

BROOKINGS

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The Causes and Consequences of Student Discipline Disparities

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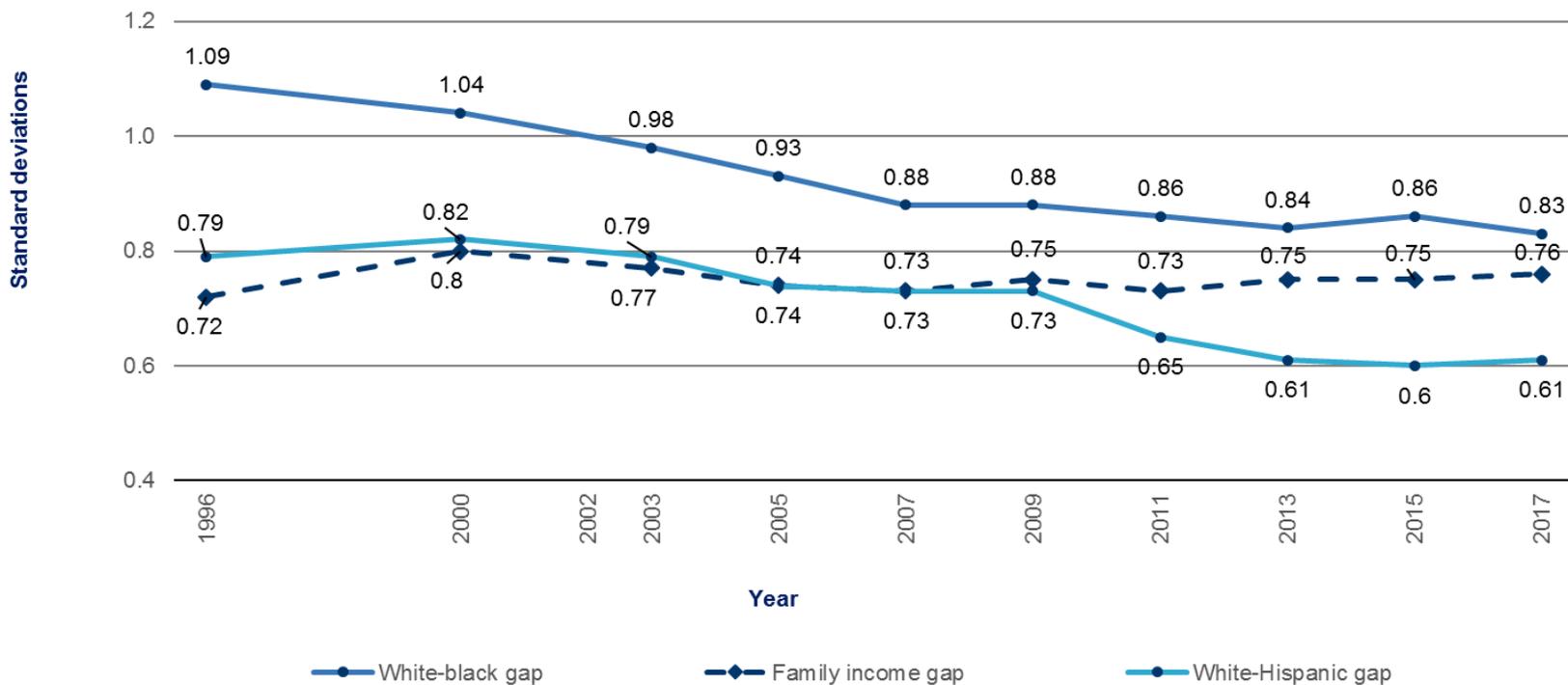
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April 17, 2019

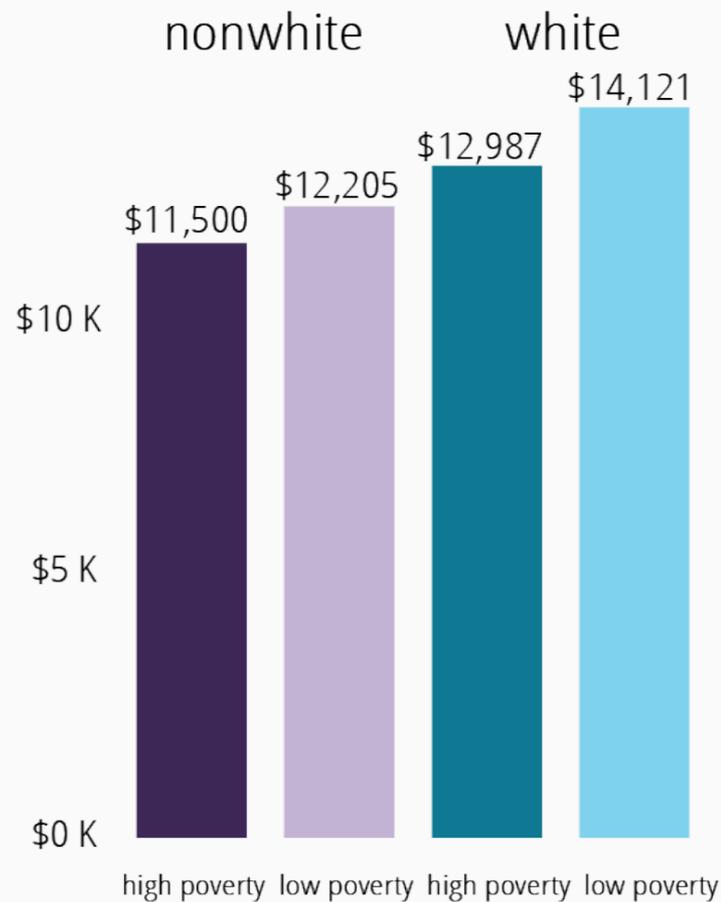
Education gaps—Test scores

Figure 3: NAEP test score gaps—math, grade 8



Source: Authors' calculations based on NAEP Data Explorer.

