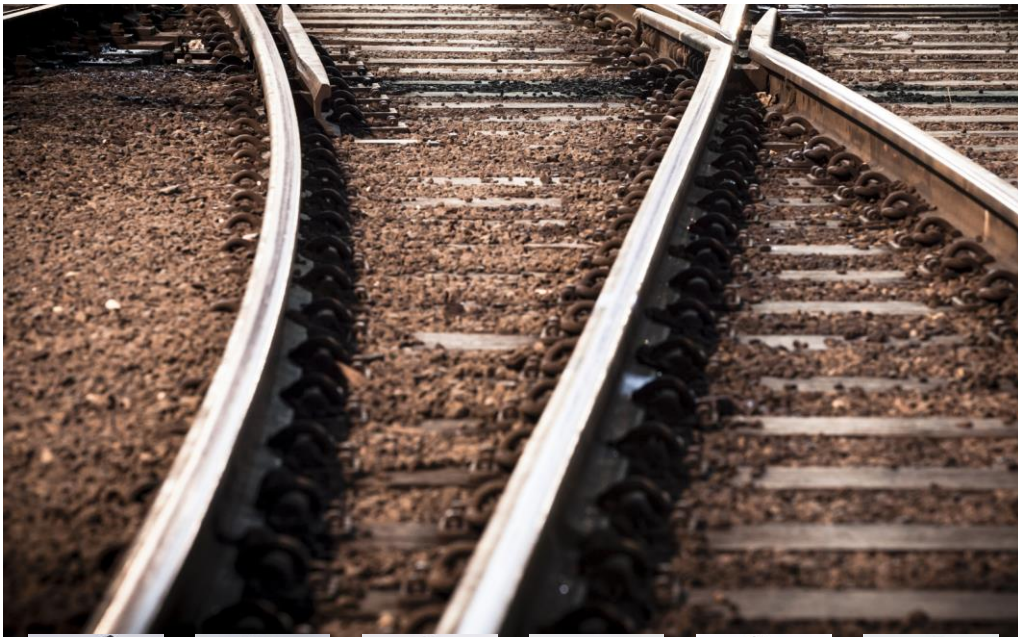


Getting Back On Track Syracuse Report on Student Discipline Practices



**By
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Introduction: Why Syracuse? Why Discipline?

In April, 2013 the Center for Civil Rights Remedies released a report on middle school suspension rates, including data on many districts' suspension use that the public found shocking. Many of these districts' superintendents and school boards acknowledged that their suspension rates were unacceptably high. Superintendent Contreras was among them. That same April, the Superintendent inquired about possible assistance in addressing the issue. The evidence suggests that suspension levels have been extraordinarily high in Syracuse for many years, at least since 2000 and may have contributed to a legacy of poor educational outcomes in the past.¹ This report is focused on the most recent data, and is a more detailed follow-up to the independent work and presentation provided to Syracuse City School District on September 30, 2013 to the district's School Board and greater school community.¹

It is important to put the new efforts in Syracuse in the national context. Concerned with new research findings by the Council of State Governments Justice Center in 2011, the Obama administration launched a national initiative called the Supportive School Discipline Initiative. As part of the SSDI, the U.S. Departments of Justice and Education put together guidance for schools about the civil rights implications of school discipline disparities, which they released on January 8, 2014.² In this joint DOJ/OCR guidance they outline how school districts are obligated to review their school discipline policies and practices for unnecessary reliance on school exclusion and the possibility that their disciplinary policies and practices could have an unlawful disparate impact by race, gender, disability status or English learner status. The official legal guidance was issued in the form of a "Dear Colleague" letter, and was accompanied by a wealth of resources including a set of guiding principles for schools and districts contemplating reforms and a set of resources to draw from.

This report builds on data analysis completed in September, and is intended to provide a deeper description of the use of suspensions in Syracuse. The empirical analysis in this report and recommendations that follow are presented with the new OCR/DOJ guidance, principles, federal recommendations and resources for school districts in mind. Further, the analysis of the districts' discipline data is presented in the context of what the latest research says about the frequent use of out-of-school suspensions. (Skiba, 2014). It

¹ For the years 2000 and 2006 there are Syracuse data disaggregated for K-12 by race/ethnicity on the U.S. Department of Education's website here: http://ocrdata.ed.gov/flex/Reports.aspx?type=district#/action%3DaddSearchParams%26tbSearchSchool%3DSyracuse%26tbSearchCity%3DSyracuse%26ddlSearchState%3DNY%26btnSearchParams%3DSearch%26cblYears_0%3D1%26cblYears_1%3D1%26cblYears_2%3D1. These data show that in 2000 Syracuse suspended 19.27 percent of all Black students enrolled and 8.8% of all White students enrolled. These older numbers did not include the short-term suspensions of students with disabilities which are usually much higher than students without disabilities and therefore the high rates and large disparities described using more recent data are similar to the observed rates and disparities as far back as 2000.

should be noted that the research cited in this report reflects the findings and recent publications of the Disparities in Discipline Research Collaborative. I am a member of this national collaborative and one of the lead authors of the brief regarding discipline policy.³ Further, although this report was prepared independently from my work as Director of the Center for Civil Rights Remedies at UCLA's Civil Rights Project, the analysis and findings draws repeatedly on the empirical and legal research I have conducted as CCRR's Director.

Context of change in Syracuse: In the time between this final report and my presentation of the data last September, the Superintendent of Schools, Sharon L. Contreras has taken several important steps to address the frequency and disparity with which the district suspends students out of school including, but not limited to:

- setting forth the review and revision of the district's code of conduct;
- retaining professional student advocates for students who are involved in the superintendent hearing process;
- implementing a central student registration process that manages the process for student entry and withdrawal such that there are no student transfers allowed for student behavior that are inconsistent with N.Y. Education Law §3214;
- providing administrators with training opportunities with district legal counsel on N.Y. Education Law §3214, Title VI of the Civil Rights Act of 1964, and the Individuals with Disabilities Education Act (IDEA);
- providing wrap-around services to students

In addition to these steps, the District has committed to the implementation of the recommendations of this report with regard to additional changes to policies and practices and use of resources to address the issue. Moreover, the ongoing cooperation with investigation of the State Attorney General's office with regard to the need to address discipline disparities is also an important activity toward improvements. Therefore, the purpose of this report is to further assist the process of change that is already underway and to help the members of the school community to improve the conditions of learning in the Syracuse Public Schools such that achievement, attendance, and graduation rate improvements coincide with the reductions in exclusionary discipline. Ultimately, that goal will entail administrators, teachers, parents and students all working together to agree upon new methods to achieving these goals.

As a background matter, it is important to recognize that academically, the Syracuse Public Schools, according to the New York State report cards, are performing below the state average.⁴ Syracuse Public Schools are currently struggling to turn around low achievement, low attendance, and low graduation rates. What many do not realize is that Syracuse is also among the nation's districts that suspend far more students out of school than most others.

In fact, the suspension rate for all students in elementary school, at nearly one in 8 students each year, (12.6%) places Syracuse Schools as among the top 100 school districts in the nation out of nearly 5,800 school districts analyzed.⁵ This means that while the district is looking for ways to boost achievement, Syracuse students are losing

valuable instructional time for poor behavior. At the same time, it should be noted that as the district suspends misbehaving students with a high frequency, and has done so for many years, school environments appear no less disruptive in response. Consistent with well-established research findings, the frequent use of suspension in Syracuse appears to not to have the desired impact of improving learning conditions and reducing inappropriate behavior.

It is essential to keep in mind that the challenges with regard to school discipline are rooted in concern about the academic and life outcomes shared by all members of the school community. Some members feel that the schools are too tolerant of student misbehavior, and blame the poor learning environment and low academic performance on lax discipline and the failure to utilize suspension and expulsion more often. This observation is based on documentation through news reports and corresponding comments expressed on-line. Some of these comments were expressed by union leadership. Further, it has been brought to my attention that since my report to the community in September of 2013, that one or more groups have formed within the Syracuse Community to advocate against reductions in the use of exclusionary disciplinary practices. Some hold fast to a belief that far more students should be excluded from the mainstream on disciplinary grounds even though the national data finds the Syracuse City School District on the extreme high end of the spectrum when it comes to disciplinary exclusion. Based on research that demonstrates that a highly punitive approach is counterproductive, it is far more likely that the current harsh disciplinary methods and practices are undermining rather than helping to achieve the shared behavioral and academic goals. With the intent of helping the Syracuse City School District get back on track toward meeting the important outcomes that all stakeholders value, this report presents data and research pertaining to school discipline in 3 parts.

Part I sets the national context, both the growing research-based consensus and the empirical trends. As mentioned suspension rates in Syracuse are far higher than the national averages, but these national averages are regarded as highly problematic in and of themselves. Part I briefly reviews the current use of suspension and references the growing concerns among educators that nationally, we need to resort back to a more common sense and conservative approach to the use of suspensions.

Part II is primarily descriptive and digs deep into the data from Syracuse Public Schools that were presented in September. School level data are presented to illustrate how the broad district disparities appear at the school level. Part II also suggests some possible contributing factors based on research.

Part III sets forth research-based policy recommendations for the district moving forward. Some of the recommendations reflect some of the data patterns found in Syracuse. Others reflect the latest research on what works. The recommendations in this report are entirely consistent with the set of principles for policymakers, district officials, school leaders and stakeholders that the U.S. Department of Education has set forth which as follows:

- (1) Create positive climates and focus on prevention
- (2) Develop clear, appropriate and consistent expectations and consequences to address disruptive student behaviors; and
- (3) Ensure fairness, equity and continuous improvement.⁶

Part I: The National Context:

There is a consensus among educators, researchers, policymakers and child advocates that all schools must be safe places for all members of the learning community. Schools have the right and the responsibility to develop safe school climates. Yet the national data indicate that it is relatively rare for students to pose a serious danger to themselves or others. In states like Texas, serious safety concerns trigger a “non-discretionary” mandatory removal, but these represent less than 5% of all disciplinary removals from school.⁷ While exclusion on safety grounds is infrequent, students are routinely removed from school for minor offenses like tardiness, truancy, using foul language, disruption, and violation of the dress code. As this report will show, Syracuse data are consistent with these national findings.

Of course public school educators are also responsible for ensuring the integrity of the learning environment and must respond to a wide range of misbehavior that does not raise safety concerns. There is no question that there are circumstances where removing a student from a classroom is helpful to de-escalate a conflict, or to pursue an intervention outside the classroom with the support of an administrator, a counselor, parent(s) or community members. However, like the national data, the use of suspensions in Syracuse indicates that the district has moved away from reserving school exclusion for only the most serious offenses, and as a measure of last resort.

Researchers find that schools that reduce their suspension rates can simultaneously improve academic outcomes: One oft-repeated justification for frequent suspensions is that schools must be able to remove the “bad” students so that “good” students can learn. The comments to articles about suspensions in Syracuse suggest that this sentiment is shared by at least some members of the larger school community.⁸ There are obvious immediate benefits to minimizing disruption by keeping out persistently disruptive youth. However there is a substantial difference between removing a disruptive student from class, as an immediate response, and suspending a student out of school for several days. While there are certainly ways to minimize the likelihood that students will disrupt a class, short-term temporary removals are not the same as removing students from school altogether. There is no research to support the popular theory when it is taken to mean exclusion from school.

One problem with this theory about needing to remove the “bad” kids is that it implies that public schools can pick and choose who may attend. Further, the theory fails to acknowledge that the ways schools are run affects the degree to which students misbehave. Often, student misbehavior is attributed exclusively to students themselves, but researchers know the same student can behave very differently in different classrooms. Disruptions tend to increase or decrease with the skill of the teacher in

providing engaging instruction and in managing the classroom—areas many teachers say they would like help improving. For example, in a national survey of pre-K through 12th grade teachers, respondents identified their greatest needs as help with classroom management and instructional skills.⁹

Researchers also find a strong connection between effective classroom management and improved educational outcomes. And these skills can be learned and developed.¹⁰ According to the American Psychological Association: “When applied correctly, effective classroom management principles can work across all subject areas and all developmental levels.... They can be expected to promote students’ self-regulation, reduce the incidence of misbehavior, and increase student productivity.”¹¹ The Academy of American Pediatrics’ (2013) recent statement put it bluntly when they concluded, “out-of-school suspension and expulsion are counterproductive to the intended goals, rarely if ever are necessary, and should not be considered as appropriate discipline in any but the most extreme and dangerous circumstances, as determined on an individual basis rather than as a blanket policy.”¹² Research also suggests an inverse relationship between student misbehavior and a teacher’s ability to engage students.¹³ As engagement goes up, misbehavior and suspensions tend to go down.

Equally important is that the theory behind removing the “bad apples” to safeguard the learning environment has no support in research on public schools. When public schools serving similar populations were compared across the state of Indiana, and poverty was controlled for, those schools with relatively low suspension rates had higher, not lower test scores (Skiba, 2006). This Indiana study found that the approach and the attitude of the principal mattered more than demographics for predicting suspension rates as well as racial disproportionality in the use of suspension (Skiba, 2013).¹⁴ Similarly, a larger study, called “Breaking Schools Rules” (Fabelo, 2011) tracked every middle school student in Texas and controlled for over 80 variables, including student misbehavior, and found that the higher-suspending schools tended to have higher grade retention and lower graduation rates, while producing no benefits in terms of test scores.

Moreover, several large school districts that have lowered suspension rates recently have made academic gains. Two recent examples are Baltimore City, where decreases in suspensions preceded improvements in graduation rates in subsequent years,¹⁵ and in Denver, Colorado, where steady and consistent achievement gains coincided with large reductions in suspensions attributed to restorative practices.¹⁶

Although it is understandable why frustrated members of the school community might embrace school exclusion, the most obvious flaw is that this approach fails to recognize the combined detrimental effect of missing valuable instructional time while gaining no guarantee that the behavioral issues will be addressed. Researchers have suggested that out-of-school suspensions likely reinforce the very behavior they are meant to eliminate (Tobin, Sugai & Colvin, 1996).

Frequent use of suspensions can damage school climate and the conditions for learning: In addition to preserving instructional time, low-suspending schools tend to have better academic performance by establishing positive school climates and cultures that increase student productivity. Schools with high suspension rates have lower levels of student engagement and trust.¹⁷ Strong teacher-student and teacher-parent relationships are important to academic achievement as well as safety.¹⁸ It is critically important,

therefore, that policymakers understand the negative social and academic implications of relying on suspensions to manage behavior.

Frequent suspensions increase dropout risks and juvenile justice involvement, and severely impair our economy: The potential impact from being suspended, even once, can be devastating. For example, a Johns Hopkins study tracking all ninth graders throughout high school and post-graduation in Florida found that being suspended just one time in grade 9 was associated with an increased risk for dropping out from 16% to 32% (Balfanz, 2013). In Texas, the aforementioned study that tracked middle school students for six years found that being removed on disciplinary grounds for a discretionary violation increased by nearly three times the likelihood of being in contact with the juvenile justice system the following year (Fabelo, 2011).

Excessive discipline is also associated with higher economic costs to the schools and communities in the short- and long-term. For example research has found suspension to be associated with increased risk for grade retention, which literally means that taxpayers must pay for an additional year of schooling. The juvenile justice system costs escalate with its use, and taxpayers foot the bill for the costs associated with increases in crime and welfare costs associated with school dropout.¹⁹

Although this report did not include a comprehensive review of juvenile delinquency, or associated costs specific to Syracuse, there is no question that suspension rates are high in Syracuse, which means that the associated costs are likely higher here than they need to be. It is worth mentioning that one national longitudinal study (Shollenberger, 2013) suggests that for most delinquent youth, and especially Black and Latino boys, suspensions usually preceded indicators of serious delinquent behavior. Simply put, schools that frequently resort to suspension and expulsion of youth may inadvertently be increasing crime in the community. In fact, this is one reason that the national crime prevention group, “Fight Crime: Invest in Kids,” representing over 5,000 law enforcement agents from across the nation has consistently sought to reduce the reliance on exclusion from school, especially for minor offenses.²⁰²¹

For these and related reasons, the national teachers unions, the NEA and the AFT have supported a reduction in the use of out-of-school suspensions and expulsions in favor of alternatives such as restorative practices and social emotional learning.²² Nationally, divergent stakeholders, including law enforcement, school administrators, researchers and civil rights advocates are embracing the call to reduce suspensions and to replace them with a wide range of more effective approaches. Ideally, stakeholder consensus can be built in Syracuse as well.

