



**The Education Trust**

Closing the gaps in opportunity and achievement, pre-K through college.

July 23, 2021

Suzanne B. Goldberg  
Acting Assistant Secretary for Civil Rights  
Office for Civil Rights  
U.S. Department of Education  
Potomac Center Plaza (PCP)  
550 12th Street SW  
Washington, DC 20024

RE: Request for Information Regarding the Nondiscriminatory Administration of School Discipline  
([Docket ID ED-2021-OCR-0068](#))

Dear Acting Assistant Secretary Goldberg,

On behalf of The Education Trust, an organization dedicated to closing long-standing gaps in opportunity and achievement that separate students from low-income backgrounds and students of color from their peers, thank you for the opportunity to comment on the U.S. Department of Education's ("the Department") request for information regarding the nondiscriminatory administration of school discipline.

***What are your views on the usefulness of current and previous guidance OCR and CRT have issued on school discipline? We would appreciate your comments on the guidance documents described above, including the 2014 guidance, the 2018 Dear Colleague letter, and the 2018 Questions & Answers on Racial Discrimination and School Discipline guidance.***

While the 2014 guidance issued by the Departments of Education and Justice related to the nondiscriminatory administration of school discipline was an important first step in addressing the racism and bias that drive exclusionary discipline practices, it must be strengthened and reissued. This improved guidance should include clear and evidence-based directions on how to build anti-racist, anti-sexist, and anti-discriminatory schools; promote culturally sustaining and restorative practices as an alternative to punitive discipline; regularly hold anti-bias training for educators and school leaders; invest in staff and structures that support student needs instead of structures that criminalize them; effectively engage students, families, and the community in the process of creating and implementing discipline policies; discontinue discriminatory dress and grooming code policies that can lead to sex and race discrimination; and use healing-centered engagement in place of punitive or deficit-based practices to support students who experience chronic stress or acutely harmful experiences.

The persistence of disproportionate discipline rates makes the need for strengthened and reissued guidance explicitly clear. This is especially true for Black girls who are suspended more than five times the rate of their White peers each year we have access to new Civil Rights Data Collection (CRDC) data. The Education Trust's review of state-level guidance and policies show that many state officials were confused by the last administration's revoking of the guidance. Prior to the revoking of the guidance, many states posted the 2014 guidance and resources on their own websites. Now, much of those webpages have disappeared with no direction on how to best address the issues facing students of

color. If anything, the persistence of disproportionate and discriminatory disciplinary practices emphasizes the critical need to strengthen the guidance to ensure that all districts and schools are explicitly clear about how to build an anti-racist, anti-sexist and anti-discriminatory school.

While the Department's Office of Civil Rights (OCR) investigations play an important role in identifying and remedying systemic racism, waiting until a student falls victim to the harm of exclusionary discipline and over-policing is not sufficient. Even one student who is forced to endure discriminatory punishment is one student too many. This country's students need immediate relief. Every time a student is punished through harmful disciplinary policies (e.g., suspensions, expulsions, interactions with police) [they are at risk to experience a range of adverse outcomes](#) like falling behind grade level, leaving school before graduation, poorer health and economic security, and future interactions with the criminal legal system. More schools and districts must do more to eliminate the racist and sexist policies that have plagued schools for decades and they will need technical assistance and the direction of the Department to do so. It is critical that the Department strengthen and reissue discipline guidance and that they work in connection with the Department of Justice where necessary.

***What promising practices for the administration of nondiscriminatory school discipline or creating positive school climates have you identified?***

The Education Trust and The National Women's Law Center (NWLC) [recently highlighted promising practices](#) and policies for creating welcoming, safe, and healthy schools. However, we want to emphasize the importance of encouraging schools to maintain appropriate staffing levels; apply an equity lens to all social-emotional and academic programs; use data to look at patterns of disproportionate discipline and underlying causes; and to meaningfully engage communities regularly in the development and creation of policies.

