

**Restoring Justice: Disproportionate School Discipline**

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## **Introduction**

A student walks into the classroom for his/her first period several minutes late. The student's teacher yells at him for being late again. That student talks back, and is given a detention for lack of respect. Since this detention will be the student's third, the student also will face a suspension. This student is not only now missing school, but may also feel disconnected and disengaged from his teacher and the class. This all could have been avoided if restorative justice was put into place. Teachers, administrators, and classmates would welcome this student, and after class pull the student aside to ask why he/she was late. By showing concern, the teacher and student can establish a plan to get that student to class on time. This sets expectations, but avoids yelling between teacher and student, which in turn means the student will not face an immediate suspension. In other words, it de-escalates the situation and builds understanding between the teacher and student.

Teachers' biases play an important role in the experiences of black students in schools. When teachers hold different expectations of black students' abilities and behavior, it closes doors and pushes students out the classroom. Restorative justice can help prevent harsh consequences that hurt students in the long run, causing them to fall behind other students in the classroom. Restorative justice can help reduce the amount of days students spend out of school and can help students become more successful in a classroom setting.

The first section of this paper will discuss disproportionate rates of discipline and how they can cause students to have unnecessary days out of school. The second part of my paper would discuss student-teacher relationships and how poor relationships can hurt students' success. The third section offers suggestions for how schools can solve the problem of teacher biases. Lastly, the paper will conclude with how restorative justice could have a positive impact on students and teachers in an educational setting.

## **Disproportionate Discipline in Schools**

Across the country, rates of discipline are highly disproportionate based on race. Nationally, black students are suspended and expelled at higher rates than white students. For example, in Pittsburgh Public Schools, black students are 2.9 times as likely as their white peers to be suspended (Groeger, Waldman, and Eads 2018). The statistics are even worse in the state of Pennsylvania, where black students are 5.6 times more likely to be suspended than white

students (Groeger et al., 2018). Unnecessary days out of school can lead to a large racial achievement gap. The achievement gap is when one group of students significantly surpasses another group of children in standardized test scores. In terms of race, in the US there is an achievement gap between white and black students. In Pittsburgh Public Schools, where there continues to be disproportionate discipline rates, black students on average test 2.2 grade levels behind their white peers on their PSSAs (Groeger et al., 2018). This achievement gap gives white students more of an advantage in the educational environment, which opens up lifelong opportunities to them. This also puts black students in jeopardy because on average the achievement gap places them behind white students, causing them to struggle in upcoming grades and closing opportunities, whether they be admissions to AP classes or college campuses, to them. A way to prevent the achievement gap from being so large in the educational environment is by lowering discipline rates of black students in order to make schools more equitable. Unfortunately, high discipline rates are common because of a school-to-prison pipeline.

The school-to-prison pipeline is when students are moved out of school settings and placed into the criminal justice system at alarming rates. This works in a few ways. One reason is that, “school officials have given armed police officers unfettered authority to stop, frisk, detain, question, search, and arrest school children on and off school grounds” (Elias 2013). Students who are arrested are more likely than their peers to drop out of school permanently (Elias 2013). Another way that the school-to-prison pipeline works is through excessive suspensions and expulsions. Suspensions and expulsions do not remediate students’ problems that often cause misbehavior in school. This means that those children are likely to repeat their mistakes, which could land them in prison. Nationally, African American students are 3.5 times more likely than white students to be suspended or expelled, which contributes to even wider racial achievement gaps (Elias 2013).

### **Student-Teacher Relationships and School Discipline**

Although there are many reasons why disproportionate discipline occurs in schools, teacher biases play a large role. Black students, and in particular black boys, often receive the harshest punishments in schools. Teachers’ implicit biases not only lead to black students getting harsher penalties, but also to black students getting in trouble more often for subjective behavior.

Together, these punishments cause black students to miss more time in school. Finally, even when they are in the classroom, teacher biases can also impact academic expectations of students, which can leave black students further behind academically.