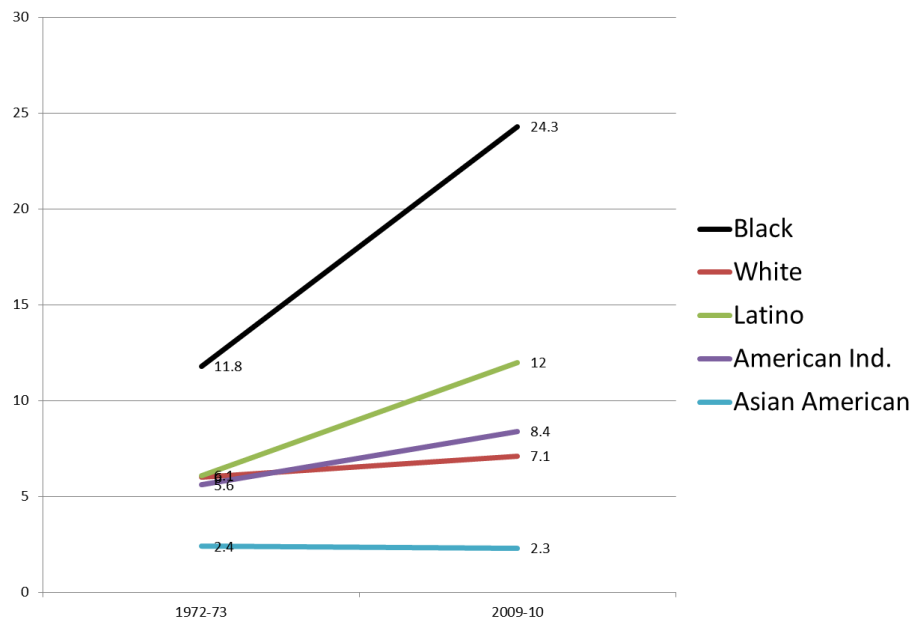
Methods: This report uses the same basic “risk” calculation for most of the analysis presented. The risk analysis is a straightforward calculation that tells you what percentage of the enrollment of a racial group was found in a certain category. For example, if 10 Black students were suspended out of school at least once in a given year and the school enrolled 100 Black students in all, the “risk” for a Black student being suspended would be 10 percent of their enrollment. In several places the risks of suspension or rate of student suspension for one group are compared to others in terms of

the risk difference or gap. That is based on simple subtraction. If the risk for Blacks was 10% and for Whites it was 5% then the risk “gap” or “difference” would be 5 percentage points.

These simple calculations are not only informative, but anyone can do the calculations if they have the relevant enrollment data and the numbers of students in the given category. These calculations can be based on the enrollment at the level of the district, individual school or grade, or by type of school across the district. Later in the report the number of suspensions per 100 students is also presented. The key difference is that the “risk” for suspension is based on counts of students who were suspended at least once. For this reason the phrase *student* suspension rate is also used. Conversely, suspensions per 100 students enrolled, sometimes called the rate of *suspensions*, counts the actual suspensions meted out, not the unduplicated number of students. Another way to keep the two measures clear is that the “risk” for suspension emphasizes how many students were punished. The rate of suspensions per 100 tells us how often suspensions are used. Additional metrics besides these two are used, but will be explained in the context of the analysis. The following empirical analysis begins with the most straightforward data review of the national discipline data and the “risk” for suspension.

Disparities have widened dramatically: Across the nation, in just one year—2009-10—nearly one out of every four Black students in middle and high school was suspended at least one time. Current rates reflect a steady rise since the early 1970s when the number of students suspended was about half of what it is today.¹⁹ The percentage of students who received at least one suspension (also called the “risk” for suspension) has increased most dramatically for historically disadvantaged subgroups, resulting in a widening of the discipline gap.²⁰ The figure below, based on data collected by the U.S. Department of Education, provides the historical perspective at the level of secondary schools (middle and high schools) where the rise in the use of suspensions has been most pronounced. (Losen & Martinez, 2013).

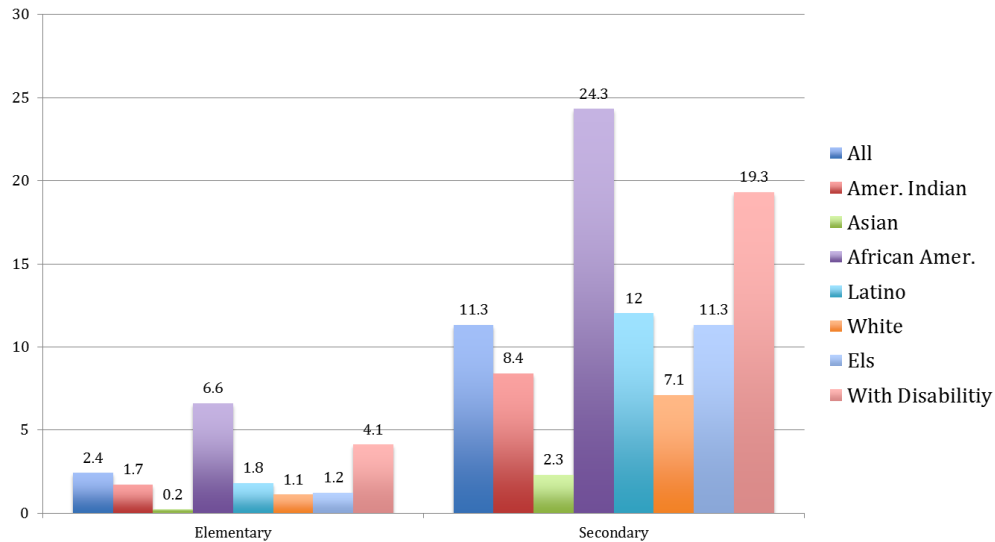
Secondary Suspension Rates: Then and Now



National Elementary and Secondary Rates

Many communities don't know just how often students are removed from school: Most parents, school board members, and policymakers do not realize just how often our public schools suspend students, because most states do not publish this information on an annual basis as they do test scores and graduation rates.¹⁴ While approximately 5% of students are suspended during a given year, longitudinal research indicates that between one-third and one-half of students experience at least one suspension at some point between kindergarten and twelfth grade, with the aforementioned study of Texas students reporting 60% removal rates during middle and high school.¹⁵ The risk for suspension is usually much larger during the secondary school years (middle and high school). The graph that follows shows the breakdown by race at the elementary versus the secondary levels. Keep in mind that this is just snapshot from one year (2009-10) and doesn't capture the cumulative risk for being suspended.

National Data (2009-10) Show Suspension Rates at the Secondary Level are Typically 4 to 10 Times Higher Than Elementary Level



Nationally, students with disabilities are supposed to receive special education, which includes individualized supports and services, including behavioral supports if needed, to help them succeed in school. Yet, nationally their out-of-school suspension rates for grades K-12 are at least twice as high as their nondisabled peers. (Losen & Gillespie, 2012). Across this grade span in 2011-12 the rates are much higher for students with disabilities who are Black and male, with one out of every five having been suspended at least once.

Table 1: National (K-12) suspension risk by race, disability and gender 2011-12.

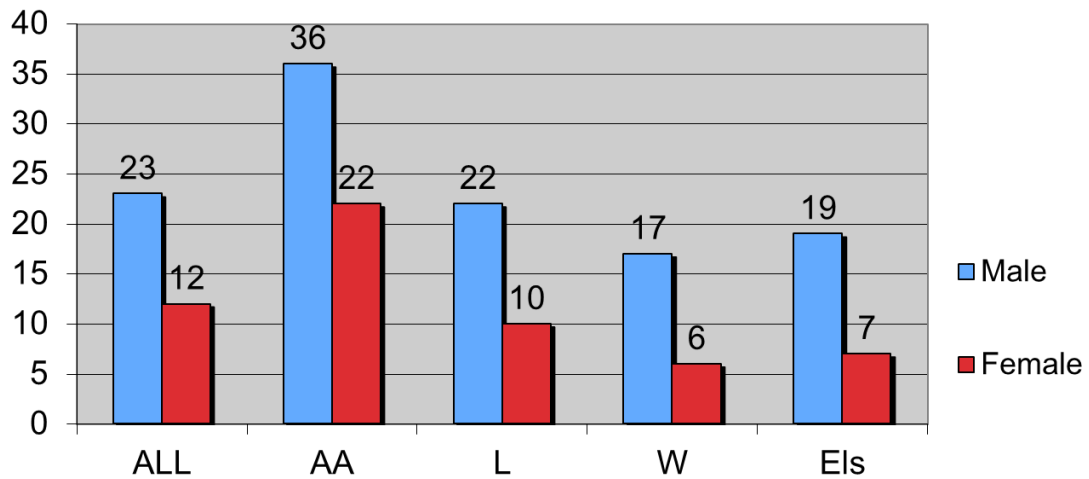
U.S.	American Indian/ Alaskan Native	Asian	Native Hawaiian/ Other Pacific Islander	Black/ African American	Latino	White
Male	13%	3%	7%	20%	9%	6%
Female	7%	1%	3%	12%	4%	2%

(Source: Tables 1-A. and 1-B. U.S. Department of Education Office for Civil Rights Data Collection: Data Snapshot (School Discipline) March 2014).

When we look at the intersection of race, disability, and the gender at the secondary level, we find that 24% of Black secondary students, 31% of Black secondary school students with disabilities, and 36% of Black secondary school males with disabilities were suspended from school in 2009-2010 ([Losen & Martinez, 2013](#)).

Suspension Rise Dramatically with the Intersection of Race with Disability and English Learner Status and Gender

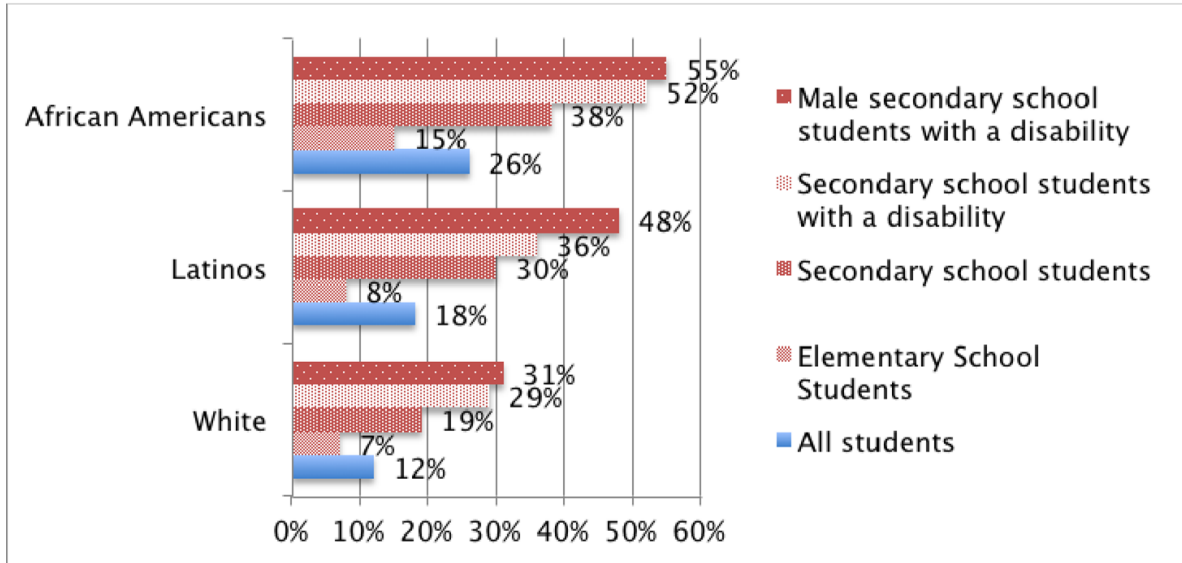
**National: Students With Disabilities Secondary Level
Suspension Risk**



Part II: The Use of Suspensions in Syracuse

Syracuse Profile 2009-2010

Risk for Suspension at the Elementary and Secondary Levels by Selected Subgroups



The profile of Syracuse City Schools was originally published in the report, “Out of School and Off Track.” The Syracuse profile was not featured in the report itself but was one of twenty profiled districts included in the appendix of the report. Although it is clear that these rates are higher than the national average, the report did not provide a detailed comparison. In fact, the suspension rates depicted in the table below shows that Syracuse is well above the national averages for every subgroup.

Syracuse Suspension Rates Are Above the National Average

Secondary Schools	National Average	Syracuse	Difference
ALL	11.3	30.8	+19.5
White	7.1	19.1	+12
Black	24.3	38.2	+13.9
Hispanic	12	29.5	+17.5
English Learners	11.3	15.2	+3.9
All Students with Disabilities	19.3	44.1	+24.8

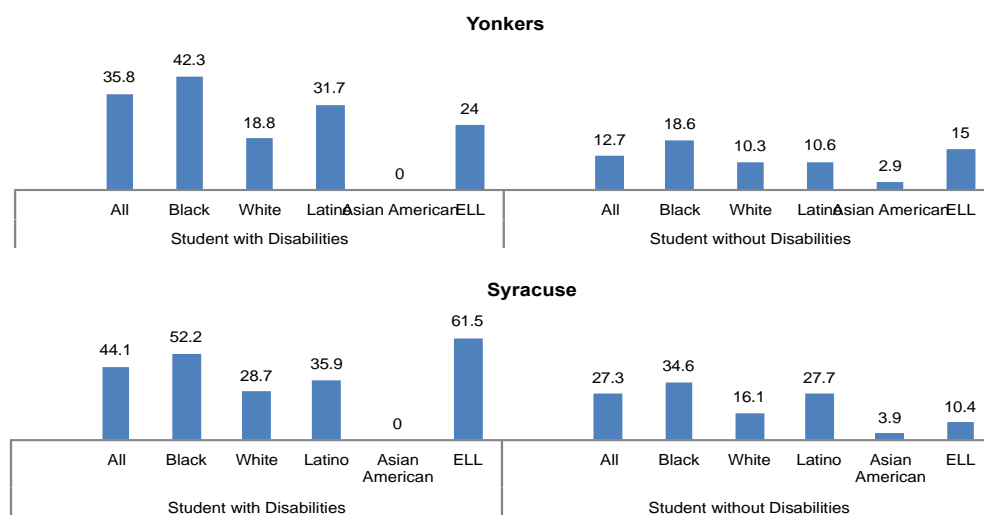
As mentioned in the introduction, Syracuse City was among the highest suspending districts in the nation. One may regard these rates as “extraordinarily high” because out of 5,675 school districts that had elementary schools, the overall suspension rates in Syracuse places the district among the top 100. Rankings are purely relative and are presented in this report to put the Syracuse numbers in perspective and to raise doubts in the minds of those who think that any reduction will make Syracuse schools far too lenient.

To make the comparison of Syracuse more meaningful, data for nearly 7,000 school districts from the 2009-10 school year were digested to select 32 districts with similar numbers of Black students and where Black students made up a similar proportion of the total enrollment. Among these 32 demographically similar districts I found that Syracuse’s suspension rates ranked as follows:

- 8th highest for Black and Asian students.
- 4th highest for White students
- 6th highest for students with disabilities
- 3rd highest for Latino students
- 5th highest overall

To illustrate the comparison to similar districts graphically the following example was presented in September. The graph below compares suspension rates in Syracuse to those in Yonkers, New York. Yonkers was chosen because of the 32 used above it had a similar demographic make-up to Syracuse and is subject to the same State laws and regulations.

Syracuse VS. Yonkers Secondary Schools 2009-10

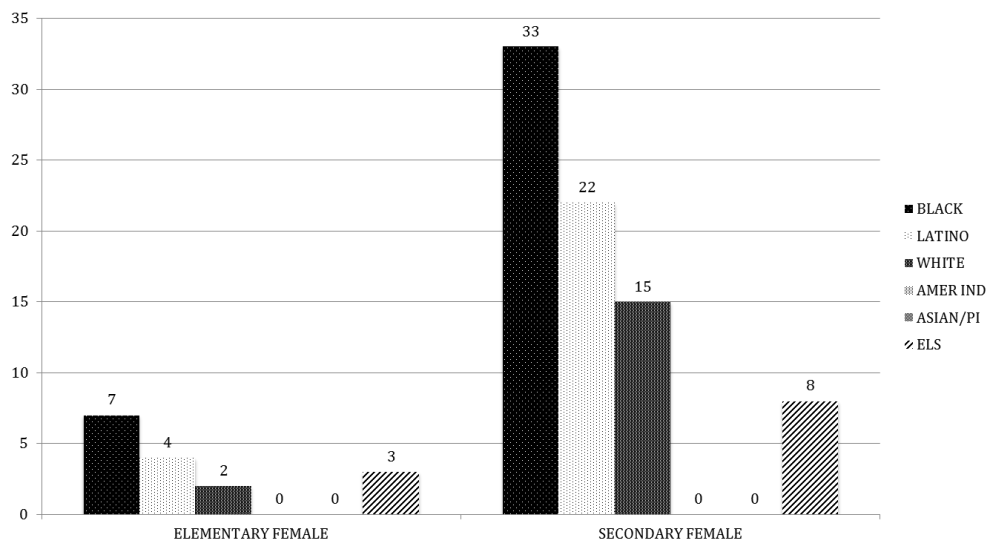


It is worth noting that both districts suspended students at high rates, and both districts suspended far higher numbers of students with disabilities within the same racial group (except for Asian American students). Two striking differences are that: 1) Syracuse suspended substantially higher rates of nearly every subgroup, often as much as 10 percentage points higher; and 2) English learners with disabilities were suspended at such high rates.

