IDRA NEWSLETTER

*Focus: Valuing &
Asset-Based Solutions*

Ensuring Equity and Nondiscrimination in Student Discipline Policy and Practice

by David Hinojosa, J.D.

From a recent social media post showing a young high school girl being flung across the floor by a school resource officer (Ford, et al., 2015) to national reports of stark racial disparities in suspension rates, school discipline has resurfaced as a critical civil rights educational issue. Importantly, these events have forced many school boards, leaders and communities to take a second look at the systemic issues underlying poor disciplinary practices and the antiquated, ineffective policies around them.

Many of those ineffective policies stem from the adoption of zero tolerance measures over two decades ago (National Summit on Zero Tolerance, 2000). These policies initially targeted very specific, serious offenses involving weapons, drugs and acts of extreme violence. But they soon grew to include a number of minor, non-threatening offenses (Kang-Brown, et al., 2013). Not surprisingly, the proliferation of zero tolerance policies led to a spike in disciplinary actions, including suspensions.

In a 2015 report by the Center for Civil Rights Remedies, researchers found that "nearly 3.5 million public school students were suspended out of school at least once in 2011-12" (Losen, et al., 2015). This resulted in a loss of learning time estimated at 18 million days of instruction.

Even among discretionary offenses, a 2011 Texas study found that far fewer White male students (59 percent) had at least one discretionary violation compared to African American male students (83 percent) and Latino male students (74 percent). Similarly, 37 percent of White female students had at least one such violation compared to 70 percent of African American female students and 58 percent of Hispanic female students. (Fabelo, et al., 2011).

IDRA's South Central Collaborative for Equity – one of 10 federally-funded regional equity assistance centers – has assisted several schools in formulating more equitable student disciplinary policies and practices. Our experience shows that policies starting at the state level and continuing through to board policies, student codes of conducts and handbooks, and teacher manuals set the tone for student discipline (Cortez, 2009).

Factors that Lead to Unfair Discipline

When policies are vague, they give neither the educators nor the students sufficient notice of the expectations. When policies allow for discretionary referrals with a range of consequences, they often are not monitored and result in disproportionate offenses among racial groups. When policies governing the processes of disciplinary referrals are insufficient (such as very short timelines for contesting disciplinary actions), they can engender an atmosphere of mistrust and animosity among students of color – who are often the

"A vital nation must have educational parity for all students and not parcel out one set of opportunities for some and minimal expectations for others. All students deserve an equitable, excellent and college bound education."

– Dr. María "Cuca" Robledo Montecel, IDRA President and CEO

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targets of discipline – which can lead to further disciplinary issues.

Research also suggests that the over-identification of students of color for disciplinary action may result from educators wrongly and unfairly disciplining minority students based on educators' implicit biases (Staats, 2014). In simple terms, *implicit bias* refers to "embedded stereotypes that heavily influence our decision-making without our conscious knowledge" (Godsil, et al., 2014), and virtually all people carry them. Typically, these are not biases we are consciously aware of and try to hide, but instead, are unconscious biases we hold that are likely fueled by stereotypes perpetrated in the media or beliefs passed along by parents, peers and other community members (Flannery, 2015).

For example, a White teacher may perceive a Black student's excited, inquisitive responses to a question as insubordination because the teacher unconsciously perceives the student as trying to disrupt the class. The teacher may then refer the student to the office, and such discretionary referrals can end up resulting in school suspension.

Teachers may also have lower expectations for students of color, leading to less praise and more disciplinary action from teachers (Rudd, 2014).

Reducing the Impact of Bias

The impact of these biases can be mitigated. First, teachers must become aware of their own biases (Flannery, 2015). In terms of discipline, a teacher can review his or her own referral records to determine racial disproportionalities, especially in terms of discretionary referrals. There also are tests available to help identify biases, such as Project Implicit's Hidden Bias Tests (2011).

