

# School Discipline Reform and Advocacy



## Introduction

Across the country, school systems are shutting the doors of academic opportunity on students and funneling them into the juvenile and criminal justice systems. The combination of overly harsh school policies and an increased role of law enforcement in schools have created a “school-to-prison pipeline,” in which punitive measures such as suspensions, expulsions, and school-based arrests are increasingly used to address student behavior. As a result, large numbers of youth are pushed out of school and into prisons and jails. In many communities, this transforms schools from places of learning to dangerous gateways into juvenile and criminal court. Because the students pushed out through harsh discipline are disproportionately students of color, this is more than an education crisis; it is a racial justice crisis.

For Black boys and young men of color, the impact of exclusionary school discipline is far reaching—disengaging them from academic and developmental opportunities and increasing the likelihood that they will be incarcerated later in life. Current research emphasizes the need for systemic reforms to discipline and school policing practices that disproportionately harm Black males. By 18 years of age, 30% of Black males and 26% of Latino males have been arrested.<sup>1</sup> Moreover, a growing body of research suggests that implicit biases impact the disparate treatment of Black children, particularly Black boys. A 2014 study by Dr. Phillip Atiba Goff, found that when compared to white youth, Black boys as young as 10 years-old are viewed as less innocent and are more likely to be perceived as guilty and face police violence.<sup>2</sup> The implication of these implicit bias findings for schools is chilling, fueling the need for discipline reforms in school districts across the nation.

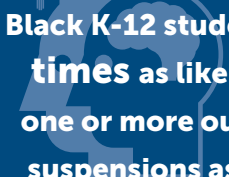


# Origins of the School-to-Prison Pipeline


The origins of harsh and punitive school disciplinary policies can be traced to the 1980s and the launch of the “War on Drugs.” As the federal government ramped up its efforts to criminalize drug offenses, young boys of color suffered catastrophic consequences. Simultaneously, the media began to push forward a harmful narrative of the “juvenile super predator,” a term coined by John Dilulio used to describe “radically impulsive, brutally remorseless youngsters, including ever more pre-teenage boys, who murder, assault, rape, rob, burglarize, deal deadly drugs, join gun-toting gangs and create serious communal disorders.”<sup>3</sup> Although Dilulio later distanced himself from this theory, the harm had been done: the criminal justice system used the superpredator myth to justify a new, tougher approach to juvenile crime and criminal justice policies which made its way into classrooms and school disciplinary codes of conduct. In 1999, the tragic school shooting at Columbine High School ushered in a new era of harsh zero tolerance policies and overly-policed schools in the name of public safety. Treating students like criminals does not make sense. The American Psychological Association Zero Tolerance Task Force has concluded that zero tolerance policies do not make schools safer, and schools with higher rates of suspension and expulsion “appear to have less satisfactory ratings of school climate.” Zero tolerance discipline is also expensive: every dollar that goes into police, metal detectors, and surveillance cameras is a dollar that could have been used for educators, guidance counselors, psychologists, and program supports for young people. Moreover, low graduation rates and increased incarceration rates weaken our economy and our workforce.

## Discipline Data

Nearly 2.8 million students are suspended each year.<sup>4</sup> Nationally, boys of color experience the highest rates of exclusionary discipline and school-based arrests. While 6% of all K-12 students receive one or more out-of-school suspensions, the percentage is 18% for black boys, compared to 5% for their white counterparts.<sup>5</sup> This means that Black K-12 students are 3.8 times as likely to receive one or more out-of-school suspensions as white students. Black students are 2.3 times as likely to receive a referral to law enforcement or be subject to a school-related arrest as their white peers.<sup>6</sup> These discipline disparities are not explained by more frequent or more serious behaviors. Instead, the data suggests that zero tolerance and exclusionary disciplinary policies are having an adverse and discriminatory impact.<sup>7</sup>



