



## Equity in Discipline Theory of Action

### Problem

Inequities in student discipline can be found across the state of Washington and across the country. Disparate discipline occurs when the **rate of discipline** for one group is greater (more students and/or more frequent) for one group compared to another group. Disparities exist based upon race/culture, socioeconomic status, disability, gender, sexuality and other factors. Further, disparities exist in the **severity of punishments** or other consequences when the students in one group display the same or similar behaviors as students of the other group who do not experience punishments that are as severe or may not receive any discipline at all.

One method to quantify discipline disparities is the Relative Rate Index, which is a form of "risk ratio."

A **Relative Rate Index (RRI)** represents the ratio of the rate of discipline in one group to the rate of discipline in another group or to all other students.

Here is an example of the RRI formula to calculate the rate of disparity in discipline (prevalence) between black and white students at the district level:

Number of black students disciplined in district/Number of black students enrolled in district

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Number of white students disciplined in district/Number of white students enrolled in district

= **Relative Rate Index** of discipline for black students compared to white students

The RRI is a tool commonly used by researchers and evaluators to measure racial and other disparities. It also has the advantage of being a clear and intuitive way to express rates of disparity to multiple audiences.<sup>1</sup> The following data is expressed using the RRI for Washington State.

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<sup>1</sup> There are other useful tools for assessing disparities in Office Discipline Referrals, numbers of referrals, number of exclusion days, etc., such as Discipline/Referral Rates, Composite Indices and Risk Ratios. These may be more useful in examining data for smaller populations, such as individual schools. They also help identify and measure disparities among the individual components or steps of the discipline process.

Statewide data from Washington schools for the 2016–17 school year evidence disparities in exclusionary discipline (suspension and expulsion) for a number of groups, based upon race, economic status, disability, and other characteristics. Specifically, compared to White students:

- a. American Indian/Alaskan Native students were 2.28 times more likely to be excluded.
- b. Black/African American students were 2.45 times more likely to be excluded.
- c. Hispanic/Latino students were 1.36 times more likely to be excluded.
- d. Native Hawaiian/Other Pacific Islander students were 1.49 times more likely to be excluded.
- e. Multi-racial students were 1.37 times more likely to be excluded.

In addition:

- a. Low-income students were 2.91 times more likely to be excluded than higher income students.
- b. Homeless students were 2.51 times more likely to be excluded than housed students.
- c. Migrant students were 1.44 times more likely to be excluded than non-migrant students.
- d. Students on 504 plans were 1.63 times more likely to be excluded than those who were not 504-eligible.
- e. Students with disabilities in special education were 2.44 more likely to be excluded than non-disabled students.
- f. Male students were 2.72 times more likely to be excluded than female students.<sup>2</sup>

## Why Discipline Disparities Exist

### Root causes

#### A. Structural inequity

Inequity in the treatment of some groups—based upon race, culture, language, disability, gender, etc.—is endemic in our society and manifests in many ways. In education, this manifests in opportunity gaps, graduation and academic achievement rates, and in rates of discipline/punishment—particularly in exclusionary discipline (suspension and expulsion).

In a residency-based public education system, patterns of housing segregation based upon race, culture, language and socio-economic status, among others, greatly impact demographic differences among districts and among schools within districts. The absence or presence of local employers, health and social service resources, affordable housing, natural systems of support and other differences between neighborhoods and communities, as well as differences in school

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<sup>2</sup> Note: It may not be the case that school districts would examine or address each of these types of disparity. It should further be noted that districts will find it useful to consider areas of crossover between groups identified by race/ethnicity and other groups who experience significant disparities in discipline, such as students with disabilities.

funding levels, serve to amplify differences between school catchment areas within districts and between districts. This can be described as an “opportunity gap.”

## B. Bias

Bias and discrimination by institutions and individuals reflects, compounds, and amplifies the impacts of residential segregation and disparities of opportunity. Bias and discrimination have been categorized into four areas, which represent poles on two axes: the continuum from personal to institutional/structural, and the continuum from covert/implicit to overt/explicit.

