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CHAPTER 6

Reducing Racial Disparities in School Discipline: Structured Decision-Making in the Classroom

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Over the past ten years, the juvenile justice system has experienced a 41% reduction in the number of incarcerated youth, and yet a growing proportion of those who remain are youth of color (Davis, Irvine, & Ziedenberg, 2014). Eighty percent of youth on probation, in out-of-home placements and secure facilities in 2012 were youth of color, compared to 67% in 2002 (Davis et al., 2014). Research and advocacy by a wide range of stakeholders has linked racial and ethnic disparities in court-involved youth to school disciplinary practices (Skiba, Arredondo, & Williams, 2014). Notably, 90% of youth who are detained by probation departments have at one time been suspended or expelled by their school (Irvine & Yusuf, 2015).

The intersection between youth justice and school discipline can be traced to the explosion of zero-tolerance policies that began in the late 1980s. One of the first manifestations of the school-based tough-on-crime philosophy in federal legislation was intended to prevent gun violence in school: the Gun

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© The Author(s) 2016 R.J. Skiba et al. (eds.), *Inequality in School Discipline*, DOI 10.1057/978-1-137-51257-4_6 Free School Act (GFSA), passed by Congress in 1994, required schools to expel a student who possessed a gun while on school grounds (Skiba & Peterson, 2000). Despite the fact that youth crime declined beginning in the 1990s (Puzzanchera & Adams, 2011), the idea that certain young people were dangerous stuck in the public mind. This idea was exacerbated by political scientist John DiIulio, who warned in 1995 that the USA faced an imminent threat from a coming wave of young "super-predators" (DiIuio, 1995). The combination of federal law, fears about youth violence, and a small number of high profile school shootings led to an increase in school districts across the country instituting on-campus law enforcement, security guards, and metal detectors to create safer schools.

In concert with the increase in zero-tolerance discipline in schools, the number of out-of-school suspensions and expulsions issued to students began to rise across the USA, with dramatic increases in some places. Nationally, the number of secondary school students suspended or expelled over the course of a school year increased roughly 40%, from 1 in 13 in 1972–1973 to 1 in 9 in 2009–2010 (Losen & Martinez, 2013). The expansion of these policies has led to disproportionately high numbers of suspensions and expulsions for students of color and students with disabilities. In school districts like Palm Beach County, Florida, and Milwaukee, Wisconsin, for example, the district-wide middle school suspension rate in 2006 for Black male students exceeded 50% (Losen & Skiba, 2010). Recent research suggests that students who identify as lesbian, gay, bisexual, questioning, gender nonconforming, and transgender (LGBT) also experience more severe disciplinary responses and disproportionate suspensions and expulsions (Anyon et al., 2014; Burdge, Hyemingway, & Licona, 2015; Irvine & Yusuf, 2015).

Sadly, many of these suspensions and expulsions are not required by federal or state law. In the study *Breaking Schools' Rules*, researchers at the Council of State Governments and Public Policy Research Institute at Texas A&M University found that only 3% of suspensions and expulsions were for conduct for which federal or state law mandates punitive disciplinary action (Fabelo et al., 2011). The majority of punitive disciplinary actions were issued in response to relatively minor violations of local schools' conduct codes in which other, non-punitive measures could have been issued.

These inequitable school responses appear to have a series of long-term consequences for young people, including increased exposure to the juvenile justice system. Research by John Hopkins University found that 49% of students who entered high school with three suspensions on their record eventually dropped out of school (Balfanz, Byrnes, & Fox, 2014; Losen, Hodson, Keith, Morrison, & Belway, 2015). Similarly, more

than one third of males suspended for ten or more days had been confined in a secure justice facility (Losen et al., 2015; Shollenberger, 2015). Youth of color are disproportionately affected by this crossover between school discipline and justice involvement. National data collected by the US Department of Education documents racial disparities in school-based referrals to law enforcement: while Black students represented 19% of American public school students, they made up 27% of students referred to law enforcement by schools and 31% of students subjected to a schoolrelated arrest in 2006 (National Center on Education Statistics, 2014).

