

# Legal Implications of School Discipline: Street “CRED” (Culturally-Responsive and Equitable Discipline)



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Reframing Disciplinary Practices  
Through A Tiered System of  
Supports

Commonwealth of Virginia Department  
of Education

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# Who Walked in the Room...

Background

Schooling

Relevant

Experiences



# Stage-Setting



- ✦ Legal Implications of School Discipline
- ✦ School Discipline Policies and practices
- ✦ Culturally-Responsive Alternatives to School Suspensions
- ✦ Moving into Action with your own CRED plan--  
Culturally Responsive and Equitable VTSS

# Legal Implications of School Discipline

- ✦ Brown v. Board of Education (1954)-”Separate is inherently unequal”
  - ✦ 14<sup>th</sup> Amendment
    - ✦ Equal Protection of the laws
    - ✦ Due Process

# Legal Implications



- ✦ Brown v. Board of Education (1954)-overturned “Separate but equal” doctrine
  - ✦ 14<sup>th</sup> Amendment-Equal Protection of the Laws and Due Process (states)
  - ✦ 5<sup>th</sup> Amendment-Due Process (Washington, DC)
  - ✦ Kenneth Clark’s Doll Studies
    - ✦ Self-esteem
    - ✦ Badge of inferiority
- ✦ Exclusionary Discipline
- ✦ Policy and Practice mismatch
- ✦ School-to-Prison Pipeline

# Virginia Tiered System of Supports

	Emerging	Developing	Sustaining
Leadership			
Organizational Culture/Structure			
Monitoring Student Progress			
Problem-Solving			
Curriculum			
Instruction			
Family/Commun. Partnerships			
Evaluation Plan			

# Rationales for Equitable Policies and Practices

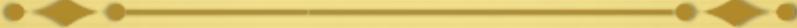
Federal Call to Action

National Research Reports

Disciplinary Data in Virginia

Civil Rights Concerns

# Virginia's Discipline Data



- ✦ ACLU
  - Highest suspensions in schools with high F/R lunch eligibility rates
- ✦ OCR
- ✦ Opportunities Suspended report
  
- ✦ UVA & Legal Aid Justice Center
  - African American students suspended over than double their % age in student population
  - ✦ African American males suspended two times more than White males and for more minor offenses
    - In one school, 5 times their %age in student population

# Your Thoughts...

# National suspension data



- ✦ White students suspended at rate of 7%
- ✦ African American students suspended at rate of 24%
- ✦ Hispanic students suspended at rate of 12%
- ✦ African American students receive more office referrals and suspensions (Skiba, 2012, Townsend, 2000)

# Other Disproportionate Suspensions... (Losen, 2011)

- ✦ Lesbian, gay, bisexual, transgender adolescents
- ✦ African American students with disabilities (36%)
- ✦ African American girls punished at rates 6 times higher than White girls (Crenshaw et al., 2015)

# Exclusionary School Practices...



- ✦ Social gap
  - ✦ Retention
  - ✦ Time-out
  - ✦ Suspension & expulsion
  - ✦ Limited leadership experiences
  - ✦ Early school leaving

# Results

- ✦ Among African Americans disproportionate suspension accounted for in large measure by prior disproportionate referral to office
- ✦ Classroom level referrals suggest origin of disproportionality-function of “pass along”
- ✦ General overuse of suspension
- ✦ Controlling for SES, racial disparities persist
- ✦ Gender – Of 32 reasons for office referral, truancy only variable for which girls more likely to be referred
- ✦ Race – African American males more likely referred for less serious and more subjective infractions (AA - disrespect, excessive noise, threat, loitering; EA – smoking, leaving without permission, vandalism, and obscene language).

# Pipeline (school-to-society exclusion)

- ✦ Family/community
- ✦ School/juvenile justice failure
  - ✦ Institutional racism
    - ✦ Stereotypical images
- ✦ School policies (Zero Tolerance)

# Keepin' it 100: Focus group

- ✦ Background/rapport-building
- ✦ Questions
  - ✦ First juvenile arrest
  - ✦ Juvenile detention experiences
  - ✦ Schooling experiences
  - ✦ Family experiences
  - ✦ Suggestions for others
  - ✦ Reciprocal relationships

# Focus Group Themes

- ✦ Questions
  - ✦ First juvenile arrest
    - ✦ Economic motivations
  - ✦ Juvenile detention experiences
    - ✦ No fear factor
    - ✦ Familiarity
- ✦ Schooling experiences
  - ✦ **Themes showing need for...**
    - ✦ **Respect**
    - ✦ **Recognition**
    - ✦ **Reward**
    - ✦ **Responsibility**
- ✦ Family experiences
  - ✦ Parental issues
  - ✦ Caring for younger siblings

# Themes (Continued)

- ✦ Suggestions for others
  - ✦ Prevent first juvenile offense
  - ✦ Keep juveniles in school
  - ✦ Be interested in lives out of school
  - ✦ Create meaningful job opportunities
  - ✦ Heighten unfamiliarity of juvenile facilities



# Virginia Tiered System of Supports

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# Culturally-Responsive Alternatives to Suspension Using the VTSS

- ✦ Critique self/system
- ✦ Build community and respectful relationships
- ✦ Reduce cultural dissonance in school and juvenile justice settings
- ✦ Sustain staff development on cultural competence



# Culturally-Responsive Alternatives to Suspension Using the VTSS



- ✦ Conduct Equity Audits
  - ✦ Disaggregate data by intersection of gender/ethnicity
  - ✦ Revise zero-tolerance policies
- **Sustain Cultural Competence**
- **Engage in Culturally-Responsive Problem-Solving Process**
- **Develop positive and proactive interventions**



## **■ Create positive school climates**

- ✦ Solicit and engage Family and Community Members
- ✦ Conduct and analyze multi-vocal evaluations
- ✦ Make modifications for improvement

