

# Racial and Gender Inequality and School Discipline: Toward a More Comprehensive View of School Policy

Social Currents

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## Abstract

Researchers often examine how a single policy is implemented, without considering the role that other policies and programs may play in how that policy is understood and enacted. For instance, current scholarship on school discipline rarely considers that in many schools, multiple disciplinary channels coexist. For example, to counter harsh and racially disproportionate punishment in schools, many school districts have established restorative justice programs. However, restorative justice programs are frequently introduced into schools that also maintain more authoritarian practices, including the presence of police officers with the power to arrest students. In other words, rather than supplanting punitive practices, restorative justice practices tend to coexist with them. In this article, I describe how the coexistence of these two different channels for dealing with student misbehavior could deepen race and gender disproportionality in punishment. In so doing, I sketch a program of research on school disciplinary practices and inequality. I also call for more attention to the broader policy context in studies of particular school programs and policies.

## Keywords

restorative justice, police in schools, adolescents, policy studies, racial inequality, gender

Researchers often examine how a single policy is implemented, without considering the role that other policies and programs may play in how that policy is understood and enacted. My purpose in this article is twofold. First, I call for more research that examines how the broader policy context influences particular policies and programs. Second, I illustrate the utility of this more comprehensive approach by explaining how it could enrich current scholarship on race and gender disparities in school discipline.<sup>1</sup>

Experiencing suspension, expulsion, or school arrest is associated with a host of negative

outcomes, from high school dropout to long-standing emotional trauma (Gregory, Skiba, and Noguera 2010; Kirk and Sampson 2013; Perry and Morris 2014). Taken from this vantage, U.S. school disciplinary policy has been disappointing. The harsh discipline that disproportionately attaches to black students has dramatic implications for their future life chances and the

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well-being of their communities. Although black students constitute 16 percent of school enrollment, they comprise 72 percent of students referred to law enforcement and 31 percent of students who experience a school-related arrest (U.S. Department of Education 2014). Furthermore, although being male heightens the risk of receiving a school punishment for all ethnic groups, being black disadvantages girls more than it does boys (Crenshaw, Ocen, and Nanda 2015; Morris 2016). Males are suspended in greater numbers than females, and black males are suspended more than three times as often as white males. Yet black females are suspended six times as often as white females, and they represent the fastest growing population within the juvenile criminal justice system (Crenshaw et al. 2015). Furthermore, although unequal discipline may be most harmful to the students who receive harsh punishments, it also has negative consequences for their peers who witness unfair disciplinary practices. Adolescents are developmentally primed to notice societal hypocrisy, and rebel or disengage when institutional practices contradict the principles of civility, respect, and fairness that adults espouse (Arum 2003; Preiss et al. 2015; Shedd 2015).

Attentive to these problems, a growing body of research seeks to identify the in-school policies and practices that contribute to harsh and unequal school punishment (Kupchik 2010; Lewis-McCoy 2014; Morris 2016; Rios 2011).<sup>2</sup> Within this research stream, scholars tend to focus on only one aspect of the contemporary school disciplinary climate, such as its high-security, authoritarian, and punitive nature (Bracy 2011; Kupchik and Monahan 2006) or the presence of a restorative justice program (Karp and Breslin 2001; Suvall 2009). An authoritarian approach to student misbehavior relies on authority figures to establish blame and impose penalties. By contrast, restorative justice programs require youth to take it upon themselves to find ways to correct past wrongs (Ashley and Burke 2016). Indeed, a key goal of restorative justice is to decriminalize student misbehavior.

Thus, restorative justice uses a logic that aims to avoid stigmatizing punishment, and operates in contradiction to a more authoritarian

and punitive disciplinary logic. However, despite the marked incongruities between the two approaches, restorative justice programs are often introduced into schools that also maintain more authoritarian and punitive practices, such as the presence of police officers with the power to arrest students. In other words, rather than supplanting authoritarian and punitive practices, restorative justice practices tend to coexist with them.