Staffing & Professional Development

Appropriate staffing, professional development and coaching are essential to creating a positive school climate. Schools with [appropriate levels of support staff](#) (e.g., trained school counselors, psychologists, trained behavior specialists and restorative justice coordinators) have [better and stronger school climate](#) than schools that use their valuable [resources on school police](#). However, the development of strong school climate cannot just fall on school counselors and specialists; all school staff from teachers to cafeteria staff have a critical role in creating a healthy school climate between adults and between adults and children. To truly achieve a positive school climate, adults must regularly and meaningfully be trained on culturally sustaining pedagogy and on addressing race and gender-based bias. This training is critical to developing the social and emotional well-being of the adults who are responsible for developing the social, emotional, and academic wellbeing of young people. Ed Trust and NWLC research highlights the need for site-based restorative justice coordinators who are responsible for building relationships and using restorative practices (e.g., embedding restorative justice coordinators in middle and high schools) that help students to repair harm and grow from inevitable mistakes. We urge the Department to make clear that schools should meet the recommended school counselor to student ratio and hire additional support staff who are specifically trained and skilled at supporting the needs of students who are dealing with stress and trauma.

Social, Emotional, & Academic Development with an Equity Lens

While there has been a re-emergence of the acknowledgement of the importance of social-emotional learning, too often this is done without an equity lens. There has been growing recognition of the need to support holistic well-being as a preventive measure to discipline. However, approaches that center

social and emotional skills without first addressing the environments in which students learn and live unfairly puts the onus on students to conform to dominant culture to survive discriminatory and harmful school climates. Some efforts to support social and emotional learning and development can be constructive and equity-focused, but too often the programs focused on social and emotional skill development have been used as yet another way to police student behavior and force assimilation, harming identity development for students of color, immigrant youth, and students from low-income backgrounds. Therefore, it is critical that the strengthened and renewed guidance be clear that social and emotional skill-building programs should only be used and can only be effective once the following prerequisites have been met:

1. *Adopting restorative policies and practices*
2. *Providing adequate mental and physical health supports*
3. *Addressing biases of adults*
4. *Building strong partnerships among schools, communities, and students*
5. *Hiring diverse educators*
6. *Using rigorous and culturally sustaining curricula*

Unless these prerequisites are met; unless leaders address systemically racist and harmful policies and practices; and unless adults in schools truly view all students as having the potential to thrive, a sole focus on teaching social and emotional competencies will be yet another approach that marginalizes students and families of color. We urge the Department to emphasize the need to apply an equity lens to social-emotional learning and use the voices of the students and strategies highlighted in [Ed Trust's report](#) to do so.

#### Data Driven Solutions

Districts that employ [data driven](#) strategies have seen [positive effects](#). For example, the school board in Oakland, California requires school leaders to regularly identify disproportionate disciplinary actions and work to improve those trends. Oakland, as a result, has [decreased the percentage of Black girls](#) suspended out of school each year. In the 2011–12 school year, 12% of middle school girls in Oakland Unified School District were suspended from school; by 2018, that number had fallen to 6%. In that same time frame, the percentage of high school girls suspended fell from 8% to 5%. This can only work with some type of accountability measure that requires a regular review at the school and district level. This review, or equity audit, cannot just look at disaggregated data cross tabulated by race and gender, although this is the first step, they must also look at underlying causes and patterns to ensure that students and educators are receiving the supports that they need.

#### Meaningful Community Engagement

While previous guidance did encourage community engagement, it did not include enough direction and examples around how to truly engage communities, especially those who are too often not given a seat at the table where these decisions are made. Schools could benefit from more detailed directions about how to best engage community members in the creation, development, and implementation of school discipline policies. These policies should be co-created with school communities through school climate surveys, focus groups, listening sessions, and written comments. Communities should also be given information and data to make informed decisions. Schools should, as always, be mindful of different working and living situations to ensure that all families have a sufficient opportunity to weigh in, they should also be mindful of the different languages spoken in the communities they serve, and ensure they have a full opportunity to participate in the co-creation of these policies in the language they are

most comfortable communicating in. Communities should also create a feedback loop to ensure that suggestions are taken with fidelity.

