to restore balance to the situation created by the misconduct, and holds the student accountable for

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[21] "SWPBIS for Beginners." National Assistance Center on Positive Behavioral Interventions and Supports, U.S. Department of Education, Office of Special Education Programs. http://www.pbis.org/about_us/default.aspx

[22] Horner, R., Sugai, G. and Vincent, C. 2005. "School-wide Positive Behavior Support: Investing in Student Success." *Impact: Feature Issue on Fostering Success in School and Beyond for Students with Emotional/Behavioral Disorders.* p. 4. http://ici.umn.edu/products/impact/182/182.pdf

[23] "About Us." National Assistance Center on Positive Behavioral Interventions and Supports, U.S. Department of Education, Office of Special Education Programs. http://www.pbis.org/about_us/default.aspx

[24] "School-Based Restorative Justice as an Alternative to Zero-Tolerance Policies: Lessons from West Oakland." November 2010. Thelton E. Henderson Center for Social Justice. University of California, Berkeley, School of Law. http://www.law.berkeley.edu/files/11-2010_School-based_Restorative_Justice_As_an_Alternative_to_Zero-Tolerance_Policies.pdf

[25] Riestenberg, N. 2010. "Re-affirming, Repairing, and Re-building Relationships: Restorative Measures and Circles in Schools." Minnesota Department of Education. http://www.pacer.org/help/symposium/2010/pdf/Special%20Education%20and%20the%20Circle%20Process%20Using%20Restorative%20Principles%20with%20all%20Students,%20Nancy%20Riestenberg.pdf

his or her actions. Restorative approaches further seek to involve those hurt by the actions and offer them "empowerment from being actively involved in the justice process."[26]

**Figure 1.1: Standard/Formal Disciplinary System versus Restorative Approach[27]**

| STANDARD/FORMAL SYSTEM | RESTORATIVE APPROACH |
| --- | --- |
| What was the rule and who broke it? | What was the harm and who was affected by it? |
| What is the punishment per the student handbook? | How do we make amends, repair the harm, reconnect all to community? |
| Administrator decision | Victim/Offender/Community decision |

Source: Minnesota Department of Education

The Minnesota Department of Education has specifically highlighted the application of restorative techniques to special education settings.[28] Similarly, in an article regarding alternatives to suspension for students with emotional/behavioral disorders, Reece Peterson of the Department of Special Education and Communication Disorders at the University of Nebraska, Lincoln, suggested "in-kind restitution" and "mediation programs" as viable alternatives for this group of students. In line with the discussion of restorative justice above, he explains that a restitution approach "permits the student to help to restore or improve the school environment by directly addressing the problems caused by the student's behavior (e.g., in cases of vandalism students can work to repair things they damaged), or by having the student improve the school environment more broadly (e.g., picking up trash, washing lockers)."[29]

*COLLABORATIVE PROBLEM SOLVING*

The Collaborative Problem Solving (CPS) model is designed to help students and educators understand "that challenging behavior is a result of lagging skills and unsolved problems and that challenging behavior occur when the demands of the environment exceed a person's capacity to respond adaptively."[30] CPS uses three methods to solve problems:[31]

- **Plan A**: Unilateral problem solving;

- **Plan B**: Identifying the unsolved problems that are precipitating the challenging episodes by expressing empathy and drilling down for information to develop an understanding of the person's concern or perspective and by selecting high-priority

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[26] Hansen, T. September 2005. "Restorative Justice Practices and Principles in Schools." Center for Restorative Justice and Peacemaking, University of Minnesota.
http://www.cehd.umn.edu/ssw/rjp/resources/rj_dialogue_resources/Other_Approaches/Restorative_Justice_in_Schools.pdf

[27] Riestenberg, Op. cit., p. 11.

[28] Ibid., p. 21.

[29] Peterson, R. Spring 2005. "Ten Alternatives to Suspension." *Impact* Feature Issue on Fostering Success in School and Beyond for Students with Emotional/Behavioral Disorders, Institute on Community Integration, 18(2), p. 10.
http://ici.umn.edu/products/impact/182/182.pdf

[30] Ibid.

[31] Bullet points verbatim from: Ibid.

issues to address together;

- **Plan C**: Dropping the problem completely.

## INCREASING ACADEMIC ENGAGEMENT

Research suggests that academically disengaged students account for the majority of all suspensions. Black males can become disengaged from school for a variety of reasons, including being dissatisfied with school because of non-inclusive curricula, racial biases, and poor relationships with teachers.[32] Students who have missed a substantial amount of class time for disciplinary referrals, out-of-school suspensions, and other reasons are also less likely to be engaged in the classroom.

Hanover has identified several strategies to increase academic engagement for students prone to misbehavior, though this list is not exhaustive:

- **School breakfast programs** – According to a study by the Food Action and Research Center, "children who eat a school-provided breakfast" tend to "exhibit fewer behavioral, discipline, and psychological problems." Lower obesity rates, higher standardized test scores, fewer absences, and other benefits are also associated with free in-class breakfast programs.[33]

- **Inquiry-based learning** – According to a 2000 study, the implementation of an inquiry-based approach in middle school has proven to raise student enthusiasm in learning and improve the academic achievement levels of African American students. In 2003, a study of over 1,400 students and 64 classrooms across five states showed that an inquiry-based approach in middle school and high school was significantly related to improved student performance, and this was true across students of varying literacy level, gender, SES, race, and academic ability.[34]

- **Single-sex classrooms** – According to a Maryland State Department of Education report designed to advance the education of black males, single-sex schools and classrooms have shown a consistently "positive effect on academic outcomes" and are a "viable alternative" for historically disadvantaged students who exhibit "academic, attendance, and discipline problems" – especially black and Hispanic students. Such placements require parent and student approval.[35]

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[32] Toldson, I., McGee, T., and Lemmons, B. 2013. "Reducing Suspensions by Improving Academic Engagement Among School-Age Black Males." Howard University. http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/state-reports/copy3_of_dignity-disparity-and-desistance-effective-restorative-justice-strategies-to-plug-the-201cschool-to-prison-pipeline/toldson-reducing-suspension-ccrr-conf-2013.pdf

[33] "Report of the Task Force on the Education of Maryland's African-American Males." Op. cit., p. 41.