The presence of police officers in schools often informs how educators avert and manage challenges, introducing or heightening a “criminal justice orientation” (Kupchik 2010) to their everyday practices. When police officers are stationed in schools, educators may be more likely to construct counseling and behavioral issues as criminal problems. They may come to believe that a legal intervention is the most appropriate response to student behavior (Kupchik 2010).

The presence of law-and-order, police-based discipline appears to be disempowering for all students (Hirschfield and Celinska 2011; Lyons and Drew 2006), although some consequences of a criminal justice orientation to misbehavior are racialized as well as gendered. For instance, schooling environments that emphasize criminal justice orientations to misbehavior may intensify girls’ susceptibility to harassment (Crenshaw et al. 2015) because girls may be disciplined for defending themselves. Similarly, implicit biases and stereotyping make black boys more vulnerable to the harsh punishments available to educators than white boys (Ferguson 2000).

In many schools, educators and police select a disciplinary channel to pursue with a given student or infraction. Yet current scholarship on school discipline rarely considers that multiple disciplinary channels often coexist. In addition, national, state, and local policy texts encourage school administrators to embrace both police in schools and restorative justice programs (see Ball 2008 on policy texts).<sup>3</sup> I argue that researchers can move the literature on school discipline forward by examining how these two disciplinary orientations, in isolation and in conjunction with each other, contribute to (or mitigate) racially disparate school punishment.

## Police in Schools as Criminalizing Policy

The School Resource Officer (SRO) program, which places police officers in public schools, is thought to have started in Flint, Michigan, in 1953 but was not widely adopted until the school shootings of the 1990s (Kupchik 2010; Weiler and Cray 2011). Since then, thousands of school districts have placed police officers in high schools. By 2007–2008, principals in 40 percent of public schools reported that a police officer was stationed in their school (Weiler and Cray 2011). Responsibility for training, supervising, and evaluating SROs lies with police departments rather than school districts (Kupchik 2010). When school is not in session, SROs typically work within a patrol division of the local police department, where they enforce criminal and traffic law.

The presence of an SRO program does not automatically lead to an authoritarian and punitive school climate. For example, district leaders could use police officers in schools to support restorative justice practices. The presence of police officers at a school could also lead to safer and calmer school environments, allowing educators to be more thoughtful about how they discipline students. In addition, official SRO training stresses that SROs should cultivate respectful and trusting relationships with students, parents, and school staff. SROs are also encouraged to adhere to ethical standards of impartiality and be sensitive to students' developmental needs (NASRO Testimony before Senate Committee 2012).

The laudable goals of SRO programs notwithstanding, researchers express concern about the presence of police in schools. One risk is that disciplinary issues like fighting or disrupting class will become classified as criminal offenses, leading to even more arrests (Hirschfield and Celinska 2011; Kupchik 2010). Indeed, research on police in schools, or SROs, suggests that having police in schools increases students' vulnerability to being arrested for disorderly conduct, a charge that is highly subjective in nature (Theriot 2009).

There are three reasons why, when school-based arrests lead to formal charges, the

penalties can be severe, even for juveniles. First, students may be tried and sentenced as adults (Merrill 2015). This is true despite scholarly consensus that adolescents are unlike adults in ways that should reduce their legal culpability (Maroney 2010). Second, when students are tried as juveniles, they receive fewer constitutional protections than an adult would (Forman 2011). Third, juvenile detention facilities often operate with the same harshness as adult prisons. They frequently subject teens to physical abuse, solitary confinement, and brutalizing "correctional hardware" such as razor wire and locked cellblocks (Mendel 2015).

In addition to researchers, social justice advocates and educators have called attention to the risks associated with maintaining a police presence in schools. For instance, in Cincinnati, Black Lives Matter organized an initiative to remove police officers from public schools (Baldwin 2016). Protests also erupted after students circulated a video recording of a white SRO seizing an African American student by the neck, flipping her backwards in her desk, and then lugging her across the floor. The girl had refused to obey her teacher's orders to put her cell phone away and leave the classroom (Pérez-Peña, Hauser, and Stolberg 2015).

