EDUCATION SUSPENDED

The Use of High School Disciplinary Records in College Admissions

CENTER FOR COMMUNITY ALTERNATIVES
INNOVATIVE SOLUTIONS FOR JUSTICE

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ABOUT THE CENTER FOR COMMUNITY ALTERNATIVES (CCA)

CENTER FOR COMMUNITY ALTERNATIVES
INNOVATIVE SOLUTIONS FOR JUSTICE

The Center for Community Alternatives (CCA) is a community-based nonprofit organization that promotes reintegrative justice and a reduced reliance on incarceration. Founded in 1981, CCA engages in research, policy advocacy, and direct services in pursuit of our goals to end mass criminalization and incarceration, eliminate racial disparities, and eradicate barriers to employment, housing, higher education, and civic participation experienced by people with criminal records. CCA defines our work within a civil and human rights framework, based on our understanding that the criminal justice system in the United States has become a mechanism to erode fundamental rights in this broad array of social domains. Our research and policy advocacy is grounded in our service work with people directly impacted by the criminal and juvenile justice systems which now include the school-to-prison pipeline.

This report was written by CCA staff: Marsha Weissman, Ph.D., Executive Director and Emily NaPier, M.A., Senior Associate of Research and Public Affairs.

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Disclaimer

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EXECUTIVE SUMMARY

The use of harsh discipline in elementary and high schools – suspensions and expulsions – has skyrocketed since the mid-1990s. More than 3 million children per year are suspended from school and an additional 100,000 are expelled. Over the last several years, however, there has been growing awareness that excluding young people from school has devastating effects that include increased student dropout/pushout rates, decreased graduation rates, and increased youth involvement in the criminal and juvenile justice systems.

Largely neglected in the conversation on the deleterious effects of suspension and expulsion has been the issue of its impact on college admissions. Yet beginning in the 2006-2007 academic year, the Common Application, used by more than 500 colleges and universities across the country, added a question about school disciplinary histories to its application. The Common Application also includes questions about school disciplinary records on the forms that are sent to high school guidance counselors or other similar school officials for completion. Many colleges that do not use the Common Application have also adopted the practice of collecting information about high school disciplinary violations despite a lack of research on the relationship between disciplinary history screening and safety on college campuses. Further, the studies that have been conducted on criminal history screening in college admissions have found no evidence that such screening practices make campuses safer.

This research was prompted by the Center for Community Alternatives' (CCA) work with young people who have been subjected to harsh school discipline and involved in the juvenile and criminal justice systems. As an organization that provides services to help justice system-involved individuals successfully reintegrate into the community, staff at CCA are often asked to help individuals overcome the myriad lifetime consequences that hamper access to jobs and housing. The experience of a client referred to CCA for assistance with applying to college raised our concern and focused our attention on the use of criminal history records in the college admissions process. To examine this issue, CCA first looked at the national trends in college admission screening of criminal history records. In the course of this work, we were astonished to learn that colleges were not only asking about and taking into account past criminal records, but many were also considering an applicant's high school disciplinary record. CCA works with young people in urban schools where almost all students are eligible for free or reduced-cost lunch and there are high rates of suspension. One of the main concerns of the students is how suspension will affect their future including their prospects of attending college. Already facing barriers related to poverty and being potential first-generation college students, marginalized young people who encounter questions about their high school disciplinary records may be further discouraged from pursuing a college education.

This report investigates how colleges are using high school disciplinary information in the admissions process and how high schools are responding to requests for such information about their students. We frame our findings in the context of the increased criminalization of normative adolescent behavior and the disparate impact of suspensions and expulsions on students of color and students with disabilities. Efforts to improve access to education for young people from low income communities of color and first-generation college students are undermined by policies that include high school disciplinary information in admissions decision making. Instead of promoting campus safety, excluding students with past disciplinary records is likely to decrease public safety in society at large by denying opportunities for higher education to otherwise qualified applicants.

More than **3 million** children per year are suspended from school

Key Findings

1. The collection of applicants' high school disciplinary information by colleges and universities is widespread, and that information is used to inform admissions decisions despite the absence of formal, written policies and training around such practices.

A. About three-quarters (73 percent) of colleges and universities collect high school disciplinary information, and 89 percent of those use the information in admissions decision making.

B. Only one-quarter (25 percent) of colleges that collect disciplinary information have formal, written policies to guide their use of it, and only 30 percent of schools have trained their admissions staff to interpret disciplinary violation findings.

2. High schools commonly disclose disciplinary information about their students to colleges and universities, although most do not have formal, written policies about disclosure and leave those decisions in the hands of individual guidance counselors.

A. Fifty percent of high schools disclose disciplinary information about their students to colleges in at least some cases.

B. Almost two-thirds (63 percent) of high schools do not maintain formal, written policies regarding disclosure of student disciplinary records to colleges.

C. At 41 percent of the high schools that disclose disciplinary information, the guidance counselor is the only person to review the information prior to sending it to colleges.

3. Those students who have a history of disciplinary violations and are admitted to college frequently face requirements and restrictions not imposed on other students.

A. About one-third (33 percent) of colleges sometimes require special supervision of students with prior disciplinary violations, often through the office of the Dean of Students or the office of Student Affairs, or a probationary period may be imposed.

B. Almost half (45 percent) of colleges place housing restrictions on students with prior disciplinary violations, with more than one-third (34 percent) prohibiting the student from residing in campus housing, depending on the nature of the disciplinary violations.

Recommendations

To School Districts:

Adopt policies that prohibit the disclosure of high school disciplinary records to colleges and universities.

To Colleges and Universities:

Refrain from including questions about high school disciplinary violations on college applications and prohibit the use of such information in admissions decision making.

I. INTRODUCTION

The use of harsh discipline in elementary and high schools – suspensions and expulsions – has skyrocketed since the mid-1990s. More than 3 million children per year are suspended from school and an additional 100,000 are expelled. Over the last several years, however, there has been growing awareness that excluding young people from school has devastating effects that include increased student dropout/pushout[1] rates, decreased graduation rates, and increased youth involvement in the criminal and juvenile justice systems.

The 2012 release of federal data about school discipline has accelerated this discussion. The association between suspension and pushout rates also has long term consequences, notably in the area of employment, as high school dropouts are most likely to be unemployed or underemployed.

Largely neglected in the conversation on the deleterious effects of suspension and expulsion has been the issue of its impact on college admissions. Yet beginning in the 2006-2007 academic year, the Common Application, used by more than 500 colleges and universities across the country, added a question about school disciplinary histories to its application.

The question reads:

Has this student ever been found responsible for a disciplinary violation at any secondary school attended, whether related to academic misconduct or behavioral misconduct, that resulted in probation, suspension, removal, dismissal or expulsion from the institution?

1. Nationally, the dropout issue is increasingly understood as a "pushout" issue. The term pushout refers to explicit decisions that remove children from school, including school suspension and expulsion. Environmental conditions such as a curriculum that does not stimulate or engage students and high levels of police and surveillance equipment also contribute to student disengagement from education. The term pushout places responsibility for student disengagement from school on the structural conditions of education and not just on individual student choice.

The Common Application also includes questions about school disciplinary records on the forms that are sent to high school guidance counselors or other similar school officials for completion.

The specific question reads:

Has the applicant ever been found responsible for a disciplinary violation at your school from the 9th grade (or the international equivalent) forward, whether related to academic misconduct or behavioral misconduct, that resulted in a disciplinary action? These actions could include, but are not limited to: probation, suspension, removal, dismissal, or expulsion from your institution.

The high school counselor has the option of checking one of the following:

☐ Yes ☐ No ☐ School policy prevents me from responding

This study explores the extent to which colleges and universities consider high school disciplinary histories as part of the admissions process. Through surveys conducted in partnership with two professional organizations, we examine how many colleges ask for this information and whether it is considered in admissions decision making, as well as how many high schools provide this information to college admissions offices.

The research was prompted by the Center for Community Alternatives' (CCA) work with young people who have been subjected to harsh school discipline and involved in the juvenile and criminal justice systems. This trajectory of young people being pushed out of school and into the juvenile and criminal justice systems is frequently referred to as "the school-to-prison pipeline."

As an organization that provides services to help justice system-involved individuals successfully reintegrate into the community, staff at CCA are often asked to help individuals overcome the myriad lifetime consequences[2] that hamper access to jobs and housing. Our first experience with barriers to higher education came in 2006 when a client was referred to CCA[3] for help in applying to college. At the time, the college's written policy stated that admission would be denied to any applicant with a prior felony conviction who did not reside in the local community.[4] This raised our concern and focused our attention on the use of criminal history records in the college admissions process.

2. For years, courts across this nation have clung to the legal fiction that there is a distinction between "direct" consequences of a criminal conviction (that is, the punishment pronounced in court), and "collateral" consequences (that is, the life-altering punishment that is not discussed in court). This legal fiction has been fostered to prevent people from withdrawing their pleas after being confronted with a punishment for their conviction of which they were not aware when they decided to plead guilty. In 2010, the United States Supreme Court rejected this legal fiction in Padilla v. Kentucky. Throughout this report, we too avoid using terminology that promotes this legal fiction, instead using the term "lifelong consequences" as one that better reflects the myriad punishments that flow from a criminal conviction.
3. The client was referred by On Point for College, an organization founded in Syracuse to help first-generation students get into college, stay there, and succeed afterwards.
4. The college has since removed this policy.

