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

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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"
  - 14th Amendment
    - Equal Protection of the laws
    - Due Process

Legal Implications

- Brown v. Board of Education (1954)-overturned "Separate but equal" doctrine
  - 14th Amendment-Equal Protection of the Laws and Due Process (states)
  - 5th 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			

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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
- OCR
- Opportunities Suspended report

Highest suspensions in schools with high F/R lunch eligibility rates

- UVA & Legal Aid Justice Center
  - African American males suspended two times more than White males and for more minor offenses

African American students suspended over than double their % age in student population

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

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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).

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Pipeline (school-to-society exclusion)

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

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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

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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

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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**

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Create positive school climates

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

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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

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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

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Develop Your Own Action Plan

Action	Rationale	Resources Needed	Evaluative Notes

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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

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Teaching Code-Switching

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

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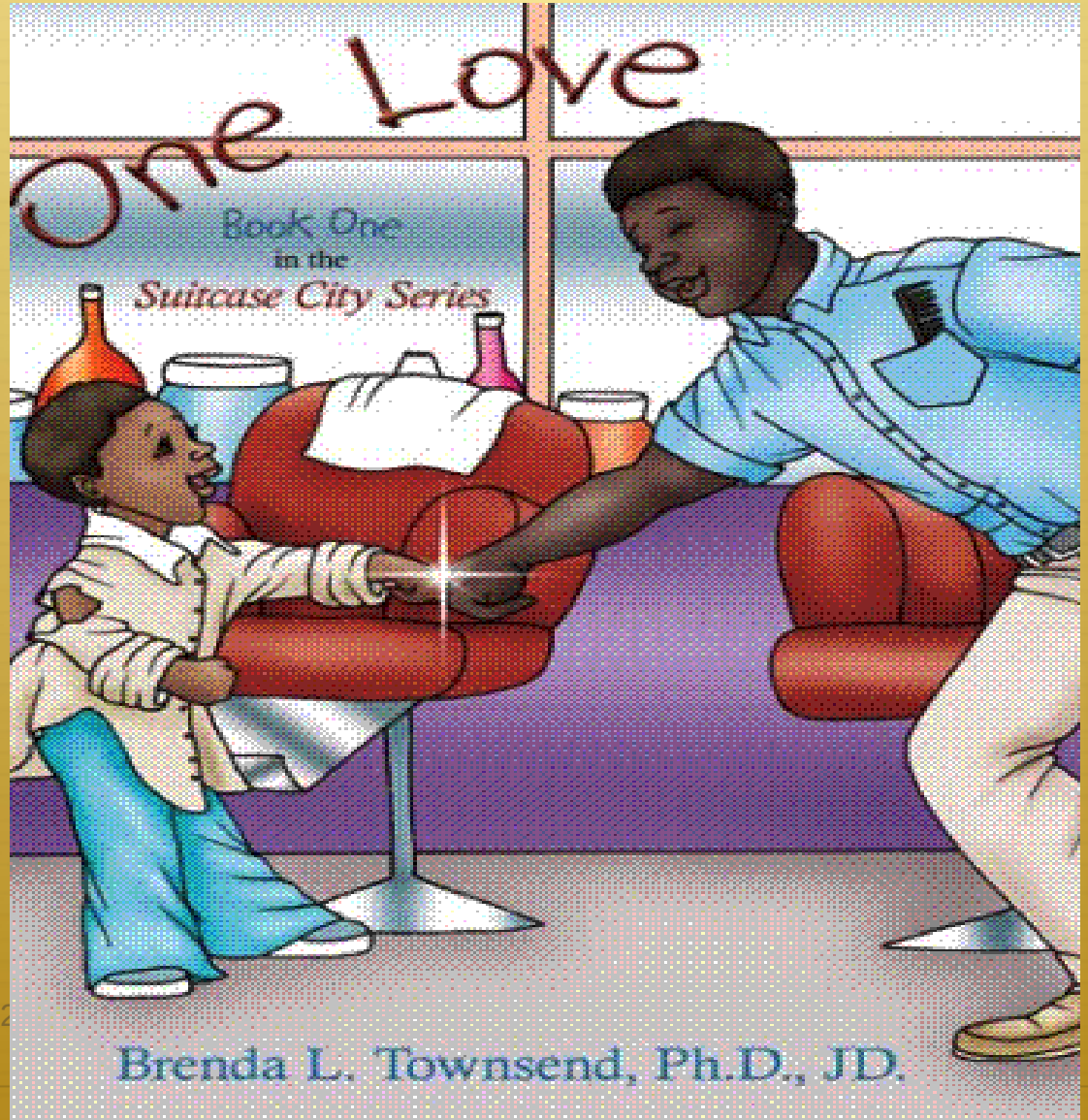
“One Love”


One Love
Book One
in the
Suitcase City Series
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