[34] "Inspired Issue Brief: Inquiry-Based Teaching." Op. cit., p. 3.

[35] Ibid.

# SECTION II: ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Anne Arundel County Public Schools (AACPS) serves 77,770 students across 125 schools. The majority of the student population (62 percent) is Caucasian. Black and Hispanic students make up 21 and 10 percent of the student population, respectively.

**Figure 2.1: Anne Arundel County Public Schools Enrollment, 2012-2013[36]**

| CHARACTERISTIC | TOTAL |
|---|---|
| Elementary Schools | 79 |
| Middle Schools | 19 |
| High Schools | 12 |
| Other Educational Centers | 25 |
| Total Schools | 125 |
| Student Enrollment | 77,770 |

Source: Anne Arundel County Public Schools
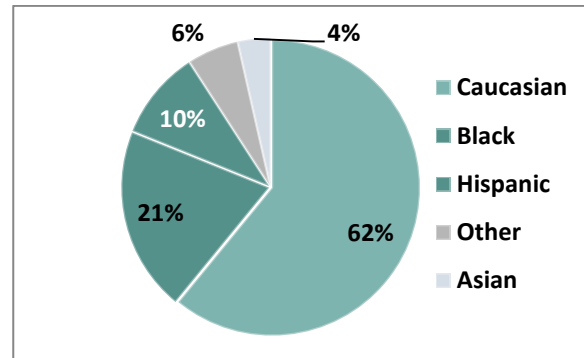


## BRIEF HISTORY OF AACPS DISCIPLINARY POLICIES

### DISCRIMINATION CLAIM AGAINST AACPS (2004)

AACPS was one of many U.S. school districts that developed "zero tolerance" disciplinary policies in an effort to promote safety and order within the school environment. According to a 2012 *Baltimore Sun* interview with AACPS leaders, zero-tolerance policies resulted from "an increase in fighting, assaults and weapons, and tried to address an outcry from principals."[37] One respondent explained:[38]

> We needed to do something to make schools safe. Sometimes, we jumped to the most serious way of handling situations ... For some folks that meant expelling students, suspending kids.

The district's zero-tolerance policy resulted in significant disparities in student discipline outcomes and contributed to a 2004 discrimination claim filed with the Office of Civil Rights (OCR) against AACPS. Concerned parents, organizations, and the NAACP claimed that the district "categorically denied and limited educational opportunities for African-American students."[39] The resulting agreement, mediated by the U.S. Department of Justice, led to a

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[36] Maxwell, K. "2012-2013 School List." Anne Arundel County Public Schools. http://www.aacps.org/html/press/schoollist.pdf

[37] Bowie, L. February 19. 2012. "Md. Schools Moving from Zero-Tolerance Discipline Policies." *The Baltimore Sun.* http://articles.baltimoresun.com/2012-02-19/news/bs-md-student-discipline-20120201_1_highest-suspension-rates-state-school-board-student-handbook

[38] Ibid.

[39] "Office of Equity Assurance and Human Relations – A Brief History." Anne Arundel County Public Schools. http://www.aacps.org/ocr/history.asp

resulted in specific goals and parity indicators in three areas: Academic Achievement, Safe and Orderly Schools, and Community Collaboration.

### AACPS HIGH SCHOOL TASK FORCE (2007)

Using this framework, a 2007 AACPS High School Task Force identified specific gaps in the district's provision of equitable education, discipline, and opportunities for students. Areas in need of growth, identified as relating to equity, included the following:[40]

- **Administrative**
    - *Disaggregation of data* and resulting accountability measures

- **Academic and Support Programming**
    - *Access to desired coursework*, including AP programs, honors courses, intensive math and reading opportunities, programming for at-risk eighth grade students, and other coursework
    - Programming for *at-risk eighth grade students*
    - *Mentoring programs*, including opportunities for students enrolled in special education and their parents
    - *Substance abuse prevention* support
    - The development of more *alternative learning programs*

- **Educational Practices**
    - *Application of PBIS* to address time spent on discipline
    - Development of *multicultural classrooms*
    - *Staff training* on issues related to Safe Learning Environment (mental health, behavior management, discipline process, etc.)

### MARYLAND STATE DEPARTMENT OF EDUCATION PUBLICATIONS

Note also that, around the same time, a Maryland State Department of Education (MSDE) Task Force published a study on the state's education of black male students. Not surprisingly, the findings of this 2007 report pointed to an "over-all disproportionate impact" of school discipline, and suggested a connection between inequitable out-of-school suspensions and the minority achievement gap.[41]

Following MSDE's publication of "The 2007 Report of the Task Force on the Education of Maryland's African American Males," in 2012 the Department published "A Safe School, Successful Students, and a Fair and Equitable Disciplinary Process Go Hand in Hand."[42] The

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[40] DiMartino, J., and Bryan, B. August 2007. "Report of the Anne Arundel County Public School (AACPS) High School Task Force." Center for Secondary School Redesign. http://www.aacps.org/html/schol/hs_taskforce.pdf

[41] "A Safe School, Successful Students, and A Fair and Equitable Disciplinary Process Go Hand in Hand." February 2012. Maryland State Board of Education. http://msde.state.md.us/School_Discipline_Report02272012.pdf

[42] Ibid.

report identified several strategies that would be used to eliminate the disproportionate impact of school discipline for minorities and students with disabilities, shown in Figure 2.2.

