



Discipline Disparities for Black Students, Boys, and Students with Disabilities

Ranking Member Bobby Scott (VA-03), Committee on Education and the Workforce and Ranking Member Jerry Nadler (NY-10), Committee on the Judiciary requested that the Government Accountability Office (GAO) investigate disparities in discipline policies and practices applied to students of color, boys, and students with disabilities. The GAO's findings further substantiate claims that the severity of disparate treatment for students of color and students with disabilities persists; affirm the importance of the 2014 DOJ-ED School Discipline Guidance Package and the larger Rethink School Discipline guidance package; and make clear the urgent need to address these gross disparities in our educational system.

- **Black students, boys, and students with disabilities are disproportionately disciplined in K-12 public schools. This pattern of disproportionate discipline persists regardless of the type of disciplinary action, level of school poverty, or type of public school students attend.**
 - Disparities in discipline are prevalent as early as preschool.
 - Black students represent more than 15 percent of all public school students yet account for almost 40 percent of students suspended from school.
- **This study dispels claims that disproportionate rates of discipline are based solely on income.**
 - Regardless of the level of school poverty, Black students, boys, and students with disabilities were suspended from school at disproportionately higher rates than peers.
 - This first-of-its-kind of GAO analysis controlled for income and found that Black boys were still disproportionately disciplined.
 - The study compared discipline by race and gender by four poverty quartiles. In each quartile of poverty, Black students and boys were disproportionately disciplined.
- **In addition to data analysis, GAO reviewed several cases investigated by the Department of Education (ED) Office of Civil Rights (OCR) that revealed discriminatory discipline practices.**
 - In one case, a district disciplined Black students at higher rates and more harshly than white students for similar, non-violent offenses. Lack of standard definitions for violations left teachers wide discretion to determine consequences, subjecting students to bias. Despite higher rates of discipline for Black students, the district had no safeguards in place or plan to reduce discipline disparities.
 - In another case, OCR found a student with a disability was restrained, or held face down, 92 times over a period of 11 months for non-dangerous behavior. The longest duration of a single restraint was 93 minutes. OCR ultimately concluded that the student was treated differently based solely on his disability status.
- **The issue of who gets disciplined and why is complex. Studies the GAO reviewed suggest implicit bias – stereotypes or unconscious associations about people – on the part of teachers and staff may cause them to judge students' behaviors different based on the students' race and sex.**
 - Teacher and school official interpretation of behavior greatly impacts the types of offenses for which Black children and students with disabilities are disciplined and the severity of disciplinary action.
 - Officials in nearly every school district interviewed recognized the need to find alternatives to exclusionary discipline that do not remove students from the learning environment.