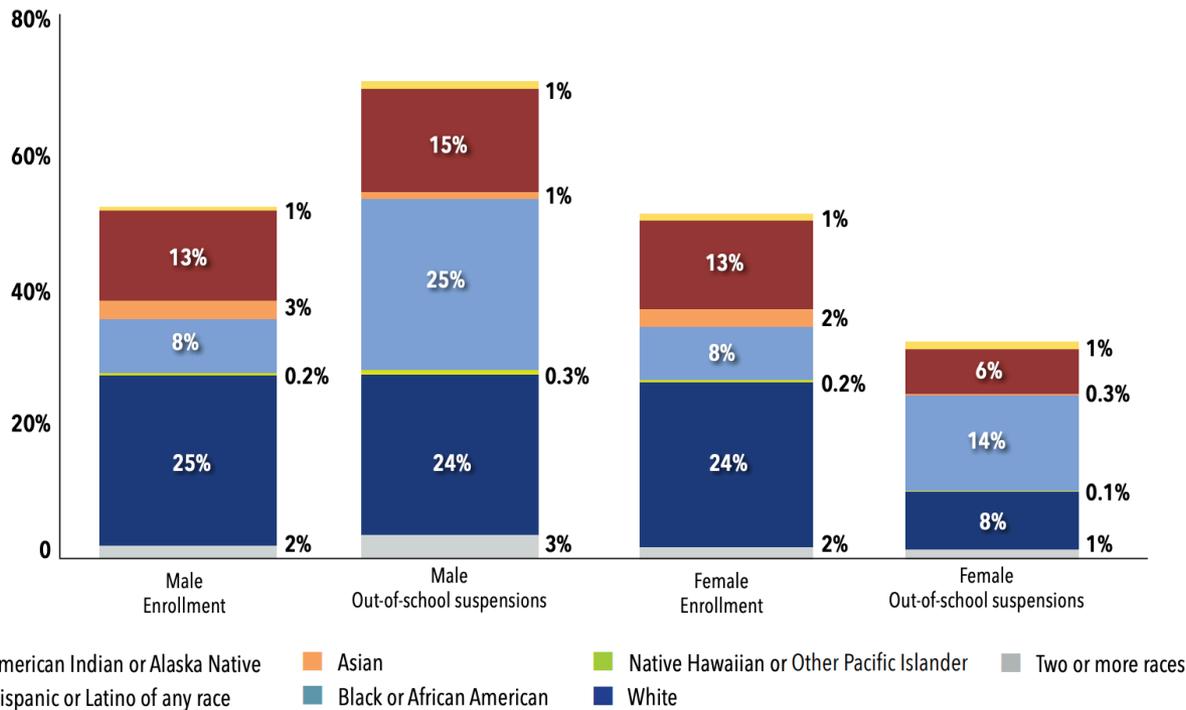
Education gaps—State & local funding



Source: EdBuild. (2019) *\$23 billion*. Retrieved from <https://edbuild.org/content/23-billion/full-report.pdf>.

Education gaps—Discipline (U.S.)

FIGURE 13: Percentage distribution of students receiving one or more out-of-school suspensions, by race and sex



NOTE: Data may not add up to 100 percent due to rounding.

SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2015-16.

Source: U.S. Department of Education. (2018). *2015-16 Civil Rights Data Collection: School climate and safety*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/school-climate-and-safety.pdf>.

Education gaps—Discipline (U.S.)