One way that teacher bias negatively impacts black students is because many white teachers tend to expect black students to act out more often than their white peers. Gilliam et al. created a study called the eye-tracking study that consisted of 117 preschool teachers viewing six minute clips of students in a classroom. The teachers were told that the key-point of the study was to detect the behaviors that were challenging or likely to lead to misbehavior in the classroom. The participants were told to press a key every time they saw a, “challenging behavior,” (Gilliam et al., 2016, 6). However, in the video there were not any, “challenging behaviors,” being shown. Gilliam et al. (2016) were actually tracking the preschool teachers’ eye movements to see which students teachers tracked when looking for misbehavior. In the clips it showed a white boy, a black boy, a white girl, and a black girl. Although the clips were six minutes, and none of the students actually misbehaved in the clip, participants spent the majority of the time focused more on the black boy compared to the others in the clips. In addition to tracking the teachers’ eyes, the researchers explicitly asked teachers which student they thought needed the most attention while viewing the six minute video. The results showed 42 percent of teachers believed that the black boy needed the most attention, despite the fact that none of the students were actually misbehaving (Gilliam et al. 2016, 7). This shows that boys are more likely to be targeted for disciplinary action than girls in an educational environment. On average, boys of any race are four times as likely as girls to be suspended (Skiba et al. 2002, 320). However, gender is not the only reason why some people are disciplined more often than others; race plays a large role as well. Gilliam et al.’s eye tracking study confirms that teachers monitor black boys’ behavior more than any other students, even as early as preschool. When black boys are tracked and disciplined at a higher rate, it is a problem because this can lead to an unnecessary amount of days out of school.

Teachers’ implicit biases not only lead to disproportionate discipline, but can also lead to lower expectations of black students, which can widen the racial achievement gap. Gilliam et al.’s (2016) vignette study shows this. In the study, the researchers gave a short background story about a student with the name Emily, LaToya, DeShawn, or Jake. The only difference in the vignette was the student’s name; the rest of the information was identical. The teacher then had

to describe whether they thought they could help that student or not. White teachers who got descriptions of Emily and Jake generally thought that they could help those students more than white teachers who got descriptions of LaToya and DeShawn (Gilliam et al. 2016, 8). This is important because it shows who teachers are most comfortable with helping and who they are less likely to try to help. The study shows that teachers' expect that white students will do better than black students, and therefore might invest more in them.

Teachers' biased expectations of students can be harmful in more than one way. One example of this can be seen through subjective behavior reports. Subjective behavior is an action that the teacher interprets in their own way, but students may interpret the action in a completely different way. According to Skiba et al., Black students are more likely to be referred to the office for behaviors that could be interpreted differently by various staff members, such as being disrespectful or being too loud (Skiba et al., 2002, 334). These subjective observations could be influenced by teachers' biases in an educational environment. Alternatively, white students are more likely to be referred to the office for objective behaviors, like vandalism and leaving class without permission (Wright, 2015, 5). These are considered to be objective behaviors because any teacher could observe the action and describe the same actions that had occurred. In order to make disciplinary actions more equitable, teachers should describe infractions in objective terms. By describing behavior objectively, teachers, students, administrators and families can all have a better understanding of what occurred in the classroom and how to move forward productively.

### **What Can Be Done to Address Teacher Biases**

Even though implicit biases often hurt black students, there are strategies that teachers and school districts can use in order to help improve the situation. First, school districts should have all teachers take the Harvard Implicit Bias Test and discuss how teachers can recognize their own implicit biases. Once teachers understand their implicit biases, they can more effectively check them in the classroom using techniques like, "Me, They, We." Finally, there needs to be more effective recruiting of black teachers, especially black male teachers, to build stronger and more diverse connections with students.

The first step to solving implicit bias is to acknowledge that it exists. According to Staats, humans process information through two systems. System 1 is a way that humans unconsciously process information. This is how many implicit biases are acted out upon. System 2, on the other

hand, is humans' conscious processing. It requires reflection and considering multiple ideas at once (Staats 2015-2016, 30). Unfortunately, many times educators make decisions in the moment based on System 1, or their implicit biases (Staats 2015-2016, 30). This may be one reason why black students get in trouble so much more often for subjective behavior, like being disruptive. However, there are tools that can help teachers recognize their biases, such as the Harvard Implicit Association Test (IAT), which began in 1998 (Staats 2015-2016, 32). A good first step in combating implicit bias would be to have all teachers take the IAT, and then to offer teachers strategies to act on System 2 thinking more often than their implicit biases. Already from the data recorded, according to the Equal Justice Initiative, "Nationwide, 70 to 87 percent of Caucasians in the United States demonstrate bias against African Americans on the Race IAT" (Papillon 2012). Teachers need to start confronting these biases and to treat students equitably.