To examine this issue, CCA first looked at the national trends in college admission screening of criminal history records. In the course of this work, we were astonished to learn that colleges were not only asking about and taking into account past criminal records, but many were also considering an applicant's high school disciplinary record. CCA works with young people in urban schools where almost all students are eligible for free or reduced-cost lunch and there are high rates of suspension. One of the main concerns of the students is how suspension will affect their future including their prospects of attending college.

Already facing barriers related to poverty and being potential first-generation college students, marginalized young people who encounter questions about their high school disciplinary records may be further discouraged from pursuing a college education.

This study investigates how colleges are using high school disciplinary information in the admissions process and how high schools are responding to requests for such information about their students. We frame our findings in the context of the increased criminalization of normative adolescent behavior and the disparate impact of suspensions and expulsions on students of color and students with disabilities.

Efforts to improve access to education for young people from low income communities of color and first-generation college students are undermined by policies that include high school disciplinary information in admissions decision making.

We conclude with our recommendations that:

1) colleges and universities refrain from including questions about high school disciplinary violations on their applications and prohibit the use of such information in admissions decision making, and

2) high schools adopt policies that prohibit the disclosure of disciplinary information to colleges and universities.

II. COLLEGE APPLICATIONS, SCHOOL DISCIPLINE QUESTIONS, AND SCHOOL SUSPENSIONS

The addition of questions about high school disciplinary records is a relatively recent phenomenon. While the Common Application was first introduced in 1975, it was not until the 2006-2007 academic year that it added questions about criminal convictions and secondary school disciplinary records. The Common Application justified its inclusion of the questions as responsive to their member institutions. Some individual colleges had such questions on their individual applications, although most inquiries focused on criminal and not school disciplinary records.

Members of the College Application Board and college officials have justified the inclusion of such questions on the Common Application as a tool for controlling the makeup of college campuses and enhancing the ability of colleges to market themselves to certain parents and students by sending a message about the types of students welcome in their college communities.

For example, in a story reported in The California State University Daily News Clips, Arnaldo Rodriguez, a past president of the Common Application Board, said that these sorts of questions were included because, "The member institutions were concerned about the kind of community members that we would admit to the college to become members of the community. We're not (just) interested in students with stellar academic records. We also want them to be good citizens, and looking at their background will help us to determine that" (Susman 2007). Similarly, Seth Allen, also a past president of the Common Application Board, explained that questions about an applicant's school disciplinary record help colleges decide whether the applicant should be "part of our community" (Gordon 2007). In a Q&A on high school suspension questions on college applications hosted by College Confidential, an online forum on topics related to college admission, Debra Shaver, Director of Admission at Smith College stated, "The disciplinary question is not meant to find out all the "bad" things students have done… We are, however, in the business of building a community. Most importantly, a community of scholars-but also a community that engages and interacts in a way that is respectful and honorable. This is what we're trying to determine through the disciplinary question" (College Confidential n/d).

Yet parents, students, and high school guidance counselors have articulated concerns about the implications of disclosing disciplinary information on a college application. While colleges attempt to assuage student concerns, online discussions reveal considerable anxiety on the part of students about how the records will impact their acceptance. In a narrative chronicled in the *Washington Post* (St. George 2011), an academically-qualified student became so distraught about having to answer questions on college applications about his suspension for possession of marijuana that his mother took him to a hospital to be put on suicide watch.

Nick, another student profiled in the article who also faced questions on his applications said, "As soon as you check that box, it kills you." School districts themselves have quite different policies about what information, if any, will be disclosed. Some districts have policies that preclude any disclosure, while others disclose any disciplinary infraction over the student's four years of high school. NACAC reports that disclosure also varies by individual high school counselor with some "going out of their way to report incidents and others trying to avoid doing so" (The Ivy Coach 2008).

School discipline runs the gamut from teacher admonitions in classrooms and teacher contact with parents to more formal school procedures including suspensions and expulsions. Suspensions can be in-school (ISS) or out-of-school (OSS). ISS typically involves placement in a specialized, segregated setting within the mainstream school for a specified and relatively short period of time that may range from a school day to several school days. OSS can also be short-term (e.g., three to five days), after which the student returns to his or her school. However, OSS may also be long-term, typically involving placement in an alternative school or other educational setting. Long-term OSS and expulsions are often considered one and the same, although there are differences in how states implement these actions. New York State, for example, does not permanently exclude students of compulsory age; the state's response to the zero tolerance mandates in federal law was to set up alternative education settings that are called "programs" rather than schools. In Pennsylvania however, parents of students who are expelled are given thirty days to enroll them in another school district. If they are unable to do so, the expelling district is obligated to establish some form of education service for the student, and the type of program is at the discretion of the district. In contrast, in Alabama, the school districts are not obligated to provide any sort of education whatsoever to expelled students.

The 1994 Gun-Free Schools Act made federal funding to schools contingent upon the local adoption of school disciplinary policies that mandated expulsion for weapons possession. U.S. Department of Education, Office of Civil Rights data on school suspensions and expulsions show that between 1974 and 2000, the rate at which America's students were suspended and expelled from schools almost doubled from 3.7 percent of students in 1974 (1.7 million students suspended) to 6.6 percent of students in 2000 (3 million students suspended) (Wald & Losen 2003). By 2012, the number of students suspended at least once reached over 3 million students, more than 17,000 students per day (Orfield & Losen 2012).

The explosion of school suspensions was justified on the grounds of school safety, yet came at a time when there were documented declines in school violence, student victimization, and student fear of violence during the 1990s (Donahue, Schiraldi & Zeidenberg 1998; Kaufman et al. 2000). And while the 1994 federal law that propelled the use of suspensions was limited to mandatory suspensions/expulsions for weapons possession, over time many school districts came to apply these mandates to other behaviors, including drug possession and fighting, and even lesser "offenses" such as swearing (Skiba & Knesting 2001).

The research on the reliance on harsh school discipline, the inconsistencies in how disciplinary infractions are defined and sanctions imposed, and the racial and ethnic disparities in the use of suspensions has elevated the issue to a major national policy concern. The inclusion of questions on college applications requiring students to report their high school discipline records comes at a time when the use of suspensions and expulsions has been called into question.

...Between 1974 and 2000, the rate at which America's students were suspended and expelled from schools almost doubled from 3.7 percent of students in 1974 (1.7 million students suspended) to 6.6 percent of students in 2000 (3 million students suspended).

III. METHODOLOGY

The Center for Community Alternatives developed two distinct surveys to investigate practices around disclosing and using information about high school disciplinary violations in the college admissions process.

The first survey focused on whether colleges and universities ask about high school disciplinary histories and, if they do, how they consider that information in the college admissions process. The second survey was sent to high school guidance counselors and asked about policies and practices regarding the disclosure of student disciplinary records to colleges. To administer the surveys, we partnered with two national organizations comprised of professionals working in the field of college admissions: the American Association of Collegiate Registrars and Admissions Officers (AACRAO) and the National Association for College Admission Counseling (NACAC). Quantitative data from both surveys were analyzed using IBM SPSS. Qualitative responses to open-ended questions were coded using HyperRESEARCH.

Survey of College Admissions Officials

The 32-question survey of college admissions officials focused on four key areas: the extent to which colleges and universities collect and use information about applicants' high school disciplinary histories, the ways in which high school disciplinary information impacts admissions decision making, the procedures by which high school disciplinary information is considered in the admissions process, and the scope of enrollment conditions required of admitted students who have prior disciplinary violations.

AACRAO and NACAC each administered the instrument electronically, using SurveyMonkey, to their members in college admissions offices. Respondents were informed that, to ensure confidentiality, their institutional identities would not be shared with CCA's researchers. The survey was electronically accessible to AACRAO members from July 8, 2013 through September 10, 2013 and to NACAC members from May 21, 2014 through July 16, 2014. It was distributed to 3380 colleges and universities, and we received 408 unduplicated responses, yielding a response rate of 12.1 percent.

Survey of High School Guidance Counselors

The second set of questions was administered to high school guidance counselors as part of NACAC 's annual Secondary School Counseling Trends Survey. That survey included six questions written by CCA researchers about the extent to which high schools disclose disciplinary information about their students to colleges, the types of information disclosed, and the policies and practices that govern such disclosures.

Based upon NACAC's experience with electronic surveys yielding low response rates with this population, they mailed hard copies of the instrument along with postage-paid envelopes in April 2014 with a response deadline of June 13, 2014. It was sent to NACAC's secondary school members as well as to a random sample of public high schools in the country. A total of 10,000 surveys were mailed, and 1,360 were returned, resulting in a response rate of 13.6 percent.