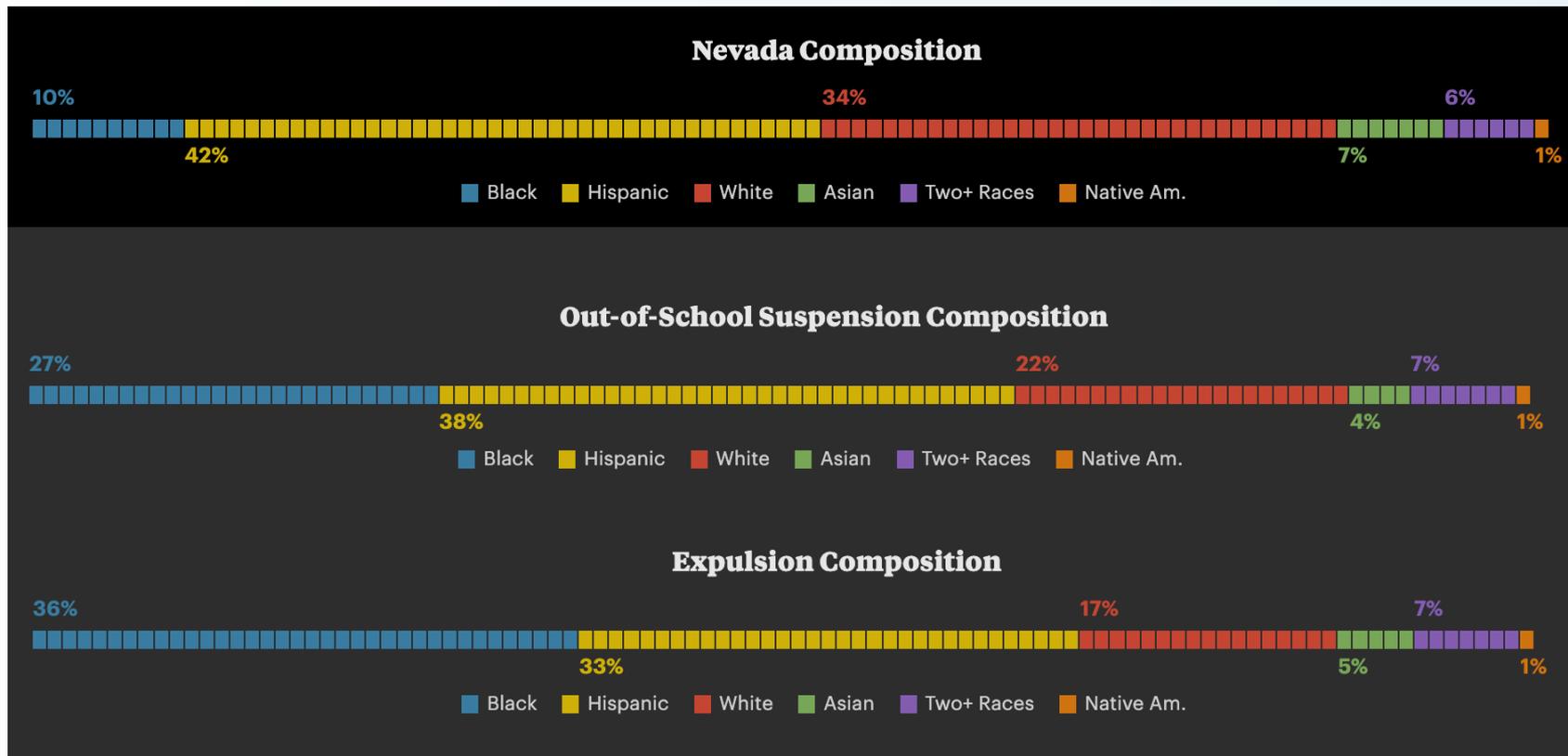
Disparities in Public Pre-schools

Disparities in discipline for Black students and boys appeared as early as pre-school, according to the Department of Education's Civil Rights Data Collection for school year 2013-14.

- Black students accounted for 19 percent of all public pre-school students, but represented 47 percent of students suspended from pre-school.

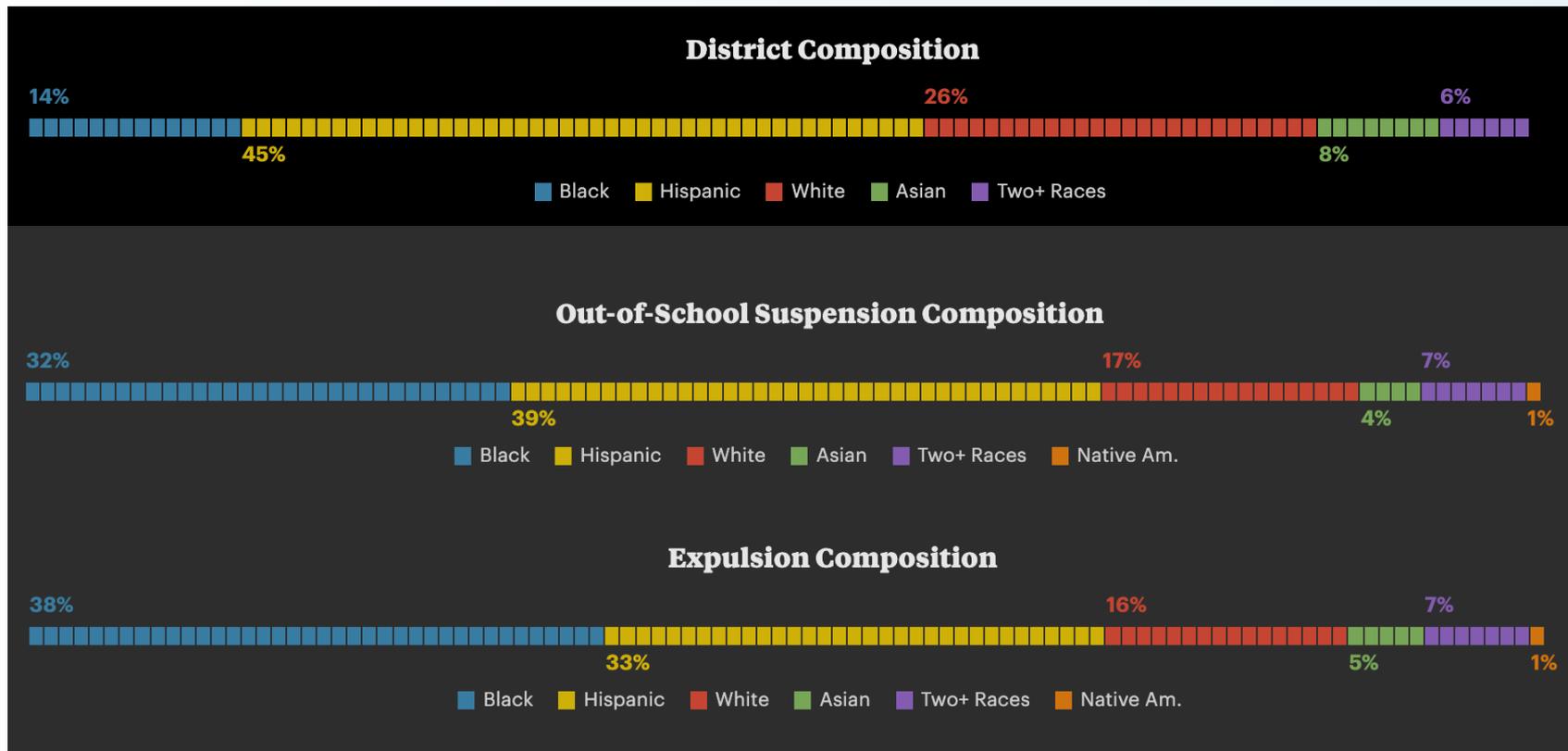
Source: U.S. Government Accountability Office. (2018). *K-12 education: Discipline disparities for black students, boys, and students with disabilities*. Retrieved from <https://www.gao.gov/assets/700/692095.pdf>.

Education gaps—Discipline (Nevada)



Source: ProPublica. (2019). *Miseducation: Nevada*. Retrieved from <https://projects.propublica.org/miseducation/state/NV>.

Education gaps—Discipline (CCSD)



Source: ProPublica. (2019). *Miseducation: Clark County School District*. Retrieved from <https://projects.propublica.org/miseducation/district/3200060>.