- Covert/implicit bias: The attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual’s awareness or intentional control. The implicit associations we harbor in our subconscious cause us to have feelings and attitudes about other people based on characteristics such as race, ethnicity, age, and appearance. These associations develop over the course of a lifetime beginning at a very early age through exposure to direct and indirect messages in early life and from our families and other environmental influences, in addition to cultural messages through media. (adapted from Kirwan Institute for the Study of Race and Ethnicity, Ohio State University)
- Overt/explicit bias: Conscious and deliberate statements, beliefs and/or actions based upon differences or perceived differences of race, gender, culture, sexuality, etc.
- Personal bias: The statements and actions of an individual that reflect the person’s implicit or explicit biases.
- Institutional/structural bias: Legal and cultural systems and rules established to reinforce or promote differences between groups based upon race, culture, gender, ability, etc. Rules and structures may be overt, such as redlining practices in housing, or covert, such as criminal laws that penalize some offenses more harshly than others, which result in disparate treatment based upon race, for example.

## C. Structural differences and patterns of discrimination

Examples of how structural differences and patterns of discrimination contribute to disparities in opportunity and discipline include:

- Due to historic patterns of discrimination, students from some cultural or economic groups may be concentrated in some districts and schools, compared to others.
- Experienced teachers and administrators may self-select to work in schools or districts where students already have greater resources and more opportunities,

resulting in less qualified staff serving students with fewer opportunities and resources, and, often, higher staff turnover in those schools or districts.

- Due to patterns of enrollment that reflect cultural and economic patterns of housing segregation, teachers and other staff may represent different cultural backgrounds and experiences than the students they serve.
- Based upon the factors above, staff may lack cultural knowledge about the students they serve and may therefore lack the skills and experience to deliver culturally relevant instruction or culturally relevant behavioral interventions.
- Compounding the problem of a cultural disconnect between staff and students, discipline policies that include highly subjective rules and enforcement of these rules (e.g., student codes that penalize “willful disobedience”) are likely to result in disparate rates of punishment, including both the frequency and severity of discipline of students from historically disadvantaged and marginalized groups.
- Schools serving neighborhoods with larger concentrations of low-income families and/or those serving populations with larger populations of racial and ethnic minority students may lack rigorous curriculum and instruction, including fewer college preparatory courses, foreign language offerings, facilities such as computer and science labs, etc., as well as culturally relevant methods of instruction.

#### D. Subjectivity

- In the context of implicit, overt, personal and institutional biases, disciplinary codes that allow or encourage exclusion for subjective offenses have been found to drive high rates of exclusion overall and to exacerbate racial and other disparities, in particular. Disparities result when some students are disciplined more severely or more often, compared to other student groups who may receive no discipline or less serious punishments for the same behaviors.
- Washington, like other states, has collected data showing that exclusionary discipline is applied most often for subjective and poorly defined infractions. For example, in 2017, 59.2 percent of students received exclusionary discipline for incidents where subjective and/or poorly defined infractions were the most serious behavior recorded:<sup>3</sup>
  - 19.1 percent were excluded for disruptive behavior
  - 10.8 percent were excluded for failure to cooperate
  - 29.3 percent were excluded for “other” unspecified behaviors

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<sup>3</sup> Please note that due to possible duplication of behavior types or duplication of students, percentages of behavior types for each population in each year may not add up to 100 percent.

- More serious behaviors, involving violent or illegal behaviors, occur far less often and therefore account for far fewer incidents of exclusionary discipline. In 2018, among students receiving exclusionary discipline:
  - 1.9 percent were excluded for theft
  - 1.1 percent for property destruction or vandalism
  - 3.5 percent for bullying
  - 16.5 percent for fighting without major injury
  - 2.0 percent for illicit drugs (excluding marijuana)
  - 1.1 percent for violence with major injury<sup>4</sup>