Next, a teacher should reflect on his or her inter-nal practices by asking questions, such as: "Who do I call on and how often?" "How do I seat students or group them?" "Do I truly value the differences among my students and if so, how?" "Do I have the same expectations for all my students?" (Flannery, 2015).

Affirmatively countering negative stereotypes that sustain biases with more accurate facts and perceptions can help lessen the influence of implicit bias (Flannery, 2015).

Racial disproportionality in student discipline and suspension must be addressed both at the policy and practice levels due to the substantial impact on student learning and social and emotional development. (Schools also should ensure their policies do not target students based on their disability, religious preference, and sex or gender.) Suspensions have been correlated to poor student outcomes, including decreased student achievement, lower graduation rates, higher dropout rates, suppressed student engagement, and future disciplinary exclusion (U.S. Department of Education, 2015).

Contrary to popular belief, research shows a "negative relationship between the use of school suspension and expulsion and school-wide academic achievement, even when controlling for demographics, such as socioeconomic status" (APA, 2008).

Schools have the task of maintaining order and safety in the classroom while ensuring that all students learn and achieve. While it is no easy task, schools can begin to take steps or renew efforts in evaluating and correcting their student disciplinary policies and practices by committing to do the following, non-exhaustive actions (U.S. Departments of Justice and Education, 2014).

- Examine disaggregated data by racial, gender, language, and disability subgroups at the teacher, grade, school and school district levels.

- Examine each type of discipline referral at the teacher, grade, school and school district levels.

- Examine data for students found to have been disciplined more than once to detect any patterns.

- If certain data are missing or not available, take steps to begin properly recording and maintaining the data.

- Create a task force that includes students, parents, teachers, counselors, support staff, administrators, board members, community members, and school resource/law enforcement officers (if required to assist with student discipline) to examine the data, school discipline policies, and supports and interventions.

- Survey students, teachers, counselors, support staff and the community about school climate.

- Conduct public hearings on the findings of the task force.

IDRA South Central Collaborative for Equity

For more information about the IDRA South Central Collaborative for Equity or to request technical assistance, contact us at 210-444-1710 or contact@idra.org.

Additional resources are available online at www.idra.org/South_Central_Collaborative_for_Equity

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#AllMeansAll – Finding and Addressing the Roots of Educational Inequity

by Laurie Posner, M.P.A.

The New Year's issue of *Foreign Affairs* is dedicated to a discussion of national and worldwide inequality. As editor Gideon Rose puts it, over the last 30 to 40 years "real incomes and wealth have stagnated for the vast majority of Americans, even as they have skyrocketed for those at the top," (Rose, 2016).

Economist Francois Bourguignon points out that over the last two decades, while inequality among nations has fallen, within some of the world's largest economies, inequity rose. This has been the case in the United States, where inequality increased 5 percentage points over the period on the Gini co-efficient, an international measure of inequality.

The observations echo a recent Standard & Poor's report, which finds that income inequality has been rising significantly in recent decades and "can harm [the nation's] sustained economic growth" (2014).

S&P's analyses point to educational inequities and gaps as major culprits: the United States is not graduating enough students who are prepared to access and succeed in college, and educational opportunity is increasingly stratified by earnings. Stratification in schooling increasingly impacts lifetime earnings as jobs that require post-secondary education now often pay more than twice those that require a high school diploma.

This is not a small problem, impacting just a few students. Already, for the first time in half a century, a majority of children attending U.S. public schools come from low-income families, according to the latest research by the Southern Education Foundation (2015). And although it may be tempting to look for solely individual causes of and solutions to educational disparities (witness the growing affection for "grit" literature as an example), by failing to spot structural inequities, we miss a major opportunity to change course.

Across the educational continuum, structural inequities are baked into public education systems – at every level and at the intersection of policy and practice.

A Shaky Start: Structural Inequity in Early Education

Beginning in the early grades, most states insufficiently or inequitably invest in early education and quality care programs for children, ages birth to 8. Only 30 percent of children overall, and 20 percent of children from low-income families in the United States, are on track to read proficiently by fourth grade, according to National Assessment of Educational Progress data.