These comparisons to demographically similar districts suggest that barring obstacles to reform that are unique to Syracuse, reducing suspension rates in Syracuse is likely an achievable goal. Toward achieving that goal, it is more important to understand the suspension use patterns within the school district.

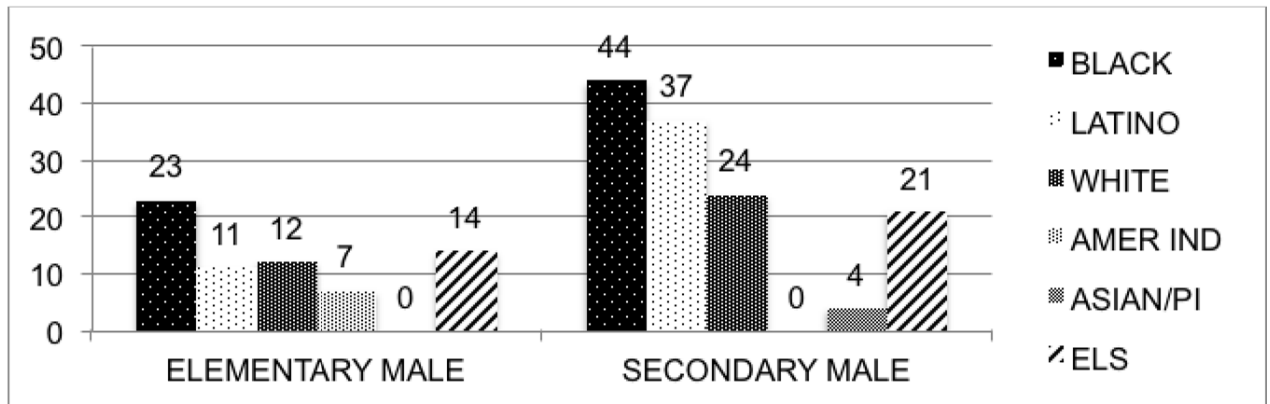
Often overlooked in state and national reports is the analysis of certain race/gender combinations. These tend to reveal that the most profound differences in suspension rates are found in the cross sections of race and gender.

Percentage of Enrolled Syracuse Subgroup Suspended at Least Once by Race and English Learner Status for Females by School Level

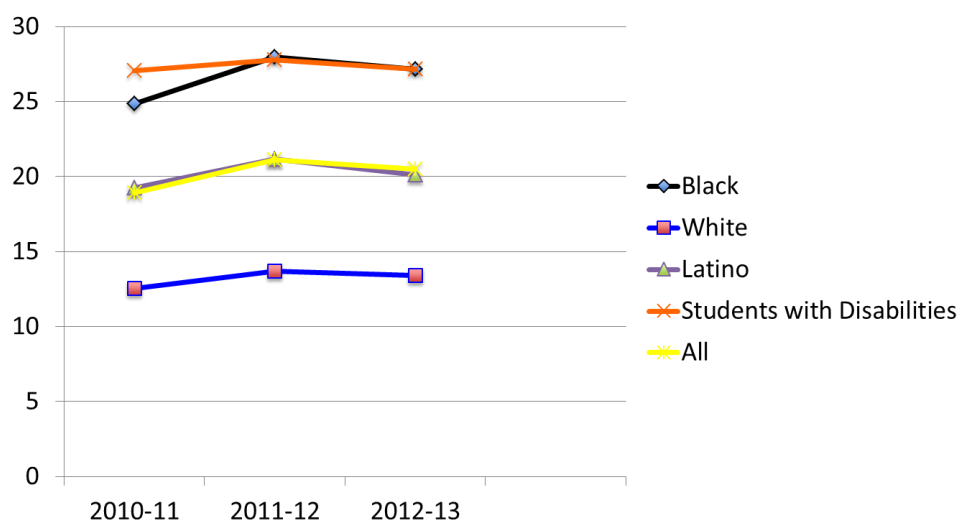


The presentation of race/gender data begins with females because the high frequency with which we suspend girls in some racial groups sometimes gets overlooked when we focus on the highest suspended group. Notice, for example that one out of every three Black females at the secondary level were suspended at least once, making them the 3rd highest subgroup in terms of their risk for suspension, with only Black and Latino males at the secondary level having higher rates.

Percentage of Enrolled Syracuse Subgroup Suspended at Least Once by Race and English Learner Status (ELS) for Males by School Level



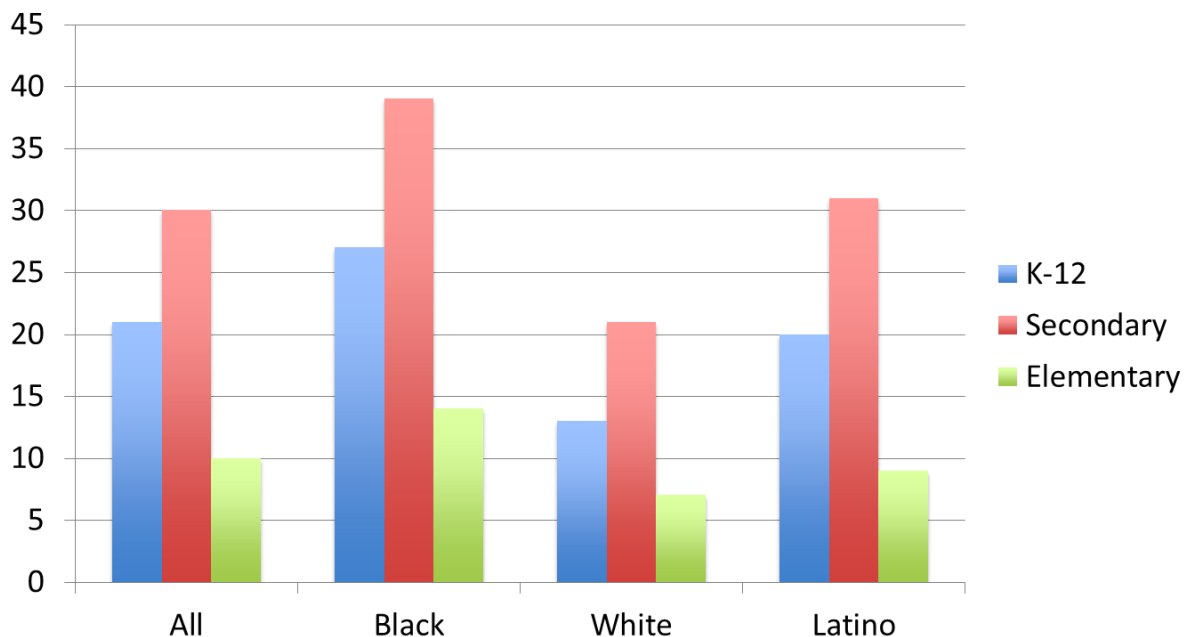
Rates in Syracuse Remain High and Have Increased Since 2009-10



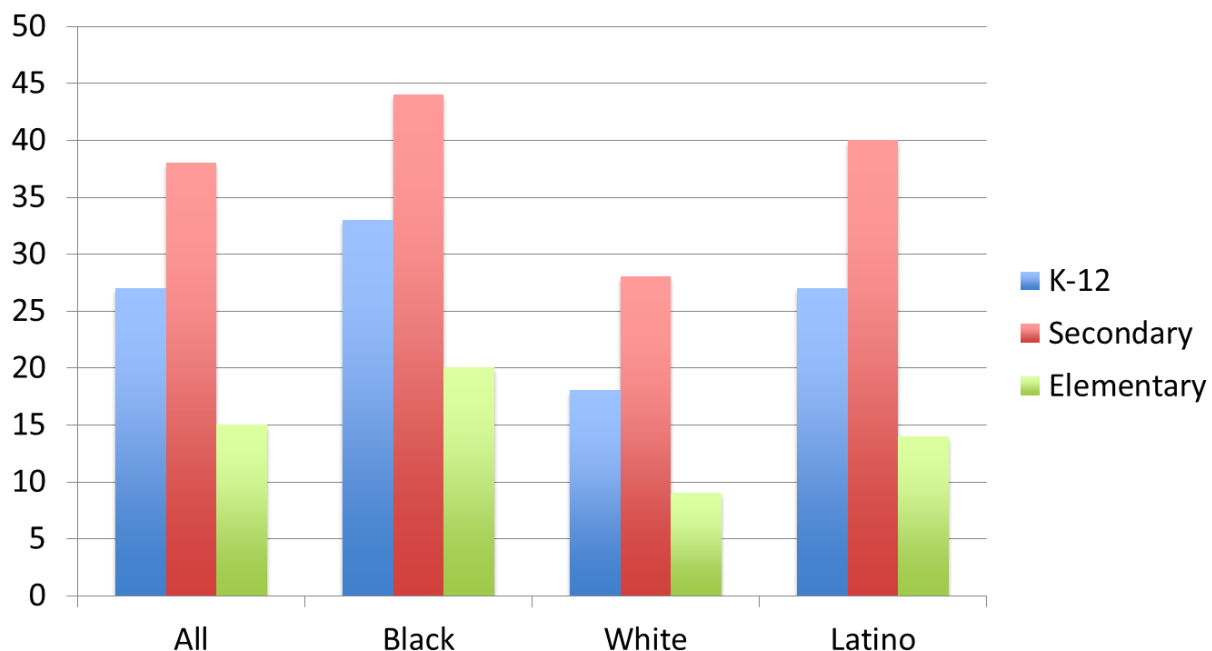
Up until this point this report has relied on analysis of data from 2009-10 academic year. With the assistance of Syracuse City Schools' personnel, a more current and detailed review of data disparities was made possible. To begin with, the most current data indicate that suspension rates have been rising slightly since 2009-10. Although not represented in the figure above, the rates in 2009-10 were all within one percentage point of the rates for 2010-11. This important background information indicates that despite Superintendent Contreras' efforts, little has changed with regard to the use of suspensions in Syracuse City Schools over the last 4 consecutive years. This stable data picture also presents a fairly reliable benchmark against which the district's future efforts to reduce suspensions and disparities can be measured.

The stability is also found with regard to the size of the racial disparities and the suspension rates at the elementary, middle and high school levels. The next graph presents these disparities using the most recent data from 2012-13 and like the overall trends, indicates that very little has changed. All the descriptions from this point are based on the 2012-13 school year.

Syracuse Disparate Rates of Suspension (All Students) 2012-13



Syracuse Disparate Rates of Suspension (Students With Disabilities) 2012-13



These district averages provide a limited snapshot. To better understand the use of suspensions in Syracuse this report looked at individual school level data; data on the reasons for suspensions and calculations of the days of lost instruction; and, data that enable the analysis to control for differences in student level poverty. The kind of deeper analysis that follows will be important to replicate in the future to gain a complete understanding of the use of suspensions in Syracuse, the disparate impact, for identifying areas of greatest need for reform, as well as to document success. As a side note, many large districts have tremendous variation in the use of suspensions. In Los Angeles, for example, we found both the greatest number of high-suspending middle schools, where 25% or more of at least one subgroup was suspended - but also the greatest number of low-suspending secondary schools, where the suspension rates were less than 10% for all subgroups. (Losen & Martinez, 2013). These variations sometimes result from dramatically different approaches to school discipline within the same district. The analysis of school level data in Syracuse did find important variations; however, there were no schools that could be fairly characterized as low-suspending.

In fact, nearly all the schools in Syracuse would be considered high-suspending if these same national comparison benchmarks for secondary school were used. Specifically, in 2012-13, I found the following:

- In 10 Syracuse schools, 25% or more of all the enrolled secondary students were suspended at least once.
- 15 of the 17 Syracuse City School serving secondary students suspended at least 25% of one major subgroup (race, gender, disability)
- Of these 4 secondary schools suspended at least one subgroup at a rate of 50% or more.
- Syracuse had 6 schools serving elementary students where the rate of suspension was below 10% for every major subgroup.
- However, that 10% threshold was exceeded by every school in Syracuse when the subgroups were further disaggregated to look at the rates by the cross-section of race with disability

In Syracuse it's simply a myth that just a few kids are disruptive and so the solution cannot be to focus on a small subset of students. If "getting tough" on misbehavior means doling out harsh consequences and frequently removing rule breakers from school, then Syracuse is among the most consistent and toughest districts in the nation, especially for elementary school children. More than one in seven elementary and nearly 4 out of every 10 middle school kids were suspended out of school at least one time. Given that some research suggests that suspending non-delinquent children from elementary school might promote delinquency (Shollenberger, 2014), Syracuse should focus on reducing the use of suspensions in elementary schools. This will be discussed further in the recommendations section.

The volume of suspensions also matters: The facts analyzed thus far don't actually capture the full magnitude of suspension use in Syracuse because we have only analyzed the numbers of students suspended at least once. We have not counted the number of suspensions. Counting suspensions, and their length, is a stronger indicator of the impact of suspensions. If we know the number of suspensions and their length we can better assess the direct impact.

Days of Lost Instruction: In the first part of this report a reference was made to the fact that out-of-school suspensions often have hidden costs. One obvious cost is that suspended students lose days of instruction. The cumulative loss in Syracuse, for example, was 23,555 days in 2012-13 alone. With the district's data and assistance we were able to further specify the racially disparate impact of days of lost instruction. Here are the numbers for average days of lost instruction per enrolled student:

All: 1.2

White: 0.76

Latino: 1.08

Black: 1.64

Asian/PI: 1.08

Amer. Ind. 0.7

Over the course of a K-12 education, the average Black student enrolled in Syracuse will lose 21.32 days of instruction. That is a per-pupil average. These average per-student days of lost instruction are not to be confused with the how much time each suspended student loses. Many students are never suspended and lose no instruction. Therefore the average loss of instruction per student actually suspended would be far higher.

Suspensions per 100 Students Enrolled: Often readers assume that the discussion of suspension rates did not account for the fact that a few unruly students can wind up getting suspended multiple times and drive up the rates. This is a common misconception by readers who are shocked by the data. The rates below are higher than those examined thus far because up until this point the analysis was of students who received one *or more* suspensions. Below are the far higher counts of suspensions per 100 students. In Syracuse suspensions per 100 are typically three to four times higher than the student suspension rates.

Suspensions (K-12) Per 100 Students Enrolled 2012-2013

Race Ethnicity	Without Disabilities	With Disabilities
Asian/Pacific Islander	4.1	16.1
Black	64.2	104.9
Latino	44	75.8
American Indian	40.6	21.5
White	31.2	57
ALL	47.1	84.1

In Syracuse, in the 2012-13 academic year, the district meted out 47 suspensions for every 100 students without disabilities enrolled, K-12. This number nearly doubled to 84 per 100 suspensions meted out to students with disabilities.