Some schools and educators around the country are already doing this. For example, Ellen Fracassini, a veteran teacher, saw implicit biases within herself. Before she found out that she had an implicit bias, she required all of her classes to be quiet when students did assignments when she noticed she had an, "unconscious bias" (Fracassini 2018). In order to check her implicit biases, Ellen Fracassini created a self evaluation tool called, "Me, They, We," that she used to help prevent her implicit bias from negatively impacting the classroom environment. "Me, They, We" is broken up into three questions for teachers to ask themselves before sending a student to face a consequence. The first question of this tool is, "Me," which is asking, "Am I the only person bothered or distracted by this behavior?" The second question of this self evaluation tool is, "They," which asks, "Is the student's behavior distracting them from the task at hand?" Finally, the last question is, "We," that asks, "Is this student behavior distracting to a larger group or the classroom as a whole?" (Fracassini 2018). This strategy helps teachers to take a minute to evaluate the problem before putting in a punishment that will interrupt students' learning and hurt the student's educational opportunities.

Another way to address disproportionate discipline in schools is to recruit more black teachers into the field. Black teachers are extremely important for multiple reasons. First, students of all racial backgrounds seem to benefit more when they are exposed to teachers who do not act on implicit biases, and black teachers are less likely to use race as a factor in grading or disciplinary practices (Gilliam, 2016). Additionally, in Wright's study, he found that Black teachers were more likely to explicitly explain their behavior and academic expectations to

students (Wright 2015, p. 5). This could help students understand how to be successful in the class, and therefore do better both academically and socially. Finally, Wright (2015) predicts that if Black students had Black teachers 30-60% of the time that their suspension rates would fall by 50% (p. 4). Black students who have more Black teachers are less likely to receive an out-of-school suspension or expulsion. Although there are clear advantages to having a diverse teaching staff, there is going to need to be a real effort made to recruit more Black teachers, particularly Black male teachers.

According to Goings & Blanco, in the US only 2% of teachers are Black men, despite the fact that 17% of American students identify as Black (Goings & Bianco, 2016, 629). Due to the fact that the number of black teachers is very limited, it makes it harder for students to see a successful black teacher as a role model because of a lack of exposure. Another reason why there may not be as many of black educators is because of the financial compensation of teachers compared to other jobs that require college degrees. Some students may not lean toward becoming a teacher because of its lower salary than other possible career fields those with Bachelor's Degrees can take on. According to Shannon Prentiss, a counselor at The Neighborhood Academy, she was not initially very interested in becoming a counselor. She was more interested in student affairs, but she stated that, "I wasn't necessarily money driven with this choice to pursue student affairs counseling. I think with my work at The Neighborhood Academy I became a little more admission driven" (Prentiss Interview, 2021). Finances may or may not play a role in students' decisions to become educators, but there are other barriers. Another reason black students may not go into teaching is due to a failure in the educational systems that can affect students of color the harshest because they are not quite prepared. In particular, black boys are less likely to be prepared for college. In 2012-2013, only 59% of black boys graduated high school (Goings & Bianco, 2016). In the same school year, 81% of all American seniors graduated (The U.S. Department of Education 2015). Another barrier to Black students becoming teachers may be the Praxis I and Praxis II Tests that need to be passed in order to gain a teaching license. Black students on average score lower on these exams than white students. Students who fear they will not pass may not want to enter into an education program (Goings & Bianco, 2016, 631).

In order to possibly get more black students interested in becoming teachers, Goings and Bianco recommended using a, "Grow Your Own" Teacher Program for high school juniors and

seniors in order to increase the amount of black teachers in educational environments (p. 644). The “Grow Your Own” program consists of Black male teachers serving as advisors for Black male students. The main goal of this program is to enhance the academic outcomes for Black boys and to help them gain academic skills to succeed in college.