While the benefits of high quality early learning opportunities are well-known, a recent national analysis by New America (Bornfreund, et al., 2015) finds that only five states are "walking," that is "making solid strides toward comprehensive Birth-3rd policy." The majority of states are "toddling" ("making progress in some areas, not others") or "crawling" ("at the early stages, with limited progress").

Investing in early education is an important marker of progress. The New America assessment finds that many states have not yet established a stable, sufficient, equitable source of preK funding through state K-12 formulae; have enacted a flat or regressive approach to the distribution of early education funding; or have relied on local monies, widening divides between and among low- and high-poverty school districts.

K-12 Inequities: Course Offering Gaps that Impact College Readiness

According to the latest research from ACT, just 26 percent of ACT-tested 2015 graduates who express interest in STEM are considered "well prepared for the types of first-year college courses required for a college STEM-related major."

To assure equal educational opportunity for all, it is time to adopt policies and practices that live up to the American promise: no matter the circumstances of one's birth, there is an opportunity to strive, thrive and succeed.

While STEM fields are likely to see sustained and globally-competitive occupational growth, this research finds that as a nation we are falling far short of college-readiness benchmarks in STEM. Of course, it is harder to succeed where there are no course offerings. And such is the case for a large number of students. Examining course offerings and college and career readiness datasets, the U.S. Department of Education's Office for Civil Rights (March, 2014) found the following:

- Nationwide, only 50 percent of high schools offer calculus, and only 63 percent offer physics courses.

- 10 percent to 25 percent of high schools in the country do not offer more than one of the core courses in the typical sequence of high school math and science education (i.e., Algebra I and II, geometry, biology, chemistry).

- Fewer than half of American Indian and Native Alaskan high school students have access to the full complement of high school math and science courses (Algebra I, geometry, Algebra II, calculus, biology, chemistry, physics).

- One in four high schools serving the highest percentage of Black students and Latino students do not offer Algebra II; of these schools, one in three does not offer chemistry.

Technology gaps and disparities in facilities access also can impact learning opportunities. While an estimated 70 percent of teachers now assign homework that calls for high-speed Internet access, about a third of U.S. households lack access. About 21 million students attend schools that do not meet minimum bandwidth standards for digital learning. Students of color who also are low-income students are more likely than their more affluent peers to attend schools with poorer building conditions, more temporary and portable buildings, and older buildings with less well-maintained heat, ventilation, and air conditioning systems (OCR, 2014).

Cutting Corners in College Access

At the college level, funding policies have edged out large numbers of otherwise qualified, low-income students. Forty-eight states are investing less in public colleges and universities than they did before the Great Recession while student tuition has risen 25 percent to 30 percent since the 2007-08 school year (Leachman, et al., 2016).

According to the Jack Kent Cooke Foundation, enrollment in the nation's most selective universities is deeply stratified, "Students from families in the bottom economic quartile comprise only 3 percent of enrollment in the most competitive schools, while those from the top economic quartile comprise 72 percent" (Giancola & Kahlenberg, 2016).

A Framework for Action: #AllMeansAll

Addressing inequitable policies and practices requires a framework for identifying the key elements that must be in place to secure a quality education for all children. IDRA and our partners apply IDRA's Quality Schools Action Framework, an empirically-based change model, focused on comprehensive strategies for securing educational opportunity for students of all backgrounds (Robledo & Goodman, 2010).

Anchored in this framework, we are working with state, regional, and local school, community, and family leaders and policymakers to assure that public education meets state and civil rights mandates to serve diverse students well. As examples, IDRA is:

- Helping states, school districts and parishes in the South and Southwest to assess course offerings, teaching quality, and curriculum policy and to take steps to assure that students of all backgrounds have access to the full range of courses and learning experiences that prepare them to access, enroll in and succeed in college.