***What are your views on this non-exhaustive list of disciplinary policies, practices, and other issues below?***

***Discipline of students in pre-K through third grade, including in-school and out-of-school suspensions.***

Programs across the early care and learning mixed delivery system and elementary schools must prohibit the use of corporal punishment, seclusion, suspension, expulsion, and other aversive behavioral interventions. Programs must provide ongoing professional development, coaching, and consultation to all educators in positive behavioral support models like the Pyramid Model. [Research](#) has shown that early childhood educators are more likely to surveil Black children for alleged behavior challenges even when there are no differences in behavior among children. Black boys comprise 9.6% of preschool enrollment, yet have preschool suspension and expulsions rates of over 30%, representing [a far higher and disproportionate discipline rate](#) than preschool children of other races and ethnicities.

Furthermore, exclusionary disciplinary methods are developmentally inappropriate in early childhood and elementary school settings. Instead of providing the critical foundation for young people to learn and grow, exclusionary methods disconnect students from their peers and educators when those relationships are just beginning to grow. This highlights the need for early childhood and elementary school teachers to receive the critical professional development needed to shift their mindsets away from fixing students through punitive and exclusionary approaches and toward restorative and developmentally appropriate practices.

The Department should also encourage schools to replace suspensions and expulsions in preschool – fifth grade [with alternatives](#) that help our youngest learners to learn and grow. This is even more important now that more students have been learning in home settings (where there is a wide range of rules and norms) due to COVID-related closures. [New research](#) indicates that there is an association between an increase in preschool exclusions and COVID-related closures. As a result, educators should be mindful of the unique challenges, stresses, and experiences young children are bringing back into school buildings and develop systems and policies to help those students to be [identified for additional supports](#) and/or exhibit new skills.

***Use of exclusionary disciplinary penalties, such as suspensions or expulsions, for minor, non-violent, or subjectively defined types of infractions, such as defiance or disrespect of authority.***

Research has consistently shown that Black and Native students are more likely to miss out on critical [class time due to minor, non-violent and subjective offenses](#). This is especially true for Black girls who are too often suspended for dress and hair code violations, talking back, using profanity and other minor and subjective offenses that should not result in the loss of class time. It is important that we send students the message that school is important for reaching their goals and aspirations and we cannot send that message while excluding them from school for minor offenses. Therefore, it is imperative that schools take action to limit the opportunity for bias and discrimination in discipline. Students should not miss valuable school time for minor offenses (e.g. talking back, chewing gum, tardiness, having a cell phone, being too loud, dress code violations). Schools must replace harmful and exclusionary disciplinary practices, especially for minor and subjective offenses, with policies that support student learning and growth so that students are equipped with the tools they need to make different decisions and so that they are receiving the support they need from educators and school staff.

***Discipline issues relating to dress and grooming codes (including restrictions on hairstyles).***

While all students are subject to dress code violations, [Black girls face a distinct burden for hair and dress codes](#). All too often, schools create policies with rules that are unnecessarily and overly strict, that place financial burdens on families, that punish students for dressing for their internal body temperature or the weather, that are based in racial or sex stereotypes. Dress and grooming code rules are too often unevenly applied and often lead to discriminatory enforcement or enforcement through physical touching by adults and school police. It is imperative that the Department outline how discriminatory dress code and grooming policies constitute or lead to race and sex discrimination, setting forth the agency's authoritative interpretation that Title IX and Title VI forbid rules that target students based on race (e.g., bans on hairstyles worn by Black students) and/or sex (e.g., gender-specific dress codes). It is also important to note that many schools ban outerwear without having working heating and cooling systems. While this administration works to address infrastructure challenges (which should undoubtedly include schools), it is important that students are not punished in the meantime for the failure to address these challenges. Therefore, students must be allowed to dress for their internal temperature.

***Corporal punishment.***

Every student deserves a learning environment that fosters growth and belonging, where they are safe and free from harm. However, such a learning environment is not possible if corporal punishment is allowable under the guise of "discipline." Corporal punishment does not teach nor lead to improved behavior *and* is associated with negative social, emotional, and [academic outcomes, including poor behavioral and mental health](#), and reduced cognitive ability and self-esteem. Physical harm to students is not only an impediment to students' growth, but it is also an equity issue that impacts students that have been underserved by the current system.