**Figure 2.2: MSDE Strategies to Ensure Equitable Disciplinary Outcomes**

| | |
|---|---|
| *Goals for the Maryland State Department of Education* | ▪ The Department shall develop a method to *analyze local school system discipline data* to determine whether there is a disproportionate impact on minority students.<br><br>▪ The Department may use the discrepancy model to assess the *impact of discipline on special education students.* |
| *Requirements for local school districts* | ▪ If the Department identifies a school's discipline process as having a disproportionate impact on minority or special education students, the local school system shall prepare and present to the State Board a *plan to reduce the disproportionate impact* within 1 year and eliminate it within 3 years.<br><br>▪ The local school system will *report annually* its progress to the State Board.[43] |

Source: Maryland State Department of Education

## INITIATIVES TO PROMOTE EQUITY AND END "DISPARATE IMPACT"

### OFFICE OF EQUITY ASSURANCE AND HUMAN RELATIONS

Working under the AACPS Superintendent, the Office of Equity Assurance and Human Relations (OEAHR) focuses on issues related to "academic, discipline, special education identification and placement disparities and community engagement."[44] The director of the OEAHR services as a member of the superintendent's Executive Team. She works with three additional staff members employed by the OEAHR toward the following purposes:

▪ Liaise between the community and AACPS;

▪ Provide technical assistance and make recommendations for policy, regulations, strategies and practice;

▪ Ensure equity is addressed in the areas indicated in the Office for Civil Rights Memorandum of Agreement;

▪ Monitor and communicate progress and challenges in meeting the goals and terms of the Office for Civil Rights Memorandum of Agreement.

The OEAHR website highlights district data and reports related to issues of equity, and the AACPS Parent Handbook directs concerned parents to request resources from the OEAHR on understanding and overcoming "bias-motivated behaviors" in the school system. The

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[43] Bullet points quoted, with minor alterations, from: Ibid., p. 36.
[44] "Office of Equity Assurance and Human Relations – A Brief History." Op. cit.

office also hosts regular community meetings in collaboration with Community Closing the Gap Coalition[45] and publishes a monthly newsletter called *Discipline with Equity*.[46]

*CLEAR FRAMEWORK FOR DISCIPLINARY CONSEQUENCES*

The AACPS 2012-2013 Student Handbook presents a "Code of Student Conduct" which assigns a "Level of Interventions/Consequences" to a large number of specific violations. Examples of consequences at each of six levels are identified, as well as any external referrals the violation will necessitate. Separate consequence charts are included for elementary and secondary students. The framework highlights additional actions required, such as filing a major incidence report or contacting the police department.

> *The AACPS Student Handbook notes that disciplinary procedures for students with disabilities may differ from those for students in general education.*

The AACPS Student Handbook also notes that disciplinary procedures for students with disabilities may differ from those used with students in general education. For example, "any disabled student suspended for more than 10 school days (excluding 45-day removals) constitutes a change of placement."[47] Such a case requires that **the IEP/504 team meet within 10 days of the student's suspension**. If the team determines that the violation was *not* related to the student's disability, he or she is "subject to the regular discipline procedures."[48] However, if the team concludes that the student's misbehavior was in fact related to his or her disability, the student must be returned to class immediately. One exception exists, in which misconduct "involves a dangerous weapon, a controlled dangerous substance, or serious bodily injury."[49] In such cases, the special education student should be placed in an alternative education setting for a maximum of 45 days.

Figure 2.3 illustrates an excerpt from the "Consequences for Secondary Students" chart and Figure 2.4 identifies the associated interventions/consequences with each level.

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[45] "You're Invited! To a Community Closing the Gap Coalition." 2013. Anne Arundel County Public Schools. Community Closing the Gap Coalition. http://www.aacps.org/admin/articlefiles/1638-OCR%20CCGC%20-%20Flyer%20-%202-12-13.pdf

[46] "Discipline with Equity." Anne Arundel County Public Schools Office of Equity Assurance and Relations. http://www.aacps.org/admin/templates/ocrcalendar.asp?articleid=1639&zoneid=25

[47] "Student Handbook2012-2013." Anne Arundel County Public Schools. P. 19. http://www.aacps.org/html/studt/studenthandbook.pdf

[48] Ibid., p. 20.

[49] Ibid.

**Figure 2.3: AACPS Consequences for Secondary Students[50]**

| Offense | Level of Consequence | | | | | | Additional Action |
|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | |
| Absence (unlawful) | ● | ● | | | | | - |
| Bomb Threat | | | | ● | ● | ● | Major Incidence Report<br>Contact Police / Communication Center |
| Bullying | | | ● | ● | ● | | Contact Police / Communication Center |
| Cheating | | | ● | ● | | | - |
| Disrespect toward Others | ● | ● | ● | ● | ● | | - |
| Disruption to Classroom/School | ● | ● | ● | ● | ● | | Contact Office of School Security or Office of Safe and Orderly Schools |
| Inappropriate Language | ● | ● | ● | ● | | | - |
| Stealing / Theft | | | ● | ● | ● | | Contact Police / Communication Center |

Source: AACPS

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[50] Ibid., pp. 12-13.

