

BROOKINGS

How We Rise

Penalizing Black hair in the name of academic success is undeniably racist, unfounded, and against the law

Howard Henderson and Jennifer Wyatt Bourgeois Tuesday, February 23, 2021

Black students are three to six times more likely to be suspended or expelled from school, and today, there remains a regressive movement that continues to criminalize natural Black hairstyles under the auspices of “preparing them for the real world.” Discretionary school suspensions, particularly related to Black hairstyles, are shameful and disproportionately applied.

So far, seven states have passed legislation that would make school and workplace hair discrimination illegal. At the federal level, the CROWN Act, passed by the U.S. House of Representatives, seeks to ban race-based hair discrimination. The bill has yet to be approved by the Senate. However, it serves as a worthy point of entry for President Biden’s criminal justice reform plan, which pledges to end the school to prison pipeline. What better place to begin than to dismantle all unjustified, discretionary school suspensions?

In the following article, we provide an assessment of the research surrounding the impact of school disciplinaries and evidence-informed recommendations to address disparate policies. We believe educational leadership should never overlook science and or support exclusionary policies that fuel the school-to-prison pipeline.

The Facts Behind Discretionary School Disciplinary Actions

School discipline disproportionately affects students of color. Here are the facts.

Black students are disciplined at a rate four times higher than any other racial or ethnic group. Further, our research has found that 70 percent of all suspension disciplines are discretionary. Specifically, Black students are more likely to be suspended for

discretionary reasons such as dress code or long hair violations, neither of which have been found to be predictive of student misconduct.

Discretionary suspensions are not ‘required’ by law, yet they pose dire consequences to students of color. They place students on a trajectory towards poor academic performance, leading to higher rates of dropping out of school, joining gangs, and getting arrested before the age of 21.

Understanding the correlation between discretionary discipline actions and students of color must be well understood by those in charge of creating a diverse and equitable learning environment.

The disproportionate rate of discretionary suspensions for Black K-12 students and the continued support of school administrators for these policies against cultural expressions and symbolism provides a glimpse of the continued racialization of school discipline. In the name of creating ‘safer’ student learning environments, public schools have put into place strict, zero-tolerance policies designed to address misconduct.

Their policies are overreaching into the civil liberties and freedoms of students.

Rather than adjust their racist policies based on empirical support, education leadership would prefer to justify their actions with a belief in unsubstantiated ideals based on social norms. Initially, these school-based zero-tolerance policies focused on serious violations, such as the possession of weapons or sexual assault on school grounds. However, schools have broadened the scope to include dress code and hairstyle violations.

As a response to the public outcry and mounting court opinions on racially-discriminant school discipline practices, school districts have begun to modify their approach including removing prohibitions on hairstyles.

School-based policies that criminalize cultural expressions are worthy of continued scrutiny, as they are nothing short of cultural, gender, and economic discrimination.

Reducing Disparities and Building More Equitable Student Relationships

Discretionary suspension based on hairstyles and dress code is another failed opportunity our public education and the criminal justice system could have leveraged to better understand its students' cultural differences. It's one of the last connections to a history all but washed away through the middle passage, integration, and assimilation.

Understanding the dangers of administrative malpractice through the guise of faulty science is critical if we are to ensure the equitable treatment of racial and ethnic minorities in our school systems. As a result, we suggest a set of evidence-supported recommendations that build upon the CROWN Act, President Biden's criminal justice reform plan, and local movements to de-racialize and decriminalize discretionary school discipline.

Recommendation 1: Enact a Moratorium on Discretionary Suspensions

Research shows moratoriums on discretionary suspensions significantly reduce the number of student suspensions. Lower suspension rates positively impact children's futures by:

- Contracting the racial discipline gap in school systems
- Decreasing the amount of missed instructional days for students
- Reducing the likelihood of arrest as a juvenile and/or adult
- Lowering the probability of dropping out
- Elevating the likelihood of pursuing a college-level education and seeking a gainful occupation

In 2015, the Seattle School Board placed a moratorium on out-of-school suspensions for elementary grade students. However, the one-year ban results have been limited in showing the effectiveness of decreasing racial disparity in school suspensions.

Fast-forward five years, California, Florida, New York, and Texas have all banned suspensions of K–Grade 2 students for discretionary reasons such as “willful defiance”. California passed a new bill in September 2019 that placed moratoriums on suspensions for K–Grade 8 students that went into effect in July 2020. We expect to have an opportunity to examine the policy's impact soon.

Recommendation 2: Build an Infrastructure for the Collection and Analysis of Schools' Discipline Data

We recommend the creation of a data collection and analysis portal that would ease the ability to share deidentified student disciplinary data while maintaining student privacy. Such a system would help school leaders benefit from open-sources and independent analysis, while crafting a sound blueprint with measurable results for continuously improving schools with evidence-informed decisions. It would also improve transparency and accountability measures, both of which are consistent demands in today's climate and necessary for improvement.

Placing data at the core of its efforts to reduce suspension rates, the San Francisco Unified School District was able to reduce suspension rates. School officials tracked suspension rates at the teacher and school levels, the resulting interventions, and restorative justice practices.

Recommendation 3: Utilize Focus Groups

We highly recommend the implementation and use of localized focus groups to further understand the school disciplinary concerns. Focus groups are a proven method for addressing disparate discipline and safety problems.

For example, Evanston Township High School in Illinois used focus groups to assess the disproportionate suspensions for dress code violations. The focus groups provided specific feedback that led to a new dress code policy inclusive of their student body's diverse needs. The policy itself prioritizes non-bias and non-discrimination, both for students and enforcers of the dress code policy.

Recommendation 4: Form a Community Task Force

When utilizing findings from the focus groups, we recommend school districts formulate a strategic task force that reports directly to the school board and superintendent. Schools that have implemented community-level task forces have increased family engagement, cultivated student learning, and improved attendance, behavior, and development.

Recommendation 5: Implement Cultural Awareness Training

Cultural norms across race, ethnicity, and social class that contrast with the behavioral norms of teachers and students may provide fertile ground for misunderstandings that contribute to the race-discipline relationship. As a result, we recommend that all school personnel who have the power to enforce the dress code participate in validated cultural sensitivity training.

Research shows cultural awareness training leads to reduced school suspensions of historically marginalized students. In fact, a North Carolina middle school successfully reduced racially disproportionate suspensions after requiring cultural awareness training for its teachers.

Recommendation 6: Adopt A Positive Behavioral Intervention and Support (PBIS) Framework

As an alternative to school suspension, one plan that has gained traction is the use of Positive Behavioral Interventions and Supports (PBIS). PBIS is the application of evidence-based prevention strategies with the use of layered scales of measures and outcomes that support student academic, emotional, social, and behavioral needs.

The PBIS framework is a promising approach for reducing insubordinate student behavior and promoting cohesive and exemplary behavior among K-12 children. Research has demonstrated improvements in positive behavior and successful emotion regulation after training teachers, staff, and administrators in PBIS.