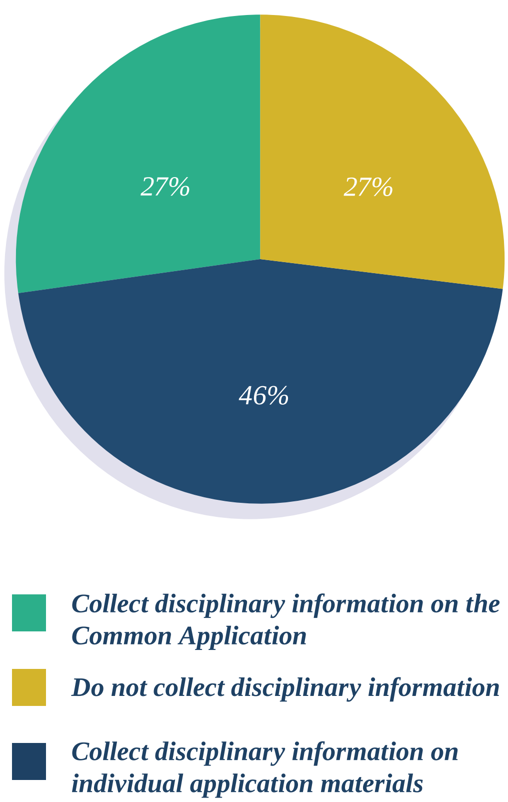
IV. FINDINGS

Collection and Use of High School Disciplinary Information in College Admissions

Extent to Which Colleges Collect and Use High School Disciplinary Information

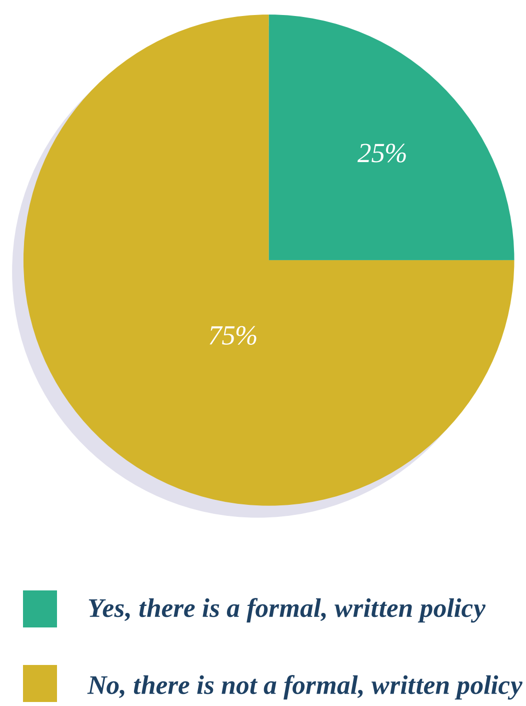
Colleges and universities that accept the Common Application will inevitably receive information about high school disciplinary violations as the Common Application includes questions about this issue. Of the 408 colleges and universities that responded to our survey of college admissions officials, 47 percent use the Common Application exclusively or in addition to their own institutional supplement. Figure 1 illustrates that 73 percent of the colleges and universities collect high school disciplinary violation information from either the Common Application or their own institutional application materials.

Figure 1: Collection of High School Disciplinary Information by Colleges



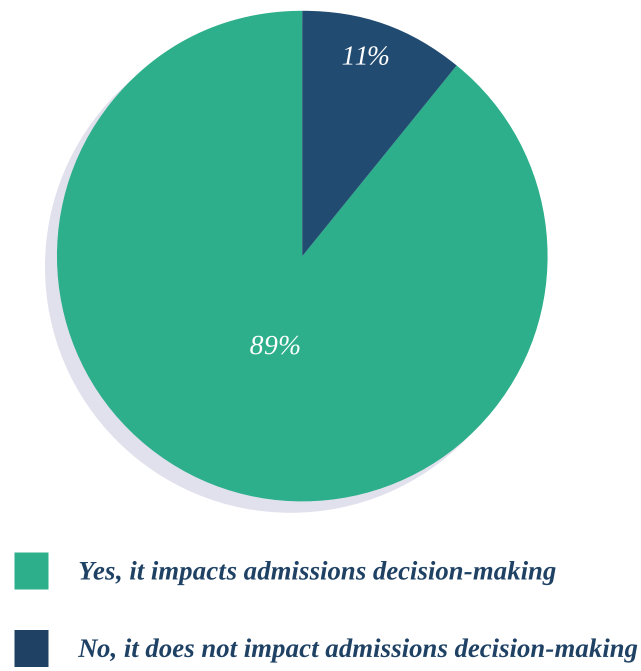
Although the collection of high school disciplinary information is widespread, with almost three-quarters (73 percent) of schools engaging in the practice, Figure 2 illustrates that only one-quarter (25 percent) of those colleges and universities that collect information have a formal, written policy regarding their use of that information. Additionally, only 30 percent of the schools that collect information have trained their admissions staff to interpret disciplinary violation findings.

Figure 2: Presence of a Formal, Written Policy Regarding Use of High School Disciplinary Information at Colleges that Collect information



Despite the frequent absence of formal policies and training, 89 percent of colleges and universities that collect high school disciplinary information report that they use it to inform their admissions decision making, as shown in Figure 3.

Figure 3: Use of High School Disciplinary Information in Admission Decisions at Colleges that Collect Information

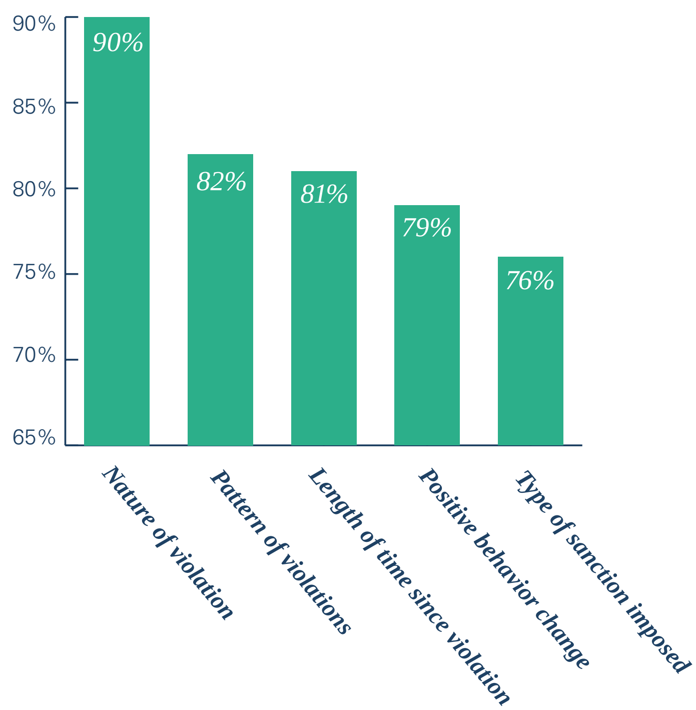


Ways in Which High School Disciplinary Information Impacts Admissions Decision Making

College admissions officials at the schools that use high school disciplinary information in their admissions decisions indicated that a variety of factors about disciplinary violations are considered during the admissions process. Figure 4 illustrates that the nature of the violation is significant to 90 percent of schools, and more than 80 percent take into account any pattern of violations and the length of time since a violation occurred. More than three-quarters (76 percent) of colleges using high school disciplinary information consider the type of disciplinary sanction imposed a significant factor for admissions decision making.

Of those, all indicated that expulsion from a high school would influence their decision about whether to admit the applicant to college. Ninety-three percent would also look closely at an out-of-school suspension, and 76 percent would take into account an in-school-suspension. Less formal sanctions, such as being sent to the principal's office, are often not tracked by high schools and were not included in our survey.

Figure 4: Factors Regarding High School Disciplinary Violations Considered During the Admissions Process at Colleges that Use Disciplinary Information



We asked the college officials surveyed whether there are any circumstances with regard to high school disciplinary violations that result in the automatic denial of admission. More than one-quarter (29 percent) of colleges using high school disciplinary information report that this is the case.

Figure 5: Circumstances Resulting in Denial of Admission at Colleges that Automatically Disqualify Some Applicants Based on High School Disciplinary Information

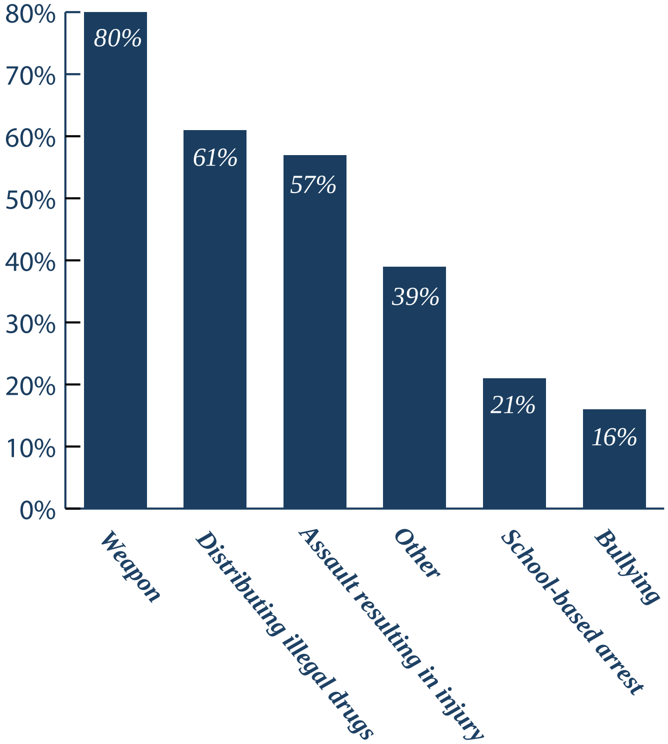


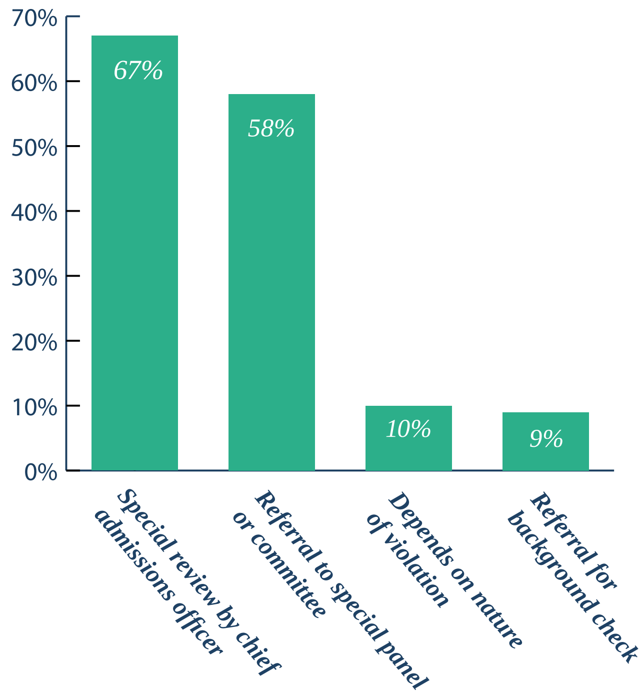
Figure 5 highlights the most common factors leading to an automatic denial. Factors in the "other" category include fighting, use of illegal drugs, incidents of a sexual nature, use of alcohol, and truancy.