Corporal punishment is still legal in [public schools across 19 states](#) — and it has been 10 years since the last state banned corporal punishment. Data indicates that corporal punishment is used on children — specifically students of color — as young as three years old. While some states have banned the use of corporal punishment, any student receiving corporal punishment is one student too many. In fact, Black students [disproportionately receive corporal punishment in schools](#), as well as students with disabilities, making this a key racial justice and educational equity issue.

Schools must be safe places for children, and especially for those who may not have safe environments when not in school. Yet when children are under threat of physical abuse from adults within their schools, [they are not physically, mentally, or emotionally safe](#). A supportive school environment is critical for effective teaching and learning. This is perhaps more important than ever as students return to classrooms after a period of remote learning due to COVID-19. The pandemic has upended the lives of many students and their families, leading to increases in social isolation, anxiety, stress, and trauma.

While we are certainly hoping for [legislative action on this issue](#) (e.g., by supporting the Protecting our Students in Schools Act introduced by Representatives McEachin and Bonamici and Senator Murphy), it is incumbent that the Department encourage all states, districts, schools, and educators to foster positive school climates and improve discipline practices through positive, developmentally appropriate, safe evidence-based strategies like training and ongoing professional development for educators, greater involvement of school support staff, and the use of other supports like restorative justice practices instead of using corporal punishment which has been proven to be harmful from [pediatricians](#), [psychologists](#), [neurologists](#) and many others.

***Referrals to and the resulting interactions with school police, school resource officers, or other law enforcement.***

The current moment requires students to have even more access to research-based supports and supports that improve students' well-being. Research has consistently shown that school-based police officers [do not improve school](#) climate or improve student well-being. Even though there is [no research showing](#) that school-based police improve school safety, schools and districts, with the help of federal funds, have taken great lengths to invest in structures that disproportionately criminalize students of color. Research instead shows that police, also called school resource officers (SROs), make Black and Latino students feel [less safe](#). Research also shows that schools with a police presence are [more likely to criminalize normal youthful behavior](#), decrease graduation and college attendance rates, and disproportionately affect Black children. [Additional studies](#) show that most school police receive little to no training in things like implicit bias, youth behavior, or de-escalation tactics. Even when the training is offered, initiatives to increase training have been ineffective, [as half of SROs fail](#) to apply their training and positively engage with children in practice. Finally, even in instances in which training is mandated for police generally, available data indicates that this training does not correct the racial imbalances in arrests.

Thus, the best way to prevent Black and Native students from being arrested or criminalized for normal youthful behavior is to decrease their contact, and the Department can play a critical role in facilitating that process. Therefore, we are asking the Department to work with the Department of Justice to limit the use of federal funding for school police officers (or school resource officers) and propose investing instead in school counselors and evidence-based approaches to inclusive and positive schools (e.g., by supporting the Counseling not Criminalization in Schools Act as introduced by Rep. Pressley and Sen. Murphy).

We are also asking the Department to work with the Department of Justice to make available better data on the prevalence of school police and instances of misconduct. Without this data, officers with a history of misconduct can move freely between schools without accountability, putting the well-being of entire school communities at risk. The Department of Education has a duty to monitor the placement of school police so that they are not placed in schools in a discriminatory fashion (e.g., placing school police in schools serving the most Black students). Prior to the school board vote to eliminate the Oakland Unified School Police Department, the district's police department was required to make data publicly available. [This data](#) transparency can be a model to other districts.

***Threat assessment practices.***

Threat assessments have grown in popularity as a means of addressing both discipline and school safety (particularly regarding school shootings and other violence). However, a stronger approach to addressing discipline and school safety is to improve school climate by adopting policies and practices that ensure students feel they belong, matter, and that their full identities are recognized and welcomed. Furthermore, without addressing bias, adults can use threat assessments as yet another means of targeting and applying a deficit lens to students of color and students from low-income backgrounds.