# Culturally-Responsive Alternatives (Continued)

- ✦ Incorporate Critical Race Theory (CRT) Lens
  - ✦ Critical Race Theory

# Culturally Responsive Teaching (CRT)



Teaching practices that use:

cultural knowledge

prior experiences

performance styles

*CRT makes learning more appropriate and effective for students from diverse backgrounds*

*(Gay 2000).*

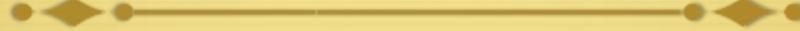
# Culturally responsive strategies

- ✦ Engage in self and institutional critiques
- ✦ Reconstruct imagery of African American males
- Re-engineer attitudes and belief systems
- Adopt ethics of care and respect
- Raise expectations and motivation
- Use strength-based teaching and communication techniques

# Culturally responsive strategies

- ✦ Conduct “Segmented marketing”
- ✦ Engage in sustained professional and personal growth and development activities
- ✦ Develop nontraditional partnerships with students, families, and communities
- ✦ Broker school and community resources

# *Develop Your Own Action Plan*



Action	Rationale	Resources Needed	Evaluative Notes
Townsend Walker, 2015			

# Culturally-Responsive Teaching and Learning Principles

## 1. Embrace Critical Race Theory

Engage in race-conscious teaching and learning

## 2. Facilitate sustained understandings of cultural mismatches

## 3. Engineer culturally-affirming physical and emotional classroom climates

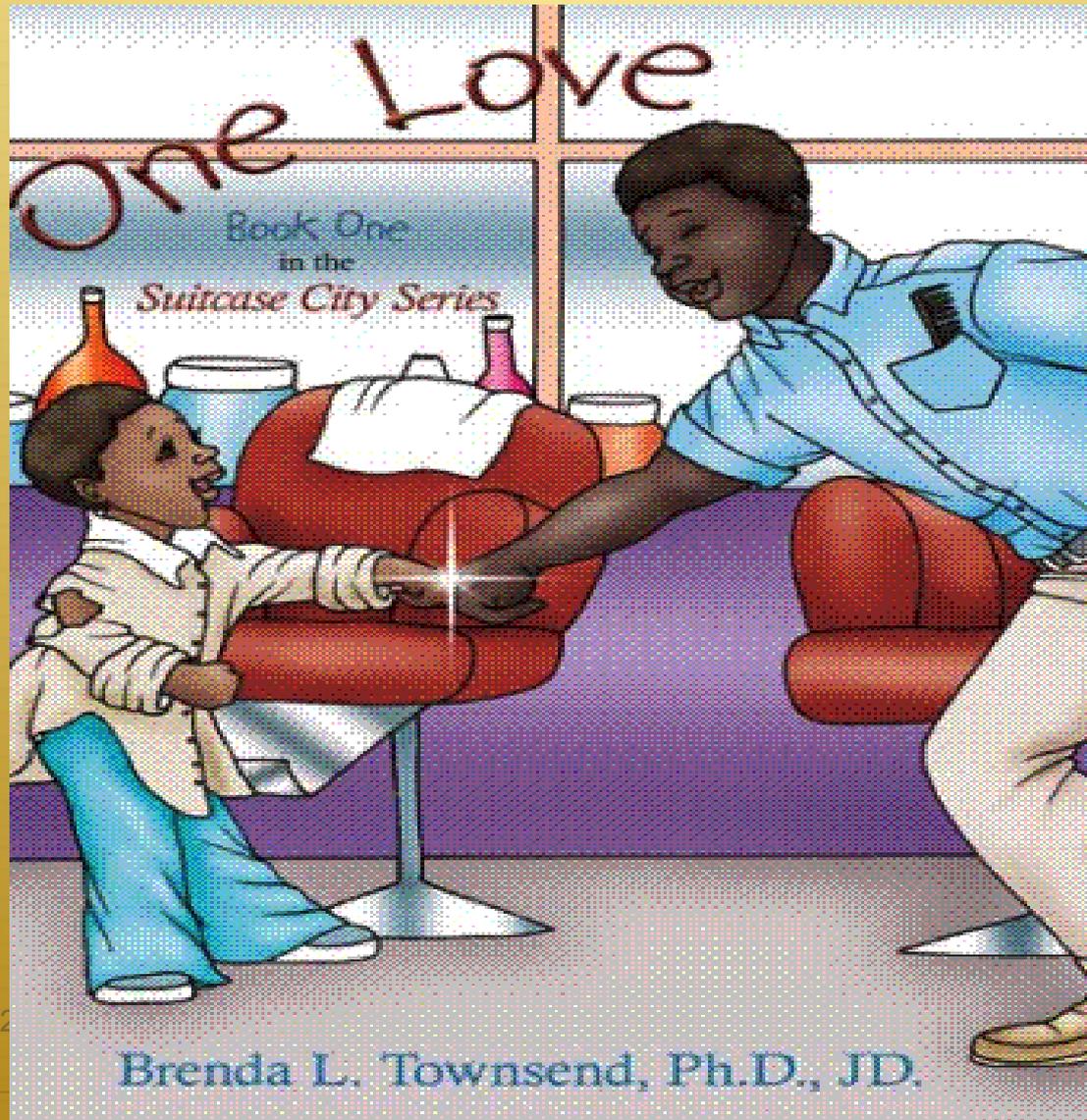
## 4. Increase student awareness of high-frequency infractions

## 5. Teach code-switching in positive, nonjudgmental ways

# Teaching Code-Switching

- ✦ Analyze gap between current behavior and desired or expected behavior
- ✦ Understand tenets of both behaviors
- ✦ Mediate the differences in nonjudgmental way

# “One Love”



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