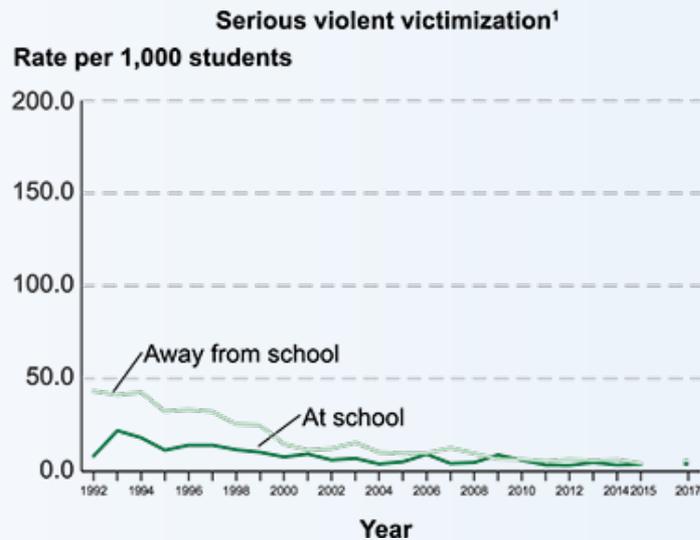
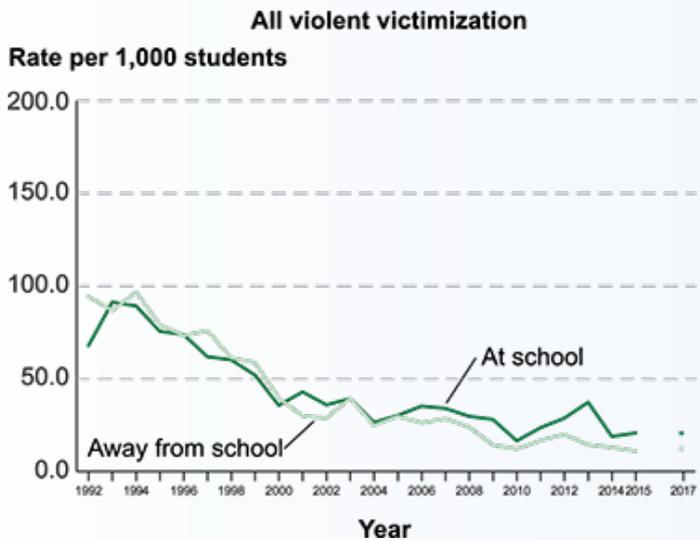
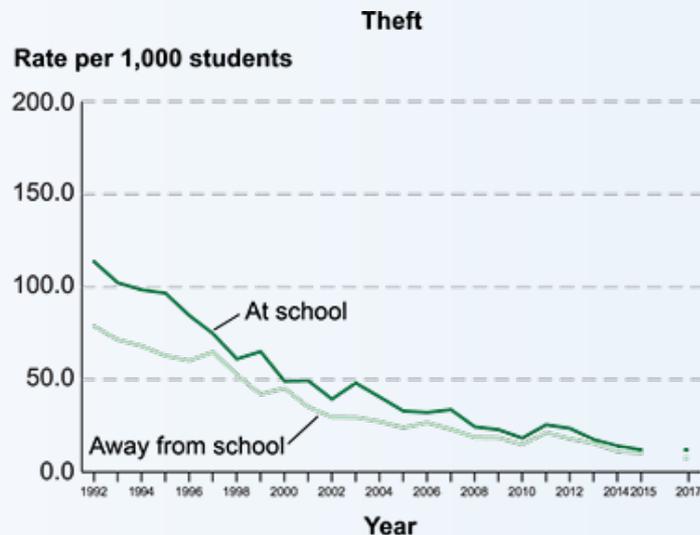
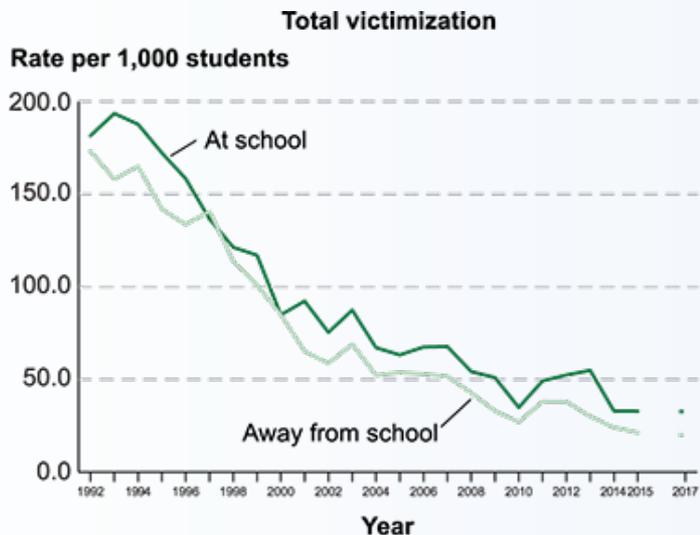
Why worry about discipline disparities?

- Suspension / Expulsion is at least correlated with many negative outcomes
 - Lower academic achievement
 - Lower probability of on-time graduation
 - Increased contact with juvenile & criminal justice systems
- Strengthening of school-to-prison pipeline
- Students are receiving harsh messages from public institutions that exist to teach and develop them
- Possibility that children experience discrimination at school (whether in punishment or otherwise)

Federal, state, and local policy debates

Federal policy on student discipline

- In 2014, the Obama administration's Department of Justice and Department of Education jointly issued a "Dear Colleague Letter" on discrimination in student discipline
- What the letter did:
 - Reviewed federal laws that prohibit racial discrimination in discipline
 - Explained what constitutes discriminatory discipline practices
 - Different treatment / "**Intentional discrimination**"
 - Disparate impact
 - Threatened investigation for evidence of discriminatory practices
 - Recommended practices to districts, administrators, teachers, staff
- Fiercely opposed by many conservatives



Source: U.S. Department of Education. (2019). Retrieved from https://nces.ed.gov/programs/crimeindicators/ind_02.asp.