Threat assessments, when implemented without bias and in conjunction with other evidence-based strategies, can provide some opportunity to ensure students receive the supports they need, but without clear guidance these efforts have been varied, with some more [problematic](#) than others (e.g., [disproportionately identifying students with disabilities and Black students as potential threats](#)). Furthermore, some models that have been adopted by states have not been rigorously evaluated, and

instead only meet Tier 3 of ESSA’s requirements for evidence-based practices. This is concerning, given the impact such efforts to identify student threats can have on student well-being if decisions are based in biases and stereotypes. Therefore, we urge the Department to emphasize that if states and districts adopt threat assessments, at minimum they should adopt models that meet Tier 1 of ESSA’s evidence-based practices standard and have rigorous evaluations of their impacts, including not only impacts on discipline and absenteeism, but also on school climate surveys. Furthermore, the Department should make clear that schools implementing threat assessment practices must also include training to address bias.

***Use of surveillance technologies in a discriminatory manner.***

We encourage the Department to encourage districts to review placement and prevalence of surveillance technologies to ensure surveillance is not disproportionately placed in schools serving more students of color and students from low-income backgrounds. The placement of surveillance in Black and Latino communities is an indicator of systemic racism as well as systemic failure to address the real issues facing communities. The Department should review the placement of surveillance prevalence and placement to ensure that they are not being placed in a discriminatory manner.

***School policies or practices related to teacher and staff training related to discipline, the role teachers play in referrals of students for discipline, and the role of implicit bias in disciplinary decisions.***

The Department must issue guidance that encourages regular training and coaching for educators on implicit and explicit race and gender biases. District and school leaders should provide ongoing high-quality opportunities such as embedded coaching for educators to continually grow in these areas, especially when data show they need additional support (e.g., a teacher who disproportionately requires Black girls to leave her classroom for “defiance”). It is also important to note that one-time workshops do not provide sufficient support for educators to practice and improve these skills. These professional development opportunities should include coaching on reducing implicit and explicit bias and developing anti-racist mindsets, culturally sustaining pedagogy, restorative practices, positive classroom management, student, family, and community cultural strengths, and changing mindsets for empathetic discipline.

Additionally, professional development on these topics should be provided to all adults in the education system rather than restricted to teachers and administrators. While professional development of this kind can be one of the primary tools to changing adult beliefs and mindsets, it is insufficient without both creating systemic opportunities for educators to build relationships with their communities and making changes to systems and policies.

***Discipline related to attendance and time management.***

It has always been counterproductive to exclude students based on attendance. Poor school attendance should be a clear signal that students need supports that they are not yet receiving, and schools should treat it as an early warning instead of cause for punishment. The decision about who and who is not experiencing attendance and time management issues is often based in bias. [Recent research](#) has shown that schools are more likely to see Black students who do not engage in virtual learning as truant; this coincides with a re-emergence of sending police to the homes of students who did not log onto class or enter school buildings.

Instead of sending police, who are not trained social workers and who have a legacy of discrimination and harmful behaviors, schools should take other measures to re-engage students. Therefore, we urge the Department to encourage districts to ban the use exclusionary discipline and the police for issues

related to attendance and truancy. Additionally, schools and districts should be encouraged to use [evidence-based practices to reengage families](#), including regularly and clearly communicating with students and families and connecting them with community supports when necessary.

***Discipline of victims of race, color, or national origin harassment, sex harassment, or disability harassment for misconduct that arises as a result of such harassment.***

A critical piece of creating a positive school climate is ensuring sexual harassment is handled appropriately. Peer sexual harassment makes students feel unsafe, and how school officials respond affects school climate for the victim. Too often, victims are suspended or expelled when they report sexual harassment or assault because they are disbelieved or because schools conclude that their reports of how the harassment occurred indicate that they broke school rules, [and too often those students are girls of color](#). Schools must instead take steps to stop the harassment and restore a sense of safety for the victim and other students. Doing nothing tells students that officials do not care about the victim's safety. This can make the victim feel unsupported in addition to unsafe. And punishing the victim who reports harassment communicates hostility to the victim's safety. It also discourages other victims from coming forward and emboldens other harassers. Thus, ignoring harassment or retaliating against victims creates or worsens a toxic school climate. This is especially true for girls and LGBTQ students, [who suffer higher rates of sex-based harassment](#).