- Affirming the need to retain and uphold key civil rights protections in federal law, for example through the reauthorization of ESEA (for more on this, see IDRA's statement on the *Every Student Succeeds Act*, 2015)

- Working with school districts and community and family leaders and across sectors to develop and test transformations in leadership, school governance, and holistic, place-based strategies that secure high quality learning opportunities for all.

- Producing analyses and expert testimony (actionable knowledge) on the status of funding equity and the relationship between sufficient, equitable funding and efficient school systems. IDRA's analyses in Texas, have informed one of the largest such cases in state history (*Texas Taxpayer and Student Fairness Coalition vs. Michael Williams*, et al., 2013).

- Spurring the development of new state-by-state analyses and independent national research on school finance mechanisms, solutions and implications through the IDRA José A. Cárdenas School Finance Fellows Program.

Beating the Odds

While *Foreign Affairs* described the new state of inequality, America's Powerball drawing surged in the New Year to a dizzying $1.5 billion in January. It was estimated to be the grandest lottery payout in the history of the world. But with the great payout comes an ominous reminder: there is too much gambling at the center of the way we invest in our nation's schools. And it is not paying off.

To assure equal educational opportunity for all, it is time to adopt policies and practices that live up to the American promise: no matter the circumstances of one's birth, there is an opportunity to strive, thrive and succeed. We address structural inequity when we assure that educational systems reflect principles of sound policymaking and school governance, equitable and appropriate funding, and valuing youth in word and deed. No child should lack the basics required for success.

Laurie Posner, MPA, is a senior education associate. Comments and questions may be directed to her via email at laurie.posner@idra.org.

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STEM Pathways for Girls of Color – A Review of the Literature

by Paula Johnson, M.A.

Although women make up nearly half of the nation's total labor community, they represent just over a quarter of the STEM workforce (U.S. Census Bureau, 2013). Moreover, the 2013 Census revealed that African Americans represent a mere 6 percent of STEM-related positions – a growth of only 4 percent in 40 years.

The 2013 *Women, Minorities, and Persons with Disabilities in Science and Engineering Report* by the National Science Foundation found that participation of African Americans and Latinos in science and engineering occupations, both professional and related, is low in comparison to the full U.S. workforce. Furthermore, women's participation in engineering, mathematics, and the computer and physical sciences remains well below those of their male counterparts.

An even greater disparity is presented by the noticeable absence of African American and Latina women in STEM-related professions, comprising only 2 percent of all scientists and engineers working in science and engineering occupations (NSF, 2013).

We must find innovative opportunities that will provide schools the resources and support to attract, engage, and retain more minority young girls and prepare them for STEM-related education and careers. It is imperative that we address this critical shortage of minority women in the STEM areas. The marginalized communities of the United States represent a considerable population of untapped knowledge and potential to meet the need of current and future STEM-related positions. Limited diversity in advanced courses is often perpetuated by the continued presence of both implicit and explicit biases in curriculum and school culture resulting in enrollment that is frequently unrepresentative of the student population (Handelsman & Sakraney, 2015).

Several indicators are thought to be correlated to the disparately low number of women and minorities in mathematics and science. Differential encouragement from teachers, cultural stereotypes of the professions, and lack of gender-equitable teaching practices are among influences that can severely dissuade young women from to pursue careers in science and mathematics (Diekman, et al., 2010).

Previous investigations into this issue have shown that interest in STEM-related studies and occupations significantly declines between middle school and high school for girls of color in addition to a decreased interest in math and science over the same amount of time (VanLeuvan, 2004). Current educational practices have resulted in disproportionately low participation of males and females of minority racial and ethnic backgrounds due to differences in opportunity, achievement, and support.

Critical review of programs that have proven to be successful may provide a basis for further research examining the relationship between adolescent African American and Latina female identity and exposure to exploratory learning in STEM education (VanLeuvan, 2004). Studies to analyze factors, such as fair funding practices, achievement and opportunity related to advanced mathematics and science courses, gender-equitable learning environments, and culturally responsive pedagogy, can significantly inform the body of knowledge in the field.