One student in the program, Will, stated that, “I feel like having a teacher as the same ethnicity as you gives you another level of connection and it’s a good motivation to do work. They understand you and can relate” (Goings & Bianco, 2016, p. 641). By having this program, schools also hope that it will motivate students like Will to think about becoming teachers themselves, which could help address the shortage of black male teachers. This may encourage black boys to see teaching as an opportunity to break barriers and serve their community through teaching.

The “Grow Your Own” program is not the only one that tries to encourage more black students to become educators. Other programs in Pittsburgh that seem to be successful include programs that current school counselor Shannon Prentiss took part in called Cross Roads, N.E.E.D, and Fame, which are academic enrichment programs and scholarship programs for people of color. Prentiss stated that they are, “programs that encourage black students to go into education, and I am really passionate about that... I think that it is extremely important for students of color to see people that look like them, especially in these spaces of education” (Prentiss Interview, 2021). This could motivate many students to become teachers and allow the percentage of African American teachers to increase. Having these diverse role models and ways of teaching can expose students to new perspectives and ways of thinking.

### **Restorative Justice**

Reducing implicit bias among teachers and recruiting more black teachers to the education sphere are important steps to making schools more equitable. Even so, school districts must do more to address disproportionate discipline rates. One major step districts could take is to adopt restorative justice practices.

Restorative justice is a preventative and post-conflict resolution program. The purpose is to rebuild relationships and allow students to talk out their problems. Restorative justice is meant to teach students how to problem-solve and reduce conflict among peers independently (Restorative Justice Practices, p. 3). Preventative restorative justice means to explicitly teach



self-control to all students throughout the school year to make things run a lot smoother in educational institutions, but also in students' personal lives. The post-conflict part of the program is to teach kids how to manage their emotions and actions when they are being disrupted or after a conflict has already arisen (Restorative Justice Practices, p. 3). Lastly, restorative justice tries to build in consequences that repair hurt that has been done. For example, instead of suspension, students may have to clean up part of the school that was disrupted or harmed by misbehavior or conflict (Restorative Justice Practices, p. 5). One of the major benefits of restorative justice is that it helps to prevent unnecessary days out of school, which causes children to fall behind academically and feel isolated socially.

Most restorative justice programs do not get rid of suspensions, but try to put in barriers that prevent most suspensions. Restorative justice should primarily be a way to mediate problems before they go as far as suspension to allow children to re-evaluate and regulate themselves in school rather than spending time outside of school missing out on educational information. One example of restorative justice being used in educational settings is Baltimore Public Schools, which has divided levels of behavior into lower level and higher level. Lower level behaviors will never result in suspension (Restorative Justice, p. 10). Another example of restorative justice being implemented in educational institutions is in Oakland Unified School District, which started a restorative justice program in 2007 that tries to solve conflict before boiling over into a suspension worthy infraction. They broke down the program into three tiers. Tier 1 is when students and the teachers come together in circles to discuss peer to peer respect. This is preventative, and works to teach the whole class how to manage emotions and relate to one another respectfully. Tier 2 occurs after a conflict took place. It is a smaller group, which includes the harmed student and the student who did the harm. Tier 2 is trying to find the root causes of a problem and what can be done to repair the relationship and the environment. Tier 3 is for students who have been suspended, and it is intended to help students successfully get back into their school work and communities.

Multiple school districts have adopted general promising restorative justice practices. One practice that is very successful is the use of Peace Circles. Chicago Public Schools used meditation groups and peace circles. These were conferences between family members and peer juries to discuss misconduct, which resulted in 2,000 fewer suspensions in its first year (Restorative Justice, p. 10). Restorative justice is the most effective when students can mediate

their problems within the school building without out-of-school suspensions or expulsions. For example, if a student is disruptive in a classroom and making a mess, then at the end of class that student is expected to clean up and apologize to classmates and teachers.