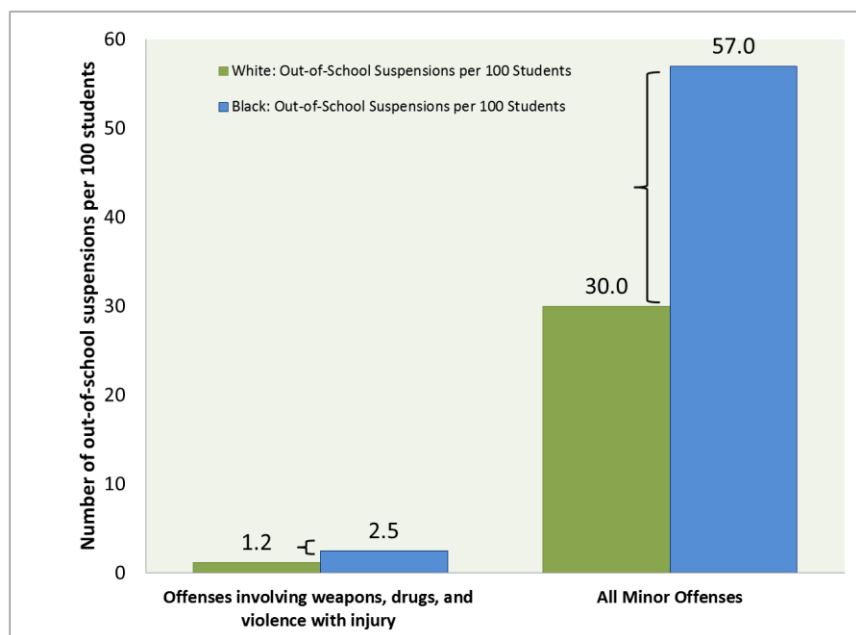
At this point, it is worth reiterating that the American Psychological Association, Academy of American Pediatrics, the National Association of School Psychologists, and the National School Boards Association, all say we need to return to using suspensions as measures of last resort.

With so many suspensions meted out each year, could suspensions in Syracuse only reflect measures of last resort? Most do not argue about the use of disciplinary removal in response to weapons and drugs possession and to serious violent offenses. Many in the general public believe that schools only resort to suspension from school in response to serious offenses. Although there is insufficient national data, extensive data from large states including California and Texas suggest that serious offenses are relatively rare and that out-of-school suspensions are meted out in response to minor offenses with higher frequency than any other category. Syracuse certainly follows that pattern.

Critically important to both understanding the issue in Syracuse and to designing a remedy is that the disparities by race and disability status are largest (in absolute terms) in the least serious offense categories and smallest in the most serious categories. One likely reason for greater disparities in the least serious categories is that most involve perception and subjectivity. For example, suspension for defiance, disruption or disobedience can be triggered by misunderstanding and miscommunication. Subjectivity means that what one teacher may label serious disrespect or a gang sign, another may dismiss as a harmless joke or gesture. On the other hand the most serious offenses can usually be determined using objective criteria such as actual possession of a weapon or violence that resulted in a serious injury requiring treatment.

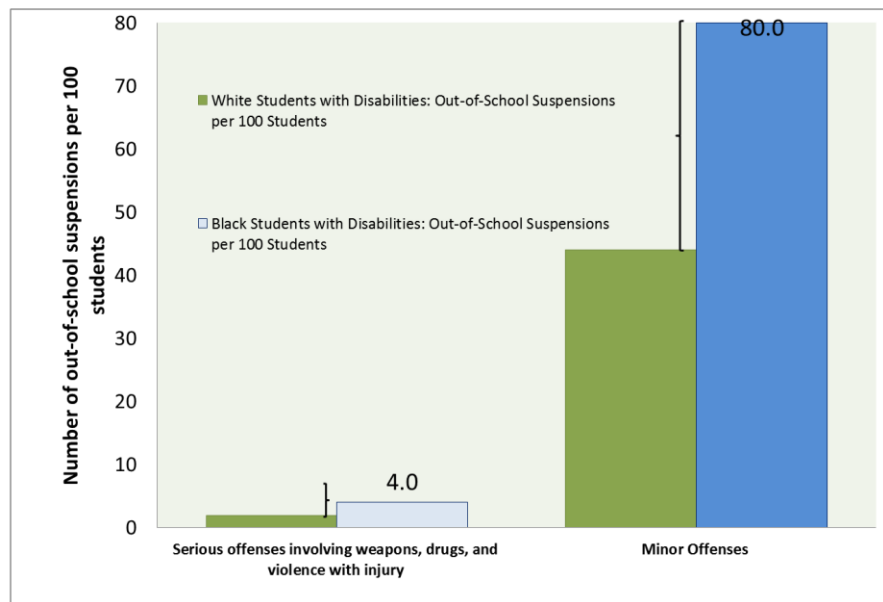
The two images that follow compare the suspensions per 100 students for these two ends of the offense spectrum. The first set of columns covers weapon and drug possession and violence leading to serious injury. The second set of columns is restricted to suspensions for minor altercations, and all other minor offenses.

Syracuse: Frequent and Disparate Use of Out-of-School Suspension for Minor Offenses Compared with Serious Violations by Race



This graph answers two questions about the use of suspensions in Syracuse. First, most suspensions, regardless of race are not for serious more objective offense categories. The suspensions per 100 students is not very high for the most serious offenses for White or Black students. Second, the racial gap is almost non-existent for the serious offenses and nearly 25 times larger for the subjective minor offenses.

Syracuse 2012-2013: Frequent and Disparate Use of Out-of-School Suspension for Minor Offenses Compared with Serious Violations by Race and Disability Status



When race and disability status are viewed together, the gaps become larger for both the serious and non-serious offense categories but remain very small for the most serious offense categories and very large for the minor offenses.

The evidence thus far suggests that Syracuse is not reserving suspensions as measures of last resort. If so, part of the remedy may lie in restricting the use of suspension to only serious offenses, or at least ruling out suspensions for a subset of the most minor offenses that currently may be grounds for an out-of-school suspension.

Some may find it unfair to assume that suspensions are not reserved as a last resort. One additional indicator would provide evidence that other alternatives were tried first, or at least were being used on a regular basis. One such indicator might be in-school suspensions. Of course a school that is very punitive in its approach to discipline may have very high numbers of both in- and out-of-school suspensions and use both as frequent responses to minor offenses. No single indicator can tell the whole story and a close review of individual student files may be more helpful. This report did not analyze any student files to determine whether most suspended students were first given support and non-punitive responses. Of course individual file reviews are extremely costly in terms of time. There may be justification for conducting occasional file reviews as part of

a monitoring system, but they would not be a very viable form of routine quarterly or even annual review for every school.

Referrals to Law Enforcement May be Rising: One area of discipline disparity that may seem acceptable concerns the percentage of students referred to law enforcement. Clearly, if police were called in to prevent or stop violence, referrals to law enforcement, and the disparities that result would be justified. Unfortunately, the data do not come with the reasons. In the context of very high-suspending schools, however, high rates of referral to law enforcement, and disparities in their use may also suggest an area of concern not covered in my initial presentation. We know from the data from the U.S. Department of Education for 2011-12 that 437 students were referred to law enforcement and that there were zero school based arrests. Two years earlier in 2009-10, the numbers were 105 and 25, respectively. Assuming the numbers are all accurate, the more recent 11-12 data represent more than a fourfold increase in law enforcement involvement in school discipline. In 2009-10 the referral rate did not exceed 1% for any subgroup of students.

Along with this huge increase, in 11-12 students with disabilities were over twice as likely as their non-disabled peers to be referred. 3.1% of all students with disabilities were referred, compared with 1.4% of students without disabilities. Further disaggregated by race we see that 3.8 percent of Blacks with disabilities compared to 2.2% of Whites with disabilities were referred to law enforcement. While it is true that the absolute size of the disability and racial gaps, all below 2 points, are small compared with suspensions, the consequence, which is often arrest and detention is of a much higher magnitude and can be devastating. Closer analysis of these data and information on the use of law enforcement in the public schools is needed as Syracuse moves forward.

School level analysis: Up to this point, this report has focused on analysis of data at the district level. A school level analysis is needed to fully understand how discipline is meted out in Syracuse. Individual school level data can help identify different approaches to school discipline, including schools that may be more effective than others. Such a variance is common and means that within the district there are leaders and teachers that have the experience needed to help others in the district reduce suspensions while improving the learning environment.

With these dual goals in mind, for this report, I developed a way to review the data on in-school suspensions in direct comparison to out-of-school suspensions using the current school-level data collection already in place in Syracuse. In my September presentation to the school board I called it an “alternative” or “second chance” indicator, although it is more accurately a ratio of the use of “in-school-suspensions” (ISS) to “out-of-school” suspensions (OSS). One cannot be certain that every ISS is meted out as an alternative to an OSS although that may often be the case. It should be noted that this indicator helps identify schools that are using in-school suspension much more than out-of-school suspensions, but is not good at detecting whether a school is high or low suspending in terms of either ISS or OSS because the ratio is a relative measure. Therefore, it is most useful to look at this ratio together with the actual OSS risk levels.

The Alternative ISS/OSS Ratio: To apply this indicator, for each subgroup of students the number of in-school suspensions (ISS) was divided by the number of out-of-school suspensions (OSS) at the school level. A ratio of 1.0 means that equal numbers of students received an ISS as received an OSS. District wide, in 2012-13, there was almost no difference for Black and White students with regard to this ratio. Blacks scored 1.14 and Whites scored 1.11. This suggests that across the district, students who misbehaved were nearly as likely to receive an OSS as they were an ISS. At first blush one might think that this suggests that alternatives are used often and that OSS is often NOT meted out the first time a student violates a school rule. However, a school that sought to address misbehavior within the school, and reserved an OSS as a last resort would be expected to have a much higher ratio. Further, the school level breakdown of the ratio shows a much wider variety. Specifically, most of the elementary schools had a high ratio of 2.0 or greater. Most of the high schools and middle schools had a ratio of 0.75 or lower.²³

The ISS/OSS “Alternatives Ratio” and racial disparities in discipline: Additional analysis revealed some important patterns. All the schools that had an ISS/OSS (Alternatives) ratio over 2.0 were also relatively low suspending in terms of OSS for Black students and none were secondary schools. In contrast, all that had an Alternatives Ratio at 0.75 or lower suspended 25% or more of their Black students except Expeditionary Learning Middle School (20%). When combined with the district wide analysis comparing the OSS use for serious versus non-serious offenses, the Alternatives ratio I developed for Syracuse suggests not only that high suspending (OSS) schools are not using ISS often enough, but that the tendency to rely on OSS and not utilize ISS may also be contributing to the substantially higher rates of OSS for Black students. Even though Syracuse has some of the nation’s highest suspension rates for elementary schools, the secondary schools are much higher in absolute terms. Therefore, within the district there may be some approaches used at the elementary level, such as using OSS less often than ISS that the secondary schools may find useful.

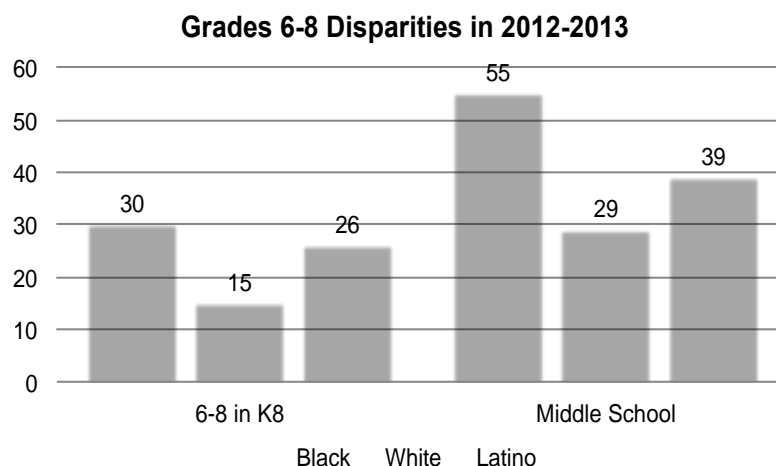
An important caveat is that “in-school” suspensions, which remove students from class, can also have a negative impact. Studies like the famous Breaking School Rules study in Texas (Fabelo, 2011) found that suspensions from classrooms, both in and out of school, were highly correlated with negative academic outcomes and risks for dropping out and involvement in the juvenile justice system (Fabelo, 2011). Unless “in-school” suspensions are places where students are actively engaged in improving academically and behaviorally, they may not be the best intervention. On the other hand, research on interventions in Cleveland, Ohio (Osher, 2013) suggest that when disciplined students were sent to “learning centers” where they received academic and behavioral supports as one part of a systemic effort to teach social and emotional learning and improve school climate and safety, such in-school suspensions could provide more benefits than out-of-school suspensions.

Is the K-8 Model More Conducive to Developing a Positive School Climate? The school level analysis prompted further exploration of school differences by school type.

There are three types of general education configured schools in Syracuse, elementary, middle, high and K-8. To explore the school level differences the elementary school analysis entailed separating out the elementary grade level data and the secondary level data from K-8 schools in Syracuse. The two graphs that follow revert back to the straightforward analysis of the student risk for out-of-school suspension, also called the student suspension rate, used in the first part of this report. In other words these graphs did not count the number of suspensions, but the number of students who were suspended one or more times and that were used to calculate the percentage of enrolled students suspended.

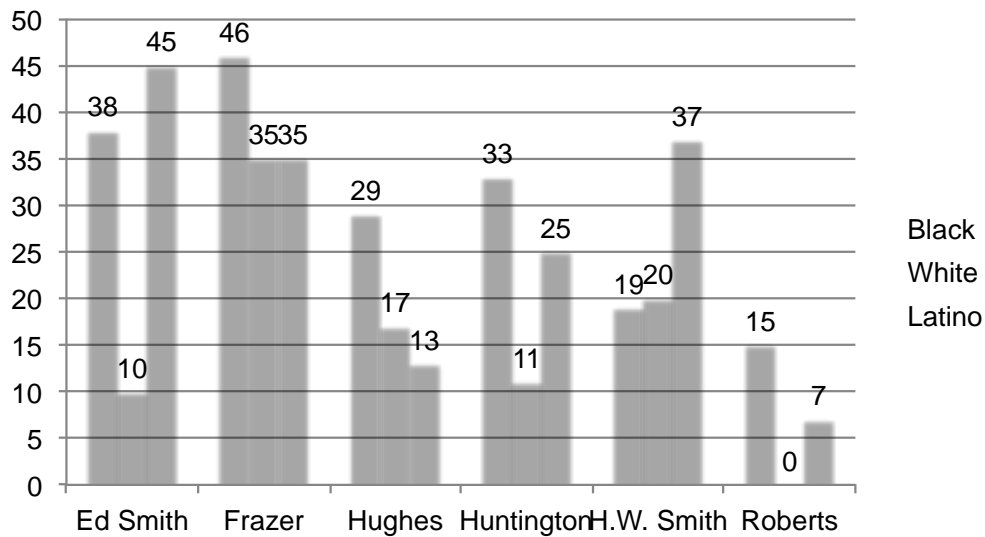
The first graph compares the suspension the risk for suspension by racial group for middle school students by type of school. The middle school equivalent student suspension risk of those attending K-8 schools was calculated by looking at only enrollment and the suspended students of students from grades 6-8. These findings are represented in the columns on the left. What is striking is that district-wide the sixth, seventh and eighth grade students attending K-8 schools have substantially lower risk for OSS and this pattern held true for each racial group. The Black/White gap for students in grades 6-8 was 15 percentage points in K-8 schools and 26 percentage points in traditional middle schools. However the Latino/White gap was constant across both school types at only 1 percentage point. The data presented cover just the 2012-13 school year but the analysis was conducted, and the same pattern was found, for three consecutive years.

Syracuse Suspension Risk in Grades 6-8 for Middle Schools versus in K-8



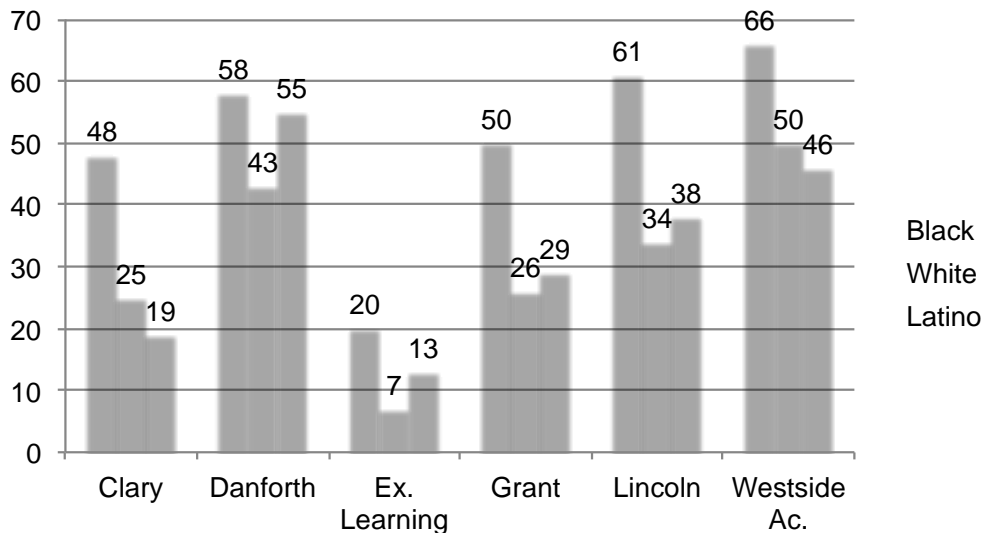
It is important to note that the district-wide analysis does not mean that each school fits the pattern. While transforming middle schools to K-8 institutions may be worth considering in Syracuse, one cannot assume that doing so will automatically lower suspension rates and racial disparities. As the next graph demonstrates, not all K-8 schools were among the lower-suspending schools. Like the graph above, the rates in the two graphs that follow examined the OSS rates by rates for students in grades 6-8 in each type of school

Not All K-8* Schools Were Lower-Suspending



31

Not All Middle Schools Were High-Suspending



32

These descriptive data raise important questions, but should not be confused with full-scale research findings on the benefits of K-8 grade configurations in Syracuse. While switching to a K-8 configuration does not guarantee a reduction in suspensions, Syracuse should not ignore the baseline observation, that the K-8 grade configuration in Syracuse appears to be related to a lower risk for suspension, especially for Black students. The 30% risk for OSS for Blacks in grades 6-8 attending K-8 schools is also still quite high, but it is a substantial improvement over the 55% Black student suspension risk in Syracuse's traditional middle schools.