***Zero tolerance or strict, three-strike policies.***

Zero tolerance and strict three-strike policies are detrimental to the well-being of students and have been linked to the disproportionate discipline rates of Black students. [Research shows](#) that these policies do not improve school climate and instead weaken the relationships between students and teachers. We urge the Department to encourage schools and districts to adopt policies that require schools to consider various restorative practices before resorting to exclusionary discipline can encourage adults to center relationships and well-being over punitive action, instead of adopting policies that define a mandated minimum punishment.

***Discipline issues relating to virtual learning.***

Schools should be discouraged from replacing school suspensions with virtual learning. The Department should also be clear that if students are excluded from their physical classrooms as a punishment, schools must report that as an in-school suspension and if they are excluded from entering the school building, schools must report that as an out-of-school suspension.

***Discipline issues relating to returning to in-person instruction.***

Given the events of the past year and a half, many students will have experienced stress or trauma, and it will be critical to discourage schools from using punitive measures as opposed to restorative ones that center relationships. Students will need schools to prioritize supporting peer relationships and [relationships with adults in schools](#). Punishing students that may be reacting to stress or trauma and/or whose behavior or response comes to light because of a report of an experience of trauma or discrimination will be detrimental to these efforts (e.g., a student whose substance abuse comes to light when s/he reports bullying).

Additionally, the impacts of the past year were not the same for all students, and while students of color and students from low-income backgrounds were more likely to be harmed by the events of the past year, it would only cause further harm to adopt a deficit lens that sees all students of color and students from low-income backgrounds as traumatized. Instead, the Department should encourage schools to use a strength-based lens in which adults recognize the strengths students have built over the last year



(e.g., self-directed learning skills while learning virtually, racial and social justice awareness during the country's racial reckoning, increased community and family involvement, increased agency, etc.) and foster them through their own practices and integrating opportunities to highlight these skills during school (e.g., using culturally sustaining pedagogy and service-based learning). This will also [be key to building developmental relationships](#) which can increase motivation and engagement.

***What types of guidance and technical assistance can OCR provide to best help SEAs and LEAs create positive, inclusive, safe, and supportive school climates and identify, address, and remedy discriminatory student discipline policies and practices (for example, Dear Colleague letters, Frequently Asked Questions documents, fact sheets, tool kits, videos on the nondiscriminatory administration of school discipline or positive school climate, and guidance on returning students to in-person instruction)?***

The Education Trust hopes OCR will issue guidance; updated Dear Colleague letters; Frequently Asked Questions for leaders, students, and families; factsheets; toolkits; videos; and guidance with clear direction on how state education agencies (SEAs) and local educational agencies (LEAs) can complete a systemic review of their policies and practices. We also hope the guidance will include clear examples, specific recommendations where possible, and information on how SEAs and LEAs can use federal funds to improve school climate and address racism and sexism. The guidance should also include information for communities (in several widely used languages) to directly report when schools are discriminating against students. The Department should also create a technical assistance center to work with SEAs and LEAs to implement the new guidance.

***What promising practices that have reduced the use of discipline or the disparities in the use of discipline between different groups of students (including promising evidence-based programs and success stories from particular school districts) should OCR consider highlighting in any future guidance or resource materials?***

Alongside the National Women's Law Center, we released [a guide](#) to provide district and school leaders with a common language and practices that can be used to reform exclusionary discipline policies and improve school climate to help address the needs of girls of color. We encourage the Department to include the promising examples highlighted in the report – from Oakland (CA), Chicago (IL), and Massachusetts – in future guidance. Additionally, the guide includes an easy-to-use "[checklist](#)" focused around four key areas that any future guidance or resource materials must highlight: (1) data; (2) discipline policies and practices; (3) support for systemwide policy change; and (4) culture and communication.