**Figure 2.4: AACPS Code of Student Conduct – Levels of Interventions/Consequences[51]**

| Level | Options | |
|---|---|---|
| 1 | *Classroom level interventions/consequences* | |
| | Warning | In-class time-out |
| | Letter of apology | Time-out in another classroom setting |
| | Loss of privileges | Reinforcement of appropriate behaviors |
| | Student Problem-Solving worksheet | Written reflection about incident |
| | Seat change | Before or after school detention |
| | Parent contact | Behavior contract |
| | Teacher conference with student | School-issued uniform |
| | Mentoring | Suspension of computer privileges |
| 2 | *Appropriate when Level 1 intervention/consequence has been ineffective* | |
| | Parent/guardian involvement | Supervised time-out outside of classroom |
| | Phone call/letter to parent or guardian | Teacher and/or administrator conference |
| | Confiscation of item | Parent or guardian accompany student |
| | Conference with parent or guardian | to school or classes |
| | Behavior contract | Class or schedule change |
| | with student and/or parent | Warning sticker on car |
| | Conflict resolution | Suspension of computer privileges |
| | Parent contract | Peer mediation |
| 3 | *Appropriate when Level 2 intervention/consequence has been ineffective* | |
| | Office referral required | Office referral required |
| | Parent/guardian notification required | Parent/guardian notification required |
| | Detention | Detention |
| | Campus clean-up | Campus clean-up |
| | In-school suspension | In-school suspension |
| | Alternative school-based program | Alternative school-based program |
| 4 | *Appropriate when Level 3 intervention/consequence has been ineffective* | |
| | Office referral required | Referral to Alternative Learning Program |
| | Parent/guardian notification required | Adjustment transfer to another school |
| | Restricted activity | Loss of parking privileges/car towed |
| | Modified school day | Suspension of computer privileges |
| | Alternative school-based program | Suspension (4–10 days) |
| 5 | *Appropriate when Level 4 intervention/consequence has been ineffective* | |
| | Office referral required | Extended Suspension (10+ days) |
| | Parent/guardian notification required | |
| 6 | *Appropriate when Level 5 intervention/consequence has been ineffective* | |
| | Office referral required | Referral to Alternative Learning Program |
| | Parent/guardian notification required | Expulsion (to be considered only in |
| | | the most extreme cases) |

Source: AACPS

### DISAGGREGATED DISCIPLINARY DATA

The AACPS Office of Safe and Orderly Schools published the 2011-2012 Student Discipline Report, which includes disaggregated data by a variety of characteristics including race, gender, school, and offense. The report concludes with an update on "African-American Disproportionality."

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[51] Ibid., p. 9.

Most notably, **the district has seen a significant three-year drop in expulsions between 2009-10 and 2011-12 from 20 to four students**. This change is the result of a "county-wide policy change in the types of behaviors that warrant an expulsion."[52] In 2009-10, 13 of the 20 students expelled were black. In 2011-12, three of the four students expelled were black.

AACPS data also indicate that "a continued consistent decline in the number of reported incidents" between 2009-10 and 2011-12 and an overall six-year decrease of 52 percent.[53]

However, black students' share of disciplinary referrals has remained roughly the same (though the number of referrals for this group has indeed decreased).

> *AACPS policy changes have resulted in a decrease in the number of reported disciplinary incidents.*

The district has also reduced referrals for the types of behaviors commonly associated with disciplinary discrimination against black students. Carlesa Finney, OEAHR Director, noted in a 2012 interview that her team provided strategic support and suggestions for teachers with students who were difficult to manage and were receiving multiple referrals. Finney explained, "Teachers responses in classrooms are so inconsistent and different that for some kids, they respond to them differently for some of the same behaviors."[54] In addition, school principals were required to review "discipline data and work with their staffs to address disproportion numbers of suspensions among any 'over-represented' group."[55]

These new approaches led to a 27 percent decrease in disrespect, disruption, and insubordination referrals for black middle school and high school students in AACPS between 2010-11 and 2011-12.

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[52] "2011-2012 Student Discipline Report." 2012. Anne Arundel County Public Schools. P. 24.
   http://www.aacps.org/aacps/boe/safety/student_discipline.pdf
[53] Ibid., p. 5.
[54] Burris, J. August 23, 2012. "Arundel Sees Drop in Student Suspensions, Discipline Referrals for Black Students." *The Baltimore Sun.* http://articles.baltimoresun.com/2012-08-23/news/bs-md-ar-school-board-meeting-20120823_1_black-students-discipline-referrals-suspensions
[55] Ibid.

**Figure 2.5: Black Students' Share of AACPS Disciplinary Referrals[56]**
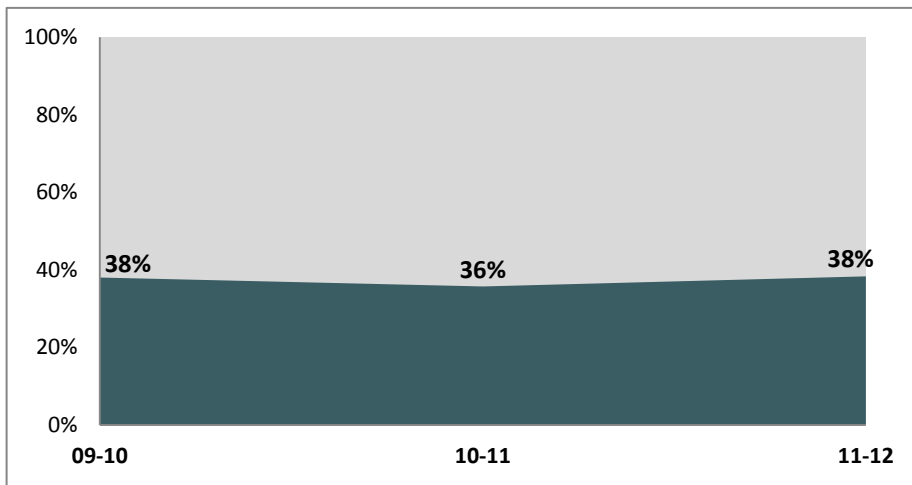


- Overall, the number of referrals dropped from 12,872 to 10,969 between 2010-11 and 2011-12.

- The number of black student referrals decreased from 4,595 to 4,197 between 2010-11 and 2011-12.

- Disproportionality of black student referrals has persisted during this three-year period.