Procedures by Which Colleges Consider High School Disciplinary Information in Admissions

In order to review information about high school disciplinary violations that the institutions deem relevant to admissions decision making, 83 percent of colleges and universities that use such information process applications that disclose a violation differently from the general pool of applications. We asked the college officials surveyed about their process for reviewing applications and about who is involved in that process.

Figure 6 illustrates that, of those schools that impose a different process for applications that disclose a disciplinary violation, about two-thirds (67 percent) require a special review of the application by the chief admissions officer or designee, and more than half (58 percent) refer the application to a special panel or committee.

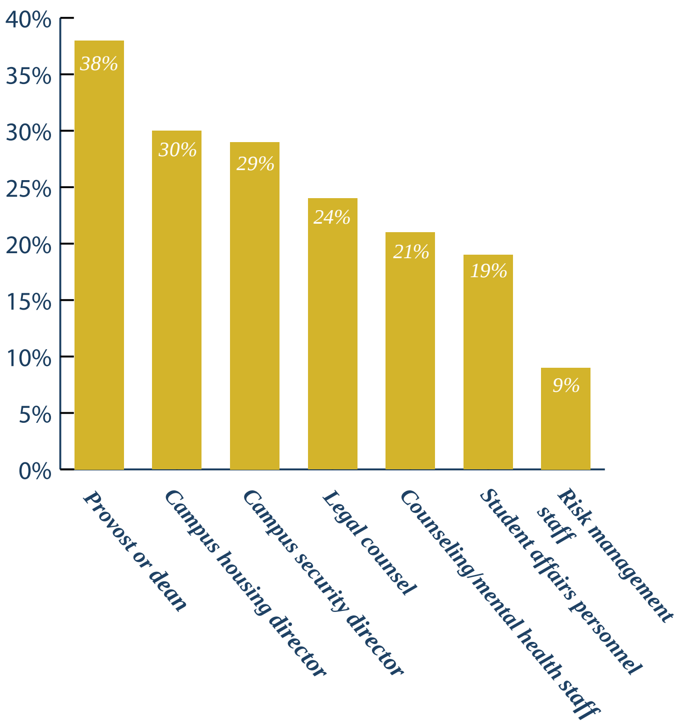
Figure 6: Methods for Processing Applications Disclosing Disciplinary Violations at Colleges that Use a Special Procedure



Of those schools that use a special procedure to process applications that disclose disciplinary violations, almost all (87 percent) seek input from people other than the usual admissions decision-makers, at least in some cases. More than one-fifth (22 percent) always seek outside input on such applications.

Figure 7 shows the types of campus personnel who might participate in the special review process.

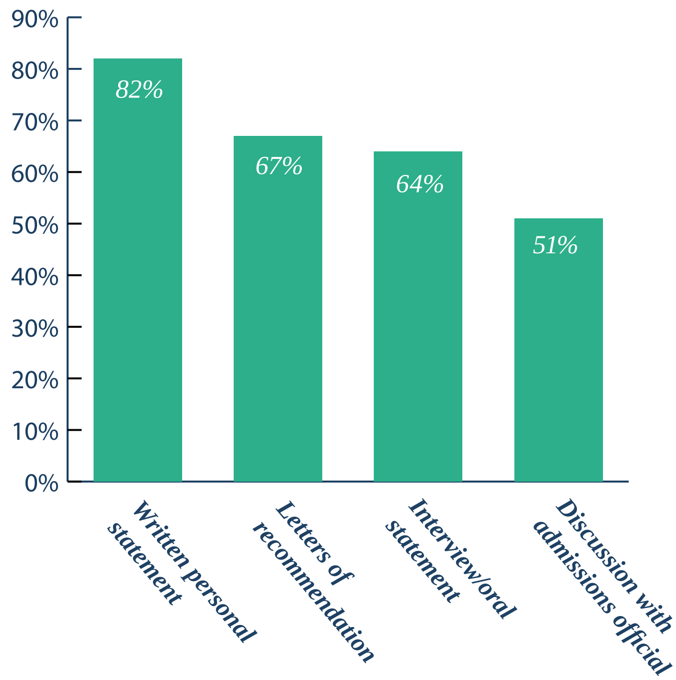
Figure 7: Campus Personnel Who Review Applications Disclosing Disciplinary Violations at Colleges that Use a Special Procedure



During the review of the application, almost all schools (88 percent) that use high school disciplinary information notify applicants of concerns about their disciplinary violations and give them some opportunity to address the concerns.

Figure 8 illustrates the methods by which applicants might address concerns about their disciplinary violations. More than three-quarters (82 percent) of schools require a written personal statement from applicants.

Figure 8: Methods by Which Applicants May Address Concerns about Disciplinary Violations at Colleges that Notify Applicants about Disciplinary Concerns



If an applicant is denied admission because of a disciplinary violation, about two-thirds (66 percent) of schools notify that applicant of the reason for denial. However, that notification happens automatically only at 21 percent of the schools; other schools require that the applicant inquire about the reason for denial. Similarly, three-quarters (75 percent) of the schools have an appeals process in place if an applicant is rejected because of a disciplinary violation, but less than half (44 percent) formally notify the applicant of the process.

Scope of Enrollment Conditions Required of Admitted Students Disclosing High School Disciplinary Violations

For those applicants with a history of disciplinary violations who are admitted, colleges and universities that use high school disciplinary information may provide or require various support programs or enrollment conditions.

Special support programs, typically through the office of the Dean of Students, are offered but not required at 30 percent of the schools.

About one-third (33 percent) of schools sometimes require special supervision of admitted students with prior disciplinary violations. Of those, one-fifth (20 percent) rely on the office of the Dean of Students to monitor the student, and one-fifth (20 percent) rely on the office of Student Affairs. An additional 10 percent admit the student for a probationary period during which they cannot violate any disciplinary policies on campus and must maintain a certain grade point average. The remaining 50 percent simply indicated that the supervision would depend on circumstances.

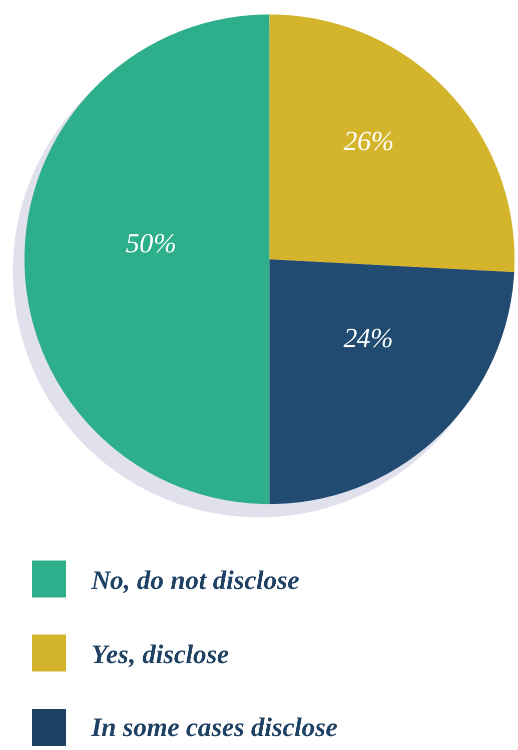
Almost half (45 percent) of the schools place housing restrictions on students with a history of high school disciplinary violations, with more than one-third (34 percent) of such schools indicating that, depending on the nature of the disciplinary violations, an admitted student may not be allowed to reside in campus housing.

Disclosure of Disciplinary Violations by High Schools

Extent to Which High Schools Disclose Disciplinary Information about Students to Colleges

Given that almost three-quarters (73 percent) of colleges and universities request information from applicants about disciplinary violations, high schools are now faced with decisions about what information to disclose about their students. The 1,360 responses to our survey of high school guidance counselors indicate that school districts are equally likely to disclose or not disclose information about students' disciplinary incidents to colleges. Figure 9 illustrates that 26 percent of high schools always disclose the disciplinary information requested, 24 percent disclose that information in some cases, and 50 percent do not disclose the information.