## Restorative Justice as an Anticriminalization Policy

Restorative justice programs focus on welcoming referred students<sup>4</sup> back into the school community after they have acknowledged wrongdoing, showed an appreciation for the harm they have caused, and expressed remorse (Ashley and Burke 2016). In restorative justice programs, educators may emphasize the need for students to help repair any damage they have caused by apologizing, replacing, repairing, or cleaning (Ashley and Burke 2016). Restorative justice practices include peer juries and peace circles, with the explicit aim of avoiding harsh punishment and promoting instruction and learning (Karp and Breslin 2001). The goal is to use discipline to raise students' awareness of their obligations to others. Restorative justice programs explicitly aim to

strengthen students' connections to others in the school community. Thus, the logic and practices of restorative justice stand in direct opposition to the punitive and exclusionary approaches associated with criminal justice orientations to school discipline.

How do school staff use restorative justice programs when other options representing an authoritarian and criminal justice logic are also available? This question needs attention. The model is for schools to create a formal restorative justice program designed to be used only with students who have broken particular school rules (Ashley and Burke 2016). Typically, exclusionary practices from other, more authoritarian traditions, such as suspension, expulsion, and arrest, are retained (Karp and Breslin 2001). Yet we lack knowledge about how students, family members, and staff in schools with both restorative justice and law enforcement programs use and manage these different disciplinary channels. As a result, we have yet to identify how stakeholders' use of these different channels could influence racial and gender disparities in punishment. An especially important topic is the extent to which developmentally appropriate discipline is used disproportionately for white and/or middle-class males or females in schools with multiple disciplinary channels.

So far, I have highlighted that although the logic and practices of police in schools and restorative justice programs are inconsistent, they are frequently implemented side by side. Now, I offer suggestions for how researchers can examine how these two elements coexist and interact.

### *The Coexistence of Police in Schools and Restorative Justice Programs*

In many schools, staff, and to some degree students,<sup>5</sup> may decide whether a rule infraction or conflict is better handled through restorative justice channels or through a more exclusionary and stigmatizing channel, such as suspension, expulsion, or arrest. Past research emphasizes that students of color are at special risk of criminalization (Ladson-Billings 1994). In addition, for the same or similar

problem behavior, students from African American and Latino families are more likely than students from white families to receive a suspension or expulsion (Perry and Morris 2014). Thus, it makes sense for researchers to examine whether in schools with both restorative justice and SRO programs, students of color are disproportionately pushed into the channel of authoritarian punishments.

Such a research program should also take care to identify and compare how girls experience discipline at school, depending on their race and the presence/absence of multiple disciplinary channels. Too often, policy-relevant research on discipline and school achievement focuses only on boys of color, leaving the disciplinary experiences of their female counterparts understudied (Crenshaw et al. 2015; Morris 2016). In particular, researchers should investigate whether restorative justice programs are associated with comparable reductions in the white/black discipline gap for boys and for girls, or whether one subgroup benefits more. More research is also needed on whether restorative justice programs are successful in lessening the likelihood that students who are most often targeted for harassment will experience hostile social and academic environments. These include gender nonconforming students and those from stigmatized ethnic and immigrant groups (Aspenlieder et al. 2009; Ispa-Landa 2013; Scherr and Larson 2009).

Another promising area of inquiry is related to the literature on class advantage. Scholars could push the literatures on school discipline and class advantage forward by investigating whether more advantaged parents—or their children—are disproportionately able to access restorative justice channels within schools that have both restorative justice and more punitive programs. Scholars show that class-advantaged parents play a pivotal role in ensuring that their children receive superior opportunities to learn. Such parents often take an “interventionist” attitude toward their children's schooling, which educators in turn reward (Lareau 2003; Lareau and Calarco 2012). The interventionist attitude involves a belief that parents have the right to influence the disciplinary climate of the schools their children

attend and the punishments their children receive (Kupchik 2009; Lewis-McCoy 2014). Furthermore, researchers find that educators are disproportionately responsive to the requests and concerns of middle- and upper-middle-class parents (Lareau and Horvat 1999). It stands to reason then that middle-class parents may experience disparate success in helping their children avoid harsh and stigmatizing punishments such as suspension, expulsion, and school arrest.

