



Schoolhouse Rock or Jailhouse Rock?

The Path Toward Eliminating the Discipline Gap and the School-to-Prison Pipeline

“Most importantly, the school-to-prison pipeline is our own creation. Because we have grown it in the last 40 years, we can also dismantle it.” - Mizel et al.

Overview

Over the last 40-plus years, civil rights organizations and researchers have documented the uneven and inequitable discipline doled out to students of color (Losen et al., 2015; Mizel et al., 2016), with specific emphasis on Black students who disproportionately represent the harshest exclusionary disciplines applied to them: in-school and out-of-school suspensions. Several student internal and external factors have been identified such as economic disadvantage, academic preparedness (e.g. homework completion), attitudes toward academic achievement, delinquency, and to a lesser extent, drug/alcohol use that contribute to behavior that is deemed to require disciplinary action (Skiba et al., 2014, Mizel et al., 2016).

More recently, scholars have found the need to also track these disciplinary practices as applied to English language learners, and students with disabilities. Furthermore, principal office referrals that trigger trauma and while less researched, [principal attitudes toward zero-tolerance policies](#), can often lead to more suspensions and ultimately expulsions, which often leads directly from the schoolhouse to the jailhouse.

Finally, school-based structural issues such as implicit bias and uneven district-based discipline policies have negatively affected academic outcomes for Black students and students with disabilities.

For Delaware specific data see [Suspensions and expulsions | KIDS COUNT Data Center](#), and [Microsoft Word - tv_report16_final2.docx \(doe.k12.de.us, p.9\)](#).

Problem



Although Delaware adopted a statewide School Discipline Improvement Program (SDIP) in 2018, the annual data presented to the Delaware Department of Education for reduction of exclusionary discipline as it relates to student achievement is reported at the district/charter and school levels without robust monitoring leaving too broad a basis from which to both apply and report exclusionary discipline practices.

State-wide Suspension and Expulsion Rates

	Demographic	Enrollment		Out-of-School Suspensions		In-School Suspensions		Out-of-School Suspensions – CDAP		Expulsions	
		Students	Rate	Students	Rate	Students	Rate	Students	Rate	Students	Rate
All Students											
	All Students	147557	100	8876	6.02	7406	5.02	117	0.08	25	0.02
Gender	Female	71646	48.55	2972	4.15	2423	3.38	46	0.06	6	0.01
	Male	75922	51.45	5904	7.78	4983	6.56	71	0.09	19	0.03
Race/Ethnicity	African American	45227	30.65	5196	11.49	3703	8.19	74	0.16	17	0.04
	Native American	623	0.42	32	5.14	28	4.49	<5	<0.80	<5	<0.80
	Asian American	6243	4.23	59	0.95	56	0.9	<5	<0.08		
	Native Hawaiian/ Pacific Islander	201	0.14	8	3.98	5	2.49				
	Hispanic/Latino(a)	26947	18.26	11.04	4.1	1175	4.36	10	0.04	<5	<0.02
	White	62154	42.12	2014	3.24	2017	3.25	22	0.04	<5	<0.01
	Multi-Racial	6683	4.53	469	7.02	424	6.34	9	0.13		
Special Populations	Active EL Students	15295	10.37	461	3.01	551	3.6	<5	<0.03	<5	<0.03
	Students with Disabilities	28621	19.4	3088	10.79	2344	8.19	23	0.08	12	0.04
	Low-income	46186	31.3	4851	10.5	38.38	8.31	75	0.16	16	0.03

Source: State of Delaware Department of Education

Policy Solutions

Nationally, school districts and administrators have previously had guidance from the Rethink Discipline initiative [School Climate and Discipline \(ed.gov\)](#) outlining several ways to make schools more welcoming for all students and improve exclusionary discipline practices. However, the Obama administration's guidance was [rescinded](#) by the U.S. Department of Education in December of 2018. This decision was reached as a product of the Federal Commission on School Safety, led by Secretary of Education, Betsy DeVos. The commission stated in the "[Final Report of the Federal Commission on School Safety](#)" that rescinding the guidance would empower educators to address problem behaviors that create an unsafe learning environment. This concerned some advocates and policymakers, who feared the exacerbation of school discipline disparities, or an overreliance on zero-tolerance policies and exclusionary discipline. Though rescinding the guidance demonstrated the Trump administration's priority of transferring decision-making authority back to state and local governments, the provisions within Title VI remain unchanged, including the different and disparate treatment analyses.