Figure 9: Disclosure of Disciplinary Information by High Schools

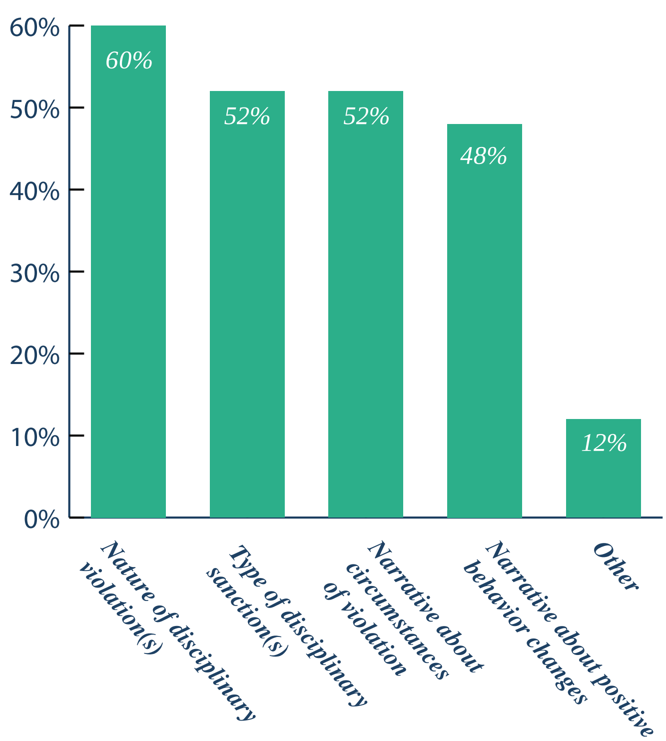


For those schools that indicated that they sometimes disclose disciplinary information, the circumstances of disclosure varied widely. Almost one-quarter (24 percent) reported that they disclose information about violations that are “serious,” “violent,” “threatening,” or “harmful to other students,” but, as we discuss in Section V, those are subjective terms with inconsistent definitions between districts, schools, or even individual school personnel.

Types of Information Disclosed by High Schools

Figure 10 shows the types of information shared with colleges by those high schools that do disclose disciplinary violations. Three-fifths (60 percent) report the nature of the disciplinary violation, and more than half (52 percent) describe the type of disciplinary sanction imposed on the student. Slightly fewer than half (48 percent) include a narrative about positive behavior changes in the student subsequent to the disciplinary infraction.

Figure 10: Types of Disciplinary Information Shared with Colleges by High Schools that Disclose Information



Policies and Practices Governing Disclosure of Disciplinary Information by High Schools

At 41 percent of the high schools that disclose disciplinary information, the guidance counselor is the only person to review the information prior to sending it to colleges (Figure 11).

Figure 11: Personnel, at High Schools that Disclose Disciplinary Information, Who Review Information Prior to Sharing with Colleges

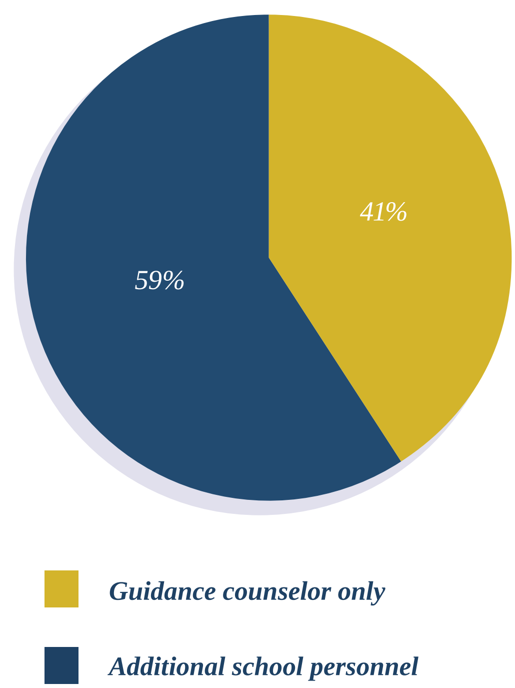
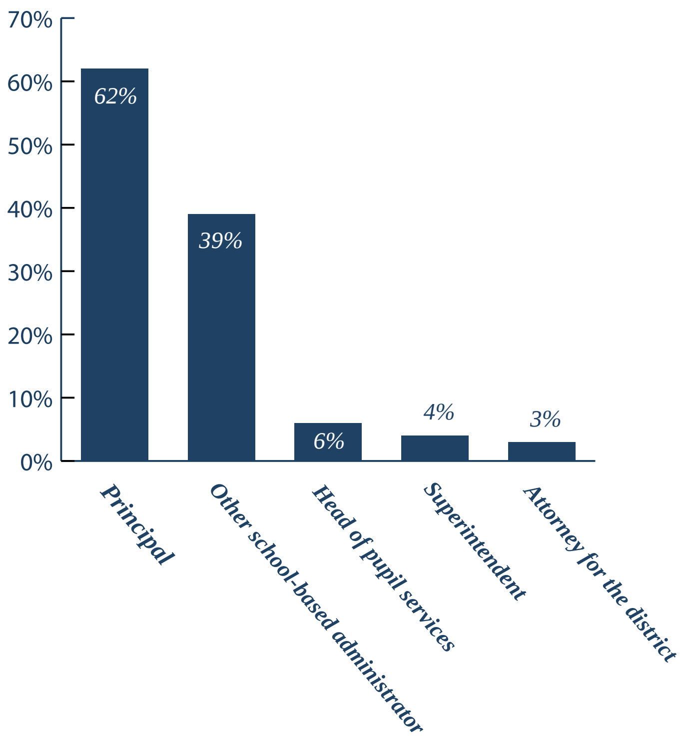


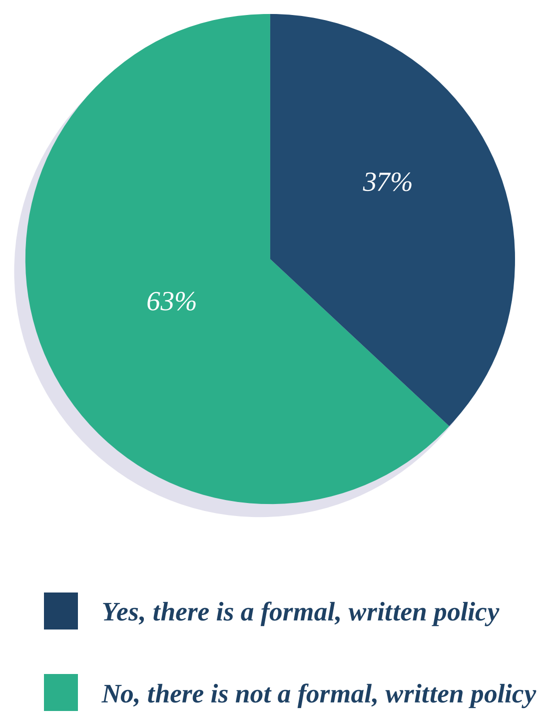
Figure 12 shows the school personnel who may be involved in reviewing information prior to disclosure at the other 59 percent of schools. While at 62 percent of such schools a principal reviews the information, and at 39 percent some other school-based administrator does, fewer than 15 percent of schools report that a district-level official such as the superintendent, head of pupil services, or attorney for the district reviews the information prior to disclosure. At some schools, more than one administrator may be involved in the release of information.

Figure 12: High School Personnel Who Review Disciplinary Information Prior to Disclosure at Schools that Do Not Rely Solely on the Guidance Counselor



Despite significant variation across schools in the circumstances under which they disclose disciplinary information, the types of information disclosed, and the process for disclosing such information, almost two-thirds (63%) of high school guidance counselors reported that their district does not maintain a formal, written policy regarding disclosure of student disciplinary violations to colleges (Figure 13).

Figure 13: Presence of a Formal, Written Policy at High Schools Regarding Disciplinary Information



63%

High school guidance counselors who reported that their district does not maintain a formal, written policy regarding disclosure of student disciplinary violations to colleges

V. SCHOOL SUSPENSIONS AND EDUCATION SUSPENDED

The inclusion of high school disciplinary information as a factor in college admissions decisions must be examined within the larger context of what is now known about the impact of imposing school suspension or expulsion. The use of suspension and expulsion information by colleges is particularly problematic because schools (and even staff within schools) have wildly different definitions of what is considered a disciplinary infraction, as well as varying responses to such infractions. Of equal, if not greater importance, is the reality that students of color and students with disabilities are disproportionately subjected to more punitive sanctions for disciplinary infractions.

Arbitrary and Capricious: What Behaviors Result in Suspension?

Presumably, college admissions professionals are seeking to consider meaningful information in deciding who to admit to their institutions. Yet information about school discipline violations can hardly be considered a sound indicator that would distinguish one student from another. At best, information about school discipline infractions reflects more about a given school district, school, or teacher than about a particular student. As the survey results show, not all high schools even disclose information about suspensions or expulsions. In fact, almost 50 percent of high schools do not disclose such information. Given the vagaries in disclosure policies among school districts, it seems unfair for colleges to consider disciplinary information only for those students unlucky enough to attend a district that allows disclosure.

Schools and school districts define misbehaviors differently and attach different sanctions to similar behaviors. The definition of student misbehavior is, to a large extent, a social construction that changes over time, based on public policy and public perceptions of danger. Behaviors can be classified in various ways, for example, as criminality, as a learning disability, or as a health or mental health problem. The labeling of behaviors also varies based on the goal of reporting (e.g., to document the need for law enforcement resources vs. the need for mental health services). The rhetoric of school violence is broad, encompassing both physical violence committed by students against other students or teachers as well as verbal "assaults" and insults. The catchall category of "disruptive behavior," the basis of most school suspensions, is defined within the social context of the classroom that is influenced by both teacher and student backgrounds and experiences (Vavrus & Cole 2002).