In this chapter, we describe an effort to help educators change the policy and practices that marginalize children of color and other vulnerable populations by developing a decision-making matrix, or response grid, to guide teachers' decisions on discipline in the classroom. Through a process of discussion and reflection, we helped teachers at one middle school in Oakland, California, consider the consequences of their disciplinary choices and to collaboratively identify other, less punitive options for responding to students' behavior. The response grid developed by teachers, as well as the process used to create it, offers a potentially powerful strategy that schools can use to establish more consistency in responses to behavior while increasing teachers' voices and commitment to changing school discipline policy and practice.

Tools such as a response grid for structured decision-making have been used in government sectors, particularly the juvenile justice system, to reduce punitive responses to youth behavior as well as to reduce racial and ethnic disparities. More than 15 years ago, youth justice experts identified that subjective decisions by probation officers lead to unnecessary detentions and high rates of disparities for youth of color (Hoyt, Schiraldi, Smith, & Ziedenberg, 2001; Mendel, 2009; Short & Sharp, 2005). In response, the justice field began implementing decision-making tools that establish agreed-upon objective criteria to limit individual discretion of polices, practices, and interpretation of youth behavior, thus creating tools for responding to youth behavior within agreed-upon parameters (Steinhardt, 2006). The results in the justice field have been drastic, with a substantial decrease in overall detention numbers and positive results in decreasing racial disparities (Mendel, 2009).

BACKGROUND ON THE OAKLAND UNIFIED SCHOOL DISTRICT

The Oakland Unified School District (OUSD) was selected as a site for this work because of a growing effort in the district to address disparities in suspensions. The 2012 Urban Strategies Council's (USC) study,

A Deeper Look at African American Males in the Oakland Unified School District, documented that young African American males languish behind their peers in key areas such as academic achievement, graduation rates, literacy, and attendance, while outpacing them in suspensions and juvenile detention rates (Brown et al., 2012). In 2010–2011, for example, 18% of African American males were suspended at least once, compared to just 3% of White males. Almost half (44%) of Oakland students were suspended for "willful defiance or disruption," a category for which there is often substantial variation in interpretation of student behavior (Brown et al., 2012).

OUSD implemented multiple reforms to address these disparities, including restorative justice disciplinary practices and the development of the Office of African American Male Achievement, which promotes positive growth in the academic achievement of Black boys and young men. The district also implemented Positive Behavior Intervention and Supports (PBIS), a school-based reform intervention to help school personnel identify, adopt, and organize evidence-based behavioral interventions into an integrated continuum of supports that enhances academic and behavioral outcomes for all students (see www.pbis.org). Additionally, OUSD entered into a Voluntary Resolution Plan (VRP) with the US Department of Education's Office of Civil Rights to address the disproportionality in discipline. As part of its agreement in the VRP, OUSD created a work group to update and make the district's discipline handbook more accessible, standardize discipline procedures for all district teachers, help parents and guardians become aware of expectations and policies, and reduce discretion in discipline.

Methods

Data reported in this chapter were collected from a professional development session with middle school teachers in 2013. This session was part of a larger project that explored the feasibility of developing tools for teachers and administrators that might help to disrupt patterns of disproportionate suspensions and expulsions for students of color. The larger project was guided by a project leadership advisory committee called the Suspension and Expulsion Reduction Collaborative (SERC) that included a cross-section of government and community stakeholders. As part of that larger project, the research team observed five OUSD VRP discipline workgroup meetings focused on revising the district's school discipline handbook, as well as a community meeting facilitated by the school district's director of the Office of African American Achievement.

PARTICIPANTS

The teacher professional development session was held in an Oakland middle school in a neighborhood with high rates of violence and poverty and a strong police presence. Teachers were recruited for the professional development session by the school principal and their peers. Participation was voluntary, and nine teachers took part. The teachers varied in length of teaching experience, age, race, and gender. The group was multi-racial: four were Black, three Latina/os, and two White. Five teachers were male and four female. Teaching experience ranged from one to 16 years. The majority of participants had more than five years of teaching experience.

Procedures

The session format and protocol were created by juvenile justice researchers, including a former educator. Facilitation of the session was done by a juvenile justice researcher. The session format was developed primarily to maximize teacher engagement and emphasize peer learning and conversations through interaction and prompts. Participants were asked two sets of questions. The first set of questions were about the school's overall approach to school discipline. They centered on understanding how teachers were involved in the implementation of reforms such as PBIS. the extent of teacher buy-in to those reforms, and their perception of the results. The second set of questions focused on teachers' personal approaches to discipline, examining the rules they established in their classrooms, the behaviors they saw as infractions, their responses when students did not adhere to their rules, and their reasons for referring students to the school administration for disciplinary issues.