**Figure 2.6: Extended Suspensions by Race, 2010-11 and 2011-12[57]**
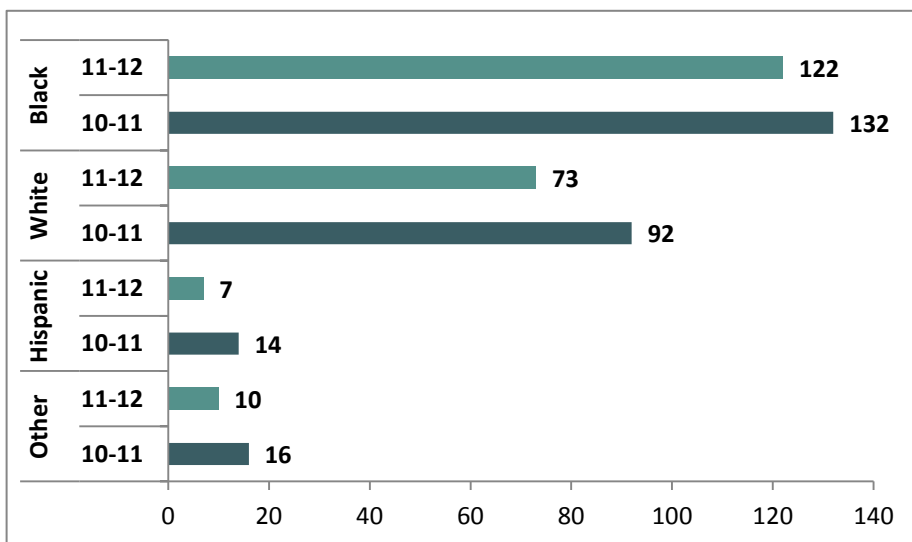


- Overall, extended suspensions dropped 17 percent during this period.

- Extended suspensions dropped 21 percent for white students, and 50 percent for Hispanic students. Black students saw only an eight percent decrease in extended suspensions.

- Disproportionality persisted, with black students representing 58 percent of extended suspensions.
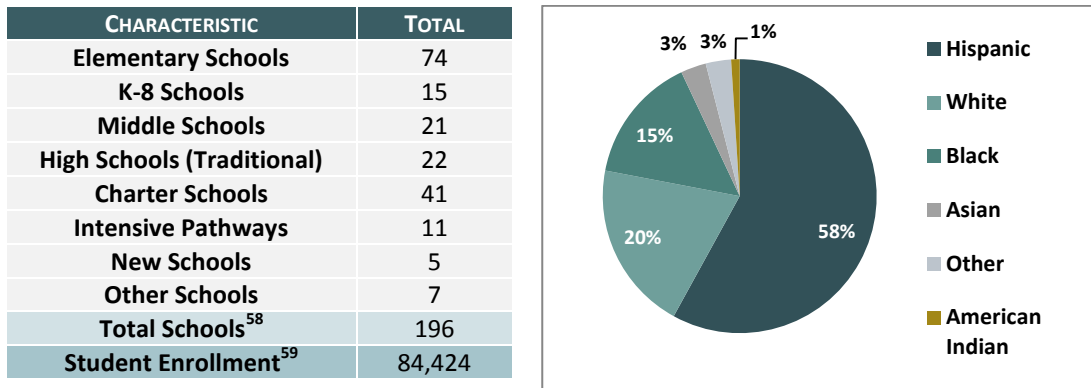
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[56] "2011-2012 Student Discipline Report." Op. cit., p. 24.
[57] Ibid., p. 10.

# SECTION III: DENVER PUBLIC SCHOOLS

The Denver Public Schools system serves more than 80,000 students across nearly 200 schools. The majority of the student population (58 percent) is Hispanic.

**Figure 3.1: Denver Public Schools Enrollment, 2012-2013**

| CHARACTERISTIC | TOTAL |
|---|---|
| Elementary Schools | 74 |
| K-8 Schools | 15 |
| Middle Schools | 21 |
| High Schools (Traditional) | 22 |
| Charter Schools | 41 |
| Intensive Pathways | 11 |
| New Schools | 5 |
| Other Schools | 7 |
| Total Schools[58] | 196 |
| Student Enrollment[59] | 84,424 |



Source: Denver Public Schools

## NON-DISCRIMINATION POLICIES

The district's broad Student Discipline policy opposes racism and other types of discrimination, while also advocating for cultural sensitivity and competency in the district's teaching force. The more detailed Student Conduct and Discipline Procedures policy uses similar language, while also protecting students with disabilities from forms of discipline which are not in line with their IEP or other personalized behavior plans. Excerpts from these policies are presented in Figure 3.2. In addition to these general disciplinary policies and procedures, the district outlines specific guidelines for the "Discipline of Students with Disabilities" in 'Policy JFK.'[60]

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[58] "List of Schools." Denver Public Schools. http://www.dpsk12.org/schoollist/default.aspx

[59] "Facts and Figures." Denver Public Schools. http://communications.dpsk12.org/newsroom/facts-and-figures/about-denver-public-schools/

[60] "Policy JKF – Discipline of Students with Disabilities." Denver Public Schools. http://ed.dpsk12.org:8080/parent_handbook/FMPro?-db=policy.fp3&-format=phdetail.html&-lay=html&-sortfield=Title&studentparent=1&PolicyID=E_JKF&-find=

**Figure 3.2: Excerpts from Denver Public Schools Student Discipline Policies**

| Student Discipline – Policy JK[61] |
|---|
| *The student discipline policy "assures equity across racial, ethnic, and cultural groups, as well as other protected classes (gender, color, national origin, ancestry, religion, age, disability, sexual orientation, and gender identity).* |
| *"The District serves a diverse community. In order to serve all students and to prepare them to be members of an increasingly diverse community, school and staff must build cultural competence. We must strive to eliminate any institutional racism and any other discrimination that presents barriers to success.* |
| *"Discipline procedures must guarantee due process to all students and must be enforced uniformly, fairly, consistently and in a manner that does not discriminate on the basis of ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, or disability.* |
| *"This policy and accompanying procedures are intended to help the District eliminate racial and ethnic disparities, and any other protected class disparities, in school discipline, while improving behavior, school climate, and academic achievement for all students.* |
| *"A copy of this policy and accompanying procedures shall be readily available in each school's administration office, in both Spanish and English. Copies of this policy, its accompanying procedures / regulations, and school rules will be made available, upon request, to each student and parent/guardian, and, upon request, promptly translated in a language that the parent/guardian can understand.* |

| Student Conduct and Discipline Procedures – Policy JK-R[62] |
|---|
| *School district staff responsible for implementing this Policy shall do so without discrimination based on ethnicity, race, color, religion, national origin, ancestry, gender, sexual orientation, age, or disability.* |
| *Efforts shall be made to eliminate any racial disparities in school discipline. Staff members are specifically charged with monitoring the impact of their actions on students from racial and ethnic groups or other protected classes that have historically been over-represented among those students who are suspended, expelled, or referred to law enforcement.* |