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Even more troubling, is the recognition that discipline disparities start as early as pre-kindergarten where Black students make up 19% of the population but 47% of the students receiving more than one out-of-school suspension. Comparatively, white students represent 41% of preschool enrollment but 28% of preschool children receiving more than one out-of-school suspensions. Boys represent 78% of preschool children receiving one or more out-of-school suspensions. This data is indicative of similar or even more severe racial disparities in districts and states across the country. For example:

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- In New York State, Black students are twice as likely to be suspended as white students. In some districts, the disparities are greater: Rochester and Buffalo, NY the ratio is 3:1; Yonkers, NY, the ratio is 7:1.
- In Mississippi, Black students are three times more likely to be suspended than white students.
- In Washington, D.C., Black students are six times more likely to be suspended than white students.
- In Colorado, Black students are 4.1 times more likely to be suspended and 3.8 times more likely to be expelled than white students.

Exclusionary discipline in the form of suspensions, expulsions, and school-based arrests are associated with negative student outcomes such as lower academic performance, higher rates of dropout, failure to graduate on time, decreased academic engagement, and future disciplinary exclusion.<sup>8</sup>





# The Trajectory of School Discipline Reform

In just the past five years, the combination of local, state, and national advocacy efforts supported by high-level philanthropic investment has created a powerful movement to end the school-to-prison pipeline and improve outcomes for boys and young men of color. The momentum around school discipline reform and advocacy has resulted in groundbreaking and replicable victories across the nation which have transformed school climates and placed students on a path toward college rather than to prison.

Much of the current work to reform school discipline practices found its momentum in early research studies that began to explore racial disparities in suspensions and classroom removals. In 1975, the Children's Defense Fund was one of the first national organizations to study the collateral consequences of school suspensions on Black students and opportunities for meaningful reforms. Their groundbreaking report, *School Suspensions: Are They Helping Children?*<sup>9</sup> revealed vast disparities in the administration of discipline among Black students, finding that suspension rates for Black students were three times higher than suspension rates for white students.

Another influential study around school discipline was the 2000 report, *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment*, which found that Black students, particularly boys, were overrepresented in disciplinary referrals for subjective infractions. The article went further to dispel the myth that Black students act out more frequently than other students.<sup>10</sup>

At present, the landscape for discipline reform includes a robust field of advocates, researchers, and funders that have made long-term investments in transforming school climate and improving outcomes for students of color.

In 2008, national organizations began to align efforts to resource and build capacity for local campaigns aimed at dismantling zero tolerance policies, shifting harmful narratives about students of color, and ending the ramp-up of police officers in schools. With support from private philanthropy, civil rights and racial justice organizations were positioned to provide strategic legal, policy, and communications support for local campaigns led by youth and families of color. The momentum from school discipline victories and the powerful narratives of impacted young people in Denver, Chicago, New York, and Florida helped to build a groundswell of support for transformation at the national level.



Discipline reform and advocacy efforts gained further ground as key research studies were developed that exposed the harmful and collateral consequences of out-of-school suspensions and school-based arrests involving students of color. In 2011, the Council on State Governments Justice Center released the highly influential report *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*.<sup>11</sup> The report provided a longitudinal study of harmful zero tolerance practices and discipline disparities in the state of Texas, one of the largest set of school districts in the nation. The report revealed that African American and Latino boys were suspended and expelled at significantly higher rates than their white counterparts for discretionary school infractions such as dress code violations or disrupting class.<sup>12</sup> In response to *Breaking Schools' Rules*, the U.S. Department of Justice and Department of Education announced a new policy initiative—the Supportive School Discipline Initiative—to address the school-to-prison pipeline. One of the key outcomes of the Supportive School Discipline Initiative was the decision to develop federal guidance to address discipline disparities and bring about necessary reforms in the administration of school discipline across the nation.

