

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/unfair-school-discipline-bad-kids-worse-policy>

Public Facing Advocacy Writing

[Analysis of new data](#) from the United States Department of Education Office for Civil Rights collected from each of the nation's 97,000 public schools paints a troubling picture of unequal access to preschool, disparate teacher pay and quality, and students unprepared for college and a career. For far too many students, success in school is still out of reach.

Further, and most relevant to Vera's work, children and youth of color are more likely to be punished, and punished more severely than their white peers for school misbehavior. Students with disabilities are more than twice as likely to be suspended as their peers.

While some contend that racial disparities in school discipline merely reflect differences in behavior, the best evidence from court cases and research show otherwise, as pointed out in a joint [Dear Colleague letter](#) issued this winter by the U.S. Departments of Justice and Education. In case after case, similarly situated black and white youth (same disciplinary history, same behavior) are treated differently, with black youth being punished, on average, more severely by the adults in their school.

Whether teachers, school resource officers, or administrators make these decisions consciously or unconsciously, with or without racial malice, does not matter. What matters is that adult response to youth misbehavior continues to be racially tinged. Contrary to our best intentions, adults have developed vague policies and have disciplined children unfairly.

This is the first comprehensive national survey since 2000. But the problems it uncovers are hardly new. The first nationwide survey of school suspension practice in 1972-1973 by the DOE's Office for Civil Rights [found strong evidence](#) of disparate treatment based on race, and that generally, suspensions were being used too frequently.

Nearly 40 years later, not only do racial disparities persist but suspensions are used more widely and at an earlier age. More than 5,000 preschool students were given out-of-school suspensions in 2011-12 and more than half of those students were suspended more than once. As Vera found in a recent [review](#) of zero tolerance in schools, these policies make neither schools nor students safer.

As we approach the 60th anniversary of *Brown v. Board of Education* this spring, it may be instructive to evaluate the recent data from the Office of Civil Rights in light of the broader issue of racial segregation in public education. As cities, suburbs and neighborhoods have become more racially and ethnically integrated over the last generation, schools have retained high levels of segregation. And segregated remains unequal. How can public policymakers support integrated districts and schools in their efforts to fairly educate all students?

In the contemporary policy arena, such questions are not as urgent or as popular. However, a new report from the [Civil Rights Project / Proyecto Derechos Civiles](#) at UCLA reminds us that close to home in New York, integration remains elusive. The most recent analysis of schools in New York shows them to be the most racially segregated in the nation.

There is broad political support for closing the opportunity gap for students of color. Since there is evidence that segregated schools and harsh school discipline thwart these students' chances for success, policymakers need to find ways to address both.

Safety and order in schools does not have to come at the cost of fairness. While all youth should be held responsible for their behavior, adults should take responsibility for their behavior too. In responding to young people in school, parents, teachers, advocates and administrators can work together in the best interests of all children to reform and improve school discipline.

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