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Federal policy on student discipline

- In 2018, the Trump administration **withdrew the letter**, citing student safety and a lack of evidence of discrimination



U.S. Department of Justice
Civil Rights Division



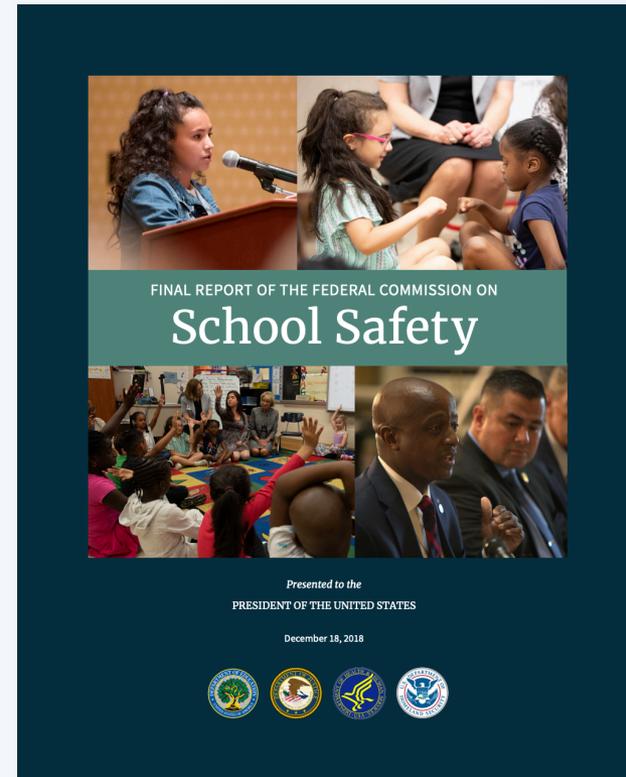
U.S. Department of Education
Office for Civil Rights

December 21, 2018

Dear Colleague:

The purpose of this letter is to inform you that the Department of Justice and the Department of Education are withdrawing the statements of policy and guidance reflected in the following documents:

- Dear Colleague Letter on Nondiscriminatory Administration of School Discipline dated January 8, 2014; and
- Overview of the Supportive School Discipline Initiative dated January 8, 2014.



State & local policy on student discipline

- Student discipline an active area for state/local policy
- From Education Commission of the States (2018) review:
 - ~16 states & DC limit use of suspension/expulsion in certain grades, most often early grades (**includes NV**)
 - Many states limit use of suspension/expulsion for certain offenses, including ~17 & DC banning it for attendance/truancy (**includes NV**)
 - 27 states explicitly prohibit corporal punishment (**includes NV**)
 - ~30 states & DC encourage use of non-punitive/supportive discipline such as restorative justice (**excludes NV but...**)
- **NV Assembly Bill 168** would require restorative justice plan before suspending certain students for certain offenses
- **Clark County School District** aiming to reduce police referrals by, for example, using in-school interventions for minor criminal acts (e.g., trespassing & petty larceny) and using mentors & other supports

Research motivation

- We know that racial discipline disparities are very large; we don't know much about how they arise
 - Likely the product of many causes, some with roots in schools and others with roots outside of schools
- Is it possible to find evidence of “intentional discrimination,” system-wide, in education data?
 - Probably **not** possible to measure the overall prevalence or impact of discrimination (e.g., discrimination in whether students are sent to principal's office typically not observable)
 - But might be possible to show—with careful, cautious analysis—that discriminatory discipline practices exist
- Really need student-level education data for this work

A study from Louisiana

Overview: A study from Louisiana

- Used student-level data from Louisiana to study the origins of discipline disparities in Louisiana

Barrett, N., McEachin, A., Mills, J., & Valant, J. (2019). *Disparities in student discipline by race and family income*. New Orleans, LA: Education Research Alliance for New Orleans.

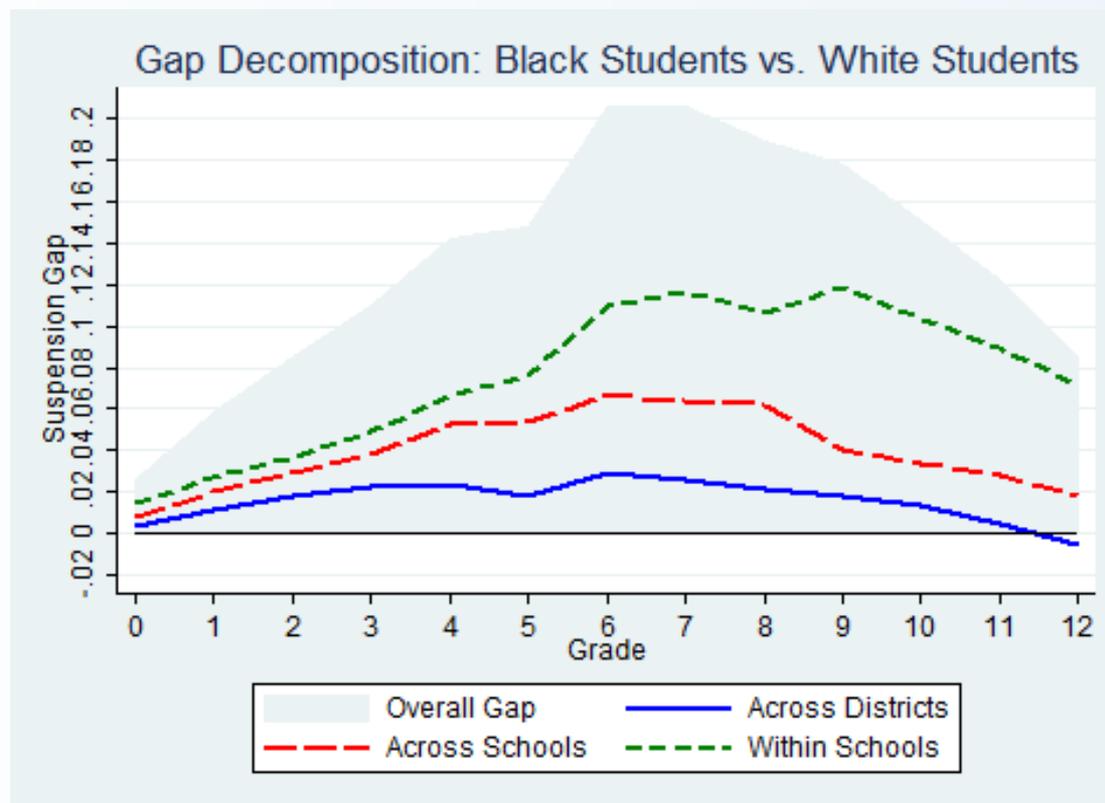
- Discipline records from 2000-01 through 2013-14 years (about 10 million student-year observations)
 - Observe students' race (46% black, 48% white), free/reduced-price lunch status (48% always-poor, 27% never-poor), and other demographic and academic information
 - For infractions that led to a suspension/expulsion, we see the infraction type (49 types), date of infraction, punishment severity, suspension location (e.g., in-school or out-of-school suspension)
- Goal: Determine how and where disparities arise, since best response to gaps depends on gaps' origins