In 2012, the late Chief Judge Judith S. Kaye of New York brought together key discipline reform advocates at the National Leadership Summit on School Justice Partnerships which provided a gathering for funders, education stakeholders, and government officials to develop a coordinated strategy to advance school discipline reforms. That same year, the U.S. Department of Justice filed suit against Meridian, Mississippi, for violating the civil rights of African American students through the use of school-based arrests and juvenile court referrals to address minor disciplinary infractions. The suit had a major impact on discipline reform efforts nationally, signaling a heightened level of attention from the U.S. Department of Justice on school discipline matters. In December 2012, Senator Durbin convened the first-ever congressional hearing on the school-to-prison pipeline, featuring youth, parents, and discipline reform advocates, further shifting the national discourse around the harmful impact of punitive disciplinary policies on youth of color.

In January 2014, the U.S. Department of Justice and the Department of Education issued a joint guidance document to assist public elementary and secondary schools in meeting their obligations under federal law to administer student discipline without discrimination on the basis of race, color, or national origin. The federal guidance document represented a significant victory for discipline reform advocates, particularly for youth and families working for years to end punitive disciplinary practices and ensure equal educational opportunities for students of color. In February 2014, President Obama launched *My Brother's Keeper*, an initiative



coordinated in partnership with philanthropy and the private sector, to address persistent opportunity gaps faced by boys and young men of color. School discipline reform is a top priority of the initiative.<sup>13</sup>

Another important shift in discipline reform came about when the National Education Association and American Federation of Teachers spoke out against zero tolerance policies and embraced restorative justice as a way to create a positive school climate. In 2014, the American Federation of Teachers, hosted the first-ever educator’s summit on school discipline. Advancement Project, the American Federation of Teachers, National Education Association, and the National Opportunity to Learn Campaign also released a toolkit, *Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools* that focuses on strategies for educators to build healthy relationships between students and adults in educational settings.<sup>14</sup> Once divergent on the issue of discipline reform, educators have begun to unite around a common purpose: keeping students in school where they can learn.

Over the last five years, the role of strategic communications and messaging has helped fuel significant discipline reforms in local communities—shifting terms like “zero tolerance” from an acceptable and respectable term to one that school districts are actively working to distance themselves from. These efforts were fueled by the courage of families and students willing to share their stories and supported by strategic communications efforts from national civil rights organizations working to amplify the voices of those directly impacted.

## The Impact of Restorative Justice in Schools

Restorative justice has a tremendous impact on the school climate for all members of the school community, including students, educators, administrators, and families. Restorative justice, when appropriately implemented, is integrated into every level of the school, informing interactions between adults and students in the hallways, on the bus, and in the classroom, as well as guiding responses to more serious disciplinary infractions. Educators play a critical role in maintaining school communities that model respectful, trusting, and caring relationships. Restorative justice is a transformational tool for building those healthy relationships. Restorative justice can decrease discipline disparities, engage students and families, support social-emotional learning, and promote



accountability and two-way communication. Students become more engaged, resulting in improved attendance, fewer classroom disruptions, higher academic performance, and increased graduation rates.

## Restorative Justice Research

There is promising evidence that when restorative justice is implemented with fidelity, it has the potential to improve school climates and reduce both overall rates of exclusionary discipline and racial disparities in school discipline. Research focuses on two main areas: (1) how to effectively and consistently implement restorative justice in schools and (2) the results of restorative justice on exclusionary discipline. Further research into the long-term impacts of schoolwide and districtwide restorative justice will help educators and policymakers fully grasp its potential to transform school communities.