Questions about remedies: The school level analysis was conducted in part to learn more about what is working well already in Syracuse. The individual school analysis revealed two outlier schools in terms of suspension rates and raise the question about whether Expeditionary Learning and Roberts K-8 doing differently? Keep in mind that the patterns represented were consistent for three consecutive years although just one year is represented. Further, analysis (not presented here) was conducted to examine whether these individual school results would hold after controlling for poverty. This analysis revealed that both of these schools had lower OSS rates for each racial group when further disaggregated by the poor and non-poor students. In other words, the fact that these two schools have somewhat lower percentage of students receiving free and reduced lunch did not alter the finding that they had substantially lower suspension rates.

Lower-suspending schools would be expected to be generally higher performing in Syracuse to be consistent with the research findings in Indiana. A preliminary analysis was conducted to test this hypothesis, at least superficially. However, I did not conduct a scientific correlational study, nor did I control for poverty as I did with the comparison of suspension rates. With those caveats I did find that two relatively lower-suspending schools in Syracuse did out-perform most of the districts other schools. For example, the Expeditionary Learning Middle School had the highest ELA and Math scores among middle schools and Roberts' 8th graders outperformed all but Edward's 8th graders. It is also worth mentioning that in Syracuse the K-8 schools had better grade 8 test scores.

These observations are consistent with the latest research on the benefits of K-8 schools. As part of a recent summary published in Harvard's ED. Magazine a leading Harvard researcher states, "[O]ur evidence indicates that effective school practices are more common in K-8 schools than in middle schools and that the transition to middle school itself is detrimental for students and should be eliminated wherever possible."

A second researcher (focused more on qualitative analysis comparing middle to K-8) states in the same article, that the one consistency she has found among K-8 schools is that "kids tend to say they feel safer, so there is less of a *Lord of the Flies* environment" at a critical stage when they are "navigating through social currents. For many kids, it's distracting."²

Part III: The Need for Remedies and Recommendations for Syracuse

The combined review of both the district and individual school level data suggests a number of conclusions that are highly relevant to whether remedies are needed and my specific recommendations for next steps. The recent OCR/DOJ guidance is the basis for much of the analysis that follows. Following the guidance, there are three questions about school discipline that Syracuse stakeholders should address:

1. Are there substantial disparities in the disciplinary exclusion of students along the lines of race, EL status, disability status or gender?
2. Are school or district policies or procedures causing these disparities, and if so are they educationally necessary?

² See Mary Tamer, *Do Middle Schools Make Sense? New research finds that keeping kids in K-8 Schools has benefits*, in ED. (Fall 2012) available at <http://www.gse.harvard.edu/news-impact/2012/09/do-middle-schools-make-sense/#ixzz32E4LfYlk>

3. Are there viable, less discriminatory, alternatives?

Based on my review of the data, there is no question that there are substantial disparities. The research on the harm from disciplinary exclusion described at the beginning of this report is well established. Further, Syracuse is among the highest suspending school districts in the nation, and in Syracuse the largest disparities are found in the minor offense categories. These findings alongside evidence of the underutilization of in-school suspensions among the schools with the largest disparities, the large differences in the use of OSS and racial disparities between K-8 and traditional middle schools all indicate that school and district policies likely do contribute to the observed disparities. In addition, Syracuse has already embarked on a path toward changing its policies and practices indicating that there is agreement that its own policies and practices contribute to rates of disciplinary exclusion that are unacceptable. Finally, this analysis, combined with the latest research on reducing racial disparities in discipline suggests several alternatives that would help lower racial disparities in Syracuse. In fact, the model for some less discriminatory alternatives may already be in place in at least two lower-suspending schools.

Although the analysis in this report was not designed to answer legal questions, as a matter of policy, and with the OCR/DOJ guidance about compliance with civil rights law in mind, one could conclude that the evidence is compelling, morally and legally, to move Syracuse City Schools to pursue changes to discipline policies and practices in a manner that will not only reduce the use of out-of-school suspensions but also reduce or eliminate the observed disparities along the lines of race, disability status, gender and EL status. The summary of research findings that follows further supports this conclusion.

The disparate impact of suspensions: Three reasons appear to account for the common use of out-of-school suspension or expulsion for non-violent or repeated school code violations:

- to improve the student's behavior in the future by getting the parents' attention and active involvement;
- to deter other students from misbehaving; and
- to ensure that the school environment is conducive to teaching and learning.

These justifications, which are not mutually exclusive, all merit close examination. The third listed reason is the most common and this report has addressed it with both a review of the research and with some specific data showing that the lower-suspending schools in Syracuse, (even after adjusting for differences in student poverty) are also the highest performing. However, sentiments in favor of disciplinary exclusion run high in Syracuse. In fact the presentation of these arguments and data has been met with resistance and has even been cited by some teachers as a reason that the school climate in Syracuse feels chaotic and unsafe.

It is worth noting that in my discussions with Superintendent Contreras, she has consistently acknowledged that the high frequency of suspensions, and extraordinary disparities along the lines of race and disability jeopardizes the

provision of equal educational opportunity. The superintendent and senior level administrators have consistently expressed concern that current suspension practices are hurting students. It is disconcerting that as the superintendent has taken steps to change practices that are harmful and likely unlawful, the issue has become politicized such that some have called for her removal as a result of her efforts to change disciplinary policy and practice in the district as justification, as reflected in comments to Syracuse.com articles and as posted on the blogspot, Take Back Our Schools. To the extent that current policies and practices may have contributed to violations of state law, and federal civil rights protections, meeting the rights of school children in Syracuse will entail changing current policies and practices and implementing with integrity those that are aligned with the best research available on what works.

The following excerpt from a recent news article suggests that many may resist making changes:

"Three Syracuse teachers and their union president stood before the school board tonight and told its members that student behavior has come to the point where it is difficult to maintain order, let alone teach effectively.

....Syracuse Teachers Association President Kevin Ahern thanked the teachers for coming forward. He said that despite the fact that Superintendent Sharon Contreras has taken "a variety of proactive steps" to attack the problems, he still gets "too many reports of students receiving few consequences for their behavior."

Ahern said many things were responsible for the increasing behavior problems. Those include the loss of nearly 1,000 positions in the district over the past few years due to budget cuts, including 40 percent of teaching assistants; the elimination of police officers in the middle schools; a reluctance to discipline students given a study that found the district's suspension rates are unusually high and racially disproportionate; and an ongoing state attorney general's investigation of the district.

On behalf of the STA, Ahern called on district administrators, the school board, elected officials, community leaders and parents to come together with teachers "to ensure our schools are safe."²⁴

Often opponents of change do not consider the range of responses available, and some only consider punitive and harsh responses adequate. The need for consequences and interventions could be answered with a wide set of supportive approaches and responses that effectively improve behavior yet do not rely on frequent out-of-school suspension. Teachers and leaders who have not received (or resist) training in other forms of classroom and behavioral management may have no tools besides suspensions. Comments posted on-line to the article quoted above were overwhelmingly supportive of

the district taking a more punitive approach, and many suggested the schools should only have to teach the well behaved.²⁵

To the extent possible, those disagreeing with the change in direction of school discipline policy and practice should look to the recently issued by the non-partisan Council of State Governments' Consensus Report, Keeping Students in School and out of the Juvenile Justice System, released on June 3. This report reflects consensus among educators, law enforcement officials, juvenile justice leaders, behavioral health specialists, advocates, policymakers, youth, and families, to keep students engaged in school and out of the juvenile justice system. The Consensus report provides policy and practice recommendations that are field-driven and consensus-based around how to improve conditions for learning for all students, provide targeted interventions for students with behavioral health needs, design effective school-police partnerships, and divert students away from courts.

Given that some in the school community continue to express a strong reluctance to veer from the status quo, despite the evidence in this report which was presented in September, I also introduce the following anecdotal example to bolster the research findings that overwhelmingly establish that districts can reduce their reliance on disciplinary exclusion while simultaneously improving the school climate in terms of both safety and learning opportunities.

Evidence does suggest the viability of alternatives to frequent disciplinary exclusion. In Baltimore public schools, for example, recent reforms that began in 2005 illustrate one such alternative policy. According to The New York Times: Since he [the superintendent, Dr. Andres Alonso] was hired, the *dropout rate has fallen by half*, more students are graduating and for the first time in many years, the system has gained students instead of losing them. ...Next he took on the culture of the schools, which relied heavily on suspensions for discipline, a practice Dr. Alonso strongly opposed. "Kids come as is," he likes to say, "and it's our job to engage them." Now school administrators have to get his deputy's signature for any suspension longer than five days. This year, suspensions fell below 10,000, far fewer than the 26,000 the system gave out in 2004. Instead, schools handled discipline problems more through mediation, counseling and parent-teacher conferences, and offered incentives like sports and clubs. Mental health professionals were placed in every school with middle grades. "There was a lot of punishment energy focused on the kids," said Michael Sarbanes, executive director of community engagement. "We were trying to overcome a perception that had built up over years that we don't want you."²⁶ According to the Baltimore Sun, the reductions in Baltimore City mirror statewide efforts, including regulations that would eliminate many minor offenses as grounds for suspension.³

³ Liz Bowie & Erica Green, (January 27, 2014), *Schools around the state already reducing suspensions*, Baltimore Sun. Available online at http://articles.baltimoresun.com/2014-01-27/news/bs-md-state-discipline-regs-20140127_1_discipline-policy-dale-rauenzahn-suspensions

Considering the accomplishments in Baltimore, and given that the Syracuse City School District's Superintendent Sharon L. Contreras has publicly expressed a clear and unwavering commitment similar to that of Baltimore's Superintendent Alonzo, there is reason to believe that with public support, internal commitment, and adequate resources, Syracuse could make substantial progress toward improving the conditions of learning and safety while reducing its reliance on disciplinary exclusion.

It is worth noting that according to recently released data, the combined unduplicated suspension rate in Baltimore City Schools, K-12, was below 8% for Blacks in 2012-13.⁴ The research-based response to the other most common reasons for relying on frequent suspensions is summarized as follows:²⁷

Exclusion to Get Parental Attention

Ideally, heightened parental awareness would foster a more effective partnership with educators and a collaborative effort to teach appropriate behavior. The expectation is that more parental involvement will reduce disruptive behavior and in turn improve the learning environment. The reality, however, may be far from this ideal. To the extent that a child's persistent misbehavior is a reflection of serious problems or weaknesses attributable to family or home, there is little reason to believe that removing a child from school to spend more time in such a dysfunctional setting will improve behavior.

Moreover, even for the most effective parents, a child's suspension can have harmful ramifications for the entire family, such as lost work and income or even employment, particularly for poor or single parents. For some parents, the only alternative may be to leave a child unsupervised. Consider the following research-based policy statement on out-of-school suspension and expulsion, issued by the Academy of American Pediatrics' Committee on School Health:²⁸

Children who are suspended are often from a population that is the least likely to have supervision at home. According to the 2000 US census, children growing up in homes near or below the poverty level are more likely to be expelled. Children with single parents are between 2 and 4 times as likely to be suspended or expelled from school as are children with both parents at home, even when controlling for other social and demographic factors....

[C]hildren most likely to be suspended or expelled are those most in need of adult supervision and professional help. In one study, 15% of children who have never been abused but had witnessed domestic

⁴ The data needed to perform this calculation is available from the Maryland State Department of Education and available on line:
<http://www.marylandpublicschools.org/MSDE/divisions/planningresultstest/2012+-+2013+Student+Publications.htm>

violence were suspended from school in the previous year. This was attributed to heightened aggression and delinquency from living in a violent home environment. For students with major home-life stresses, academic suspension in turn provides yet another life stress that, when compounded with what is already occurring in their lives, may predispose them to even higher risks of behavioral problems.²⁹

Further, and as noted earlier, the exclusion of these students presents immediate risks to their success and well-being. In the words of the Academy: Without the services of trained professionals (such as pediatricians, mental health professionals, and school counselors) and without a parent at home during the day, students with out-of-school suspensions and expulsions are far more likely to commit crimes. A Centers for Diseases Control and Prevention study found that when youth are not in school, they are more likely to become involved in a physical fight and to carry a weapon.... The lack of professional assistance at the time of exclusion from school, a time when a student most needs it, increases the risk of permanent school drop-out.³⁰

Thus, there seems little reason to accept the claim that school exclusion will secure productive parental support for the children most likely to be excluded from schools.

Exclusion as Deterrence

If frequent use of suspensions deters future misbehavior, we would expect to see a positive cycle, with each new suspension improving the school environment. Yet, according to the American Psychological Association, which reviewed the research literature available on this topic, there is no evidence that zero-tolerance disciplinary policies and their application to mundane and non-violent misbehavior improve school safety or student behavior.³¹ The research on the efficacy of suspension can be summarized as follows:

Longitudinal studies have shown that students suspended in sixth grade are more likely to receive office referrals or suspensions by eighth grade, prompting some researchers to conclude that suspension may act more as a reinforcer than a punisher for inappropriate behavior (Tobin, Sugai, & Colvin, 1996).... Other research raises doubts as to whether harsh school discipline has a deterrent value (Raffaele Mendez 2003).³²

Raffaele Mendez, who studied longitudinal data on students from 150 schools in Florida's Pinellas County, found a strong relationship (after controlling for other at-risk factors) between the number of sixth-grade suspensions and the number of seventh- and eighth-grade suspensions. She pointed out that the county provided no real assistance to students to help them correct their behavioral problems. She also explained that frequent use of suspension alone has no measurable positive

deterrent or academic benefit to either the students who are suspended or to non-suspended (observer) students.

In sum, research review summarized above offers no support for the theory that suspensions deter future misbehavior.

Summary of the need for change in Syracuse: The research evidence is overwhelming that reliance on frequent out-of-school suspensions is harmful. The largest racial and disability disparities in Syracuse are for minor non-violent offenses where safety is not at issue. Based on the alternatives ratio developed for this report, Syracuse schools in which alternatives (such as in-school suspensions) was likely used least often, the racial disparities tended to be the largest. The data from individual Syracuse schools further demonstrated that schools with less frequent suspensions were among the most productive learning environments. These reasons should be sufficient on their own to drive concerted changes to school discipline policies and practice in Syracuse. However, they also support an argument that the status quo in Syracuse, as experienced by students of color, students with disabilities, and possibly English learners, may violate the disparate impact standards established by federal anti-discrimination law and outlined by the recent guidance issued by the federal government. Simply put, ignoring the research and sticking with the status quo may violate the civil rights of many subgroups of students enrolled in the Syracuse City schools.

Recommendations:

In September, several recommendations were touched upon in the course of the data review. They include the following:

1. Actively review annual, as well as quarterly, data reports on school suspension including a focus on the disparities and days of lost instruction.
2. Revise the code of conduct including the elimination of the use of out-of-school suspension as a response to minor violations of the school code. Eliminate out-of-school suspensions for most elementary school-aged students. Ensure that the use of both in- and out-of-school suspension in response to a certain offense has a clear research-based justification. For example, there is no support to use in-school suspension for truant or tardy students.
3. Consider reconfiguring high-suspending middle schools as K-8 schools.
4. Invest in alternatives as part of a package of policy and corresponding training changes to encourage the more frequent use of alternatives to out-of-school suspension to ensure that OSS are restricted to measures of last resort. This would entail further exploration of the policies and practices at the two lower-suspending and relatively high performing schools in Syracuse toward discovering and replicating more effective approaches that appear to be in place.
5. Address the possible contribution of implicit bias.