Two shining examples offer a theoretical basis for such programs. The Algebra Project's social justice in education principles and IDRA's asset-based Coca-Cola Valued Youth Program design place students who are in at-risk situations into positions of responsibility and leadership.

The principles of social justice embody the importance of the organizing traditions of the civil rights movements: "the centrality of families to the work... and organizing in the context of the community" (Moses & Cobb, 2001). These

Recent findings have identified successful approaches that increase girls' confidence levels and interest in STEM education, but there is not much information on the curricular design of the programs.

programs, both with a long history of success, have shown that when schools value student efforts, youth thrive and succeed. Geneva Gay discusses the goals of the Algebra Project in the *Handbook of Urban Education* (Milner & Lomotey, 2013) accordingly: "The goal of the Algebra Project (Moses & Cobb, 2001; Moses, et al., 2009), which has been in existence since 1985, is to 'raise the floor of mathematics literacy' (Moses, et al., 2009) for students of color performing in the lowest quartile on state and national achievement tests."

Similarly, IDRA's activities have included selecting groups of students who are not usually on an honors path for recruitment to apply for college. We have seen students who are low math achievers take data from a survey, quantify it, analyze it and report their findings to a group of adults. We have seen young ladies in Brownsville develop community projects on diabetes and present technical information bilingually to their community. Almost of these students are from poor, Spanish-speaking families.

The underlying principle of these types of endeavors is: all students have inherent intelligence, creativity and curiosity. The complexities of any content area will be used and applied if the project is of great personal interest and technical information and guidance is provided as needed. IDRA programs employ a valuing philosophy that supports students in building their capacity for leadership and encourages them to take on the role of personal and academic responsibility.

The IDRA Coca-Cola Valued Youth Program model has been cited as one of only two models in the country to have a "significant impact" on dropouts and school performance (Slavin & Fashola, 1998). In addition to Fashola & Slavin's analysis, the model has been independently validated by others, such as the RAND Corporation, and in 2015 the program was highlighted by the U.S. Department of Education as a "Bright Spot in Hispanic Education Fulfilling America's Future."

Most research focused on increasing the number of minority women in STEM analyzes the impact of non-school-based summer programs on middle school girls' perceptions and attitudes toward STEM. According to the Harvard Symposium addressing Women of Color in STEM, there have been many studies surrounding this topic, but not enough published reports (2011). In fact, a review of the *Harvard Education Review* from 1976 to 2010 revealed that, of its 16 articles related to women of color in higher education, not one addressed the unique intersection of sex, race, and chosen career, science. Recent findings have identified successful approaches that increase girls' confidence levels and interest in STEM education (2002), but there is not much information on the curricular design of the programs (Fancsali, 2002; Hansen, et al., 1995).

In order to fulfill the federal government's twin objectives of increasing the number of women in STEM fields and better serving historically underrepresented groups in STEM, we must analyze the ways in which we guide students in developing their STEM identities and navigating college and career pathways. As such, further investigation is needed to strategically isolate, study and identify strategies that are particularly effective in addressing the educational needs of African American and Latina girls. These studies should focus on how variation in students' STEM experiences across school settings impacts their STEM trajectories (Grossman & Porche, 2014). Properly nurtured, this underrepresented community of learners has the potential to emerge as a powerful STEM cohort that contributes to fortifying our stronghold in the global economy. Properly nurtured, this underrepresented community of learners can yield a strong STEM cohort and fortify our stronghold in the global economy.