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- a. Anne Gregory, *The promise of restorative practices to transform teacher student relationships and reduce racial disparities in exclusionary discipline*.<sup>15</sup> Gregory et al. found that restorative practices positively affected teacher-student relationships. Students perceived that teachers using restorative practices were more respectful and teachers engaging in certain restorative practices took fewer disciplinary actions against students. Particularly promising are results showing that racial disparities in disciplinary actions might be mitigated through the implementation of high-quality restorative practices programs.
- b. Yolanda Anyon, MSW, Ph.D., *Taking Restorative Practices School-wide: Insights from Three Schools in Denver*.<sup>16</sup> Anyon studied three Denver schools that implemented restorative practices. These schools demonstrated a long-term commitment to restorative practices and, as a result, witnessed a decline in out-of-school suspension rates after implementation. Anyon identified four key qualities that contributed to the schools' success: (1) administrators' commitment to restorative practices; (2) staff buy-in to a restorative approach to conflict resolution; (3) continuing, intensive professional development opportunities that support staff investment in restorative practices; and (4) the designation of a full-time restorative practices coordinator.
- c. Daniel Kim, Ph.D., *Lessons in School District-Wide Implementation of Restorative Justice from Denver Public Schools*.<sup>17</sup> Kim notes that restorative practices mark a major shift away from exclusionary, punitive measures currently ingrained in school culture and public policy. Accordingly, Kim asserts that efforts to implement restorative practices must be driven by the students and families most directly affected by discriminatory disciplinary practices. However, Kim also observes that



successful restorative practices implementation involves investments from a wide array of stakeholders, including district administrators, teachers' unions, and the community at large.

## Communities and School Systems Changing Policies

### DENVER

Padres & Jovenes Unidos (PJU) is a Denver-based community organization led by people of color working for educational excellence, racial justice for youth, immigrant rights, and quality health care for all. With over 20 years of experience organizing for justice, Padres & Jovenes Unidos led a successful organizing campaign to reform punitive and exclusionary discipline policies in Denver Public Schools. In partnership with Advancement Project, Padres & Jovenes Unidos began at the local level by reforming one school's policies, applied those lessons learned to a district-level campaign, and then progressed to the state level. Each campaign focused on a particular policy, or lack of policy, leading to the pushout and criminalization of youth. Their campaign victories—changing the Denver Public Schools Code of Conduct to include discipline alternatives that would reduce the use of out-of-school suspensions, adopting an intergovernmental agreement between Denver Public Schools and the Denver Police Department to limit the role of police in schools, and passing the Smart School Discipline Act—are national models of progressive school discipline reform cohesive, grassroots organizing. Due to PJU's uncompromising campaigns, suspensions and referrals to law enforcement in Denver, each dropped approximately 60%; and dropout rates declined by 40%.

### ILLINOIS

In Illinois, Voices of Youth in Chicago Education (VOYCE) has led the charge for safer, more supportive schools. Starting in 2007, youth leaders pushed for significant changes to the disciplinary practices in Chicago Public Schools (CPS) and in the increasingly large number of Chicago charter schools. VOYCE has fought for a more progressive Code of Conduct in CPS, rallied against the use of disciplinary fines and fees in Noble Charter Schools, partnered with the Chicago Teachers' Union and others to lead a campaign for restorative justice, and protested the use of high stakes testing as a measure of success.



***Restorative justice can serve as a supportive disciplinary model that offers positive outcomes for students, educators, schools and the community.***

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VOYCE's Chicago-focused campaigns grew into a statewide fight for common sense discipline, resulting in a major win: the passing of a statewide bill in 2015 that will end the use of exclusionary discipline practices for minor behaviors. According to the Department of Education's Office of Civil Rights, in the 2012-13 school year, Chicago Public Schools issued 32 out-of-school suspensions for every 100 Black students compared with just five for every 100 white students. Overall, Illinois students lost over one million instructional days per year as a result of suspensions, expulsions and arrests.

This victory was the direct result of VOYCE's youth development and multi-year grassroots organizing campaign that analyzed data, produced reports, and educated legislators and the public about the critical importance of halting Illinois' school-to-prison pipeline.