The professional development session lasted approximately two hours and was facilitated using a structured question-based protocol. The facilitator asked questions that initiated teacher conversation about school discipline in their classrooms and current school discipline reforms. The facilitator primarily listened to the teacher discussion. However, during periods of disagreement on how to respond to student behavior, the facilitator encouraged teachers to challenge each other and share their ideas and frustration regarding these topics. The facilitator also encouraged teachers to share frequent classroom challenges, protocols, and school norms. The session ended with a group activity in which teachers were asked to categorize different behaviors as minor or major infractions, brainstorm

responses to each type of infraction, and construct a response grid (also referred to as a graduated response protocol) to guide other teachers in responding to student misbehavior in the classroom. The facilitator took notes throughout the session, which was also recorded and later transcribed, summarized, and reviewed in order to identify common themes within the discussion.

Results

We begin our discussion of results with a description of the response grid and then explore the teachers' perspective on school discipline. To set the stage for the tool-development exercise, the facilitator opened the discussion with an overview of national and local school discipline patterns and what is known from research on the long-term impacts of suspensions and expulsions. Participants were then engaged in reflecting on discipline in their own school and classrooms.

While the initial purpose of this exercise was to generate an in-classroom teacher response grid, the process of creating it proved to be a powerful form of professional learning. It expanded teachers' understanding of the choices they have when managing their classrooms, how their decisions could be aligned more consistently with a vision of positive discipline, and how that greater consistency might reduce the number of suspensions and expulsions issued by principals. This process also provided an avenue for input from teachers about changes in policy and practice that are being implemented in their district as well as nationwide.

DEVELOPING A RESPONSE GRID

The ultimate goal of a response grid is to provide teachers with discipline alternatives when responding to student behavior in the classroom. The response grid enables teachers to quickly assess student behavior, decide if it represents an emerging pattern or is a one-time action, and consider a wider range of discipline options than simply sending a young person out of the classroom to the principals' office.

In the exercise, teachers were first asked to write down student behaviors they encounter most often in their classrooms. They were directed not to list those for which suspension or expulsion is suggested or required by the California education code. Those excluded behaviors include: possessing a firearm/weapon, selling a controlled substance, and sexual harass-

ment/assault. In an effort to be consistent with the PBIS reforms being utilized by the school, participants identified behavioral infractions based on the level of severity—minor or major—as shown below in Table 6.1. Teachers were then given sticky notes and asked to jot down their typical responses to these behaviors and distinguish their responses depending on how often the student exhibited it. Using a large board visible to all participating teachers, the facilitator placed these sticky notes next to the relevant behavior, creating a grid as shown in Table 6.2.

With their attention directed to the board, teachers were asked to reflect on the results among themselves. The facilitator then reminded them of the data on discipline disparities and asked them to consider whether those same patterns were evident in their classrooms. The teachers noted that their heavy reliance on detention and office referrals for student behaviors may be a contributing factor to excessive suspension.

For the next portion of the professional development session, the facilitator asked the teachers if they agreed with the discipline responses represented on the board. The question produced much conversation and debate. Participants challenged each other about how they would respond to different behaviors. For example, one teacher asked, "Why would you [a participating teacher] send a student to detention for a first time minor behavior?. I don't agree with that." During the conversation, teachers examined their responses to the student behaviors and indicated whether they agreed with their choices, felt another teacher's choices were more appropriate, or if an entirely different alternative not present on the list was needed.

