

Social Justice is a Process, Not a Consequence

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Abstract

Recent national data from the Office for Civil Rights indicate too many students are subjected to zero tolerance policies and that racial and ethnic disparities are present in many schools (School Superintendents Association, 2014). Continually removing children from their learning environment can have adverse effects on their education and, in some cases, can reward bad behavior for kids who wish to get out of class. The purpose of this article is to provide an overview of disproportionate discipline, the school to prison pipeline, and how educational leaders can examine existing practices to work towards social justice and cultural proficiency.

Keywords: social justice, disproportionate discipline, zero tolerance, cultural proficiency

Disproportionate discipline is typically defined as the higher rate in which specific ethnic and racial groups receive school disciplinary action, including office referrals, suspensions, school arrests, and expulsion (Skiba, Shure, & Williams, 2012). Recent national data from the Office for Civil Rights indicate too many students are subjected to zero tolerance policies and that racial and ethnic disparities are present in many schools (School Superintendents Association, 2014).

Although many people are not certain of the best method to student discipline, suspension is the method of choice (Leone, Mayer, Malmgren, & Meisel, 2000). Who is affected the most? A research carried out in Seattle School District show that *African-American and Native American students*, as well as those in *Special Education*, are suspended and expelled at higher rates than the school's general population (Shaw, 2014). School discipline, safety, and security have been a concern for parents and the general public for years. With high school shootings shown through multiple media venues, these incidents have created the perception that many schools are unsafe. Thus, federal grants to schools for the improvement of school safety, have led to implementation of zero-tolerance policies in response to serious student misbehavior.

Zero Tolerance

Nationwide implementation of zero-tolerance policies and current disciplinary practices of public schools appear to have increased the vulnerability for students who have received

historically unequal treatment in school. Disciplinary practices excluded students across racial and ethnic groups, but they are of particular concern for African American students, who continue to be disproportionately suspended, expelled, detained, and incarcerated (Leone, et al. 2000). In addition, students with disabilities appear to be at greater risk for disciplinary procedures than their peers without disabilities (Zhang, Katsiyannis, & Herbst, 2004). Removing an unruly child from the classroom seems like an easy fix. On the other hand, continually removing children from their learning environment can have adverse effects on their education and, in some cases, can reward bad behavior for kids who wish to get out of class (Hackett, 2014).

Based on the author's observation working in schools, students with disabilities have a greater risk of suspension than their peers without disabilities. Reports show that students with disabilities were disproportionately suspended and that students with emotional and behavioral disorders (EBD) had substantially higher rates of suspensions than students with other disabilities (Krezmien, Leone, & Achilles, 2006).

To move away from push-out trends that disproportionately affect vulnerable students, special education teachers need to be more involved in the development of school disciplinary policies. The author assumed that special education teachers in the school are best equipped to administer disciplinary policies compared to general education teachers. In addition to promoting school safety and limiting the influence of inflexible zero-tolerance practices, special education teachers are intimately involved with the students who are disciplined the most. Special education teachers have a better understanding that students with special needs which result in behavior, for which they are often disciplined, may be due to their disability. Although the manifestation determination procedures mandated under the Individuals with Disabilities Education Improvement Act (IDEIA) of 2004 are laudable, it is inadequate to the response to a problem, which has broad and negative impact on the population of students with disability.

Access to a free public education is a fundamental right of all school-age children in the United States. Disproportionate discipline has become an educational death sentence for many of our students. According to Jones (2004), the Individuals with Disabilities Education Act (IDEA) of 1997 further guarantees that this right extends to children with disabilities, plus those with behavior problems. However, current discipline policies, specifically zero-tolerance policies, have led to an increase in the use of exclusion (i.e., suspension or expulsion), thereby preventing students from receiving a free appropriate public education (Cartedge, Tillman, & Johnson, 2001).

