



U.S. SECRETARY OF EDUCATION BETSY DeVOS AXED GUIDANCE THAT CRACKED DOWN ON UNFAIR PUNISHMENTS FOR STUDENTS OF COLOR. WHAT SHOULD SCHOOLS DO NEXT?



Black students are over three times more likely than whites to be suspended from school. Latinos are also punished at higher rates, according to a [report](#) co-authored by National Education Policy Center Fellow Daniel Losen. Yet as 2018 came to a close, U.S. Secretary of Education Betsy DeVos [tossed out 2014 federal guidance](#) suggesting that schools could face federal sanctions for disproportionately punishing students of color. The guidance also recommended approaches such as restorative justice that have a track record of creating fairer and safer learning environments.

In rescinding the guidance, DeVos said that it “often led to school environments where discipline decisions were based on a student’s race and where statistics became more important than the safety of students and teachers.”

Yet a 2018 [survey](#) by AASA, the School Superintendents Association, found that less than one percent of the 950 administrators who responded reported that the guidance discipline has had a negative or very negative impact on school personnel’s ability to address student disciplinary issues or to remove students who are disruptive, aggressive, or abusive to other students or staff. The AASA survey also found that just 16 percent of respondents said their districts had actually modified discipline policies or practices in response to the guidance.

Even before DeVos rescinded the guidance, her administration’s Office for Civil Rights (OCR) was already taking a very different approach to civil rights concerns than that of the previous administration. An [investigation](#) by the news outlet ProPublica found that, under DeVos, 35 percent of cases that took more than 180 days culminated in findings of civil

rights violations of corrective changes. By contrast, 51 percent of cases resulted in violations or changes during the 15 months before she took office. The department also dropped more than 1,200 civil rights investigations begun under the previous administration.

That said, many of the [practices recommended by the 2014 guidance](#) have already taken hold in schools. Nothing DeVos has done prevents them from continuing. Such practices are often preventative in nature in that they emphasize the underlying causes of discipline problems. They include reinforcement of positive behaviors, social and emotional learning, intensive psychological services for students who need them, and professional development on classroom management, conflict resolution, and de-escalation approaches.

NEPC's [Schools of Opportunity project](#) recognizes high schools that emphasize equity and excellence in order to provide all students with the chance to succeed. "Creating and maintaining a healthy school culture, with attention to diversity and to reassessing student discipline policies" is one of the [10 criteria](#) used to evaluate applicants. The honorees offer several examples of how schools might continue to implement fair and effective school discipline policies, long after the federal guidance is gone. For example:

- Revere High School in Massachusetts was [recognized](#) for teaching anti-bullying lessons incorporated into subject area instruction.
- Like multiple Schools of Opportunity honorees, Boulder Colorado's New Vista High was [lauded](#) for using restorative justice approaches that require students who break the rules to take responsibility for their actions in a student-run dialogue in which students, staff, and members of the community devise ways to repair the harm caused by the infraction.
- Quilcene School in Washington was [singled out](#) for handling disciplinary issues with a "response continuum" with consequences ranging from informal conferencing to justice circles for everybody involved. The school was also praised for employing a disciplinary specialist trained in restorative practices who works with staff to ensure that students don't fall behind on academic work when punishments do include out-of-school time.

Approaches like these are designed to reduce the odds that students of color will face disciplinary sanctions by creating a school culture that is welcoming to all. And when rules are broken, the goal is to encourage students to learn from their mistakes rather than face punishments such as suspension that actually reduce educational opportunities by excluding them from the learning environment.

An NEPC policy brief entitled [Law and Order in School and Society](#) offers several recommendations for research-based approaches to student discipline that reduce the odds of unfairly targeting students of color. These recommendations include:

- Redirecting funds currently spent on school police officers to expenditures that have demonstrated the ability to create a safer learning environment by increasing student engagement and social connectivity. Such expenditures include hiring more guidance counselors, implementing a social and emotional learning cur-

riculum, and offering high-quality extracurriculars.

- Training educators and school police/security staff on the causes of and remedies for trauma and racial inequality inside and outside schools.
- Holding schools accountable for decreasing rates of suspensions, expulsions and other disciplinary referrals.

NEPC Resources on Discipline Policy

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