This report builds on these recommendations with the following specific suggestions:

- 1. Actively review annual, as well as quarterly, data reports on school suspension.**

The school district should issue an annual report card containing school and district level information on school discipline that covers much of the same information provided in this report. Much of the data provided in this report was developed with the assistance of the Syracuse City Schools. The district has been very efficient and has proven to be very skillful in accessing and analyzing data. Therefore, replicating the analysis in this report annually should not be too difficult. The reports should include breakdowns by race, disability, gender and English Language Learner status. While always abiding by standards to prevent disclosure of personally identifiable information, additional breakdowns should be provided by race with disability status and race with gender.

Annual discipline reports: The following areas should be part of each annual report and reported publicly at the school and district level:

1. Unduplicated counts of students who were suspended out of school at least once, and separately the same for those suspended in-school at least once. Each should be expressed as percentage of enrolled subgroup.
2. Alternatives ratio at the school level.
3. Suspensions per 100 enrolled. These data should be further grouped by offense category and reported at the school and district level.
4. Days of lost instruction from suspension.

In addition, individual schools engaged in PBIS and/or restorative practices should track discipline referrals by referring teacher for internal evaluation, training and support purposes.

Recommended quarterly data analysis: Although the central office reports reviewing discipline data regularly, suspension rates are often only collected and reported at the end of the school year for principals to review. In the past this meant that reports on issues such as suspension for the prior year were often not readily available for review or analysis until well into the next academic year. However, more and more, schools and districts are able to keep on-going cumulative records on certain education outcomes which allow educators to reflect on the data and intervene as needed in a much more timely manner.

Overarching concept: Quarterly tracking should focus on data collection and analysis of elements that will be most useful in real time for finding examples of success in progress while also flagging potential problems with individual schools as well as district-wide concerns. These data points should also be used for evaluating the efficacy of new and ongoing interventions. At quarterly meetings the best measures are simple and consistent measures that are easy to calculate and understand, and can help highlight particularly successful programs or interventions and also flag issues at the school and district levels as they may arise for certain subgroups and/or at certain schools.

Further, the quarterly analysis should allow for meaningful comparisons to prior years at similar points in the school calendar. A simple calculation like the “risk” for suspension, based on the unduplicated number of students given out-of-school suspensions can be coupled with other clear benchmarks, such as cumulative days of lost instruction or the “alternatives ratio” described in this report. Together, these three measures can flag

emerging concerns in the course of the school year and help the district prioritize or reprioritize available resources and interventions as needed.

Methods for quarterly analysis: One simple method would be to calculate the “risk” for suspension on a quarterly basis, but using a cumulative rate, one that counts each student only once; regardless of how many times the student was suspended. Here is an example of how Syracuse can calculate this “risk” on a cumulative quarterly basis. If 5% of the students enrolled were suspended in the first quarter, and in the second quarter three out of five of the students making up that first 5% got suspended a second time in the second quarter, along with an additional 7% of the enrollment (all initial offenders) for a total of 10% of the enrolled students getting suspended in the second quarter, the ***cumulative unduplicated*** suspension rate (risk) for the second quarter would be 12% (not 10% and not 15%) The cumulative unduplicated rate would grow in each subsequent quarter only to the extent to which there were new initial offenders suspended. Reporting the cumulative unduplicated student suspension rate would help district educators determine whether large numbers of certain subgroups were being suspended, or whether it was the same students who were the source of most of the trouble. Often educators assume the latter is the case, and that strict enforcement of rules early serves as a strong deterrent to all students. If that were the case, the unduplicated cumulative rate would not grow very much after the first quarter. This common “few bad apples” theory or the concept that “sending a strong message” will deter future misbehavior was not supported by the analysis of the data in Syracuse for any subgroup. However, reviewing the data quarterly in this manner will raise awareness of the deterrent impact, or lack thereof.

Given concerns brought to my attention about inadequate provisions of required due process, more frequent review of racially disaggregated data should also include students who are sent to a superintendent’s hearing, and students with disabilities who are suspended subsequent to a manifestation determination. .

Grade and school level breakdowns: Another core recommendation for data use is that the review of “risk” be conducted each quarter, and annually by grade level but also for each school in Syracuse. The school type analysis can help district administrators quickly see if progress in reducing suspensions is being made and to evaluate systemic interventions that may be specific to school type. Often interventions are specifically designed for, or have been modified for, certain grade spans, so they should be evaluated based on the relevant grade-span data. The building level quarterly analysis will also help building and district wide administrators evaluate their efforts to use alternatives to out-of-school suspension as implemented in each school. Having both individual and district-wide analysis available will allow for meaningful comparisons to the most relevant district averages as well as between individual schools. Further, the analysis will provide a strong sense of the variance by school of the risk for suspension. Comparisons to district wide numbers will also be useful over the course of one year to determine within the district whether some schools are consistently producing significantly greater racial or disability disparities than other schools and may be responsible for driving up the district’s numbers.

Quarterly reports can have important predictive value:

Some common questions a quarterly review would help answer are whether schools suspending students at much higher rates in certain quarters? Did the frequent use of suspension in the first quarter or first half of the year work to deter misbehavior in the latter quarters (in which case high suspension rates early on would not reliably predict high rates for the year)? In the appendix to this report please find “Table 1.” which represents one way the district might track discipline as part of a quarterly review.

One would not expect that students who stayed out of serious trouble the first half of the year would wind up out of school in the latter quarters. However, one reason the number of first time suspended students might not diminish more dramatically may be that cumulative minor misbehaviors don’t accrue until the latter half of the academic year when their repetition, rather than seriousness, causes students to receive out-of-school suspensions. If this logical inference is true, and if it is one reason the district has such high numbers suspended for minor offenses, then Syracuse could dramatically reduce its suspensions if it replaced the use of OSS for certain minor offenses categories (regardless of repetition) with alternative disciplinary measures that might escalate in intensity but never result in an out-of-school suspension.

Days of Lost Instruction: Ideally, at the district level, the table above would be completed for each major racial/ethnic group that has at least 100 students enrolled. School level data for students with disabilities by race should be reviewed at the school level as well, but the small enrollment numbers may limit the value of this analysis to larger schools.

Further, once completed for each racial group, a quarterly report can also be useful in reminding educators that one essential goal behind reducing suspensions is to boost instructional time. One way to keep reinforcing the connection is to analyze days of lost instruction due to OSS on a quarterly and cumulative basis. Those who think of OSS as “cost-free” disciplinary action will be regularly reminded of the cost in lost instructional time. The impact of lost instruction will become more and more evident with each quarterly review. Looking at days of lost instruction per suspended student would likely be more useful than the number of suspensions per 100 enrolled or per suspended students.

Further, tracking these racial data by “lost days” will help ensure that more frequent suspensions are not simply replaced by fewer but longer suspensions. This monitoring will be especially useful as a real-time indicator for evaluating the efficacy of interventions intended to reduce the frequent use of suspensions, the racial disparities, and the impact in terms of lost instruction.

Track Disciplinary Referrals: The PBIS system is in place in several schools in Syracuse and includes a method for tracking disciplinary referrals to the office, called ODRs. These should be collected and tracked by race and disability down to the classroom/teacher level for internal purposes. The ODR data should be used by principals

and support staff to identify teachers that need support or training as well as teachers who are particularly successful academically yet rarely seeks disciplinary removal of students. The use of teacher-level data must be focused on supporting teachers and enhancing internal training opportunities. On the other hand, having strong classroom management skills is an essential component for effective teachers. Therefore, if several years of data suggest that certain teachers have not improved with their classroom management despite added supports and training, these facts should factor into teacher evaluations. To the extent that high numbers of ODRs are generated by staff in charge of supervision in the hallways, school grounds, cafeteria, bus area or playground the data should be reviewed for similar indicators of management problems particular to a staff member or physical location.

Community School Climate Survey: The Syracuse central office should seek additional data on school discipline and school climate directly from teachers, parents and students. Survey methods and administration should be carefully constructed and implemented to ensure that the voices of all stakeholders are represented, including that substantial information is received from students who have been excluded on disciplinary grounds. Further, given the evidence of rising tension in Syracuse around changes to discipline policy, surveys designs and use of results may serve several purposes including to help improve relationships and resolve differences in the community. Survey results should be one of several sources of information used to evaluate the protection of civil rights, and the integrity of implementation of reform efforts. Further, anecdotal evidence from other districts pursuing changes to discipline policy and practice suggests that when attention is focused on reducing suspensions, data reporting requirements are not always adhered to and can result in students being removed on disciplinary grounds without documentation. Without safeguards to ensure accurate reporting reductions on paper might not reflect actual changes. To ensure that efforts to evaluate interventions are based on accurate data, Syracuse should consider employing means to assess the frequency of exclusionary discipline that can be compared with self-report data. Furthermore, the aforementioned Consensus Report, provides several examples and recommendations for school climate surveys worthy of consideration.

Communication Strategy: The district should work with the media outlets that report on the Syracuse City School District to ensure comprehensive reporting. The media can be of great assistance as the district works to inform the community of restorative justice practices.

Increasing capacity for data quality, monitoring and reporting: The District must improve its data quality, and monitoring and reporting processes. Therefore, it must allocate adequate resources to improve data quality, establish procedures for data validation and correction, and have the capacity for data monitoring and reporting. An analysis should be done to determine what additional staffing is needed, as well as the procurement of any software. Lastly, the District should continue to work with an outside consultant to assist with the analysis, alignment of processes and data interpretation.

2. Revise the code of conduct: In general, the code should be aligned with the non-punitive principals of PBIS, or restorative practice or any other systemic program of support and intervention Syracuse uses to address behaviors. The new code of conduct should combine evidence-based practices with community input. Syracuse has already begun this important work. One recommendation is that certain minor offenses be eliminated as grounds for out-of-school suspensions. Along these same lines, repeated violations of minor infractions can have escalating consequences, yet still stop short of an out-of-school suspension. If Syracuse adopts a code with escalating consequences, the most severe consequences should still be reserved for only the most serious misbehavior. Except where a student poses an immediate danger to self or others, for offenses that can result in an out-of-school suspension, the schedule of consequences should require that certain alternatives are pursued, and due process provided, before an out-of-school suspension or expulsion is meted out. School administrators should be required to track and produce a record of the alternatives provided prior to the use of an out-of-school suspension. Similarly, in most cases, out-of-school suspensions should be limited to one to five days. Longer-term suspensions should only be permitted if reviewed and approved by the superintendent, consistent with NY state law.

As referenced earlier, the idea of limiting the use of suspensions for only the most serious offenses is endorsed by leading experts in child development, such as the Academy of America Pediatrics. Further, in my September presentation to the school community, I referenced the principal from San Jose high school and included a link to a news story about a high school that did eliminate suspensions as a response to most offenses with great success.³³ Examples of schools and districts like this are increasing. One recommendation would be to bring in as a consultant a successful practitioner from a school similar to those in Syracuse, someone who has shepherded through a major turnaround, to assist the district with the implementation of discipline reform efforts.

While this report recommends a swift and dramatic change to the code of conduct, if the Syracuse community is not comfortable with a sudden change the district should consider phasing in school code revisions. One place to start could be with use of suspensions in the early grades. By eliminating suspensions for elementary school aged children, perhaps starting with grades K-3, except where future safety was at risk, doing so might help reduce the elementary rates considerably and pave the way for further limits if the policy change gained acceptance over time.

Revising a code of conduct is a difficult task especially if multiple stakeholders are to be involved in the decisions in a meaningful way. The process need not be rushed and can be spread out over more than one year. Each year a community committee appointed by the superintendent of schools should review the data and the code of conduct and be encouraged to suggest additional revisions toward the goal of eliminating all unnecessary suspensions.

The school code should comport with the best available research. During the final stages of this report writing the district was completing it's suggest revised code of conduct for

submission to the Board. One draft reviewed in the preparation of this report included in-school suspensions for truancy and tardiness, and had no variability in responses aligned with age or grade level. Moreover, even very minor offenses could ultimately result in an out-of-school suspension if they were repeated, violating the principle that suspensions should be reserved as a measure of last resort for the most serious offenses.

A more comprehensive review of the draft revisions to the code will be issued separately.

3. Reconfiguration: The third recommendation for school reconfiguration is concrete and may help, but is offered with caveats. This is simply a response to observed differences in Syracuse schools and not grounded in research on the impact of K-8 configuration on school discipline. Although the research on K-8 versus middle schools does suggest greater academic benefits from the former, and although anecdotal evidence suggesting that K-8 schools might also encourage better behavior, the findings are not definitive.

Increasing capacity for the implementation of the code of conduct to support school staff, including the daily monitoring for compliance with all federal and state laws governing discipline practices: The District currently does not have the district capacity to fully support school based staff in the implementation of the code of conduct, as well as to ensure compliance with all federal and state laws, namely NY state law 3012(c). An analysis of the Pupil Support Services department should be done to determine what additional staffing is needed.

4. Invest in Alternatives: The fourth recommendation, although based partly on the review of the relative use of in- and out-of-school suspensions, should not be considered an endorsement of increasing in-school suspensions, or of removal to an alternative school, both of which involve removal from the regular classroom. The core recommendation is to review practices and the use of all alternatives by teachers and principals at the school level including parent conferences, behavioral interventions and less punitive approaches to ensuring safe and productive learning environments. In the short-term replacing out-of-school suspensions with in-school suspensions might be a first step. However, more systemic and programmatic alternatives are advised. The research-based alternatives summarized below are far more comprehensive. Replacing the status quo with more effective alternatives will most likely require a serious investment in alternative approaches and a corresponding training program for school leaders and teachers.

Summary of alternatives: The following summary of alternatives is excerpted from the recent policy brief published by the Disparities in Discipline Research Collaborative. It is not exhaustive and the selection, development and implementation will require serious review followed by a commitment of resources and monitoring in the years ahead. While systemic district wide adoption of a substantial new initiative is recommended, many districts have found that starting such changes with pilots, or beginning with the elementary school is more manageable. Given that Syracuse was among the highest suspending at the elementary school level, this report recommends consideration of a

phased in approach starting with elementary schools, so long as the intent is to build up to comprehensive systemic change.

Promising alternatives have improved relationships and strengthened community involvement: A common theme of recent research on promising school restructuring approaches is the critical importance of improving the quality of relationships in the school community. While these alternative responses vary in the degree to which they address the social and emotional learning needs of the members of the school community, they generally seek to increase the capacity of members of the school community to respond to a range of misbehaviors without turning to exclusion from school as a first response. Some actively and directly address school discipline and the issue of exclusion, whereas others set forth broader goals of improving the conditions for learning, or teacher efficacy and student achievement.⁸⁶

Interventions that show promise for reducing exclusionary discipline can improve the conditions for learning for all students: The effective approaches highlighted in this brief, such as restorative practices and collaborative approaches to teaching, emphasize student engagement and relationship-building between students, teachers and parents, and seek to strengthen relationships among all members of the school community. These practices include problem-solving approaches to address challenging behavior, but also seek to prevent misbehavior and strengthen the school community.⁸⁷ Second, interventions such as social-emotional learning improve the capacity of schools to address the emotional literacy of their students—the ability to understand and regulate their own social interactions and emotions. (Losen 2011). Finally, some promising approaches, such as PBIS and Virginia’s threat assessment protocol, create explicit structural changes in the way that schools approach school discipline. These alternative frameworks and intervention strategies are not mutually exclusive, and experts suggest that they be coupled with conscious efforts to reduce disparities (Osher, 2014).

(a) Restorative Practices Have Effectively Reduced Suspensions and Disparities: A central goal of this approach is to change the mindset of students who present challenging behavior, helping them gain greater respect for individuals in their community, including themselves, and more accountability to the community at large. Restorative practices seek to replace a punitive approach to discipline with a more constructive, collaborative, and humane approach that embraces all members of the community, including those who break the rules. Restorative practices thus entail systemic changes in how educators think about the role of school discipline and how disciplinary responses are meted out. Central to the concept of accountability is repairing any harm caused to victims and making the community whole, and doing so in a manner that also addresses the needs of the offenders so they are less likely to misbehave in the future. Restorative practices provide high levels of both control and support to encourage appropriate behavior, and places responsibility on students themselves, using a collaborative response to wrongdoing (Gonzalez, 2014).