Paula Johnson, M.A., is a education associate. Comments and questions may be directed to her via email at paula.johnson@ idra.org.
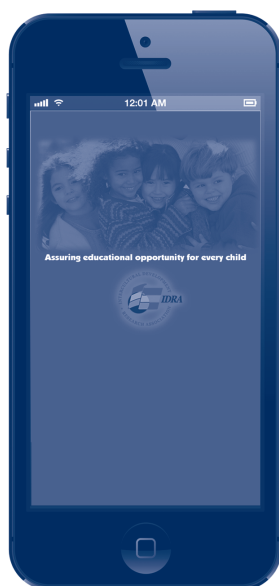
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REPORT **Continuities – Lessons for the Future of Education from the IDRA Coca-Cola Valued Youth Program** http://budurl.com/VYPcontinuities

(Ensuring Equity and Nondiscrimination in Student Discipline Policy and Practice, continued from Page 2)

- Ensure school discipline policies and expectations are clear, fair and equitable for all students and student groups and that policies are founded on restorative justice and positive behavioral intervention support principles.

- Reduce the loss of learning time by limiting school suspensions to the most extreme behaviors and actions, such as inflicting serious bodily harm and possession of illegal weapons and illegal drugs that are accompanied by intent.

- Create a plan to improve student-teacher and teacher-parent communications and relationships.

- Develop a training and information program for students and community members that explains the school discipline policies and student expectations in an age appropriate, easily understood manner.

- Provide training on implementing discipline policies in a nondiscriminatory manner and classroom management for all support staff, teachers, counselors, and administrators.

- Provide high quality training to teachers, support staff, counselors, and administrators on detecting implicit bias, developing cultural competency, and becoming aware of civil rights laws and federal guidance related to fair and effective school discipline.

- Consistently monitor and evaluate the implementation and impact of disciplinary practices to identify areas needing improvement and to ensure nondiscriminatory and equitable practices and policies are at work.

- At least annually, conduct a forum that provides students, support staff, teachers, counselors, and administrators the opportunity to discuss matters relating to discipline and provide input on the school's policies.

State leaders also can revisit their laws and regulations to ensure they are not explicitly or implicitly requiring, perpetuating or authorizing school discipline policies that result in unfair and racially disproportionate policies. Several resources are available to assist states and school districts, including IDRA's South Central Collaborative for Equity, regional equity assistance centers in your area, and the U.S. Department of Education Office for Civil Rights.

David Hinojosa, J.D., is IDRA's National Director of Policy and Director of South Central Collaborative for Equity.

Meet David Hinojosa, J.D., IDRA National Director of Policy

David Hinojosa is one of the newest employees on board at IDRA, but he is hardly new to IDRA. Before joining IDRA in April 2015, David served as regional counsel of the Mexican American Legal Defense and Educational Fund's Southwest Office where he spearheaded MALDEF's educational civil rights litigation and policy work. In that role, he often collaborated with IDRA's experts in a range of issues, including school finance and English learner programs. Now David serves as IDRA's national director of policy. He directs IDRA's South Central Collaborative for Equity.

Born in San Antonio to a military family, David moved four times in 11 years, returning in 1981 when his father retired from the U.S. Air Force. His education in the low-property wealth Edgewood ISD schools opened his eyes to the inequalities in education, and he made it his mission to seek better opportunities for those most in need.

After graduating from Edgewood High School, David joined the Air Force and served for nearly eight years as an air traffic controller. Although the job is highly stressful, he enjoyed the challenge and made the most of his experiences, receiving Airman of the Year honors in New Mexico and the Commendation Medal for his service.

David's life outside of work is shared by his family's love for justice and sports. His wife of 15 years, Joanna, has become a staunch animal rights activist and their two children, Isabella and Joaquin, have followed closely in her footsteps. The family can be found protesting at circuses and marine animal parks, circulating petitions, and advocating for the release of Lucky the Elephant from the local zoo.

When David is not supporting his family at protests, he enjoys going to social justice events and cultural festivals around the city, and trying, desperately, to maintain a regular workout regimen. But all those play second fiddle to his greatest joy, which is cheering on Isabella at water polo matches and swim meets and Joaquin at basketball games. David's competitiveness in all things can often be seen, or "heard," on the sidelines as the kids' #1 fan.

comments and questions may be directed to him via email at david.hinojosa@idra.org.

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