Source: Denver Public Schools

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[61] "Policy JK – Student Discipline." Denver Public Schools. http://www.dpsk12.org/policies/Policy.aspx?-db=policy.fp3&-format=detail.html&-lay=policyview&-recid=32883&-findall=

[62] "Policy Jk-R – Student Conduct and Discipline Procedures." Denver Public Schools. http://ed.dpsk12.org:8080/policy/FMPro?-db=policy.fp3&-format=detail.html&-lay=policyview&File=JK&-recid=32967&-find

## CLEARLY DEFINED DISCIPLINARY FRAMEWORK

### RESTORATIVE PRACTICES

DPS implemented a Restorative Practices approach to student discipline after a 2005 report by Padres and Jóvenes Unidos drew public attention to the district's high rates of suspension and criminal justice referral for black and Latino students.[63] According to a three-year evaluation which concluded in 2009, a sample of 311 students who "participated in at least three restorative interventions over the course of the school year" improved overall in school attendance, school behavior, and social skills.[64]

Interventions using this approach include the following steps:

- Identification of the harm done to person(s) or property;

- Identification of all affected parties;

- Problem solving, which involves each party having an opportunity to share their story and be heard; and

- Development of a course of action (which may involve a contract) that will address the harm and teach a new way of dealing with the issue in the future.[65]

### DISCIPLINE LADDER AND MATRIX

The District's policy reduces ambiguity about the type(s) of discipline appropriate for specific behaviors through a Discipline Ladder,[66] which categorizes offenses by severity, and corresponding Discipline Matrix,[67] which highlights the types of offenses that should result in expulsion and external disciplinary referrals. DPS's clear disciplinary framework is intended to help educators reduce the potential for discrimination against students, facilitate fair and equitable consequences, and nurture a school "culture of respect, accountability, taking responsibility, commitment to relationships, collaboration, empowerment, and emotional articulacy."[68]

Figure 3.3 illustrates the six levels of discipline which comprise the DPS Discipline Ladder.

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[63] Baker, M. "DPS Restorative Justice Project: Year Three." September 16, 2009. Downloaded from Restorative Justice Colorado: http://www.restorativejusticecolorado.org/restorative-justice-in-schools.html
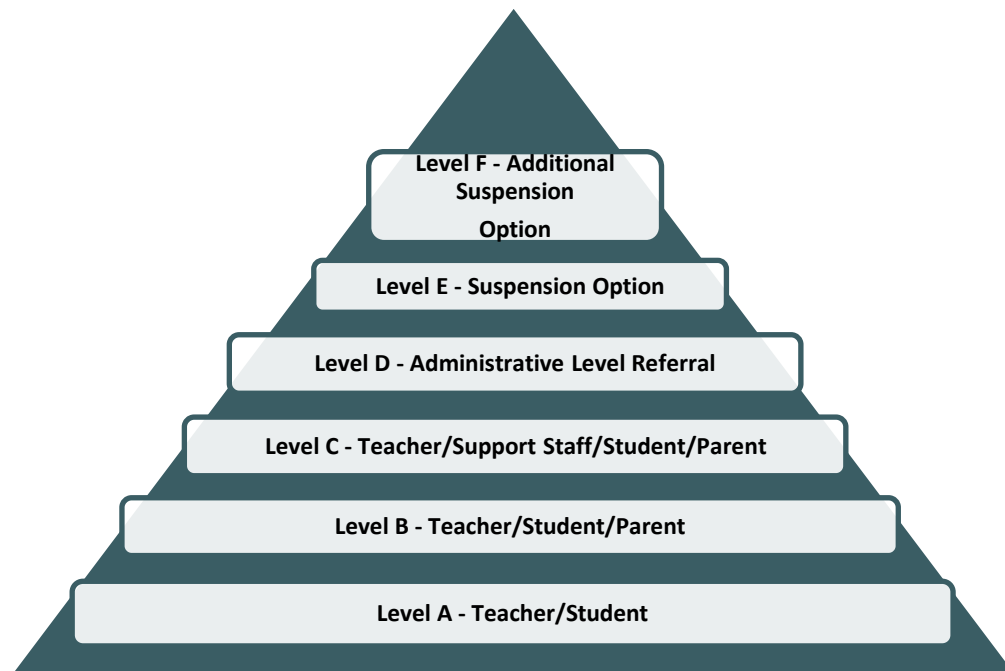
[64] Ibid., p. 9.

[65] Ibid., p. 2.

[66] "Discipline Ladder." Denver Public Schools. http://webdata.dpsk12.org/policy/pdf/Policy_JK-R_Attachment_C.pdf

[67] "Discipline Matrix." Denver Public Schools. http://webdata.dpsk12.org/policy/pdf/Policy_JK-R_Attachment_B.pdf

[68] Ibid.

**Figure 3.3: Denver Public Schools Discipline Ladder[69]**



Source: Denver Public Schools

Examples of Level D offenses, a level which results in administrative level referral but does *not* necessitate out-of-school suspension, include the following:[70]

- False activation of a fire alarm
- Level 1 Sexual harassment
- Possession of fireworks
- Level 1 Bullying
- Trespassing
- Severe defiance of authority / disobedience
- Consensual but inappropriate physical contact
- Theft from an individual (under $500)
- Harassment based on race, ethnicity, disability, etc.
- Destruction or theft of school property ($500)

Another piece of the Student Discipline policy highlights three *types* of interventions within the Restorative Practices framework: **administrative/legal**, **restorative**, and **skill-based/therapeutic**.[71] Example strategies in each of these categories are listed for the general student body, students who need targeted interventions, as well as students who need intensive interventions. Figure 3.4 provides several examples.