Table 6.1 Common behavior infractions identified by teachers

Minor	Major
• Tardy	• Inappropriate minor sexual behaviors or gestures
Cutting class	Bullying (including cyber bullying)
• Inappropriate language	Marijuana consumption (suspected)
Hats/cell phone/gum	• Fighting
chewing	Minor aggression (rough play)
• Defiance	• Cheating
Being unprepared	Harassment/discrimination
• Inappropriate hallway behavior	• Theft
 Teasing/joking 	Vandalism
Property damage	

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Table 6.2 How individual OUSD teachers respond to student behavior

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	Minor behavior response	Major behavior response
First time	Verbal warning	 Referral to administration
Separation Detention	 Separation of students 	 Conference with student
	• Detention	 Send to hall
	 Send to hall 	Buddy room
		 Automatic failing of an assignment
		(particularly for cheating)
Repeated	 Referral to administration 	 Referral to administration
-	 Loss of class privilege or 	• Detention
	reward	 Send student to hall
	 Detention 	Parent/guardian call
	 Conference with student 	 Parent/guardian-teacher conference
	• Time-out	
	 Buddy room 	
	 Parent/guardian call 	
Constant	· • Detention	 Referral to administration
	 Parent/guardian call 	Detention
	 Long-term loss of privilege 	
	 Permanent seat change 	
	 Parent/guardian-teacher 	
	conference	
	 Referral to administration 	
Chronic	 Parent/guardian-teacher 	Office referral
	conference	
	 Office referral 	

^{*}Buddy room refers to a temporary holding classroom where the student will spend the remainder of the class period from which they were removed. It is not required that a student enter with classroom homework, and it is usually supervised by a teacher.

After allowing time for unstructured conversation between teachers, during which the facilitator did not participate or interfere, the latter brought teachers' attention back to the table listing student behaviors and discipline choices. Given the data previously provided and the agreed-upon goal to have less punitive discipline choices, the facilitator asked teachers to choose alternative disciplinary responses for each behavior listed. One by one, the teachers selected alternatives they felt were most appropriate for each type of behavior. This process asked teachers not just to place a disciplinary response next to a behavior, but also to consider the potential implications of each response for the child. One teacher stated, "Instead of detention for a minor repeated behavior, I can move the student or assign more homework ... at least that doesn't kick them out of the classroom."

Although most teachers agreed on the final discipline choices for behaviors, some did not, and full consensus was not reached on all items. For example, one teacher felt that too much leniency in discipline lent itself to a reduction in classroom control. Nonetheless, the discussion resulted in a response grid with a wider set of options for teacher responses to disciplinary problems that were less punitive than the responses originally identified. Table 6.3 shows the response grid created collaboratively with the group. Key changes to the list of teachers' disciplinary responses include:

- removing detention entirely as a response to minor behaviors;
- delaying referrals to the administration, referrals to the buddy room, and parent/guardian calls for repeated minor behaviors;
- · adding responses such as giving students demerit points, verbal warnings, new tasks and assignments for minor behaviors, and loss of class privileges, a time out, and permanent seat change for major behaviors; and removing automatic failing of an assignment for a first-time major behavior.

Table 6.3 Collaborative classroom matrix

	Minor behavior response	Major behavior response
First time	Verbal warning	Conference with student
	Student conduct demerit point	 Loss of class privileges or reward
	(particularly for students that are late)	• Time out
	 Separation of students 	
Repeated	 Verbal warning with threat of 	Buddy room
	consequence	• Detention
	 Temporary separation of students 	 Send to hall
	 Loss of class privileges or reward 	 Parent/guardian call
	 Conference with student 	 Permanent seat change
	• Time out	• Referral to administration (only for
	 Assign additional task 	fighting or bullying)
Constant	Buddy room	 Parent/guardian-teacher
	 Assign additional task/assignment 	conference
	 Conference with student 	 Referral to administration
	 Parent/guardian call 	• Detention
	 Long-term loss of privilege or reward 	
	Permanent seat change	
Chronic	Parent/guardian teacher conference	• Referral to administration
	 Referral to administration 	

TEACHER VIEWS OF CLASSROOM MANAGEMENT AND SCHOOL DISCIPLINE

Despite a significant district-wide effort to engage all stakeholders in reducing disproportionate suspensions and expulsions for Black students, teachers generally felt they lacked input in district-wide changes and were underappreciated for their daily struggle to respond to the mental health and behavioral needs of their students. At the same time, they acknowledged their role in the disproportionate suspension of Black students, and believed that better tools and greater consistency in the application of classroom management strategies would help to reduce this.

In the course of the professional development process that produced the grid, the facilitator engaged teachers in a structured conversation and reflection on the discipline practices used in their school. This discussion proved to be both challenging and insightful, and offered a perspective often missing from the literature and discourse on how to improve school discipline in the classroom. A number of themes that emerged are sum-

marized below.