## NEW YORK

In June 2010, Jawaan Daniels, a freshman at Lafayette High School in Buffalo, New York, was shot and killed at a bus stop near his school after having been suspended from school for insubordination while roaming the halls. Jawaan's untimely passing brought attention to the zero tolerance, punitive nature of Buffalo Public School's discipline policies, which for many years exacerbated the school-to-prison pipeline in Buffalo. Under these policies, many students, especially students of color, were suspended and expelled out of school for minor, non-violent infractions. The Buffalo community deserved and demanded better.

Outraged by this situation, Citizen Action of Western New York and Alliance for Quality Education (AQE) launched their "Solutions, Not Suspensions" campaign, and have led the fight to improve Buffalo Public Schools (BPS) ever since. Over the next four years, Citizen Action and AQE galvanized a community to action through organizing, door knocking, rallies, protests, policy drafting, and community education. In response to the school discipline crisis in Buffalo, leaders from Citizen Action and AQE worked with BPS on a new, progressive discipline code to address the dramatically high out-of-school suspension rate and create a system of school discipline that keeps children safe, in school, and accountable for their actions. In April 2013, their efforts resulted in Buffalo Public Schools adopting a new Code of Conduct, aptly titled "Developing Safe and Supportive Schools: Standards for Community Wide Conduct and Intervention Supports." The discipline code is one of the most progressive in the country, replacing punitive zero tolerance with positive interventions and responses.



Buffalo Public Schools' progressive discipline code now addresses student behavior while keeping youth on the path to success.<sup>18</sup> It contains key elements that set students, educators, and schools up for success. The code of conduct focuses on prevention and intervention strategies, clearly defines inappropriate behaviors and their consequences, limits the use of suspension for non-violent offenses, and outlines clear due process procedures to be used if suspension or expulsion is appropriate. Moreover, this new look at discipline includes accountability measures like staff training and data collection.

## THE STATE OF NEW YORK

In New York State, grassroots organizations like Citizen Action, Urban Youth Collaborative, and Make the Road NY joined forces with advocacy groups like Alliance for Quality Education, New York Civil Liberties Union, the Permanent Judicial Commission on Justice for Children, Advocates for Children, and Advancement Project to pass statewide school discipline reform and change the conversation about the criminalization of youth of color. These groups, which were working on local campaigns across the state, recognized that without a fundamental change to education law throughout the State of New York, their victories would be incomplete.

The statewide coalition is currently working to convene key stakeholders such as parents, students, and community members from Buffalo, Rochester, NYC, Long Island, Binghamton, Albany, Schenectady, and other communities with two goals: (1) educate the public and policymakers on policy reforms designed by current collaboration and (2) build public will necessary for shaping statewide policy outcomes.

The Safe and Supportive Schools bill is based on national best practices that have been proven to work. By changing state policies, students are kept in school and learning in a safe and orderly environment, and educators are able to focus on teaching. This legislation, if passed, will create strong state policies that support schools as they build the skills and capacities of students and adults to constructively resolve conflict, collectively hold each other accountable for their actions, and create learning environments that value the dignity of each person. It will prioritize helping local schools create fair and equitable discipline policies that will address racial and disabilities-related disparities. Ultimately, the Safe and Supportive Schools bill will lead to increased student achievement and the creation of classrooms where all children can learn in a safe and supported environment.



## BROWARD COUNTY, FLORIDA

During the 2012-2013 school year, Broward County had the highest number of school-related arrests in the state of Florida. Black children in Broward County were suspended, arrested and expelled at two-and-one-half times the rate of their white counterparts for the same infractions. In partnership with community members, the Fort Lauderdale/Broward Branch of the NAACP, and Advancement Project, the Broward County School Board signed a collaborative agreement on school discipline and passed a new code of conduct limiting suspensions and school-based arrests.<sup>19</sup> The agreement, which was the first of its kind, established new guidelines for addressing non-violent misdemeanor offenses on school campuses, outlining infractions that would no longer result in school-based arrests. The agreement was signed by a broad range of stakeholders, including the Juvenile Judicial Circuit, Public Defender's Office, and the County Sheriff's Office, among others. As a result of the collaborative agreement, there was a 62.9% decrease in misdemeanor arrests, a 32.9% decrease in felony arrests, a 36% decrease in suspensions, and a 27% decrease in expulsions after the first year of implementation.