***How do school discipline policies impact (a) students' opportunity to learn; (b) academic achievement; (c) students' mental health; (d) drop out and graduation rates; (e) school climate and safety; (f) access to instructional time; (g) teacher retention and satisfaction; (h) the rates at which staff refer students for formal discipline; (i) student participation in STEM courses, honors and advanced placement courses, arts and theater, and extra-curricular programming; (j) impact of discipline records on access to scholarships or on enrollment in college; (k) student participation in ceremonies (for example, graduation ceremonies and National Honor Society ceremonies); and (l) life outcomes (for example, earnings, reliance on public support, income, employment opportunities, and housing)?***

Poor school climate has negative effects on students and teachers. Positive school climates require supportive leadership, teacher collaboration, high expectations for students with equitable supports to

meet those expectations, a safe environment where students feel they belong, and equitable supports and a collective commitment to support student learning. Therefore, schools that heavily rely on exclusionary discipline and police interaction create poor environments to work in, in addition to creating poor learning environments. This can lead to low teacher retention of which [students bear the burden](#).

Too often, high expectations for students are left out of the school climate conversation. However, high expectations play a critical role in creating a positive school climate and a valuable learning environment. Ed Trust's [research](#) suggests that schools with better school climate, where students feel a sense of belonging and have their identities affirmed, where more educators of color, better information sharing and higher expectations for students more equitably enroll students in advanced courses including [advanced](#) STEM courses.

Students of color experience a [range of consequences](#) that cannot be simply captured by the popularly used "school-to-prison" or "[school-to-poverty](#)" pipeline. There are immediate harms from being suspended, such as missing out on critical class time, but there are also long-term negative consequences: Students who attend schools with higher rates of suspension are more likely to have future interaction with the criminal justice system. Students who attend schools with lower suspension rates are less likely to interact with the prison system as adults and are also [more likely to attend a four-year college](#). Schools with [high suspension](#) rates have also been associated with lower math achievement and lower college-going rates. [Research](#) shows that schools that use alternative discipline practices have better student achievement results overall. In sum, the research is clear that there are no positive benefits to the regular use of punishing students through exclusionary discipline.

***To what extent can hiring and professional development practices be designed and aligned to ensure that teachers and staff are adequately prepared to manage classrooms and work with students in a fair and equitable manner?***

Adult biases, beliefs, and skills influence their behaviors in schools and classrooms, and in turn affect students' mindsets, beliefs, and skills. Further, adult interactions with students across the entire school structure matter for [social-emotional development](#), and too often, even well-intentioned adults in schools (much like well-intentioned adults outside of schools) have biases and beliefs that can harm students' development and overall achievement. Educators and school leaders should aim to shift these beliefs and mindsets by moving from a deficit-based mindset to a strength-based mindset, from one-size-fits-all to recognizing cultural and contextual influences, and from allowing bias to impact students to targeted and continuous efforts to reduce bias.

Teacher preparation programs should be held responsible for ensuring teachers entering the workforce have the skills needed to create culturally affirming environments, to build relationships with and understand their students, to support students' academic success, as well as have mindsets geared toward anti-racism. For teachers already in schools, professional development to support them in developing these skills and mindsets is critical. District and school leaders should provide ongoing high-quality opportunities such as embedded coaching for educators to continually grow in these areas; one-time workshops do not provide sufficient support for educators to practice and improve these skills. While professional development of this kind can be one of the primary tools to changing adult beliefs and mindsets, it is insufficient without both creating systemic opportunities for educators to build relationships with their communities and making changes to systems and policies. Equity-focused school, district, and state leaders can provide high-quality and ongoing professional development and

coaching on reducing bias and developing anti-racist mindsets; culturally sustaining pedagogy; restorative justice practices; positive classroom management; student, family, community, and cultural strengths; changing mindsets for [empathic discipline](#) and [to provide feedback that conveys high standards and belief that students can succeed](#).

