



Written by [Raven Clabough](#) on January 13, 2014

Holder, Duncan Unveil Race-based School Discipline Guidelines

Attorney General Eric Holder (shown at left) and Education Secretary Arne Duncan have issued the first-ever national guidelines for discipline in public schools, contending that present discipline disproportionately affects minorities.



Holder and Duncan unveiled the national guidelines on school discipline on January 8 at Frederick Douglass High School in Baltimore, Maryland.

“The need to rethink and redesign school discipline practices is frankly long overdue,” [claimed Duncan](#), advancing the theory that racial discrimination pervades present school discipline and is a “real problem today.”

“A routine school disciplinary infraction should land a student in the principal’s office, not in a police precinct,” said Holder.

According to the attorney general, the problem arises from “zero tolerance” policies that too often involve the criminal justice system.

The Associated Press summarized,

Zero tolerance policies, a tool that became popular in the 1990s, often spell out uniform and swift punishment for offenses such as truancy, smoking or carrying a weapon. Violators can lose classroom time or become saddled with a criminal record.

Holder asserted that schools should find more constructive ways to address behavioral problems — evidently, even ones that would qualify as criminal.

“Too often, so-called zero-tolerance policies, however well intentioned they might be, make students feel unwelcome in their own schools; they disrupt the learning process,” Holder continued. “And they can have significant and lasting negative effects on the long-term well-being of our young people, increasing their likelihood of future contact with the juvenile and criminal justice systems.”

Approximately two million students are suspended or expelled from secondary schools each year.

“That’s a staggering amount of lost learning time and lost opportunity to provide more meaningful support,” said Duncan.

Many of the suspensions are for nonviolent offenses such as disruption, disrespect, tardiness, and dress code violations.

Duncan asserted, “These are all issues that must be dealt with clearly, effectively and with a sense of urgency when they arise, but I must ask: Is putting children out of school the best solution, the best remedy, for those problems?”

Duncan insists that removing students from classrooms should be reserved as a “last resort” and only



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for serious infractions.

However, critics wonder whether Duncan and Holder have considered the welfare of the other — non-disruptive — students in the classroom who are disturbed and distracted by the behavior of the offending students.

Education Next [reports](#) on the impact of disruptive students on the rest of the students in the classroom, referring to a Public Agenda survey showing that 85 percent of teachers and 73 percent of parents agreed that the “school experience of most students suffers at the expense of a few chronic offenders.” The study revealed the following:

Our results indicate that troubled students have a statistically significant negative effect on their peers’ reading and math test scores. Adding one troubled student to a classroom of 20 students results in a decrease in student reading and math test scores of more than two-thirds of a percentile point (2 to 3 percent of a standard deviation). The addition of a troubled peer also significantly increases misbehavior of other students in the classroom, in effect causing them to commit 0.09 more infractions than they otherwise would, a 16 percent increase. These are effects that could accumulate over time if the same students are repeatedly exposed to troubled peers.

Findings such as these suggest that it may be appropriate to remove students guilty of nonviolent infractions from the classroom, contrary to the view of Duncan and Holder. But regardless of how disciplinary problems should or should not be handled in public schools throughout America, does it make any sense whatsoever for the federal government to interject itself into how local schools handle disciplinary matters?

Decades of federal intervention in education has not translated into better public schools, either academically or socially. In fact, in this author’s experience as an educator in the public school system, federal involvement, particularly in relation to school disciplinary procedures, has undermined teacher authority and fails to effectively regulate student behavior in the classroom.

Several years ago, I had a student in my classroom who used vulgar and disrespectful language in response to my efforts to redirect his attention to his schoolwork. I issued the student a referral and sent him to the principal’s office, fully expecting him to serve at least one full day of in-school suspension. To my surprise, he was back in my classroom the very next day. When I questioned the school administrators about the student’s return to the classroom, I was told that our school had come dangerously close to reaching its maximum allowable referrals that school year, which risked some of our federal funding. Meanwhile, that disrespectful student caught on very quickly to the realization that his bad behavior would not be properly punished, and continued to serve as a disruption for the remainder of that school year. For Duncan and Holder, it seems, this is a better solution than having a disruptive student pulled from the classroom.

