



# A MODEL CODE on Education and Dignity

## CHAPTER 4: FREEDOM FROM DISCRIMINATION

### 4.2 Disproportionate Use of Discipline

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#### Human Rights Goal

Schools must take steps to eliminate any disparities in the use of disciplinary referrals, in the severity of punishments or in the impact of disciplinary action on students based on race, ethnicity, sex, gender identity, sexual orientation, language, national origin, religion, disability, economic, or other status.<sup>296</sup> School discipline must be administered in a fair and non-biased way.

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#### Definitions

- 1. Culturally Responsive Classroom Management (CRCM)** – An approach to running classrooms in a culturally responsive way. More than a set of strategies or practices, CRCM is a pedagogical approach that guides the management decisions that teachers make. It is a natural extension of culturally responsive teaching which uses students' backgrounds, rendering of social experiences, prior knowledge, and learning styles in daily lessons. Teachers, as culturally responsive classroom managers, recognize their biases and values and reflect on how these influence their expectations for behavior and their interactions with students as well as what learning looks like. They recognize that the goal of classroom management is not to achieve compliance or control but to provide all students with equitable opportunities for learning.<sup>297</sup>
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#### Recommended Language

- A. States, districts and schools shall take steps to eliminate any disparities in the use of disciplinary referrals and exclusion, in the severity of punishments or in the impact of disciplinary action on students.**
  - Districts shall establish a School Climate and Culture Committee made up of diverse representatives of administrators, teachers, students, parents or guardians, and community members to advise the District on:
    - Promoting culturally responsive and non-discriminatory discipline strategies;
    - Reducing racial disproportionality in discipline referrals and consequences;
    - Improving dialogue about discipline among students, parents, teachers, and administrators; and
    - Developing structures and strategies that reflect restorative justice principles.
  - The School Climate and Culture Committee shall, among other duties:
    - Consult with the District on revision of the Code of Conduct and other disciplinary policies;
    - Identify training needs for staff and administrators;
    - Review discipline data and, if racial disparities in referrals and consequences are identified, make recommendations to the District for setting measurable objectives for reductions in those disparities; and
    - Make recommendations to the District on an ongoing basis to assist the District in implementing its behavior and discipline system and in fostering and maintaining safe and orderly schools.
- B. Schools shall actively create a positive school climate for all members of the school community through the regular and ongoing use of culturally responsive classroom management and discipline practices that build community, strengthen relationships, promote inclusiveness, and enhance communication and problem solving skills (see Section 3.1 Key Elements of School Climate and Positive Discipline).**

1. Administrators, teachers and other school staff shall:<sup>298</sup>
    - a. Organize the physical classroom and school environment to communicate respect for diversity, to reaffirm connectedness and community, and to promote social interaction (i.e. through the display of maps, art and books about the history and culture of students, arranging desks in clusters rather than rows, etc.);
    - b. Establish expectations and norms for behavior in collaboration with students, which include understanding and preventing discrimination, and provide opportunities for students to practice and reflect on those norms;
    - c. Communicate with students in culturally consistent ways, including modifying discourse styles to ensure that communications are consistent with students' cultural backgrounds;
    - d. Create caring, inclusive schools and classrooms by learning about students' interests, inviting students to make decisions about class activities, deliberately modeling respect for diversity, and setting a positive classroom tone (i.e. by greeting students at the door and in their native languages);
    - e. Work with families to provide insight into students' behavior, culture and prior educational experiences, as well as what their educational goals for their children are and whether their children may be experiencing cultural conflicts in the classroom; and
    - f. Address teacher and staff behavior by reflecting on their own biases and values, and how they may affect their interactions with students, including the kinds of behaviors they judge to be problematic, and how these are related to race and ethnicity.
  2. Schools shall create small community dialogue sessions at the beginning of each year to explain the school expectations and to orient the family to the school and the school to the family in order to facilitate more comprehensive understanding and combat bias that contributes to disproportionality in discipline.
- C. Districts and schools shall provide training and ongoing professional development for all teachers, administrators and school staff on cross-cultural understanding and culturally responsive classroom management and disciplinary policies.**
1. All school administrators, including principals and deans of discipline, and all district staff and school board members who are making decisions about school discipline policy, shall receive training to monitor and intervene to address the discriminatory application of exclusionary and other disciplinary measures.
- D. Districts and schools shall ensure that Codes of Conduct are constructed and implemented to avoid discriminatory and/or disproportionate punishments of students based on race, gender or other characteristics. Districts and schools shall:**
1. Avoid listing vague and subjective behavior infractions in the Code of Conduct such as "disrespect," "willful defiance," "insubordination," or "classroom disruption" that may be understood differently by different staff members and may allow for more bias in the administration of the policy; and
  2. Ensure that all stakeholders have a shared understanding of the behaviors being addressed in the district's Code of Conduct.
- E. Schools shall create a School Climate and Culture Leadership Team, including educators, parents or guardians, students and administrative staff, to monitor implementation of the district's discipline policy, including quarterly reviews of compiled discipline data. The Leadership Team must:**
1. Track data regarding all disciplinary incidents including the type of behavior, teacher or staff member reporting the behavior and the consequence, including office referrals, exclusionary or punitive consequences (in school suspensions, suspensions, expulsions, police referrals, etc), and proactive approaches (referrals to counseling, community service, peer counseling, etc.).
  2. Disaggregate this data by race, age, grade, gender, ethnicity, zip code, disability and family status (i.e. in foster care/homeless).

3. In reviewing data on disciplinary referrals, if schools identify a staff member that has engaged in a pattern of referrals that are disproportionate with regard to any groups, the school shall observe the teacher's classroom management and provide targeted professional development and feedback for that staff member.

**F. Schools shall create student grievance procedures regarding inappropriate, biased or disproportionate disciplinary tactics.**

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<sup>296</sup> U.N. Convention on the Rights of the Child art. 2.

<sup>297</sup> Metropolitan Center for Urban Education, Culturally Responsive Classroom Management, (2008).

<sup>298</sup> Weinstein, C., Curran, M., Tomlinson-Clarke, S., Culturally Responsive Classroom Management: Awareness into Action, Theory Into Practice, 42(4): 269-276 (2003).