Beyond professional development for current educators, federal, state, and local leaders must continue working to [diversify the workforce](#). Educators of color are more likely to have higher expectations for their students of color and benefit the [social-emotional and non-academic needs of students of color](#). Students of color and White students also feel [cared for and academically challenged by teachers of color](#). By working to diversify the teacher workforce and retain diverse teachers, leaders will foster belonging and challenge students to thrive. Equity-focused school, district, and state leaders can help diversify the workforce by creating proactive hiring strategies (e.g., hiring earlier in the year and including teachers of color in the hiring process) that increase hiring of educators of color who are committed to racial equity; [improving working environments and conditions](#) to retain educators of color; and prioritizing recruiting and retaining bilingual educators. to retain educators of color; and prioritizing recruiting and retaining bilingual educators.

***Describe any data collection, analysis, or record-keeping practices that you believe are helpful in identifying and addressing disparities in discipline. Conversely, describe any barriers or limitations in these areas, and any ideas you may have on how to overcome them.***

As described in our [school discipline guide](#) and accompanying [checklist](#), states and school districts should collect and publicly report on discipline data in a way that breaks out race, gender, and disability status (e.g., data shows the percentage of Black girls suspended). This data should: (1) specify the type of offense for which students were suspended; (2) specify the length of the suspension; (3) include both the number of students suspended once and the number of students suspended multiple times; and (4) be reported in a way that allows users to identify students who fall into more than category (e.g., instead of just reporting data for girls overall, provided information for Black girls and Native girls).

While this data is helpful in identifying disparities in discipline, states and districts should use an evidence-based school climate survey that breaks out results by race, gender, and disability status. This data can be used by state and district policymakers, educators, families, students, and other members of the community to make policy and practice changes where necessary based on school climate data.

Beyond this publicly reported data collected at the state, district, and school level, the federal Civil Rights Data Collection (CRDC) plays an important role in identifying and addressing disparities in discipline. OCR must ensure [the next CRDC](#) contains data elements pertaining to preschool discipline to include students who have been suspended once and students who have received one or more suspensions, as well as data on the percentage of students, teachers, and staff taking school climate surveys. Additionally, we hope that the Department will commit to making this data easily accessible and public as quickly as possible. More specifically, state estimations are invaluable for communities in states without another data source and for communities without the technical ability to analyze data from raw data files. It is also important to release a data snapshot, much like was done in 2014, that includes disaggregated and cross-tabulated discipline data by race, gender, and disability.

In closing, the Education Trust looks forward to working with the Department to end disproportionate discipline that has long existed for our nation’s students of color, students with disabilities, and students from low-income backgrounds. We are happy to respond to any questions that you may have regarding the contents of this letter and have included additional resources below that we believe would be helpful as your staff works to address this important topic. Thank you for your consideration. If you would like to discuss the contents of this letter or the additional resources below, please reach out to Kayla Patrick, Senior P-12 Policy Analyst, at [kpatrick@edtrust.org](mailto:kpatrick@edtrust.org) and Nancy Duchesneau, Senior P-12 Research Associate, at [nduchesneau@edtrust.org](mailto:nduchesneau@edtrust.org).

Resource List:

- [Social, Emotional, and Academic Development Through an Equity Lens](#) (The Education Trust; August 2020)
- [“And They Cared”: How to Create Better, Safer Learning Environments for Girls of Color](#) (The Education Trust and National Women’s Law Center; August 2020)
- [If You Listen, We Will Stay: Why Teachers of Color Leave and how to Disrupt Teacher Turnover](#) (The Education Trust and Teach Plus; September 2019)
- [Is Your State Prioritizing Teacher Diversity & Equity?](#) (The Education Trust; 2021)
- [For Black Children, Attending School Is an Act of Racial Justice](#) (The Education Trust; January 2019)
- [Opportunities to Advance Educational Equity During the Next Administration](#) (The Education Trust; October 2020)
- [Joint Memo on Advancing Educational Equity Through the Biden-Harris Administration](#) (The Education Trust; Alliance for Excellent Education; Center for American Progress; Education Counsel; Education Reform Now; Migration Policy Institute, National Center for Immigrant; Integration Policy; National Center for Learning Disabilities; National Urban League; School House Connection; Teach Plus; and UnidosUS; December 2020)
- [Inequities in Advanced Coursework: What's Driving Them and What Leaders Can Do](#) (The Education Trust; January 2020)

Sincerely,

The Education Trust