Even violent behavior, which one might assume would be consistently defined, is subject to the interpretation of principals and teachers. A survey of school administrators conducted for the New York Center for School Safety found considerable variation in what administrators considered violent behavior. For example, almost 6 percent of administrators classified weapons possession as “not at all violent” while another 6 percent of administrators rated students pushing each other while in a line to be “an extremely violent act” (Nadeau 2003:1). These varied opinions translate into real life differences in how students are disciplined, and behaviors for which students are suspended differ by school districts, individual schools, and even individual teachers.

Hyperbole has increasingly colored reporting on student misbehavior. Behaviors that were once considered normative adolescent behavior have now been tainted with labels from the criminal justice system. For example, in many school districts, fighting among students is no longer termed “fighting” but rather “assault,” a term that carries with it law enforcement connotations. The arms, hands, and feet involved in the pushes, shoves, slaps, punches, scratches, and kicks in schoolyard fighting are now defined as “personal weapons” (Federal Bureau of Investigation 2006). Yet despite the hype, data show that school violence has declined over the past two decades.

Moreover, despite the rhetoric suggesting that suspensions are used to respond to egregious conduct, students are suspended for a hodgepodge of behaviors, most of which are relatively minor (Raffaele Mendez & Knoff 2003; Skiba, Peterson & Williams 1997). National DOE data (Dinkes, Cataldi & Lin-Kelly 2007) show that 32 percent of suspensions were for fighting, 31 percent for behaviors related to drug or alcohol use or possession, and 21 percent for insubordination. Interviews with students suspended from school show that they are aware that they may be suspended for minor infractions that depend more on the student’s relationship with the teacher than the behavior itself (Weissman 2015). For example, Jena[5], who attended an urban high school in a Northeastern city said:

“

It seems like teachers have favorites. With some teachers, they kick kids out for like stupid stuff like coming to the classroom and as soon as you say something, as soon as you say one thing, like you’re out. It could be a silly thing, like you laugh or something and they kick you out.

5. The names of students interviewed have been changed to protect confidentiality.

High school guidance counselors have acknowledged differences in reporting policies: one high school may report a disciplinary action while another school may keep the same disciplinary action confidential. A New York Times article noted that some college admissions officers scan applications for "the slightest sign of trouble" (Pappano 2007). In contrast, other colleges like the University of Wisconsin at Madison do not consider any disciplinary information whatsoever, recognizing that "the practice of suspensions can vary widely and the information can be difficult to verify" (Kertscher 2009).

The unfairness inherent in the use of the jumbled assortment of behaviors and school policies surrounding school discipline is exacerbated by the lack of policies and training for college admissions officers on how to evaluate the disciplinary reports they receive. Thus, the arbitrary and capricious use of suspensions translates into an equally arbitrary and capricious use of information about suspensions by colleges and universities.

District disciplinary codes and different school climate also contribute to what behaviors are eligible for suspension. For example, in the 2014-2015 academic year, the school district in Syracuse, New York revised its student disciplinary code to narrow the range of behaviors for which a student could receive either ISS or OSS. Thus, for example, students applying to college prior to 2014 would have to report being suspended for dress code violations, but this is no longer an infraction for which a student can be suspended.

An analysis of 64 secondary-school codes of conduct found that 33 percent of policies permitted the use of suspension for tardiness and, in general, suspensions were commonly used for minor misbehavior that was unrelated to school safety (Fenning et al. 2008). Districts also perceive and react differently to student behavior, particularly behavior that requires largely subjective interpretation. A study of the use of suspensions in the state of California found that while almost half of all suspensions in the state (48 percent) were due to "willful defiance," this infraction accounted for two-thirds of student suspensions in four districts compared to less than one-third in nine other districts. One of the low-suspending districts (with only 11 percent of suspensions due to "willful defiance") attributed its rate to its use of restorative approaches rather than suspension (Frey 2013). These differences in codes and penalties make for a significantly uneven playing field for students.

The unfairness inherent in the use of the jumbled assortment of behaviors and school policies surrounding school discipline is exacerbated by the lack of policies and training for college admissions officers on how to evaluate the disciplinary reports they receive. Thus, the arbitrary and capricious use of suspensions translates into an equally arbitrary and capricious use of information about suspensions by colleges and universities. As shown in Figure 2 in Section IV, three-quarters of the colleges that collect high school disciplinary information do not have a formal, written policy regarding the use of high school disciplinary information in admissions decision making. Furthermore, 70 percent have no training for admissions officials on how to interpret disciplinary violation findings. Yet despite this lack of training and policies, almost all colleges that collect the information use it, and it sometimes results in automatic denial of admission.

At first blush, having been suspended for weapons possession may seem like a logical violation that should bar admission. However, the definition of what constitutes a weapon is broad and expansive. In New York State for example, weapons include not only handguns and rifles but also BB guns, paint ball guns, slingshots, firecrackers, toy guns, and other items. The State of Idaho has a narrower definition of weapon, excluding antique weapons and allowing firearms in school in the following circumstances: "… firearms that are lawfully stored within a locked vehicle on school property and weapons used in district approved activities and for which appropriate safeguards have been adopted to ensure student safety are excluded from the definition of a 'firearm''' (Idaho School Safety Disciplinary Manual 2005, Section V:2). Roland's personal story (Weissman 2015) also shows how even suspension for weapons possession cannot be viewed as a "one size fits all" situation. In an interview about his suspension experience, Roland explained the circumstances of his suspension for weapons possession:

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> *Well, it was all an incident on a bus where my little brother brought a knife on the bus. And he and another student got into a disagreement, which turned into a physical fight. My little brother pulled out the knife and was attempting to use it on the student. So I literally broke up the fight and tried to take the knife away from my little brother. So the knife was in my possession. So they [school officials] literally had no choice but to suspend me for a year because it was in my possession.*

While understanding the zero tolerance policy that "required" his suspension from school for a year, Roland nonetheless felt that the suspension did not fairly reflect his behavior. When told that he was going to be suspended, Roland described his reaction:

> "
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> *I was crying because I didn't understand that the fact that I was trying to help and do the right thing didn't make a difference. I still got suspended and had to serve time in the alternative school just for trying to do the right thing. It really hurt me because I was just trying to help.*

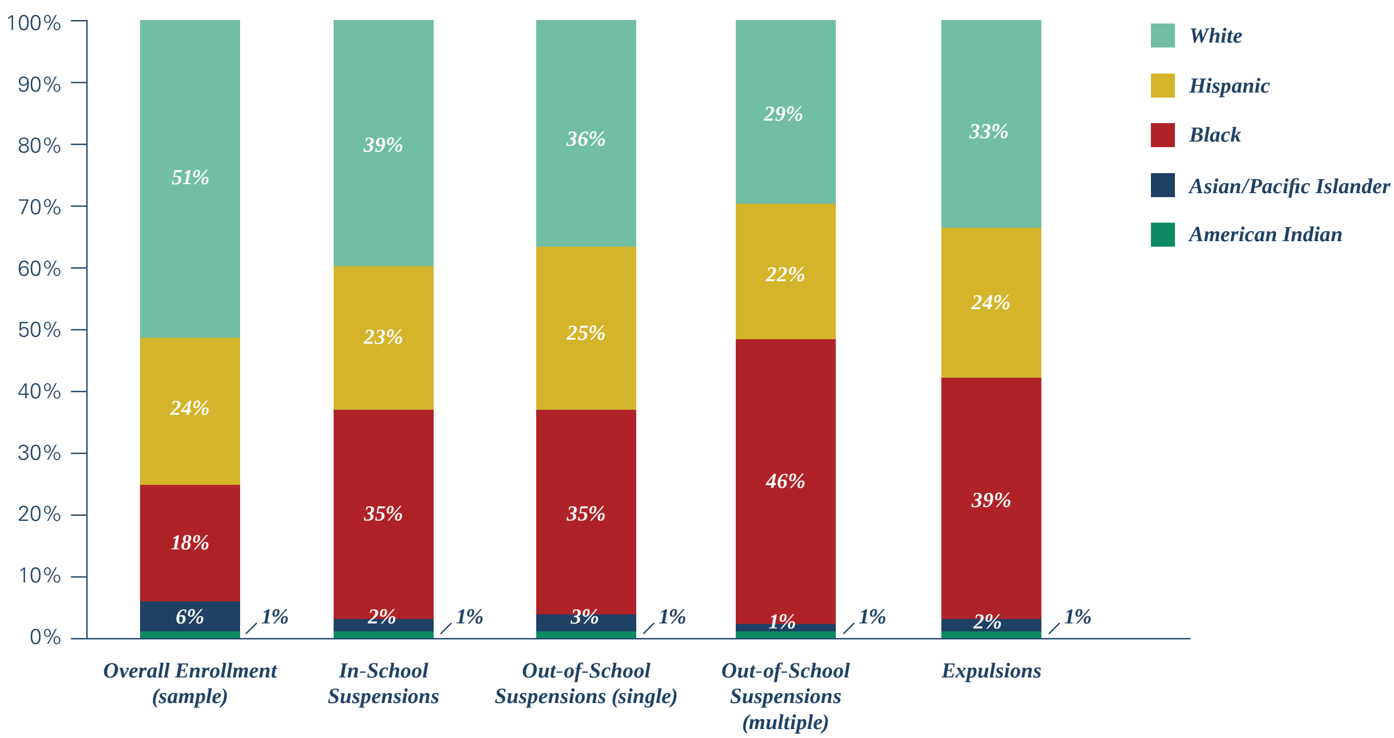
Later in the interview, Roland stated that he had educational aspirations saying, "I love to learn," but he worried that his suspension would keep him out of college. Based on the responses to the survey that showed that Roland would be automatically denied admission to about one-quarter of colleges that consider high school disciplinary information, he was right to be concerned.