But Duncan and Holder are not merely concerned with students missing out on classroom time. They are fixated on figures that they perceive to show racially discriminatory methods of discipline, and they view their guidelines as the remedy to the problem — despite the fact that the federal government does not have any constitutional authority to interject itself into the education sector. According to findings they presented, black students without disabilities were more than three times more likely than other students to be expelled or suspended, even though black students comprised only 15 percent of students in the data collection. Government civil rights data from 2011-2012 show that black students comprise more than one-third of students suspended once, and 44 percent of them were suspended



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more than once.

Overall, more than half the students involved in school-related arrests or referred to law enforcement were either black or Hispanic.

Ironically, their solution to what they perceive as “racism” in school disciplinary measures is in itself racist and discriminatory in that it essentially asks schools to administer discipline differently — based on whether the offender is categorized as a student of color, a student with disabilities, or is considered at-risk. The package of discipline guidelines recommends a series Action Steps for the schools to implement, including: “Train all school staff to apply school discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color, students with disabilities, or at-risk students.”

Provisions such as these continue to encourage schools to view students based on a number of factors outside of the content of their character and their own actions, an inherently discriminatory policy.

Meanwhile, there is evidence that the presence of disruptive students in the classroom has a disproportionate impact on students of different races. The Education Next study referenced above found:

Results of examining the differential effects of peers from troubled families by race and gender show relatively large negative and statistically significant test-score effects on white boys and statistically insignificant effects on black boys, black girls, and white girls. Adding one troubled peer to a classroom of 20 students reduces white boys’ reading and math scores by 1.6 percentile points and black boys’ reading and math scores by 0.9 percentile points (the effects on girls are negligible). Troubled peers increase disciplinary problems for all subgroups except for white girls. The effects are largest for black girls. One troubled peer added to a classroom of 20 students increases the probability that a black girl commits a disciplinary infraction by 2.2 percentage points (an increase of 10 percent over what would otherwise be the case).

Of course, it does not follow that any such disparities are the result of racism or that the remedy is to apply disciplinary policies differently, based on the color of one’s skin. As indicated above, judging students by their skin color is itself inherently discriminatory — despite the politically correct claims that such race-based policies are needed to eliminate discrimination.

Racial disparities can be detected in anything, as shown by the findings above, if one has an eye for it, but they should not be a determining factor in how students are punished (or rewarded) for the simple reason they we should all be viewed as individuals and judged on the basis of our own characters and actions.

In the guidelines announced by Holder and Duncan, the Obama administration recommends that schools train their personnel in classroom management and conflict resolution. The recommendations issued by the U.S. Department of Education in its “Guiding Principles” document include:

- “Promote social and emotional learning to complement academic skills and encourage positive behavior”;
- “Provide regular training and supports to all school personnel — including teachers, principals, support staff, and school-based law enforcement officers — on how to engage students and support positive behavior”; and
- “Use proactive, data-driven, and continuous efforts, including gathering feedback from families,



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students, teachers, and school personnel to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences”

The guidelines also ask schools to establish procedures to distinguish between the various types of disciplinary infractions and how they should be appropriately handled, and to collect and monitor data taken by security or police officers to ensure nondiscrimination — as if school officials are not already burdened by an abundance of paperwork.

The guidelines are insulting as they assume that most schools do not already do these things, but just a cursory glance at any school’s paperwork, mission statements, procedures, or even their support staff would suggest otherwise.

Likewise, the *Washington Post* reports that the changes may be costly, as the administration will be proposing \$50 million in grants to over 1,000 schools to train teachers on these strategies. Once again, the federal government is attempting to throw money at a problem, even as there is historical proof that increasing funding to public schools has not improved anything.

Currently, the guidelines are nonbinding, but whether they will remain so is another story.



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