Insufficient teacher input in district-wide reforms. Teachers in the professional development session felt that, in general, OUSD teachers had not played a central role in most of the district-wide reforms being implemented. While teachers had heard about the district's Voluntary Resolution Plan (VRP) and knew about PBIS and the African American Male Achievement Initiative, they knew very little about these efforts, and felt they had little say in how these strategies would be implemented. For example, although from the district view, PBIS was envisioned as a collaborative process, teachers in the professional development session felt they had not been consulted in creating their schools' PBIS materials or in advising on the implementation process. As one teacher recounted, "I came into the school, had a staff meeting and was told I was now going to be doing PBIS [and] needed to read the materials and use this referral form if I wanted to send a kid to the office." Similarly, although administrators, staff, and former teachers participated in district meetings to revise the discipline handbook, the absence of current OUSD teachers in the process limited the flow of information on the reforms.

The challenges of disciplining traumatized students. In the context of the district-wide shifts in discipline, the teachers grappled with how to meet the mental health and behavioral needs of students. "Sometimes I'm more like a parent or a counselor in my classroom," observed one teacher.

When dealing with negative student behavior, teachers believed that too often students are victims and witnesses of crime and that their mental health needs need to be taken into account. Several noted that students' exposure to traumatic events in their neighborhoods, as well as the normal developmental process for adolescents, creates the need for additional social-emotional support in the classroom.

Effective and consistent classroom management. Strong and consistent classroom management was viewed by participants as essential to a successful learning environment. One teacher remarked, "If I had better classroom management skills earlier on in my career, I would have been able to handle kids misbehaving a lot better." Another teacher explained:

You have to set standards at the start of the year because some kids do not know when or how to switch how they act at home from how they need to act in the classroom, we need to remind them. If we set standards, and reinforce those standards with all the students, the students are more likely to follow.

Creating boundaries and expectations early was viewed by the teachers as necessary in establishing a healthy learning environment. Effective classroom management, they explained, is when the teacher does not have to stop the learning of other students to talk with or discipline an individual student(s). Teachers shared their strategies for building a sense of collective ownership over classroom behavior. One teacher said,

I manage my classroom by getting the whole class involved. I don't have individual demerits, the class has demerits. So if someone keeps disrupting the class, the students will say, 'Hey, stop talking. We want our movie day.' This allows fellow students to check each other; it makes them responsible for each other.

In addition to managing their own classrooms effectively, teachers identified the need for more consistency across classrooms and between teachers and administrators in responding to student behavior. A teacher explained:

Wearing a hat or using inappropriate language is OK in some classrooms, and it is not OK in others. This makes it difficult for students to follow guidelines. We need to have the same rules in every classroom.

Without sufficient guidelines for teachers on how to address the variety of behaviors that students present, student behaviors are handled inconsistently across different classrooms. Participating teachers reported very different ways of managing their classroom. Some stated that they manage by sending or threatening to send students out when they misbehave. Others managed their classrooms by having a check mark system; five check marks meant loss of privileges.

Although the school had established standards for behavior that were well-known by the students, some teachers were more lenient than others in upholding these standards. One participant noted, "We need consistency. We need to create a school culture so that no matter what class you are in the same rules apply." The teachers felt that administrator responses were similarly inconsistent, with disciplinary outcomes determined largely by whom the student encountered in the office. As one teacher explained,

"Some administrators are more punitive than others."

Recognizing their role in disproportionate suspensions. While teachers recognized the need for consistency, they did not immediately see the link between their decisions and those of administrators. Instead, teachers believed that the final arbiters of disciplinary consequences are administrators and did not recognize the part they play in suspensions and expulsions. As one teacher summed up, "We have no control over who is suspended and who is not." In fact, a number of participants reported feeling unfairly targeted for blame in the school. "Everything gets pushed to teachers and not administration," observed one teacher. "It's our fault too many kids are being suspended, it's our fault kids aren't learning, it's our fault kids lose too much class time. It is always our fault, yet we can only do what the administration allows us."

Nonetheless, a few participants recognized that they play a role in punitive discipline, especially in the choice to send a student to the office with a referral and whether they recommend suspension or expulsion. When the facilitator asked the group, "What happens after a teacher sends a student to the office?" one teacher explained, "There are only a few options when they get kicked out of a classroom: in-school suspension or out-of-school suspension. Depending on what administrator the student gets, they [the student] may get sent back to class."