Although restorative justice is an option, it does not always work if it is not well planned. The programs that do not focus on prevention of behavior are not as successful. An example of restorative justice being unsuccessful is in Minneapolis Public Schools, which only offers restorative practices for students who are at risk of expulsion (Restorative Justice, p. 10). Additionally, programs that only focus on the staff and not the students are generally less successful (Advancement Project et al. 2014, 10). Restorative justice works better when the entire community, including families, students, coaches, and school faculty, are on the same page (Restorative Justice, p. 3). There are many benefits of well-planned restorative justice practices. In schools that have adopted restorative justice, both suspension and expulsion rates have fallen. Also students' grades and GPAs increased because students were not missing as many classes.

In Pittsburgh Public Schools (PPS), there were many benefits of restorative justice in elementary schools. In its elementary schools with restorative justice, both suspension and expulsion rates have fallen. For an example, in the 2013-14 school year, PPS committed to shifting towards using restorative justice practices (Augustine et al.) Teachers received four days of professional development and then held monthly Professional Development meetings to teach restorative justice strategies. The most effective strategies that teachers used often were proactive circles and responsive circles. This is also true nationwide (Fronius et al.). In PPS, 69% of elementary teachers used proactive circles, and 49% used reactive circles (Augustine et al.). A proactive circle is a way to prevent problems before they occur. It is a way for students to discuss their emotions and problems in a safe and comfortable place (Augustine et al.). The most effective restorative justice practices are actually proactive. Fronius et al. stated that the purpose of proactive circles, "create an environment that is respectful and tolerant." Students themselves reported that using proactive and responsive circles prevented many fights from occurring (Fronius et. al.).

Despite the success at the elementary level, progress was not seen in the middle school level in PPS. According to Augustine et al., "At the middle grade level (grades 6–8), academic outcomes actually worsened in the treatment schools, and suspension rates in those grades did not change." This could be for several reasons. By the time students are in middle school, they

have already developed coping strategies, whether good or bad. Additionally, middle and high schools may see more violence, and 18 percent of students believe that they must be ready to fight to defend themselves (Augustine et al.). Students who have experienced years of teacher bias may also be more reluctant to restorative practices. Thirty-five percent of the students reported that they felt angry about the way adults treated them at school (Augustine et al.). It could be that it is more challenging for restorative practices to positively affect middle grade students, at least within a two-year time frame.

However, nationwide, restorative justice has been successful, even at the middle and high school levels. According to "Restorative Justice in US Schools," schools that have used restorative justice practices have lowered suspension rates significantly, from 10.6 percent to 5.6 percent (Fronius et al. 2019, 32). Importantly, suspensions of Black and Latino students were a significant part of this drop. Between the 2006/07 school year to the 2012/13 school year, schools that used restorative justice saw suspensions of Black students drop from 17.6 percent to 10.4 percent, and of Latino students from 10.2 percent to 4.7 percent (Fronius et al. 2019, 32). With these statistics in mind, it is important to use restorative justice to prevent large increases in suspension rates from occurring again.

There are some simple ways that middle and high school teachers can begin restorative justice practices in their classrooms, whether or not their school district adopts the practices. Teachers can weave restorative justice practices throughout the day with time for practices such as building community, which is allowing time in class for students get to know each other and build relationships. Teachers can also let students have a voice in class, greet each student by name, and use affirming statements when students do something well (Augustine et al. 2020, 6). This can create grades and GPAs increase for students because students are not missing as many classes and also feel like valued members of the class.

## **Conclusion**

Unfortunately, black students, and especially black boys, are more prone to being suspended and expelled at higher rates. This is alarming and harmful not only because it places students behind academically, but also because it leads a disproportionate amount of black boys to prison instead of classrooms. One major contributing factor to these disproportionate rates of discipline are teachers' implicit biases. School districts should prioritize encouraging more black

teachers to enter the field as well as training current teachers to recognize and address their implicit biases. However, one of the best ways to improve disproportionate discipline is to instill restorative justice practices. Proactive and restorative peace circles in particular can be a beneficial tool to help reengage students who would otherwise be punished. Nationally, restorative justice has caused a decline in unnecessary days of schools, improved grades and student achievement, and helped build stronger teacher-student relationships.

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