Who Gets Suspended?

Racial Disparities

There are 3 million students subjected to out-of-school suspension each year representing approximately 7 percent of all K-12 students in the United States. Yet all students are not equally vulnerable to being subjected to suspension. School suspensions and expulsions fall disproportionately on youth of color. According to the U.S. Department of Education's Office for Civil Rights (2012), African American students are 3.5 times more likely to be suspended or expelled than white students. Racial disparities in suspension have been consistently documented in a large body of research[6]. Figure 14 below shows how suspension rates vary by sex, race, and ethnicity, with Black children suspended at higher rates than any other group. On the occasion of the release of federal data that documented these startling disparities, Secretary of Education Arne Duncan stated, "The undeniable truth is that the everyday educational experience for many students of color violates the principle of equity at the heart of the American promise. It is our collective duty to change that."

Figure 14: Disparate Discipline Rates



Source: Office for Civil Rights, U.S. Department of Education, 2012

6. Skiba, Shure & Williams (2012) provide a comprehensive review of the research on racial and ethnic disparities in school suspensions

Nationally, African American students comprise 18 percent of school enrollment but are 35-39 percent of students suspended or expelled, making Black students three times more likely to be suspended than white students. A state-by-state analysis of the relationship between school suspensions and race (Skiba et al. 2003) found disproportionate numbers of minority students suspended in 37 of the 45 states included in the study. Racial disparities in discipline are found even after controlling for socioeconomic status (Skiba et al. 2000; Wu et al. 1982).

The decision to suspend is the result of a complex set of prior decisions that often begins in the classroom with teachers deciding what behaviors merit out-of-classroom referral. School principals and other administrators then decide which behaviors and which students are referred to hearings that determine whether to suspend, and, if so, what type of suspension is to be imposed (Skiba et al. 2003). Teachers see and interpret behavior through the prism of race, culture, and class. The result is the suspension of students of color for less serious behavior than white students (Adams 2000; Fabelo et al. 2011; Hosp and Hosp 2001; McFadden et al. 1992; Shaw and Braden 1990; Skiba & Knesting 2001; Townsend 2000).

African American boys are more likely to be suspended for more trivial behaviors compared to their white counterparts and more likely to be suspended for behaviors that are more subject to teacher or administrator judgment or interpretation such as disrespectful attitudes or insubordination. In contrast, white students are typically suspended for behaviors that require objective sorts of evidence, such as drug or weapon possession.

The above-discussed differential rates in suspension for "willful defiance" exemplify the disparities in suspensions for minor misbehavior by race and ethnicity as well as district-level differences. In the California school districts studied, African Americans made up 7 percent of the student population but were 18 percent of students suspended for willful defiance (Frey 2013).

Because of the significant disparities in the use of suspension and expulsion for students of color, considering these violations becomes a mechanism for race-based discrimination in opportunities for higher education. While not overt discrimination such as that outlawed in *Brown v. Board of Education*, 347 U.S. 483 (1954), consideration of high school disciplinary records is not a "race-neutral" practice and therefore will likely exclude students of color.

Because of the significant disparities in the use of suspension and expulsion for students of color, considering these violations becomes a mechanism for race-based discrimination in opportunities for higher education.

Students with Disabilities

The 2012 U.S. Department of Education data showed that students with disabilities were more likely to be suspended than students without disabilities. Specifically, students with disabilities were twice as likely to face out-of-school suspensions. Racial disparities among students with disabilities were particularly stark: 34 percent of Black male students and 23 percent of Latino male students with disabilities were suspended compared to 16 percent of white males with disabilities. Black female students with disabilities were also suspended at higher rates than white male students with disabilities – 23 percent (Losen et al. 2015).

Moreover, suspension rates for students with disabilities also vary by jurisdiction. For example, Florida, the state with the highest overall suspension rates in the country (5.1 percent of elementary school students and 19 percent of secondary school students), had even higher rates of suspension for students with disabilities – 37 percent of high school students with disabilities were suspended. In contrast, North Dakota, the state with the lowest rate of suspension, suspended 5 percent of its high school students with disabilities.

There are also significant variations within states based on school district, again underscoring the impact of district policies and school administrator predilections. According to the Center for Civil Rights Remedies, of the 1,136 U.S. school districts that have at least 50 Black males with disabilities, 211 had suspension rates for Black males with disabilities at the secondary level of over 50 percent (Losen et al. 2014).

2X

Students with disabilities were twice as likely to face out-of-school suspensions

Why Consider High School Disciplinary Records: Is Campus Safety a Real Concern?

Even if there were more uniformity in how districts, schools and teachers impose suspension or expulsion sanctions for student misbehavior, there are no empirical data linking high school disciplinary infractions to safety on college campuses. The news articles and online conversations that followed the addition of disciplinary screening questions on the 2007-2008 Common Application suggest that adding the questions was less about campus safety and more about sending marketing and public relations messages regarding the makeup of the student body. One college admissions official described questions about student discipline records as a tool to determine "whether students should be part of 'our community'" (Gordon 2007). An admissions counselor quoted in a Washington Post story (St. George 2011) on school suspensions suggested that the questions about high school suspension have become a mechanism to manage the ever-increasing number of applications: "It's very easy to turn someone like that down because there are so many other applications where that box is not checked." Screening for disciplinary infractions is also a superficial means to assuage parental concerns about campus safety, although there is no indication that Common Application officials actually had evidence that students with a history of high school disciplinary infractions were engaging in campus crimes or other sorts of problem behaviors.

No research has been conducted on the relationship between screening based on disciplinary history and safety on college campuses. However, the limited number of studies examining criminal history screening and campus safety found no relationship between the two.[7] Olszewska (2007) found no statistically significant difference in the rate of campus crime between institutions of higher education that screen undergraduate applicants' criminal history backgrounds and those that do not. Runyan et al. (2013) showed that pre-admission screening questions do not accurately predict students likely to commit crime on college campuses. Moreover, research shows little utility in using past behavior as a predictor of future risk: "Most students who display multiple risk factors will never become violent offenders, and some who pose a real threat will not demonstrate a prescribed level of risk" (Jimerson & Cornell 2010, p. 2). Instead of promoting campus safety, excluding students with past disciplinary records is likely to decrease public safety in society at large by denying opportunities for higher education to otherwise qualified applicants.

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7. Inquiry into criminal history records as part of the college application process has similar problems relating to accuracy, lack of uniform definition, and racially disparate impacts. See Center for Community Alternatives 2010; Center for Community Alternatives 2015.

VI. SOCIAL POLICY IMPLICATIONS

Higher education is essential in 21st-century America both for the individual and for society as a whole. Some of the benefits are utilitarian – notably the development of human capital needed to spur economic growth. Higher education also has public safety benefits, reducing involvement in the criminal justice system. The value of higher education is not derived from just a cost-benefit analysis. Rather, higher education has long been valued for its importance to preserving a democratic society – a deeply held tenet dating back to the foundation of the country.

Implications for Increasing College Access

Consideration of school disciplinary violations – information that is both subjective and inconsistent – undermines the national efforts to expand access to higher education, an agenda supported by educational institutions, advocates, and philanthropy. Expanding access to higher education focuses on some of the very students who are most vulnerable to harsh school discipline, namely students of color.

Lower rates of enrollment by these groups of students are not explained by a lack of desire to attend college, but rather by a range of structural impediments. For example, the U.S. Department of Education found that 68 percent of Black students in the high school class of 2004 aspired to earn a bachelor's degree, but only 45 percent enrolled in a four-year college (U.S. Department of Education 2006).

There are many barriers and deterrents to enrolling in college, one of which is the application process itself. The college application process has been characterized as "laborious" (Klasik 2012), requiring students to take tests, write essays, and apply for financial aid, with would-be applicants dropping out at every step. In addition to these standard steps required for any applicant, students with criminal or disciplinary histories must provide additional information and go through additional screening. CCA's study of the impact of these additional questions and screening found that almost two out of every three applicants who disclosed a felony conviction were denied access to higher education, not because of a purposeful denial of their application, but because they were driven out of the application process (Center for Community Alternatives 2015).

Our findings from that study were framed in the context of stigma, which has a profound impact on life choices. The experience of a student facing a disciplinary sanction is one of stigmatization, especially when the consequences of such an episode extend beyond high school. The questions on college applications about school disciplinary records can easily convince students with such records that there is no point in applying. This is particularly true for students who already believe they are unable to enroll in college as they have few role models or supports to encourage them to do so. Internet chat rooms and blogs are replete with discussion among students from "elite" high schools and well-to-do families and communities that show that even privileged youth are concerned about being rejected from their choice colleges due to a suspension. The impact on already marginalized students with an accumulation of discriminatory life experiences is likely to be much greater (Major et al. 1998; Schmader & Beilock 2012).