Finally, in future research on the coexistence of restorative justice policies with other disciplinary policies, scholars should take care to examine how restorative justice programs have been developed and implemented. In some schools, a whole-school restorative justice approach to culture and climate has been adopted, while in others, educators use restorative justice as a set of stand-alone techniques (Hurley et al. 2015). A growing literature documents the barriers to successful implementation of both whole-school and stand-alone restorative justice programs (Hurley et al. 2015). These barriers include the absence of a clear and agreed-upon model of restorative justice, the paucity of evaluation research on restorative justice curricula, and the lack of time and other resources that school administrators, teachers, SROs, and security personnel have to devote to the project of discarding punitive approaches to student misbehavior (Hurley et al. 2015).

Local and historical context, including the availability of federal, state, local, and private funding to support efforts to reform school discipline, can also play a dramatic role in how restorative justice programs are implemented. On the school level, levels of violence, as well as the degree to which educators and other staff have been trained in conflict de-escalation and responding to students with disabilities, may matter for restorative justice implementation. Future research should compare how in schools with both punitive and restorative justice channels, disciplinary outcomes vary by whether the restorative justice program has a “weak” or “strong” implementation.

Analyzing the coexistence of two different and relatively new elements of contemporary

school discipline requires a more holistic view of school discipline than is usually taken. There are good reasons for scholars to take on this project. In particular, children and youth do not experience one element of the school’s disciplinary climate in isolation from the others. Like adults, they experience, and are affected by, the various elements of their environment simultaneously (Schneider, Gunnarson, and Niles-Jolly 1994). Having a foundational knowledge of how different elements of school discipline come together will increase researchers’ capacity to understand educators and youth’s experiences of school discipline. It could also enrich the area of policy studies.

The agenda I have sketched here could yield rich insights about how institutions negotiate among competing agendas. Punitive approaches are rooted in an agenda that stresses deterrence, incapacitation, and retribution despite weak evidence that such approaches are effective in creating safer schools (Stinchcomb, Bazemore, and Riestenberg 2006). By contrast, restorative justice approaches are based on a growing, but still incomplete, body of evidence suggesting positive outcomes.<sup>6</sup> In studying how restorative justice programs coexist with more authoritarian programs in today’s schools, scholars could enrich both the literatures on school policy and school discipline.

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### **Notes**

1. The policy environment influences how school discipline is enforced and how it affects

students in a range of ways (Lyons and Drew 2006). Important aspects of the policy environment could include school funding policies, school zoning practices, the presence/absence of affirmative action in hiring, and in-school discipline programs. In this article, I focus on one aspect of the policy environment: the coexistence of multiple disciplinary channels for handling student rule infractions.

2. A rich body of research examines the source of racial and gender disparities in punishment, with debates about the relative impacts of educators' constructions of student misbehavior versus students' actual misbehavior (for a review, see Gregory, Skiba, and Noguera 2010). These debates are outside the scope of this article.
3. For a national example, see the *President's Task Force on 21st Century Policing*, which urges schools to adopt restorative justice programs while maintaining a police presence in schools (White House Office of the Press Secretary 2015). For a state example, see the *Illinois School Success Task Force Report to Illinois General Assembly 2013* (Illinois State Board of Education 2013). For a local example, see the School District of Philadelphia's *2016-2017 Code of Student Conduct* (Philadelphia School Reform Commission 2015).
4. I use the term *referred student* instead of *wrongdoer* or *offender* because this is the preferred terminology in many schools that have implemented restorative justice programs (Ashley and Burke 2016).
5. At many schools, peer jury, offered through a restorative justice program, is a choice. Students who opt out of peer jury may face suspension or other sanctions.
6. I thank an anonymous reviewer for this insight.

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