## Important Next Steps for Communities/School Districts Nationally

Much progress has been made toward breaking the school-to-prison pipeline through efforts to reform school codes of conduct to reduce suspensions and expulsions and implement restorative justice, changes to state education law to incentivize best practices, new agreements between school districts and the community to limit the harms of school policing, and federal guidance to school districts on how to end racially discriminatory practices in school discipline. Despite all of this progress, boys and young men of color, remain more likely to bear the burden of overly harsh exclusionary school discipline.

Over the last decade, the combination of local, state, and national advocacy efforts, supported by strong legal and policy research as well as strategic communications, has been a successful model that has led to the momentum we are now witnessing across the country to reform school discipline and improve educational outcomes and access for boys and young men of color. It will be important for communities and school districts around the nation to carry the following work forward:





- Communities must continue to work with the federal government to enforce civil rights protections against discriminatory school disciplinary policies and practices. Communities around the country are relying on the federal discipline guidance and filing civil rights complaints documenting the consequences of zero tolerance discipline, and grassroots organizations and attorneys who support them must continue to gather evidence on these practices and present it to the federal government. The U.S. Departments of Education and Justice, as well as state civil rights departments, must be vigorous in their investigation and resolution of these complaints.
- Communities are also at the forefront of calling for real accountability for school police. This includes being proactive by stopping much needed education dollars from funding law enforcement, working to remove police from schools and replacing them with school-based accountability and safety measures, and creating inter-governmental agreements designed to limit the ability of police to arrest students for common, typical youth behavior. Communities must also be reactive by demanding prosecution and consequences when police officers harass, intimidate, and abuse students, and reporting civil rights violations when police officers engage in discriminatory school-based arrests.
- Lastly, communities must advocate at the state and local level to remove vague and subjective criminal offenses that allow for students to be prosecuted for “disturbing the school environment” and “disorderly conduct.” These offenses—rooted in racist history—have a disproportionate impact on boys and young men of color and are unfairly used to characterize typical youth behavior as criminal.

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## Conclusion

Every young person deserves the opportunity to learn. Harsh and exclusionary discipline policies deny young people, particularly boys and young men of color, the pathway to academic success. The need to strengthen advocacy efforts at the state and local levels in support of reforming discipline policies for boys and young men of color has never been more urgent. Around the country, graduation rates for boys and young men of color are on the decline while incarceration rates continue to rise. The collateral consequences of punitive school disciplinary policies and their impact on boys and young men of color are vestiges of racial segregation that must be addressed.

Going forward, it will be important to continue making an investment in school discipline reform efforts at the national and local level that are centered around: (1) reducing racial disparities and exclusionary discipline practices that disproportionately impact boys and young men of color; (2) strengthening the organizing power and capacity of community-based organizations working to end the school-to-prison pipeline; (3) using strategic communications and messaging to change the public discourse around the school-to-prison pipeline and transform harmful narratives that fuel the dehumanization and criminalization of boys and young men of color.

The result of continued investment in this multi-tiered approach to school discipline reform will further the growth of a movement that will have a significant impact on legal, state, and federal policies relating to school discipline. The end goals are achievable – a substantial decrease in the number of boys and young men of color that are criminalized and excluded from school and an increase in the use of effective measures to prevent punitive discipline such as restorative justice.

Boys and young men of color deserve every opportunity to thrive and reach their full academic potential. Their ability to attend schools that foster a supportive and inclusive environment is essential to making this happen.

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***Advocate at the state and local level to remove vague and subjective criminal offenses that allow for students to be prosecuted.***

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