A recent national review found evidence nationally and internationally that restorative approaches can result in reduced suspension and expulsion rates, decreased disciplinary

referrals, and improved academic achievement. (Schiff, 2013). This review points to individual school successes, discipline policy shifts at the district level, and federal support as evidence that restorative justice is a viable school policy strategy for keeping students in school and out of the juvenile justice system. One high school in the Oakland Unified School District, for example, cut its suspension rate in half after implementing restorative practices.

Most promising, however, is the potential of restorative practices for significantly reducing racial disparities in discipline. A forthcoming longitudinal study of restorative justice implementation in Denver Public Schools finds that “the adoption of a restorative justice approach to discipline oriented within individual school communities coupled with strong school leadership can reduce racial disproportionality in school discipline.” (Gonzalez, 2014). In a study conducted between 2006 and 2013, Gonzalez reports that the risk for suspensions dropped for all racial groups but the largest decline was for African Americans.

Not only were suspensions reduced and racial disparities in discipline narrowed, achievement levels consistently rose. While the racial disparities remain substantial, these findings demonstrate that efforts to reduce suspension rates are consistent efforts to improve achievement. (Gregory, 2013).

(b) Teacher Training Programs focused on Student Engagement can boost Achievement and reduce Discipline Disparities: For example, a randomly controlled study showed that a program called “My Teacher Partner Secondary”—a program designed to improve teacher-student relationships and student engagement—increased student achievement and significantly reduced both the frequency of suspensions and racial disparities in discipline.⁹⁷ Improving teacher efficacy and teacher-student dialogue and aligning their mutual understanding of school rules have also demonstrated to be effective. (Gregory, 2013).

(c) Investments in Social and Emotional Learning Strategies are more effective than Investments in Security Hardware: Other alternative disciplinary methods include ecological approaches to classroom management and social-emotional learning. The ecological classroom-management approach “deals with school discipline by increasing the strength and quality of classroom activities.” (Losen, 2011)(Osher, 2013). Its defining characteristics are well-planned lessons; varied methods of instruction; clear and developmentally appropriate behavioral expectations; and careful monitoring of student engagement that includes effective, empathetic responses designed to re-engage students and avoid escalating conflicts. Social and emotional strategies also teach specific methods for developing student assets that foster the development of self-discipline.

Large district-wide investments in social and emotional learning strategies paid greater dividends than added security measures, and produced noteworthy improvements even where resources were limited. Following a school shooting, the Cleveland Metropolitan School District initially invested in stringent security measures such as metal detectors and school police. But these efforts did not yield any benefits in perceptions of safety or

achievement. However, when the city's majority minority schools replaced the suspension system with a learner-centered approach, investing in social and emotional learning, student support teams, and planning centers, those schools experienced drastic reductions in reported behavioral incidents. Between 2008 and 2011, reported incidents decreased from 233 to 132 per school, along with a decrease in out-of-school suspensions district wide (Osher, 2011).

(d) Tiered Interventions, Strategies, and Non-Punitive Protocols Show Great Promise:

Non-punitive Response Protocols

Using non-punitive systematic protocols in schools in response to students' threats of violence without resorting to zero-tolerance suspensions has been shown to effectively reduce suspensions across the state of Virginia for both Black and White students. (Cornell, 2013). When students made threats, the Virginia Student Threat Assessments Guidelines helped teachers and administrators select appropriate responses that reduced the reliance on long- and short-term suspensions by 19% and 8%, respectively. A follow-up analysis demonstrated that the Guidelines significantly benefitted Black males and helped narrow the race/gender discipline gap in schools that adopted the guidelines (Losen, 2014).

School-wide Positive Behavior Interventions and Supports

School-wide Positive Behavioral Interventions and Supports (SWPBIS), a well-established systemic and data-driven approach to improving school discipline environments, emphasizes changing the underlying attitudes and policies of school staff concerning how student behavior is addressed (Losen, 2014). The most recent research findings suggest that schools and districts will be more effective in reducing both suspensions and racial disparities if they revise their school codes to align with the positive and constructive framework of PBIS and adapt the PBIS framework to pay specific attention to the data on race and ethnicity (Losen, 2014).

(e) Support and training for teachers and leaders in Syracuse:

During my last visit to Syracuse I had the impression that where PBIS and other efforts were underway to address school climate, the training and commitment to these programs may be inconsistent. Whatever systemic approach or combination of approaches the district pursues, training of teachers and leaders will likely be a core component. Success is unlikely if leaders and teachers do not "buy in" to the approach selected. Therefore, whatever obstacles may exist that may undermine the integrity of implementation should be identified and addressed squarely.

Large racial differences in suspension rates also raise questions about whether training to bolster classroom management skills might be even more useful if it included components of multicultural sensitivity to make teachers aware that implicit bias may affect how they discipline their students. Likewise, the data suggest that teachers might

benefit from increased support and training in working with students with disabilities, who are increasingly mainstreamed in general education classrooms.

Leadership Training: Leadership training would also likely generate improvements. Given that a recent study found that the attitudes of principals was among the strongest predictors of both suspensions and racial disparities in discipline. (Skiba 2014). And variations in a leader's approach to school discipline can make a profound difference in attendance and educational outcomes.³⁴ Leadership training was identified as critically important to the successful efforts in Baltimore.³⁵ Therefore, leadership training attached to one of the above programs is highly recommended.

5. Address the possible contributions of bias: The law requires that intentional bias and discrimination must be eradicated. More difficult to address is the well-established problem of unconscious bias and stereotypes that inform our perceptions of behavior and shape our responses to them. In my September presentation I introduced this concept by describing a beer tasting experiment by behavioral economist Daniel Ariely.³⁶ The experiment demonstrated how mentioning the addition of a drop of vinegar only negatively affected the perception of taste when taste testers were told of the additive before tasting, not after. Simply put, expectations altered perceptions. Similarly, if we accept that negative unconscious racial attitudes exist, then knowing a child's race/ethnicity can influence how we perceive a child's behavior.

Too often discussions of unconscious bias are confused with accusations of intentional racism. The research on unconscious bias against Blacks is well established by Tony Greenwald, Mahzarin Banaji and Brian Nosek. Although unconscious bias is likely a bi-product of societal racism, it can only be detected with carefully designed neurological tests. Although difficult to measure, any individual can take an implicit bias test on line thanks to the project implicit website.⁵ The hard-to-measure nature of implicit or unconscious race, disability or gender bias makes it very difficult to prove a causal connection, but logic and research findings strongly suggest that bias may be one of several contributing factors contributing to disparities in discipline.⁷⁰ Exactly how much influence bias has on teachers' and administrators' discipline decisions is just beginning to be explored. It seems likely, however, that subtle forms of bias can affect whether the observed behaviors of different groups are perceived as differentially problematic, and can also influence the subjective decision regarding the appropriate response. The examination of bias must start with analysis of data on disproportionality: If discipline disparities are not reported or attended to, it is unlikely that schools will ever explore how they might mitigate the influence of such biases.

It is worth noting that research on student behavior, race, and discipline has found no evidence that African American over-representation in school suspension is due to higher rates of misbehavior.³⁷ A 2010 study by Johns Hopkins researcher Dr. Katherine Bradshaw, based on 21 schools, found that even when controlling for teacher ratings of

⁵ <https://implicit.harvard.edu/implicit/>

student misbehavior, Black students were more likely to be sent to the office for disciplinary reasons.³⁸

Other studies suggest that racial disparities in discipline are larger in the offense categories that are subjective or vague, and vice versa. Specifically, Dr. Russ Skiba and his colleagues reviewed racial and gender disparities in school punishments in an urban setting and found that White students were referred to the office significantly more frequently for offenses that are relatively easy to document objectively (e.g., smoking, vandalism, leaving without permission, and using obscene language).³⁹ African American students, however, were referred more often for behaviors that seem to require more subjective judgment on the part of the person making the referral (e.g., disrespect, excessive noise, threatening behavior, and loitering).⁴⁰ In short, the researchers concluded that there is no evidence that racial disparities in school discipline can be explained by more serious patterns of rule breaking among African American students.⁴¹ It appears that White students are engaging more often in those behavioral transgressions that can be documented and counted without much subjectivity or discretion coming into play. However, for those offenses that require a judgment call by teachers, administrators and others, Black students are disproportionately called out.

In Syracuse, my comparison of disparities in the suspensions per 100 by offense type yielded results that are consistent with the research literature. Conscious and unconscious bias may both contribute to these observed patterns. However, to prove that similarly situated students were intentionally punished more harshly because of race or gender or disability would require a much deeper investigation. Although I would encourage the Syracuse City schools to vigorously investigate any and all instances of intentional discrimination, barring any additional evidence of intentional different treatment, I believe that unconscious bias is far more likely a major contributing factor to the observed trends and disparities.⁴²

Further, the race/gender analysis presented in Part II, raised concerns about unconscious discrimination that may include bias by race, gender or disability status, or language minority status, and that these biases, if they do contribute, do not operate in separate silos. For example, if we assume that there is an unconscious tendency to perceive males as more disruptive or threatening, and Blacks as more disrespectful or defiant, these biases may feed each other and increase the likelihood that the confluence of race and gender bias may heighten the perceived need for disciplinary exclusion as a response to behavior by Black males. To the extent the district decides to address the possibility of bias as a contributing factor, remedies should not focus on race to the exclusion of gender or vice versa.

Although researchers can demonstrate the need to reflect on bias and for training in multi-cultural sensitivity, there are no research-based programs that meet research standards for “proven-effective.” On the other hand, there are highly recommended consultants and programs that may be effective and research does suggest they would be worth employing alongside efforts to implement PBIS, for example (Vincent, 2014). In this area I recommend that the district continue to work with community members and

consultants and develop a program of its own. This issue warrants a separate memo and there are several possibilities that I will present in a subsequent memo for consideration if requested.

In addition to these five recommendations that were mentioned in the September presentation, one additional important change is recommended based on my review of the data on school based arrests and referrals to law enforcement.

6. Develop stronger protocols for school policing to improve safety and reduce arrests and referrals: Judge Steven Teske of Montgomery County, Georgia made great strides in reducing violence in schools and school based arrests by working closely with district and police officials to develop an approach to school policing that best served the educational needs and interests of the students and kept all members of the school community safe. The recent rise in school based arrests in Syracuse and large disparities by race and disability status among those students affected is a very serious matter and should prompt a new memorandum of understanding similar to the successful model developed in Clayton County. This issue also deserves a more detailed review of the data and a thorough set of recommendations. Because of the serious safety issues involved, I recommend that Syracuse bring in Judge Teske, or a similar expert, to work with the stakeholders involved.

Next Steps and Conclusion:

Besides revising the code of conduct, training teachers and leaders, tracking discipline data on a quarterly basis, and exploring ways in which the district might address the impact of unconscious bias, the next steps for Syracuse call for strong and purposeful action in several areas:

- **Investment in systemic interventions such as fully implementing PBIS and restorative practices;**
- **Community involvement to annually revise the code of conduct, discipline policies and practices, review of discipline disparities district-wide, and issues of school policing;**
- **Data connections through annual reporting to the public using straightforward descriptive statistics of academic growth alongside discipline data with both disaggregated by race and disability status;**
- **Review of school policing practices toward a memorandum of understanding designed to reduce school-based arrests while improving trust and safety;**
- **Consider school reconfiguration and benefits of K-8 model when introducing new schools;**
- **State AG settlement agreement with short and long-term goals and independent monitoring.**

The degree of disparities by race and disability status combined with a lack of clear justification, especially with regard to the high number of suspensions for minor infractions at all levels (including suspension for tardiness and truancy) as well as the unusually high number of elementary school aged students excluded, suggest a comprehensive change in approach to school discipline is needed. This should start, but not end with, the latest proposed revisions to the school code to ensure it is aligned with a constructive educational mission including positive behavioral interventions and supports

as well as restorative approaches to discipline. The changes made in the Interim Code of Conduct adopted this year may not be fully aligned with the research or more constructive frameworks. For example, if the school code responded to violations like truancy and tardiness with suspension in or out of school, the code would contradict research suggesting that disciplinary exclusion from the classroom (in our out-of-school suspensions) reward the behavior they intend to deter. Students who are skipping school or coming late need not only more time in the classroom, but a better understanding as to why the attendance issues are re-occurring so that the pattern can be interrupted. Responding to such issues by denying student's access to school or the classroom only reinforces the behavior educators seek to prevent.

Summer training programs and professional development provided during the school year should ensure that teachers and leaders have the skills and the support they need for more effective and less punitive environments. Such training need not be focused on the changes to the code of conduct per se, but on the deeper overarching changes to the approach to school discipline. Throughout these trainings and as a matter of routine district and building level review, the issue of discipline disparities along the lines of race, disability status, English learner status and gender must remain in the forefront of the discussion.

Research and monitoring relationship with the Center for Civil Rights Remedies:

Given the depth and breadth of recommended changes there are potential benefits from entering into a contractual relationship with the Center for Civil Rights Remedies at UCLA to monitor/evaluate progress.

a. Evaluation Role: This would entail contracting with CCRR to create an evaluation baseline and then conduct a rigorous evaluation of specific efforts. The degree of involvement would depend in part on what new programs and interventions were to be evaluated.

In addition to or instead of performing a program or intervention evaluation role, CCRR could provide ongoing assistance to the district with both the quarterly data analysis and its use, and could take on the role of creating the quarterly reports the district uses for internal evaluations.

b. Independent Guidance Role: CCRR could help create an independent rubric for evaluating the district's progress and work with the district as a technical assistance provider. In this technical assistance role CCRR could provide ongoing advice related to securing federal grants for discipline reform efforts, improving the use of data among district staff, and addressing all related issues on an ad hoc basis. As a consultant I have already brought several potential funding sources to the attention of the district and through CCRR, could further provide assistance with putting together and submitting grant proposals for the district to build on the strong work it has begun. Where appropriate, CCRR can serve as an academic research and evaluation partner where grant proposals support such relationships. As a T.A. provider, CCRR can also help the district identify and other experts to provide trainings and facilitate the implementation of discipline reform efforts of the district's choosing.

c. Help to ensure legal compliance: CCRR's expert understanding of civil rights law would also help ensure the district pursues a plan that is fully complying with both the letter and spirit of agreements entered into with the State Attorney General's Office of New York with regard to Title VI and Section 504 of the Rehabilitation Act of 1973.

Conclusion: These recommendations are not exhaustive, but first steps based on a combination of close data analysis down to the school level with consideration of the latest research and legal requirements. They also reflect discussions with Syracuse school district personnel and community members. Altogether they stay true to the jointly released U.S. Department of Education and Department of Justice's principles⁴³ regarding school discipline described at the outset, which are worth repeating here:

(1) Create positive climates and focus on prevention: The protocols for school policing along with the several different interventions outlined above, including restorative practices, PBIS and social and emotional learning are aligned with this principle.

(2) Develop clear, appropriate and consistent expectations and consequences to address disruptive student behaviors: The revision of the school code and bringing in an independent monitor to establish a baseline and evaluate progress down to the school will help insure that this principle is adhered to as the district moves forward. Further, reviewing discipline data internally, down to the level of the classroom will help ensure this principle is adopted and adhered to by the district. Pursuing the goals of the new approaches will need to be joined with investments in teacher and leader training to ensure that these approaches are implemented with consistency and integrity. Similarly, the district should plan to expand pilot programs that are successful.

(3) Ensure fairness, equity and continuous improvement: The recommended quarterly data review, with disaggregation by race, disability status and gender, aligns squarely with this recommendation. The commitment to review and revise the school district's code of conduct, annually, with input from community members most affected by the disparities, will also help ensure continuous improvement toward an equitable set of policies and practices.

With these principles in mind, I believe the detailed recommendations provided could help the Syracuse City School District make significant improvements in school climate and academic outcomes while reducing or eliminating the large disparities along the lines of race, disability status and gender.

APPENDIX:

Table 1 represents one way the district might construct a table for such a quarterly review. Additional tables should be constructed for each racial group so that both race and disability disparities can be tracked.

Table 1. Unduplicated Students Suspended By Disability Status

	First Q	Second Q	Third Q	Fourth Q	Avg. Per Quarter
Cumulative Unduplicated Count of Students WITHOUT Disabilities (SWOD) Suspended Out-of-school	A	A +B	A +B+C	A+B+C+D	A+B+C+D/4
Unduplicated count of students Suspended for the first time	A	B	C	D	
Cumulative OSS as Percentage of Total Enrollment (Risk)	A/cum ENROL	A+B/cum Enroll	A+B+C/cum enroll	A+B+C+D/cum enroll	
Cumulative Unduplicated Count of Students WITH Disabilities (SWD) Suspended Out-of-school					
Unduplicated count of students Suspended for the first time					
Cumulative OSS as Percentage of Total Enrollment (Risk)					

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ENDNOTES

¹ Even before the “dear colleague” legal guidance was released, and after my presentation in Syracuse in September, the State Attorney General for New York launched an investigation into the districts’ policies and practices pursuant to both state and federal law, including, but limited to, the civil rights regulations referenced in the new federal guidance. The New York Attorney General’s investigation is now underway. This report is wholly independent from that investigation, but not irrelevant to it.