Interviews with young people show that being suspended or expelled takes its toll on students and that they are well aware of the possible lifelong consequences. Rayquan, who was suspended from school for one year and sent to an alternative school, put it this way:

> “
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> *It makes people feel like they can’t do anything with their life. They just drop out. I went to an alternative school; no one’s going to want to take me. If you write Brig [an alternative school] on your application, the schools you want to go to, they look up your record… you might not even get into college. People hear that you been suspended, they’re going to doubt you (Weissman 2015).*

While the feeling of being stigmatized is experienced by individuals, social institutions play an important role in producing stigma. Suspension or expulsion is an event that attaches negative labels to the individual that in turn create a rationale for social devaluation, rejection and exclusion (Link & Phelan 2001). This structural or institutional discrimination is often what results in disparities in life chances among various groups in society depending on their level of stigmatization and subsequent status loss (Fine & Asch 1988; Link & Phelan 2001). The common justifications for questions about suspension history – safety, protecting community standards and mores – indicate that college admissions policies and procedures are strongly influenced by stereotypes about the significance of a school disciplinary record.

Economic Benefits

The individual and social economic benefits of a college education are clear. Even though recent college graduates have faced a difficult job market, a college diploma still enhances employability (College Board 2013). Recent analyses by the Economic Policy Institute (Shierholz, Davis & Kimball 2014) and the New York Times (Leonhard 2014) show a significant pay gap between individuals with college degrees and those without. College degrees are increasingly preferred for jobs that previously did not require them. A study of online job ads found that 50 percent of ads for manufacturing jobs, one-fifth of ads for office support workers, and even 11 percent of ads for food service workers required a bachelor’s degree (Carnevale, Jayasundera & Repnikov 2014). The bachelor’s degree requirement is largely intractable with two-thirds of employers surveyed indicating that they never waive the requirement (Fischer 2013).

Individuals with a college education are far less likely than those with just a high school diploma to live in poverty, and they are also less likely to be unemployed (College Board 2013). According to the College Board (2013), the lifetime earnings of those with a college degree are remarkably higher than of those without. During a 40-year full-time working life, the median earnings of those with an associate’s degree are 27 percent higher than those with a high school diploma, while the median earnings of those with a bachelor’s degree are 65 percent more.

Current economic trends reveal that access to post-secondary education will continue to grow in importance for job seekers and businesses. Since 1989, the highest growth in employment opportunities has been for people with a bachelor’s degree or better. These trends will continue into the future: the Center on Education and the Workforce at Georgetown University (2013) projects 165 million jobs in the U.S. economy by 2020, with 65 percent of all jobs requiring post-secondary education. Higher education will be even more essential for the four fastest growing industries where eight out of ten jobs require post-secondary education.

The economic benefits of a college education translate into larger social benefits. States with a better educated population have a higher median income, and therefore a stronger tax base. Higher education provides the human capital to support innovation in multiple fields such as business, technology, and health care. In general, a better educated workforce increases productivity (Berger & Fisher 2013). There are reduced costs for welfare and other public subsidies, and reduced costs for corrections.

Benefits to Civic Participation

Participation in higher education has long been viewed as critical to democracy. The 1946 President's Commission on Higher Education established by President Harry Truman considered higher education essential to the preservation of democratic principles in the face of the growing diversity in the United States as well as the emerging global relations in the aftermath of World War II. With respect to diversity, the Commission stated, "The American Nation is not only a union of 48 different States; it is also a union of an indefinite number of diverse groups of varying size. Of and among these diversities our free society seeks to create a dynamic unity. Where there is economic, cultural, or religious tension, we undertake to effect democratic reconciliation, so as to make of the national life one continuous process of interpersonal, intervocational, and intercultural cooperation" (President's Commission on Higher Education 1946:2). Similarly, higher education was expected to support U.S. relations in an increasingly global environment: "With World War II and its conclusion has come a fundamental shift in the orientation of American foreign policy… The need for maintaining our democracy at peace with the rest of the world has compelled our initiative in the formation of the United Nations, and America's role in this and other agencies of international cooperation requires of our citizens a knowledge of other peoples – of their political and economic systems, their social and cultural institutions – such as has not hitherto been so urgent" (President's Commission on Higher Education 1946:2).

Higher education is associated with a better informed citizenry and higher rates of voting and prepares citizens to make knowledgeable decisions about the political issues of the day (Dee 2004; Helliwel & Putnam 2007; Milligan, Moretti & Oreopoulos 2004). Those with post-secondary education are more likely than people with a high school diploma to state that they understand the political issues facing our country (45 percent versus 15 percent) (College Board 2013).

VII. CONCLUSION AND RECOMMENDATIONS

Summary Findings

1. The collection of applicants' high school disciplinary information by colleges and universities is widespread, and that information is used to inform admissions decisions despite the absence of formal, written policies and training around such practices.

A. About three-quarters (73 percent) of colleges and universities collect high school disciplinary information, and 89 percent of those use the information in admissions decision making.

B. Only one-quarter (25 percent) of colleges that collect disciplinary information have formal, written policies to guide their use of it, and only 30 percent of schools have trained their admissions staff to interpret disciplinary violation findings.

2. High schools commonly disclose disciplinary information about their students to colleges and universities, although most do not have formal, written policies about disclosure and leave those decisions in the hands of individual guidance counselors.

A. Fifty percent of high schools disclose disciplinary information about their students to colleges in at least some cases.

B. Almost two-thirds (63 percent) of high schools do not maintain formal, written policies regarding disclosure of student disciplinary records to colleges.

C. At 41 percent of the high schools that disclose disciplinary information, the guidance counselor is the only person to review the information prior to sending it to colleges.

3. Those students who have a history of disciplinary violations and are admitted to college frequently face requirements and restrictions not imposed on other students.

A. About one-third (33 percent) of colleges sometimes require special supervision of students with prior disciplinary violations, often through the office of the Dean of Students or the office of Student Affairs, or a probationary period may be imposed.

B. Almost half (45 percent) of colleges place housing restrictions on students with prior disciplinary violations, with more than one-third (34 percent) prohibiting the student from residing in campus housing, depending on the nature of the disciplinary violations.

Recommendations

There are many reasons to reject the use of high school disciplinary records in college admissions. As discussed, there is no uniformity in the ways disciplinary sanctions are imposed across states, school districts, individual schools within districts, and even classroom teachers. There are also no uniform practices with respect to the disclosure of high school disciplinary information to colleges. We do know that youth of color and students with disabilities are more likely to be suspended for disciplinary infractions, the majority of which are minor in nature. And yet, as shown in our survey findings, high school guidance counselors receive little supervision on disclosure of student records.

Evidence from the science of adolescent brain development shows that high school teenagers are still maturing and teen behavior is typically risk-taking and impulsive behavior that has little predictive value. In fact, the overwhelming majority of young people who engage in student misbehavior or even delinquency go on to live productive and law-abiding lives. Risk-taking behavior among adolescents peaks at age 18, providing further support that considering high school disciplinary records has little utility for predicting behavior of the college student (American Psychological Association 2008; Boyer 2006). It is particularly troubling that, as shown in our survey findings, college admissions counselors rarely receive training or written policies to guide their interpretation of the disciplinary information. It seems particularly cruel then to use arbitrary, racially disparate, and unscientific school disciplinary policies as a factor in college admissions.

The recommendations below are focused solely on the use of disciplinary records in the college admissions process. Nonetheless we would be remiss if we did not link this issue to the larger educational and social problems regarding the overuse of suspension and other forms of school pushout. There is considerable work being done on this issue by community groups across the nation (see the Dignity in Schools Campaign http://www.dignityinschools.org/) as well as federal and state policy makers (see for example the U.S. Department of Education School Climate and Discipline http://www2.ed.gov/policy/gen/guid/school-discipline/index.html). While the effort to eliminate school pushout and harsh school discipline continues, there are some immediate steps that school districts and colleges can take to minimize further damage of these policies as they pertain to access to a college education. To this end, CCA offers two complementary recommendations.

To School Districts:

Adopt policies that prohibit the disclosure of high school disciplinary records to colleges and universities.

To Colleges and Universities:

Refrain from including questions about high school disciplinary violations on college applications and prohibit the use of such information in admissions decision making.

CONCLUSION

In the absence of data that show how many students are accepted or rejected once they disclose a disciplinary record, it is not enough for college admissions counselors to offer assurances that a school disciplinary record is not likely to impede admission to college.

Moreover, vague assurances will do little to assuage the fears of students who are the most vulnerable to school suspension – poor students of color, whose life experiences have subjected them to exclusion in many social domains.

The stark racial disparities in the application of suspension and expulsion make the use of this information a civil rights issue. Though race-neutral on its face, admissions practices that rely on high school suspension records create barriers to college admission for applicants who are more likely to be students of color. This constitutes a de facto return to race-based discrimination in higher education. In Brown v. Board of Education, the United States Supreme Court recognized that in young people, race-based segregation "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone" (347 U.S. 483, 494 1954). The racial exclusion that results from the use of school disciplinary records touches the minds and hearts of those seeking to better their lives in 21st century America much as school segregation did in 1954.

Though race-neutral on its face, admissions practices that rely on high school suspension records create barriers to college admission for applicants who are more likely to be students of color. This constitutes a de facto return to race-based discrimination in higher education

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