Despite the wide use of exclusionary practices in schools and the significance of expulsion, there is little research to support the effectiveness of expulsion/suspension policies in improving students' behavior or contribute to overall school safety in general (Morrison & D'Incau, 2000). Such policies are generally ineffective, intended to punish, and involve disproportionate numbers from minority groups, particularly students in urban settings. The situation is exacerbated by the proliferation of zero-tolerance policies. Exclusions and suspensions do not work, often they are counterproductive in reducing problem behaviors, and they frequently result in grade retention, dropping out of school, academic failure, delinquency, recidivism, and later to juvenile court procedures, then future imprisonment for a criminal act (Verdugo, 2002). There are multiple risk factors associated with disciplinary exclusion. These include poor academic achievement, early behavior problems, frequent school moves, poor interpersonal relationships, attendance problems, low socioeconomic status, and family problems (Skiba, Michael, Nardo, & Peterson, 2002). According to Leone et al. (2000), students with

disabilities are more likely to commit offenses resulting in exclusion because of poor social skills, judgment, and planning as well as being less adept in avoiding detection.

The Zero-Tolerance Policies that some districts impose are very black and white. These policies automatically enforce severe punishments without any progression or consideration to impeding circumstances. The consequence of these policies usually results in expulsion and suspension, overwhelmingly of colored students, as well as students with special needs. Due to these harsh disciplinary policies, students who are suspended or expelled are left at home unsupervised which can lead to destructive activities and have a huge impact in their homework and study routines. Cultural competence for social justice needed to be embedded in the policies and procedures that shape schools to avoid the perpetuation of social inequalities and marginalization of our students.

School to Slammer Conduit

Education is the main source to gain knowledge to begin a successful journey to life's opportunities and advantages. The true value of an education is only what the students, teachers, and administrators make of it to create a foundation for the learners of today and tomorrow. (Velasco, 2019, p.1)

In the majority of cases, some of the contributing factors in this dreadful trend that leads so many students into the juvenile court system are the lack of creditable resources in our public schools such as counselors and special education services. An increase in class size which is resulting in a high student to teacher ratio is lending itself to more classroom management issues and students falling behind. Not only are classrooms being crammed with students, the districts are hiring unqualified teachers (Wald, & Losen, 2003). The author has observed that some schools encouraged students to drop out or be pushed to an alternative school due to the No Child Left Behind Act. Based on my observation, low achieving students have been pushed out to boost overall test scores.

Testimonies from Classroom Teachers

Kyle Thompson is one of the many students who was removed from public education due to the unreasonable No Tolerance Policies. Kyle is of African American race with a vibrant personality pursuing his dreams in high school. According to Kyle's mother and former sports coaches, he was a very bright, honor roll student who was never in any trouble. Kyle was expelled for 180 school days for writing a hate list which was taken from his backpack by another student. With the lack of progressive discipline, Kyle's mistake led him into a fast depression and a loss of love for school. He said that he wants to return to school, but is afraid of how other students are going to look at him and treat him knowing that he was expelled from school for an entire year.

Zach is a teacher in the Grandview School District. The School District is made up of 91.5% Hispanic/Latino, 8% White, and .4% two or more Races. Zach taught one year at Compass High School, which is an Alternative High School. He then transferred to the high school where he is currently employed. Zach recounts that the students at Compass were very unmotivated and discouraged. He said,

When I first started working at Compass, the majority of my conversations with students were about drugs and alcohol and how they were affecting their lives. The students seemed to only view their lives through one lens: Empty and going nowhere. I had one class where one third of my students had ankle monitors and were required to meet with their parole officers. There were 4 girls in our school who were pregnant. The students passionately expressed how many times they were told, “No,” or you’re not going to make it if you keep this up. Most of the students were transferred to Compass due to their failing grades. They didn’t care, and school didn’t matter.

When Zach was asked about his views on the Zero-Tolerance Policy, he shed light on an incident that happened earlier this year to a 17 years old Hispanic male. This young man was an honor roll student with no behavioral background and was well respected within the school by students and staff. Due to poor judgment, the young man brought a squirt gun to a school dance; the student was immediately kicked out of high school and sent to Compass. The parents of the student were mortified and highly upset. Their child was on his way to earn scholarships because of his grades and starting his application process to college, but his dreams fell on the bear rocks.