Overview: A study from Louisiana

- We, too, observe large disparities in suspension rates
 - 25% of black students vs. 12% of white students suspended in a given year
 - 21% of poor students vs. 9% of non-poor students suspended in a given year
- The plan for looking more closely:
 1. Check whether gaps arise within or across schools
 2. Look for evidence of students being punished differently for the same types of infractions
 3. Look for **evidence of intentional discrimination** in punishments after fights between a black and white student, or poor and non-poor student, with similar discipline histories

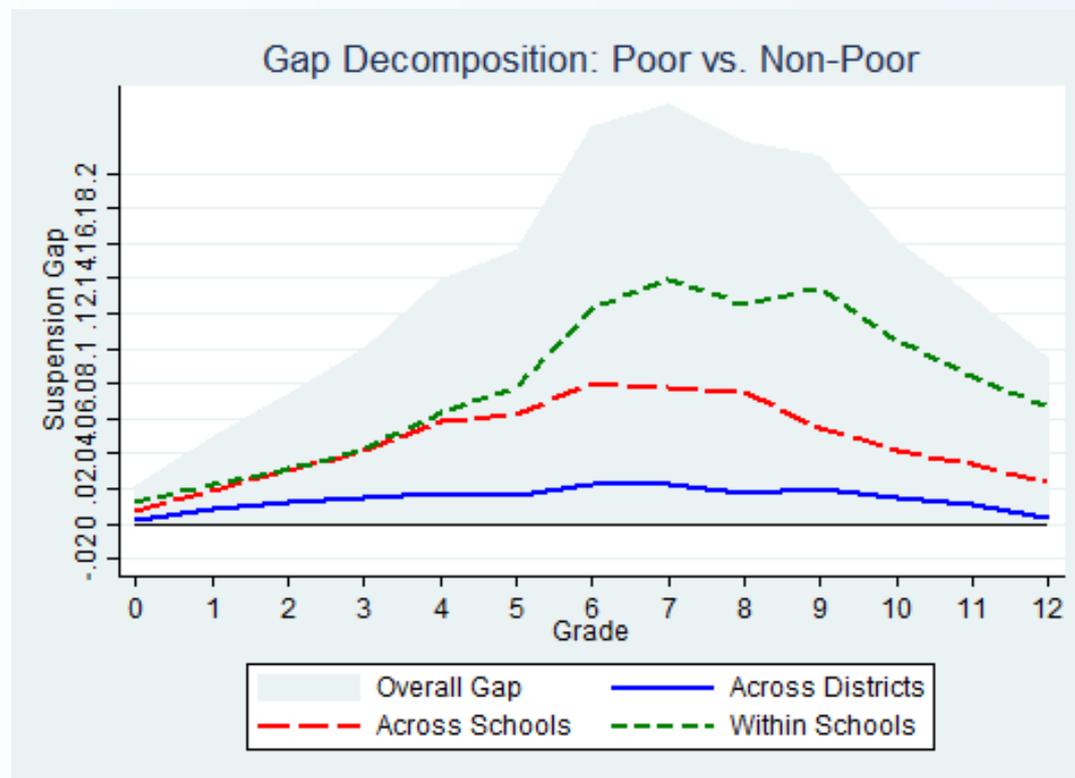
Step 1: Do gaps arise within schools?

- **Yes**, black/white and poor/non-poor suspension gaps arise both within and across schools (and districts).



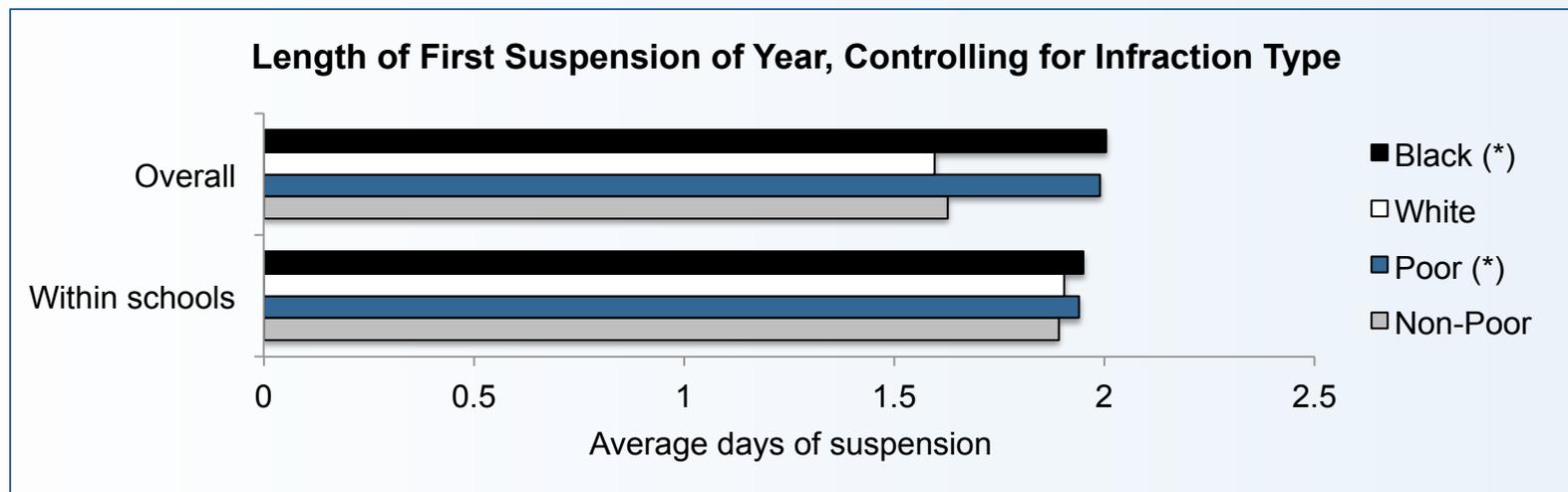
Step 1: Do gaps arise within schools?

