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

Brenda L. Townsend Walker, Ph.D., J.D.
Professor
University of South Florida
(813)974-1385
brendawalker@usf.edu

Reframing Disciplinary Practices Through A Tiered System of Supports
Commonwealth of Virginia Department of Education

September 22, 2015
Richmond, VA
Who Walked in the Room...

Background

Schooling

Relevant Experiences

Townsend Walker, 2015
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

Townsend Walker, 2015
Legal Implications of School Discipline

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

Townsend Walker, 2015
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

Townsend Walker, 2015
### Virginia Tiered System of Supports

<table>
<thead>
<tr>
<th></th>
<th>Emerging</th>
<th>Developing</th>
<th>Sustaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leadership</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Organizational Culture/Structure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring Student Progress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problem-Solving</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curriculum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Instruction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family/Commun. Partnerships</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Townsend Walker, 2015
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

- 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

Townsend Walker, 2015

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

Townsend Walker, 2015
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)

Townsend Walker, 2015
Keepin’ it 100: Focus group

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

Townsend Walker, 2015
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

Townsend Walker, 2015
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

Townsend Walker, 2015
## Virginia Tiered System of Supports

<table>
<thead>
<tr>
<th></th>
<th>Emerging</th>
<th>Developing</th>
<th>Sustaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leadership</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Organizational</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Culture/Structure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Student Progress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Problem-Solving</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curriculum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Instruction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family/Commun.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Partnerships</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Townsend Walker, 2015
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

Townsend Walker, 2015
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**

Townsend Walker, 2015
Create positive school climates

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

Townsend Walker, 2015
Culturally-Responsive Alternatives (Continued)

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

Townsend Walker, 2015
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).*

---

Townsend Walker, 2015
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

Townsend Walker, 2015
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

Townsend Walker, 2015
## Develop Your Own Action Plan

<table>
<thead>
<tr>
<th>Action</th>
<th>Rationale</th>
<th>Resources Needed</th>
<th>Evaluative Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*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

Townsend Walker, 2015
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”
Contact Information

Brenda L. Walker, Ph.D., J.D.

University of South Florida
4202 E. Fowler Ave./EDU 105
Tampa, Fl 33620
(813) 974-1385
brendawalker@usf.edu
Skype: drbrendawalker