Gunner is currently a freshman at the high school where Zach works. The student has already been identified as a possible student to be transferred to the alternative high school due to his 2.0 GPA and multiple disciplinary attempts to correct his behavior. Besides acting as Gunner’s weight training teacher, Mr. Sybouts is his freshman class advisor. When Gunner was asked what he wanted to be when he grew up, he said “a professional athlete.” Gunner stands 6 foot 2 inches tall and is their leading scorer for basketball. He knows he is a good athlete and is standing on that premise alone with a side of defiance to accompany it. During class he is unmotivated and gets in trouble on a daily basis. When he is spoken to about discipline, Gunner takes the, “I don’t care” approach. However, Zach said he has seen gleams of hope in Gunner’s future because he is starting to tap into his interests. Zach stated, “I don’t want to see Gunner’s enthusiasm for sports be diminished by the possibility that he will be transferred to Compass for failing grades” (personal statement, 2016). Gunner loves any sports related scenarios and will take interest in content if it relates to the topic.

Zach said, if was one thing to be learned from teaching at both the high school and alternative high school level, it was that the students need to feel like their life matters. A child can only hear the words, “No, you can’t” so many times before they start to believe it. As teachers, we need to advocate for their education instead of the person who can ruin their future. Leaders that are culturally proficient need to take into consideration the needs of diverse cultures: the student’s needs, family needs, and community needs. They need to gather resources that will help the student. Leaders need to acknowledge their own mindset on issues of discipline and build a firm foundation with other leaders in the district to make sure that we are advocating cultural proficiency.

Alternatives to Disproportionate Discipline

Research indicates disproportionate discipline outcomes for students from ethnically and culturally diverse backgrounds are widely recognized and that schools must adopt alternative behavioral strategies which will meet the social, emotional, and behavioral needs of all students. Vincent, Randall, Cartledge, Tobin, and Swain-Bradway (2011) describe the schoolwide positive behavior interventions and supports (SWPBIS) framework as one alternative for culturally

responsive behavior support. Primary components of SWPBIS include clear expectations for students, an acknowledgment or recognition system for encouraging appropriate behavior in accordance with schoolwide and classroom expectations. A corrective response system for discouraging inappropriate behavior, and a data collection system that allows school teams to frequently monitor and adjust adult responses and focus on responding to student behavior (Sprague, & Golly, 2004).

Culturally responsive practices impact the key features of SWPBIS. Educators must seek to understand culturally influenced social behaviors. Educational leaders and staff must consider the role of culture and the experiences students bring to school which contribute to their behavior. This “dialogue of difference” should occur at the classroom level, and allow for the collaboration of staff, students and families to create shared norms and behavioral responses (Utley, Kozleski, Smith, & Draper, 2002). During the SWPBIS implementation and ongoing maintenance processes, building leaders should focus on the demographic composition of the school and how this composition relates to student behaviors, the relationship between behavior and academic achievement, the dynamic of academic and behavioral success and school attendance, and cultural barriers to accessing supports. Disaggregated data ensures schools are engaging in ongoing problem solving and are held accountable for disciplinary decisions.

While SWPBIS provides the framework to reduce disproportionate disciplinary practices, evidence suggest that SWPBIS alone is not enough to sufficiently and significantly decrease disproportionate discipline outcomes (Vincent, et al., 2011). Thorsborne and Blood (2013) suggested that restorative practices as a successful alternative to disproportionate practices which result in suspension and expulsion are necessary. Restorative practice is a philosophical approach to crime and wrongdoing that required accountability for the harm done, and repair of that harm at the center of the problem solving. This practice can be included within a SWPBIS framework. Restorative justice communicates to the student who committed the act encourage the student to be accountable and to work on it.

Conclusion

In conclusion, I recommend support for a continued exploration and evaluation of alternatives to suspension and expulsion, including SWPBIS, restorative practices, and how these frameworks connect to culturally responsive practices and behavior support for students who are ethnically and culturally diverse. A school leader must advocate for state level discipline policies and practices that are fair and equitable for all students, and actively work to transform policies and practices which support the mistreatment and exclusion of any group or segment of the school population.

We must remember that culture and social justice do not change because we desire to change them. The constructs change when the organization is transformed and reflected the realities of stakeholders working together every day. In order to bring about real change in our educational organizations that are essential to the academic, social, and emotional growth of our students, we need to go on a journey of social justice and cultural proficiency that requires reflection and action with honesty and an open heart and mind (Robins, Lindsey, Lindsey, & Terrell, 2012). The understanding and utilization of social justice will create the real transformation that our school systems need in order to create a safe, engaging learning environment for all students to reach and achieve high academic success.

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