- **Yes**, black/white and poor/non-poor suspension gaps arise both within and across schools (and districts).



Step 2: Gaps for same type of infraction?

- **Yes**, gaps in days suspended appear, even controlling for infraction type (e.g., profanity or “willful disobedience”).



- Suggestive, but still too much we don't know—too much potential for “omitted variable bias”—to conclude that this reflects intentional discrimination
 - **Reminder: We're being cautious!**

Step 3: Gaps after fights between black & white, or poor & non-poor, students?

- **Yes**, black and poor students receive longer suspensions after fighting with white and non-poor students, respectively.

Table 7: Who Received Longer Suspension in Fights Between Students of Various Subgroups

Student 1	Student 2	Total number of fights	Same suspension length	Student 1 suspended longer	Student 2 suspended longer	p-value
Black	White	20,142	79.6%	11.2%	9.2%	0.000
Poor	Non-poor	10,190	81.1%	10.7%	8.1%	0.000
Male	Female	17,142	69.1%	15.5%	15.4%	0.811
Black, Poor	White, Poor	5,930	79.5%	10.9%	9.6%	0.027
Black, Non-poor	White, Non-poor	459	84.3%	8.9%	6.8%	0.219
Black, Poor	White, Non-poor	2,797	81.6%	11.4%	7.0%	0.000
Black, Non-poor	White, Poor	352	81.5%	8.2%	10.2%	0.362
Black, Male	White, Male	14,899	81.2%	10.3%	8.5%	0.000
Black, Female	White, Female	2,889	81.7%	10.3%	8.0%	0.002
Black, Male	White, Female	996	68.9%	17.3%	13.9%	0.036
Black, Female	White, Male	1,358	66.2%	18.2%	15.6%	0.073

Step 3: Look for suspension gaps after black/white and poor/non-poor fights

- This, we argue, is evidence of “intentional discrimination” in student discipline (at the state level)
 - **Assumption:** Nothing systematically different about fighters that should affect punishment
 - Black/White disparities appear in all subsamples examined (first fight/suspension of year, first fight/suspension ever)
 - Findings are robust to many other analytical decisions
- On one hand, the size of these particular gaps is modest
- On the other hand, (a) these seem like the easiest gaps for schools to avoid and (b) this could be the tip of the iceberg

Wrapping up

What to do about this?

- The federal government has an important role to play (e.g., Office of Civil Rights in the Department of Education)
- Local and state governments have roles to play, too, including with making data available for research
- Schools are increasingly turning to less punitive approaches
 - Targeted (e.g., restorative justice & response to intervention)
 - School-wide (e.g., positive behavioral interventions and supports)
- Research on the effects of non-exclusionary approaches remains limited, with unclear takeaways
 - Experimental study of restorative justice in Pittsburgh showed some positive and some negative effects (Augustine et al., 2018)
 - Studies of non-exclusionary approaches in Philadelphia show implementation issues (Gray et al., 2017; Steinberg & Lacoce, 2017)

Review

- Gaps arise both within and across schools
 - May require within-school and across-school remedies, along with non-school remedies
- Interracial fight disparities suggest intentional discrimination
 - Implications for federal debate on discipline guidance
 - Implications for schools and students in those schools
- Caveat: Do results from Louisiana generalize?
- Need to think about the messages that kids get from schools, along with school-to-prison pipeline considerations.
Schools exist to teach, nurture, and develop.
 - Plenty of reason to consider less punitive approaches, but need to be careful with preparation and implementation

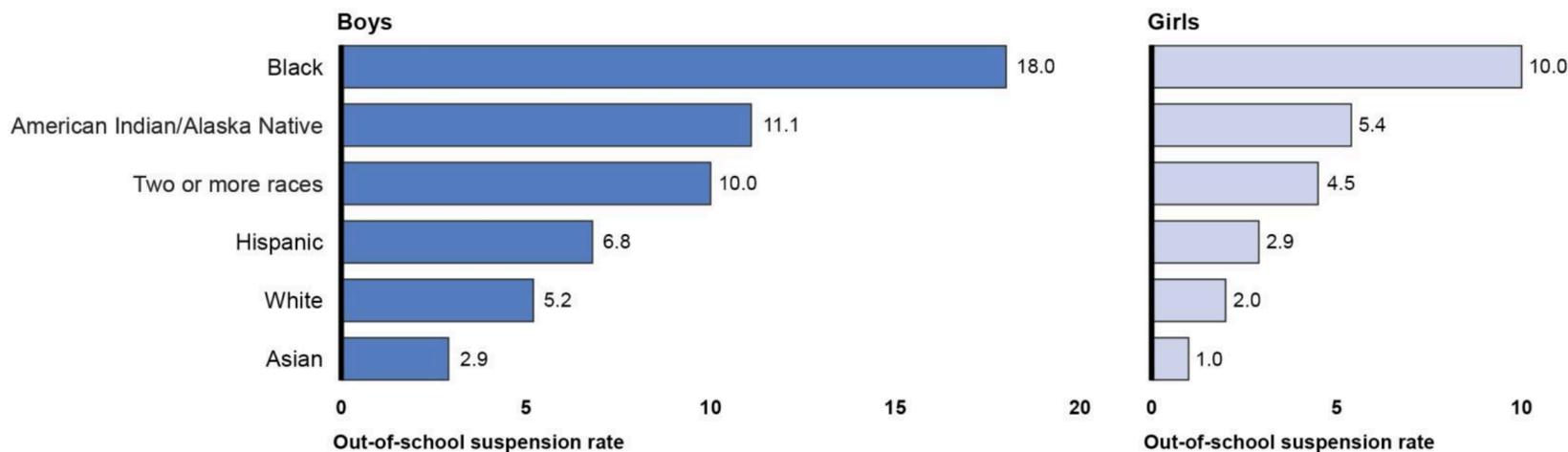
Thank you!