² The SSDI reflects a groundswell of interest and activity by states and school districts across the nation to improve school climate and the conditions for learning without relying on frequent exclusion from school to accomplish these goals. An overview of the SSDI can be found here: <http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

³ A link to the full set of new documents issued by the Collaborative are available here: www.civilrightsproject.ucla.edu

⁴ The NY Times summarized performance at each grade level in 2012. These are available online at: <http://projects.nytimes.com/new-york-schools-test-scores/counties/onondaga/districts/syracuse-city-school-district>

⁵ I ranked the districts as part of my analysis for this report. One can replicate the finding by going to www.schooldisciplinedata.org and finding the excel spreadsheet by clicking on [Elementary, Middle, High School Report: District by Gradespan \(CRDC 0910 FINAL\)](#). The spreadsheet has filters for each column. Click on the elementary tab and then find the column “Suspension rate among all students.” Using the filter, rank order the districts by descending.

⁶ The guidance and guiding principles and related resource documents can be found here:

<http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

⁷ Fabelo, T., Thompson, M. D., Plotkin, M., Carmichael, D., Marchbanks, M. P., & Booth, E. A. (2011). *Breaking schools' rules: A statewide study of how school discipline relates to student's success and juvenile justice involvement*. New York, NY: Council of State Governments Justice Center, and College Station, TX: Texas A&M University. Public Policy Research Institute.

⁸ See comments excerpted in endnote 50 that followed an article about efforts to address high rates of suspension in Syracuse.

⁹ Kratochwill, T. (N.D.). Classroom Management: Teachers Modules. American Psychological Association. Screen 4. Retrieved December 3, 2010, from

<http://www.apa.org/education/k12/classroom-mgmt.aspx>

¹⁰ See, Green, E. (2010, March 7). Can good teaching be learned? New York Times Magazine, 30-46.

¹¹ American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *American Psychologist*, 63, 852-862.

Further, the consensus among experts on child development and emotional health is that relying on frequent out-of-school suspensions to create a safe environment or to improve education outcomes will undermine these goals. Research cited by the American Academy of Pediatrics, the American Psychological Association, the National Association of School Psychologists, recent studies by the Council of State Governments Justice Center, and several new studies highlighted in this brief have demonstrated that frequently suspending students out of school is associated with higher levels of grade retention, academic failure, dropping out, and involvement in the juvenile justice system. Even if well-intended, reliance on frequent disciplinary exclusion simply does not create safer or more productive learning environments.

¹² American Academy of Pediatrics. (2013). Policy statement on out-of-school suspension and expulsion. *Pediatrics*, 131, 1000-1007.

¹³ Osher, D., Bear, G.G., Sprague, J.R., & Doyle, D., (2010, January). How can we improve school discipline? *Educational Researcher*, 39 (1), 48-58, 49. Retrieved December 9, 2010, from <http://edr.sagepub.com/content/39/1/48.full.pdf+html> (subscription required).

¹⁴ Skiba, R., Trachok, M., Chung, C. G., Baker, T., Sheya, A., & Hughes, R. (2013, January). *Where should we intervene? Contributions of behavior, student, and school characteristics to suspension and expulsion*. Paper presented at the Closing the School Discipline Gap: Research to Practice conference, Washington, DC.

¹⁵ Alonso, A. (2013). *School discipline and student achievement*. Baltimore city: Retrieved from <http://www.nycourts.gov/ip/justiceforchildren/PDF/NYS%20Summit-PPTs%20for%20Web/P3-Alonso.pdf>

¹⁶ Gonzalez, T. (in press). Socializing schools: Addressing racial disparities in discipline through restorative justice. In D.J. Losen (Ed.), *Closing the School Discipline Gap*. Columbia, NY: Teachers College Press. (Available from Daniel Losen upon request).

¹⁷ Steinberg, M. P., Allensworth, E., & Johnson, D. W. (2013, January). *What conditions jeopardize and support safety in urban schools? The influence of community characteristics, school composition and school organizational practices on student and teacher reports of safety in Chicago*. Paper presented at the Closing the School Discipline Gap: Research to Practice conference, Washington, DC.

¹⁸ Gregory, A., Allen, J. P., Mikami, A. Y., Hafen, C. A., & Pianta, R. C. (2013, January). *The promise of a teacher professional development program in reducing the racial disparity in classroom exclusionary discipline*. Paper presented at the Closing the School Discipline Gap: Research to Practice conference, Washington, DC.

¹⁹ Marchbanks, M. P., III, Blake, J., Booth, E. A., Carmichael, D., Seibert, A. L., & Fabelo, T. (2013, January). *The economic effects of exclusionary discipline on grade retention and high school dropout*. Paper presented at the Closing the School Discipline Gap: Research to Practice conference, Washington, DC.

²⁰ For example, in California the organization has been pushing for the elimination of suspensions for offenses such as disruption and willful defiance. See <http://www.fightcrime.org/state/california/dropout-prevention>

²¹ Fight Crime: Invest in Kids (2009). Comments Pursuant to Notice of Proposed Information Collection Request. Fight Crime: Invest in Kids is a non-profit organization of 5,000 police chiefs, sheriffs, prosecutors and other law enforcement leaders. It recently stated: "While school safety must be maintained and truly dangerous students removed from the school community as appropriate, suspension and expulsion often provide troubled kids exactly what they do not need: an extended, unsupervised hiatus from school that increases their risk of engaging in substance abuse and violent crime." The organization calls for more data to "...help educational authorities track suspensions and expulsions to evaluate their approach to school discipline and ensure students are not inappropriately placed at risk."

²² The National AFT held a National Summit on School Discipline on March 21-22nd in Washington DC called: <http://www.aft.org/pdfs/tools4teachers/practitionersumAgenda.pdf>

²³ Ratios were grouped as follows: 2.0 or higher: Bellevue Elementary; Delaware, Dr. Weeks ES, Hughes ES, H.W. Smith K-8; Roberts; Salem Hyde ES; Seymour ES; Van Duyn ES. 0.75 or less: Clary MS, Corcoran HS; Danforth MS; Expeditionary Learning MS; Lemoyne ES, Fowler HS; Huntington MS; Institute of Technology at Syracuse Central; Nottingham HS

²⁴ Paul Riede, *Teachers, PTO leader speak out on discipline to Syracuse school board*, December 11, 2013 available online at: http://www.syracuse.com/news/index.ssf/2013/12/post_961.html

²⁵ The following are a series of comments to the report on efforts in Syracuse to reduce suspensions:

My daughter-in-law teaches at Fowler HS and the stories she tells are Stephen King material. These teachers need the support of administration to protect them from the daily abuse they encounter. And until administration faces these challenges head-on and admits there needs to be a better solution, we will continue to raise a new generation of animals and eventually revert back to the cave man.

When these kids are being raised by people who only had them to obtain a free living ...are we really surprised with their behavior?

It would be cheaper if we just paid them NOT to have kids.

Teachers must have teachable pupils and be provided an environment where teaching can be performed. My best guess is that 1/3 to 1/2 of the pupils before our teachers in SCSD aren't capable of being taught the specific material presented. Those pupils must be placed in an environment commensurate with their aptitudes.

This is also happening at the middle school level to the point where even the kids are complaining daily about the lack of consequences. The problem students run the halls, destroy classrooms, teacher belonging, textbooks, they curse and verbally abuse staff, they fight, they kick, they throw things at teachers and that only scratches the surface.

I have been injured twice and the students who injured me were back in class the next day. What message does this send to kids when they see this happen day after day.

Student achievement will not go up until problem students are removed and teachers are allowed to teach in a way that meets student needs. Student achievement will not go up until problem students are removed and teachers are allowed to teach in a way that meets student needs. The district needs to stop creating curriculum that has students reading materials that are 1200 lexile for kids that read at a 500 lexile or stop teaching algebraic equations to kids who cant multiply and divide. I believe that this is also part of why kids act up. We need to make learning accessible to our population and frustrating them to the point that they rebel less.

There are huge fights every day, disrespectful students and students who truly care who are missing out on quality education.

Just think of this in another way, suppose you showed up daily on a job , not only didn't do your job but created an unfriendly environment, disrupted all activities , how long do you think you would be working there ? Why are you asking these teachers to teach, discipline and to put up with kids that have behavior problems? This isn't a teaching problem!!!!!! It's a behavior problem and I see that is something that is not being dealt with.

²⁶ Tavernise, S. (2010, December 1). A mission to transform Baltimore's beaten schools. New York Times. retrieved December 3, 2010, from <http://www.nytimes.com/2010/12/02/education/02baltimore.html>

²⁷ This is an excerpt of the policy brief, Daniel J. Losen, *Discipline Policies, Successful Schools and Racial Justice*, Policy Brief, National Education Policy Center (2011).

²⁸ American Academy of Pediatrics. (2003, November). Policy Statement: Out-of-school suspension and expulsion.) Pediatrics, 112 (5), 1206-1209. Available at <http://aappolicy.aappublications.org/cgi/content/full/pediatrics;112/5/1206>. (A statement of reaffirmation for this policy was published on August 1, 2008.)

²⁹ American Academy of Pediatrics. (2003, November). Policy Statement: Out-of-school suspension and expulsion.) Pediatrics, 112 (5), 1206-1209. Available at: <http://aappolicy.aappublications.org/cgi/content/full/pediatrics;112/5/1206>. (A statement of reaffirmation for this policy was published on August 1, 2008.)

³⁰ American Academy of Pediatrics. (2003, November). Policy Statement: Out-of-school suspension and expulsion.) Pediatrics, 112 (5), 1206-1209. Available at <http://aappolicy.aappublications.org/cgi/content/full/pediatrics;112/5/1206>. (A statement of reaffirmation for this policy was published on August 1, 2008.)

³¹ American Psychological Association Zero Tolerance Task Force, (2008, December). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. American Psychologist, 63 (9), 852-862.

³² Losen, D.L. & Skiba, R.J. (2010, September). Suspended Education: Urban Middle Schools in Crisis. Los Angeles: The Civil Rights Project at UCLA. Retrieved December 5, 2010, from

http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/suspended-education-urban-middle-schools-in-crisis/Suspended-Education_FINAL-2.pdf

³³ <http://www.nbcbayarea.com/news/local/Change-in-Suspension-Policy-Helps-San-Jose-High-School-223997471.html>

³⁴ Further, if out-of-school suspensions do not usually help improve educational outcomes, researchers in the ethics of administration point out that their frequent use raises serious ethical concerns. See McCray & Beachum, (2006, Winter). A critique of zero tolerance policies: an issue of justice and caring. *Values and Ethics in Educational Administration*. 5 (1). Retrieved August 29, 2011, from http://www.nipissingu.ca/csle/VEEA/Vol5_Num1.pdf

³⁵ Recently, for a forthcoming book of research on remedies that I am editing, I interviewed Executive Director for Student Support and Safety for Baltimore City Schools, Karen Webber-Ndour. She related to me that after the initial progress dramatically reducing suspension rates in Baltimore City, they began to rise again. In response she initiated a school climate initiative that last year resulted in a 24% reduction in suspensions while graduation rates continued to rise. Webber-Ndour had this to say about her efforts: “There are numerous obstacles to creating positive school climates. What we’re attempting to do in Baltimore is not done in most districts. By establishing a common definition and providing in depth training around school climate, we help school leaders identify climate problem areas and create solutions to address those problems. Everyone has the capacity to improve their school climate given the proper tools and support.

Adult attitudes also create barriers to improving school climate. Principals often justify the use of suspensions with statements such as “I needed to send a message that this behavior will not be tolerated,” while others proclaim that they are protecting the “safety and well-being” of their school communities (by sending the bad kids away). The problem with these sentiments is that they label children as either “bad” or “good.” We need a more realistic concept in which we perceive children as developing beings that require guidance – not only academically – but behaviorally as well.

In Baltimore City, I’m messaging that the adult attitude toward students needs to be restorative, rather than punitive. Adult responses need to invoke the student’s voice and determine why the student misbehaved. The adult also needs to take measures to restore the school community and bring the student back into the safety that the school offers. This requires a huge shift in the average educators’ mind set; but it is a mental shift that I have seen work miracles over and over again.”

³⁶ Daniel Ariely, *Predictably Irrational: The Hidden Forces That Shape our Decisions*, at pages 157-159, Harper Collins, New York, (2009)

³⁷ McCarthy, J. D. & Hoge, D. R. (1987). The social construction of school punishment: racial disadvantage out of universalistic process. *Social Forces*, 65, 1101-1120.

McFadden, A. C., Marsh, G. E., Price, B. J., & Hwang, Y. (1992). A study of race and gender bias in the punishment of handicapped school children. *Urban Review*, 24, 239-251.

See also, Kelly, S. (2010). A Crisis in Authority in Predominantly Black Schools? *Teachers College Record*, 112 (5), 1247-1274 Retrieved October 18, 2010, from

<http://www.tcrecord.org/library> ID Number: 15666 (<http://www.tcrecord.org/library/abstract.asp?contentid=15666>). Study looked at data from teacher surveys and concluded that when factors of low achievement and poverty were accounted for that Black students were no more disruptive than other students.

³⁸ Bradshaw, C. P., Mitchell, M. M., O’Brennan, L. M., & Leaf, P. J. (2010). Multilevel exploration of factors contributing to the overrepresentation of Black students in office disciplinary referrals. *Journal of Educational Psychology*, 102(2), 508-520, 514

³⁹ Skiba, R.J., Michael, R.S., Nardo, A. C., & Peterson, R. L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Urban Review*, 34, 317-342.

⁴⁰ Skiba, R.J., Michael, R.S., Nardo, A. C., & Peterson, R. L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *Urban Review*, 34, 317-342.

⁴¹ See Also, Skiba, R., Horner, R.H. et al., (2009?) Race is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline, paper published on CD Rom for U.S. Department of Justice Civil Rights Division & U.S. Department of Education Office for Civil Rights conference, Civil Rights and School Discipline: Addressing Disparities to Ensure Equal Educational Opportunity on September 27-28, 2010, (reviewing literature on causes of disparities in discipline and attributing differences to “a violation of implicit interactional codes” (Varvrus and Cole 2002) and differences in classroom management style (Gregory and Weinstein 2008), at page 4 (paper on file with Russ Skiba).

⁴² Research on implicit bias, and specifically a test developed by neuroscientists, shows that most people have implicit negative bias against Blacks (Akalis, Banaji, & Kosslyn, 2008). There is no reason to think teachers and administrators would be an exception. Second, research has shown that bias is an important indicator with regard to racial disparities in the field of juvenile justice (Goff, Eberhardt, Williams, & Jackson, 2008). Finally, studies seeking to unpack the contributing factors to racial disparities have found insufficient support for theories that the observed disparities can be explained by poverty or differential behavior. Several studies have demonstrated evidence of differential treatment by race, where administrators gave different consequences for the same offense. The most direct links we have for

teachers are: a) Patricia Devine has been able to show that pre-service teachers hold implicit bias; b) that with intervention, it is possible to reduce that; and c) that some students see bias in micro-aggressions (Devine, Forscher, Austin, & Cox, 2012). When these sources are considered altogether, they do support the assertion that teacher/administrator bias may be contributing to the racial disparities in discipline. Akalis, S. A., Banaji, M. R., & Kosslyn, S. M. (2008). Crime alert!: How thinking about a single suspect automatically shifts stereotypes toward an entire group. *Du Bois Review: Social Science Research on Race*, 5, 217-233; Devine, P. G., Forscher, P. S., Austin, A. J., & Cox, W. T. L. (2012). Long-term reduction in implicit race bias: A prejudice habit-breaking intervention. *Journal of Experimental Social Psychology*, 1-12; Goff, P. A., Eberhardt, J. L., Williams, M., & Jackson, M. C. (2008). Not yet human: Implicit knowledge, historical dehumanization, and contemporary consequences. *Journal of Personality and Social Psychology*, 94, 292-306.

⁴³ The guidance and guiding principles and related resource documents can be found here:
<http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>