#### E. Lack of resources or perverse incentives

- Some students are entitled to additional protections and services under federal and state laws, such as students with disabilities and students experiencing homelessness.
- In many cases, additional resources, in the form of state and federal funds, are provided to districts to serve students with additional needs, based upon the census of students enrolled in the district.
- From the district or school perspective, there may be a real or perceived gap between the funding provided and the cost of services and supports provided to students in these groups. Some requirements are perceived as “unfunded mandates” when the gap between the requirements imposed and the resources provided specifically to meet the requirements is large.
- Exclusionary discipline might become an escape valve in response to real or perceived gaps between funding, other resources and requirements for serving some student groups, relieving schools of the cost of compliance on a temporary basis. (A phenomenon referred to as “pushout.”)
- Suspension or expulsion may be perceived as a timeout or cooling off period when there is a challenging dynamic between a student and a teacher or other staff members. Unfortunately, exclusionary discipline typically fails to teach positive behaviors, fails to reduce negative behaviors, fails to repair relationships among students and between students and staff, and reduces educational instruction for students who may already be struggling academically.

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<sup>4</sup> It is worth noting here that several student groups that tend to be over-represented in exclusionary discipline had discipline rates that were at or below the state average for violent behaviors involving serious injury. Compared to the average rate of 1.1%, students with rates at or below the average for this type of serious behavior included: American Indian/Alaskan (0.7%); Hispanic/Latino (0.7%); English Language Learners (0.6%); Low Income (1.1%); Male (1.1%); Homeless (0.9%); Migrant Students (0.3%); and Students on 504 plans (0.7%).

## The Dynamics of Behavior

Behavior must be understood in the proper context. In addition to a student's actual behavior (objective), there is also the adults' perception of the student's behavior (subjective), the adult's behavior that occurs in anticipation and in response to student behavior, and the student's perception of the adults' behavior.

"The disparities in disciplinary outcomes may be better explained by the behavior of teachers and principals in schools rather than student characteristics such as misbehavior, poverty, or race."<sup>5</sup>

Teams that are attempting to address disparities in student discipline should recognize the following:

- a. Not all student behavior that differs from teacher/staff expectations is problematic behavior. It is important for teachers to understand the range of developmentally-appropriate and culturally-normative behaviors that occur among the students they teach. Discipline based upon subjective expectations of a teacher or administrators has been identified as a significant contributor to discipline disparities.
- b. Whether or not student behavior violates the district's code of conduct, behavior should also be understood as a means of communication by the student to adults and/or other students. By understanding and addressing unmet needs that a student is communicating through his/her behavior, adults can effectively reduce or eliminate unwanted behaviors by addressing the underlying need.
- c. Understanding the meaning of a students' behavior requires empathy, cultural awareness and effective communication with the student, family and other adults who may know the student or have insights (e.g., coaches, other teachers, counselors, mental health providers, school psychologists, etc.).
- d. An understanding of behavioral science principles and the application of evidence-based approaches, such as the three-term contingency (antecedent + behavior = consequence), is also important to understanding the dynamics of chronic problem behaviors and ways that adults can modify environmental factors and personal interactions to change behaviors. Adults should understand how their behavior impacts student behavior by triggering or reinforcing student behavior, including both positive and problematic behavior. There are brief Functional Behavioral Assessment (FBA) models to address mild to moderate problem behaviors that can be implemented by teachers in the classroom, but it may require a neutral observer or a formal FBA process to understand the ways in which adult behavior may be triggering and reinforcing negative or problematic student behavior.

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<sup>5</sup> Welsh, R.O. and Little, S. (2018). The school discipline dilemma: A comprehensive review of disparities and alternative approaches. *Review of Educational Research*: 88(5), 758.

- e. Numerous studies have failed to support hypotheses that problematic behavior occurs at different rates or different levels of severity between students of different races. Small differences found are more often attributable to adult perceptions and responses to behavior that differ based upon the race of the student.<sup>6</sup>
- f. Socioeconomic status (SES) does not explain racial disparities in discipline. While low-SES schools have often had higher rates of discipline, racial and ethnic disparities still persist across SES groups, across schools, and over time.