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Supplemental Slides

Education gaps—Discipline (U.S.)

Figure 3: Rates of Out-of-School Suspensions, by Student Race or Ethnicity and Sex, School Year 2013-14



Source: GAO analysis of Department of Education, Civil Rights Data Collection. | GAO-18-258

Source: U.S. Government Accountability Office. (2018). *K-12 education: Discipline disparities for black students, boys, and students with disabilities*. Retrieved from <https://www.gao.gov/assets/700/692095.pdf>.

Table 2. Number of Infractions by Infraction Type and Student Subgroup

	All students		Race Comparison		Poverty Comparison	
	N	%	Black	White	FRPL	Non-FRPL
			N	N	N	N
Total # of suspensions	4,258,559	100%	100%	100%	100%	100%
Willful disobedience	999,339	23%	24%	22%	24%	23%
Fights in school	604,719	14%	16%	10%	15%	10%
Habitually violates rule	559,983	13%	13%	12%	13%	13%
Disrespects authority	536,668	13%	13%	11%	13%	11%
Other serious offense	315,827	7%	6%	10%	7%	10%
Profane	255,728	6%	6%	7%	6%	6%
Leaves school	256,553	6%	5%	7%	5%	8%
Habitually tardy	203,312	5%	5%	5%	4%	7%
Injurious habits	183,594	4%	4%	5%	5%	3%
Other	342,836	8%	7%	11%	8%	9%
Violent infractions	1,232,478	29%	29%	28%	30%	26%
Nonviolent infractions	3,026,081	71%	71%	72%	70%	74%

Notes. Unit of observation is the infraction, so some students have multiple observations within the same year while students who did not commit an infraction are not represented. Table lists the nine most common infractions and aggregates all other infractions as “Other.” Columns with percentages show the percentage of infractions recorded for that group of students that were of the infraction type listed. The following infractions were coded as violent (as labeled in LDOE data): immoral or vicious practices; habits injurious to his/her associates; weapon (Sec 921 of Title 18 of the U.S. Code); weapon (not prohibited by federal law); throws missiles liable to injure others; fights while under school supervision; commits any other serious offense; murder; assault and/or battery; rape and/or sexual battery; kidnapping; arson; misappropriate with violence; use weapon prohibited by federal law; possess blade with length less than 2.5 in.; serious bodily injury; bullying; cyber bullying; and sexual harassment.

Step 2: Check if gaps appear within schools for the same infraction type

Table 4
Predictors of Length of Suspension for First Suspension of Year (in Days)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Black	0.408*** (0.006)	0.047*** (0.004)			0.366*** (0.006)	0.040*** (0.004)	0.033*** (0.005)	0.282*** (0.008)	0.023*** (0.006)	0.019*** (0.007)
Other race	0.086*** (0.010)	-0.023** (0.009)			0.062*** (0.010)	-0.027*** (0.009)	-0.027*** (0.010)	0.050*** (0.015)	-0.014 (0.014)	-0.014 (0.014)
Poor (always FRPL)			0.361*** (0.007)	0.048*** (0.005)	0.161*** (0.007)	0.033*** (0.005)	0.037*** (0.006)	0.174*** (0.010)	0.041*** (0.008)	0.040*** (0.008)
Sometimes FRPL			0.285*** (0.007)	0.052*** (0.005)	0.156*** (0.006)	0.042*** (0.005)	0.045*** (0.006)	0.132*** (0.009)	0.035*** (0.008)	0.033*** (0.008)
SPED								-0.065*** (0.008)	-0.027*** (0.008)	-0.031*** (0.008)
Male								-0.018*** (0.005)	-0.025*** (0.005)	-0.030*** (0.005)
Math score (<i>t</i> -1)								-0.039*** (0.004)	-0.004 (0.004)	-0.002 (0.004)
ELA score (<i>t</i> -1)								-0.044*** (0.004)	-0.014*** (0.004)	-0.013*** (0.004)
Suspended in prior year							0.048*** (0.004)			0.041*** (0.005)
Constant	1.597*** (0.028)	1.904*** (0.005)	1.628*** (0.029)	1.891*** (0.006)	1.519*** (0.028)	1.878*** (0.006)	1.834*** (0.007)	1.638*** (0.471)	1.877*** (0.010)	1.861*** (0.010)
Observations	1,801,105	1,801,105	1,802,382	1,802,382	1,801,105	1,801,105	1,593,672	802,597	802,597	784,941
R-squared	0.067	0.247	0.062	0.247	0.068	0.247	0.244	0.064	0.245	0.244
Year FE	Yes	No	Yes	No	Yes	No	No	Yes	No	No
Grade FE	Yes	No	Yes	No	Yes	No	No	Yes	No	No
SGY FEs	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes

Notes. The unit of observation is the infraction, and the sample is restricted to students who were suspended. All models contain infraction fixed effects. Omitted reference groups are white students, non-poor students (students never eligible for free or reduced-price lunch), and females. The number of days suspended is censored to 20 for suspensions that exceeded 20 days. Standard errors appear in parentheses and account for the clustering of students within school-grade-year.

“SGY FEs” refers to school-grade-year fixed effects.

*** $p < .01$, ** $p < .05$, * $p < .1$