This question shifted the focus of the conversation to help teachers reflect on their role in disproportionate Black suspensions. The facilitator's prompt directed teachers' attention to the connection between their actions and those of the administrators in their school. Taking it one step

further, one teacher said, "If my choice to send students to the office is the first step (aside from the student behavior) in getting them suspended, I need to come up with some other options."

This discussion brought teachers full circle to see the need for opportunities to sit with their peers to establish agreement on how to manage behavior and create tools that can provide guidance on how to respond to different behaviors. As one teacher explained, "Sometimes, in the heat of a moment, all you want to do is remove a child from the class. But having a guide or a check [would] allow me to take a second look at my choice and perhaps make a better decision."

Conclusions

IMPLICATIONS FOR REDUCING DISCIPLINARY DISPARITIES WITHIN SCHOOLS

The teacher response grid provides an additional tool that OUSD and other school districts can use to help reduce the number of office referrals and subsequently the number of suspensions and expulsions. Through the participatory engagement of teachers in creating it, and their use of the tool in their classrooms, we hope that schools will be able to make decisions by individual teachers and administrators more consistent.

Most of the teachers in the professional development session saw their role extending beyond teaching curricula to facilitating an environment that promotes positive youth development. Yet they also observed how challenging it can be to teach in the face of constant student misbehavior and disruption, and were very open to tools and strategies that would allow them to manage their classrooms more effectively. The conversation among teachers deepened their understanding of the consequences of their choices, and helped them to agree on responses to common classroom misbehaviors. This process also created a sense of community that, teachers felt, allowed them the space to identify problems and learn about effective practices from peers.

The professional development session also helped teachers understand that they share responsibility for school discipline with administrators. Faced with the day-to-day challenges of the classroom, teachers rarely have time to think about how routine decisions shape larger trends of disproportionate suspensions and expulsions of youth of color. However,

as the discussion developed, they began to recognize that, just as administrators have the choice to send a student back to class or create in-school alternatives, teachers have the choice to make a different disciplinary decision in the classroom. The response grid was welcomed by teachers in part because they saw how it could generate consistency and common practice. With high levels of buy-in from teachers, such grids have the potential to reduce out-of-classroom referrals, making all responses less punitive and improving outcomes for students—particularly students of color. The teachers' openness to rethinking their disciplinary approach suggests that if more opportunities were created for them to engage in discussions like these, schools might be able to see faster and more successful transformation in their classrooms. In addition, it also reveals how teachers' decision-making about discipline can be improved without eliminating their total discretion in the classroom. Efforts to replicate this approach in other schools and school districts should consider ways to involve school and district administrators, in addition to teachers.

Untying the Link Between School Discipline and the Juvenile Justice System

Stemming the tide of suspended and expelled youth of color into the juvenile justice system will require educators to gain a deeper understanding of the unintended consequences of some disciplinary decisions. Those decisions can inadvertently place youth on a trajectory of justice involvement. Given that the vast majority of youth in the justice system have also come in contact with a school discipline officer, schools play a key role in slowing down the flow of youth into the justice system. This chapter shows how educators can be engaged to do so.

If teachers do not have the information or time to share and understand how suspension and expulsion can lead to justice involvement and other negative lifelong effects, it is unlikely that they will make alternative choices in their classrooms. Our work speaks to the need for and potential of more intensive efforts to engage teachers in a process of learning and action. If we want teachers to take an active role in dismantling the systemic and unjust pathways that our youth often fall victim to, we must ensure they are aware of how removal from the classroom may be a significant first step toward the school-to-prison pipeline.

Notes

1. These stakeholders included the probation chief, middle school teachers, the director of the OUSD African American Male Achievement program, education and juvenile justice policy advocates and researchers, a middle school principal, a representative from the OUSD Positive Behavior Interventions and Supports (PBIS) office, local clergy, a director of a restorative justice program used in OUSD schools, direct service providers, a program officer from a California foundation, and a representative from the OUSD attendance and discipline support services department

2. The work group comprised representatives from OUSD, restorative justice programs, school resources officers (SRO), Community Schools and Student Services Behavioral Health Initiatives, school administration, and

legal counsel.

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