*What are the elements that contribute to Equity in Discipline?*

1. Use of disaggregated data at the school, grade and classroom levels to:
  - a. Identify when disparities exist for specific group of students
  - b. Identify the magnitude and frequency of discipline disparities, including office disciplinary referrals (ODRs), exclusionary discipline and the duration of exclusion
  - c. Identify “hot spots” that contribute to disparities
  - d. Set goals for reducing identified disparities
  - e. Identify professional learning needs
  - f. Use continuous improvement and accountability measures to ensure movement toward identified goals
2. Enhancing Teacher-Student relationships when adults:
  - a. Use culturally responsive teaching practices<sup>7</sup>
  - b. Ensure students have access to effective academic instruction<sup>8</sup>
  - c. Create positive school climates
  - d. Develop an empathic mindset and an understanding of each student as an individual, particularly for teachers and students who come from different cultural backgrounds
  - e. Examine, develop and awareness of and correct for implicit biases
  - f. Use of prevention strategies and de-escalation techniques
  - g. Use trauma-informed approaches
  - h. Use restorative practices
3. School districts implement positive behavior approaches that:
  - a. Are multi-tiered (e.g., MTSS, SWPBIS)

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<sup>6</sup> It should be noted, however, that discriminatory discipline can contribute to differences in future behavior. “Suspended Black youth may correctly perceive that their suspensions are related to racial bias rather than their behavior, so they may be more likely to engage in secondary deviance because they perceive that the educational system is racially biased.” (Rosenbaum, 2018, 16)

<sup>7</sup> See, for example: Hammond, Z. (2015). *Culturally responsive teaching & the brain: Promoting authentic engagement and rigor among culturally and linguistically diverse students*. Thousand Oaks, CA: Corwin.

<sup>8</sup> See:

<https://www.pbis.org/Common/Cms/files/pbisresources/Engaging%20Instruction%20to%20Increase%20Equity%20in%20Education.pdf>

- b. Explicitly define and teach social/behavioral norms and expectations that have been developed with input from all stakeholders
  - c. Use positive reinforcement (i.e., develop an acknowledgement system, provide behavior-specific praise, etc.) of explicitly defined and taught expected behavior
  - d. Minimize reinforcement of problem behavior
  - e. Use non-punitive/non-shaming strategies to correct and redirect student behavior
  - f. Take steps to neutralize implicit biases that contribute to subjective and disparate applications of positive vs. punitive behavioral approaches
  - g. Eliminate the use of policies and practices for discipline that are highly subjective or allow no discretion or judgment (i.e., zero tolerance policies)
  - h. Detect students in need of behavior support at the first sign of need
  - i. Address students' multiple needs (academic, behavior, social-emotional) simultaneously
4. School districts, administrators, and teachers maintain high expectations for student achievement across racial, cultural, economic, and other groups.
  5. In the event of exclusionary discipline, schools facilitate timely re-entry for students and work to implement targeted approaches to prevent recurrences of both the behavior and the resulting discipline (e.g., strengthen Tier I or provide rapid access to evidence-based Tier II or Tier III supports, restorative practices, brief or complex Functional Behavior Assessments, and Behavior Intervention Plans, etc.).

## **The Benefits of Equity in Discipline to Students, Schools and Communities**

### **Short- and Medium-Term:**

1. Increase in the perception and experience of fairness and safety by students and their families.
2. The reduction of actual problematic behaviors through the use of appropriate supports and interventions.
3. Reduction in subsequent suspensions.
4. Students increase social-emotional learning competencies and problem-solving skills.
5. Improvement in academic performance when students spend more time in class and in school in order to receive effective, differentiated instruction.
6. Improved student safety: school is the safest place for students to be during the day, where they receive structure, supervision and protection.



7. Overall student performance increases (school-wide) when the use of punitive/exclusionary discipline is decreased.
8. Teacher/staff satisfaction is increased when they have the skills, confidence, and information to address student behaviors appropriately and decrease the disruptions caused by students being excluded and then returning to school/class.

### Long-Term:

1. Increased achievement and graduation rates of students of color, students with disabilities, low-income and other student groups.
2. Reduced contact with the justice system due to reductions in suspensions of over-represented groups of students. (School-to-prison pipeline)
3. Improved health outcomes and reduced healthcare costs (educational attainment is a social determinant of health across the lifespan).

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