States, therefore, should focus on eliminating as many behaviors as possible that qualify for both in-school and out-of-school exclusionary discipline:

State Policy Recommendation	
Address Implicit Bias	See The <i>2014 National Leadership Summit on School Discipline and Climate</i> https://safesupportivelearning.ed.gov/2014-summit
Limit exclusionary discipline to last resort	See Model Legislation below

Model Legislation

- **California (AB420)** K-12 students are prohibited from being expelled for disruption or defiance.
- **Arkansas (SB1147) and Rhode Island (S2542)** prohibit using out-of-school suspension for absenteeism.
- **Oregon (SB556) and North Carolina (Article 27, § 115C-390.1.)** prohibit the use of expulsion for absenteeism.
- **Nevada, New Mexico, and the District of Columbia** prohibit both suspension and expulsion for absenteeism.
- **Arkansas (Code § 6-18-516) and Delaware (SB85)** have committed ESSA requirements to statute. Additionally, Delaware's legislation requires schools with high out-of-school suspension rates, or significant discipline gaps between student groups for three consecutive years to review and address their discipline policies within their school improvement plan.

- The Every Student Succeeds Act (ESSA) of 2015 requires states to support school districts in [reducing the overuse of exclusionary discipline practices](#) that remove students from the classroom. State educational agencies described their plans to address this requirement in the [ESSA State Plan](#). States must also include [data related to school climate and discipline](#) in the annual state report card, including:
 - Measures of school quality, climate, and safety.
 - Rates of in-school suspensions, out-of-school suspensions, expulsions, school-related arrests, and referrals to law enforcement.
 - Rates of chronic absenteeism (including both excused and unexcused absences).
 - Incidences of violence, including bullying and harassment.

Additional Resources

[Fact Sheet: Preventing Racial Discrimination in Special Education](#)

González, T. (2015). Socializing schools: Addressing racial disparities in discipline through restorative justice. Thalia González, *Socializing Schools: Addressing Racial Disparities in Discipline Through Restorative Justice*, in *CLOSING THE SCHOOL DISCIPLINE GAP: EQUITABLE REMEDIES FOR EXCESSIVE EXCLUSION* (Daniel J. Losen ed., 2014).

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Gopalan, M., & Nelson, A. A. (2019). Understanding the Racial Discipline Gap in Schools. *AERA Open*, 5(2), 233285841984461. <https://doi.org/10.1177/2332858419844613>

Ksinan, A. J., et al. (2019). National ethnic and racial disparities in disciplinary practices: A contextual analysis in American secondary schools. *Journal of School Psychology*, 74, 106–125. <https://doi.org/10.1016/j.jsp.2019.05.003>

Losen, D., et al. (2015). *ARE WE CLOSING THE SCHOOL DISCIPLINE GAP?* 58.

Mizel, M. L., et al. (2016). To educate or to incarcerate: Factors in disproportionality in school discipline. *Children and Youth Services Review*, 70, 102–111. <https://doi.org/10.1016/j.childyouth.2016.09.009>

Morris, E. W., & Perry, B. L. (2016). The Punishment Gap: School Suspension and Racial Disparities in Achievement. *Social Problems*, 63(1), 68–86. <https://doi.org/10.1093/socpro/spv026>

Riddle, T., & Sinclair, S. (2019). Racial disparities in school-based disciplinary actions are associated with county-level rates of racial bias. *Proceedings of the National Academy of Sciences*, 116(17), 8255–8260. <https://www.pnas.org/content/116/17/8255.short>

Skiba, R. J., Arredondo, M. I., & Williams, N. T. (2014). More than a metaphor: The contribution of exclusionary discipline to a school-to-prison pipeline. *Equity & Excellence in Education*, 47(4), 546–564. <https://doi.org/10.1080/10665684.2014.958965>

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