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[69] "Discipline Ladder." Op. cit.
[70] Ibid.
[71] "Attachment A." Denver Public Schools. http://webdata.dpsk12.org/policy/pdf/Policy_JK-R_Attachment_A.pdf

**Figure 3.4: Three Levels of Disciplinary Intervention for Denver Public Schools[72]**

| General Student Population (85-90%) | | |
| --- | --- | --- |
| **Administrative/Legal** | **Restorative** | **Skill-Based/Therapeutic** |
| Reminders and redirection | Community service | Bully prevention |
| Loss of privileges | Apologies (written/verbal) | Positive Behavior Support |
| **Students who Need Targeted Intervention (5-10%)** | | |
| **Administrative/Legal** | **Restorative** | **Skill-Based/Therapeutic** |
| Behavior intervention plan | Victim-offender dialogue | Anger management group |
| In-school suspension | Mediation | School social worker |
| **Students who Need Intensive Intervention (1-5%)** | | |
| **Administrative/Legal** | **Restorative** | **Skill-Based/Therapeutic** |
| Out-of-school suspension | Family/community group conference | Mental Health Corporation of Denver |
| Referral to police dept. | Re-entry/transition conference | School-based health clinic |

Source: Denver Public Schools

## STAFFING AND PROFESSIONAL DEVELOPMENT

### CULTURAL SENSITIVITY TRAINING

DCPS has provided some teachers and district staff members with cultural-sensitivity training in an effort to facilitate the equitable treatment and discipline of students from all races, ethnic groups, and cultures. Advocates argue that this type of professional development is critical in a district such as DPS, where more than three out of every four students (but less than one out of every four teachers) are black or Hispanic.[73]

A DPS guide of "Strategies to Support Culturally Competent Instruction" encourages educators to "identify and dispel" both their own *and* curricular stereotypes:[74]

> Teachers [should] use language and instructional resources that are nonsexist, nonracist, and nonethnocentric; if stereotypes are present in lectures or texts, teachers point them out to students.

On the other hand, critics suggest that cultural sensitivity training is not enough to create a fair educational system. They argue that the district needs to recruit and retain more minority teachers. The chairman of the Black Education Advisory Council for Denver Public Schools criticized the District in 2011, stating that "there has been no significant effort to keep some balance in a district with a high percent of kids being African American."[75] Efforts to increase diversity within the DPS teaching force have included alternative teacher pathways (such as "teacher cadet programs" and the New Teacher Project) and teacher recruiting partnerships with historically black colleges and "Latino serving institutions."[76,77]

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[72] Ibid.
[73] Robles, Y. "Minority Gap Between Colorado Student and Teachers Grow." *The Denver Post.* http://www.denverpost.com/news/ci_17921299
[74] "Strategies to Support Culturally Competent Instruction." Denver Public Schools. P. 4. http://curriculum.dpsk12.org/lang_literacy_cultural/literacy/sec_lit/archives/planning_guides/Secondary_Cultually_Competent_Strategies.pdf
[75] Robles, Op. cit.
[76] Ibid.

## FORMAL AGREEMENT WITH DENVER POLICE DEPARTMENT

In 2013, DPS signed an intergovernmental agreement with the Denver Police Department (DPD). The agreement is another result of Padres y Jóvenes Unidos, a local community organization, work to "end the school-to-prison pipeline in Colorado." The DPS-DPD agreement is based on the following four pillars:[78]

- A clearly defined and limited role for **School Resource Officers** (SROs) assigned to DPS middle and high schools;

- **Due process protections** for parents and students, which special guidelines for cases involving students with disabilities and/or an IEP;

- **Required meetings** between SROs and community stakeholders and school administration;

- **Training** for SROs, school administrators, and DPD officers on how to best deal with youth offenders in school:
    - Topics include cultural competence, restorative justice techniques, special accommodations for students with disabilities, and creating safe spaces for LGBT students.

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[77] Bireda, S., Chait, R. November 2011. "Increasing Teacher Diversity." Center for American Progress. http://www.americanprogress.org/wp-content/uploads/issues/2011/11/pdf/chait_diversity.pdf

[78] "Summary of 2013 Intergovernmental Agreement Between DPS and DPD." Denver Public Schools. http://b.3cdn.net/advancement/e746ea2668c2ed19b3_urm6iv28k.pdf

# APPENDIX: POLICY EXCERPTS FROM *A MODEL CODE ON EDUCATION AND DIGNITY*[79]

The following policies are from *A Model Code on Education and Dignity* prepared by the Dignity in Schools Campaign. Chapter four of this guide presents a model of policies designed to preserve students' right to "Freedom from Discrimination." The subsections below highlight policies that apply to district-level application.

## RIGHT TO FREEDOM FROM DISCRIMINATION

- Discrimination consists of any distinction, exclusion, limitation or preference based on race, national origin, ethnicity, language, sex, gender identity, sexual orientation, religion, disability, or economic or other status which has the purpose or effect of limiting access to educational opportunities or services or which leads to discriminatory outcomes in education. Accordingly, discrimination may consist of either:
  - Intentional policies based on such invidious distinctions; or
  - Policies that are not intentionally or consciously discriminatory but nevertheless have a disparate, adverse impact on disadvantaged or stigmatized groups.

- States, districts and schools must eliminate discriminatory policies, practices and structures, as well as embedded effects of past discrimination, including by:
  - Ensuring equitable distribution of resources to direct the necessary funding, staff and other support to address the educational disparities impacting traditionally marginalized groups;
  - Ensuring representation of communities served by a school system in their governance structures;
  - Addressing language and other barriers to effective communication and learning;
  - Partnering with social services and other public agencies and community based organizations to support student, family and community needs;
  - Eliminating the segregation and tracking of students based on distinctions such as gifted or non-gifted, levels of exposure to education, learning patterns or modes, disability, or other status;
  - Ensuring that faculty and staff, who are identified as demonstrating discriminatory behavior, are trained and held accountable following those trainings with appropriate disciplinary measures; and
  - Educating and informing those impacted by discriminatory policies and practices of the resources, tools, and processes that are available to protect and support them.

- Schools shall create a stakeholder team, including educators, parents or guardians, students and administrative staff, to identify, design and implement strategies for

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[79] All policy text reproduced verbatim from: "A Model Code on Education and Dignity." Op. cit.

preventing and eliminating discrimination and harassment in the school environment, including:

- o Providing training and facilitating conversations among school staff about race, class, sexuality and other identities to examine biases and how they impact the school community including disproportionate application of discipline;
- o Working with teachers to recognize and end stereotyping, name-calling, labeling and separation of students within the classroom, and to better understand and respond to students' personalities and learning styles to create positive classroom environments; and
- o Holding ongoing dialogues throughout the school year with students on cultural understanding and teaching differences.
- o Engaging the support of parent or guardian, teacher and student organizations as well as third party organizations to monitor classrooms and provide feedback and offer best practices and advice.

## ELIMINATING DISPROPORTIONATE USE OF DISCIPLINE

- ▪ States, districts and schools shall take steps to eliminate any disparities in the use of disciplinary referrals and exclusion, in the severity of punishments or in the impact of disciplinary action on students.

- ▪ Schools shall actively create a positive school climate for all members of the school community through the regular and ongoing use of culturally responsive classroom practices and school-wide preventive and positive discipline practices that build community, strengthen relationships, promote inclusiveness, and enhance communication and problem solving skills.

- ▪ Schools shall create small community dialogue sessions at the beginning of each year to explain the school expectations and to orient the family to the school and the school to the family in order to facilitate more comprehensive understanding within the school community and combat bias that contributes to disproportionality in discipline.

- ▪ Districts and schools shall provide professional development for teachers and staff on cross-cultural understanding, positive behavior support, classroom management and disciplinary policies.

- ▪ Schools shall ensure that all stakeholders have a shared understanding of the behaviors being addressed in the district's discipline code. Subjective definitions such as "disrespect" or "classroom disruption" must be avoided as these may be understood differently by different staff members and may allow for more bias in the administration of the policy.

- ▪ Schools shall create a stakeholder team, including educators, parents or guardians, students and administrative staff, to monitor implementation of the district's discipline policy, including quarterly reviews of compiled discipline data. The stakeholder team must:

- o Track data regarding all disciplinary incidents including the type of behavior, teacher or staff member reporting the behavior and the consequence, including office referrals, exclusionary or punitive consequences (in school suspensions, suspensions, expulsions, police referrals, etc.), and proactive approaches (referrals to counseling, community service, peer counseling, etc.).
  - o Disaggregate this data by age, grade, gender, ethnicity, zip code, disability and family status (i.e. in foster care/homeless).
  - o In reviewing data on disciplinary referrals, if schools identify a staff member that has engaged in a pattern of referrals that are disproportionate with regard to any groups, the school shall observe the teacher's classroom management and provide targeted professional development and feedback for that staff member.
- ▪ Schools shall create student grievance procedures regarding inappropriate, biased or disproportionate disciplinary tactics.

## STUDENTS WITH DISABILITIES

- ▪ States, districts and schools shall establish school-wide preventive and positive discipline policies that support all members of the school community  and that address the particular needs of students with disabilities, including:
  - o Proactive systems to identify, adopt, and sustain effective practices and routines that prevent problem behavior, reinforce appropriate behavior and have organized responses to misconduct.
  - o A multi-tiered approach that outlines the skills necessary to meet individual needs and ensure that cultural and individual differences are valued rather than criticized.
  - o Providing staff, families and students with the necessary information and training to ensure that behavioral expectations are clearly communicated, that behavior plans are developed collaboratively and understood by all, and that those plans are aligned with supporting the educational programs of students.
  - o Ensuring that no behavioral intervention shall cause physical or psychological injury, harm and/or deprive a student of basic human necessities or rights (including food, hydration and bathroom visits) or demean the student in any way.
- ▪ Students with disabilities shall be referred to law enforcement or the court system only in situations involving a real and immediate threat to physical safety:
  - o A school based risk assessment team shall be convened to determine the seriousness of the behavior and if it meets the necessary criteria.
    - ▪ When a school initiates a report or referral to law enforcement or the court system of any student with a disability, the school shall conduct a manifestation determination within 10 school days of the report or referral.
      - The school shall provide the determination to the juvenile court.

- The school shall withdraw its referral or report if:
  - The behavior is determined to be a manifestation of the student's disability; and
  - The school failed to properly address the student's behavioral needs according to the school's obligations under the IDEA or Section 504 and district discipline policies.
- Juvenile Court Responsibilities
  - School based reports or referrals that result in juvenile prosecutions shall be reviewed by the juvenile court.
  - The juvenile courts shall consider whether the school's action or inaction contributed to the behavior of the student.
  - The juvenile courts shall have the authority to:
    - Subpoena all pertinent records with respect to the child's disability;
    - Supervise the school's progress in meeting the child's needs, in addition to supervising the child's progress; and
    - Enjoin school districts to withdraw their report or referral.
  - Juvenile courts shall annually review all school based reports and referrals for patterns. If a pattern of referral from a school or school district is indicated, the Juvenile Court shall initiate a work group of stakeholders (including parents or guardians, students and community leaders) and develop a Memorandum of Understanding to specify the roles and responsibilities of all stakeholders in reducing school-based referrals.

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