

Race, Disability and School Discipline

Harold Jordan

American Civil Liberties Union

Nationwide Education Equity Coordinator

hjordan@aclupa.org

March 20, 2025





The Big Picture

- Confluence between race, disability, and all forms of punishment and exclusion from schools is strong (profound), esp. for Black students (and in some places, other students of color)
- For Black students, this connection is strong at every level of schooling, from pre-school through 12th grade.
- Black students are over-diagnosed for some disabilities (emotional disturbance), underdiagnosed (autism and dyslexia), and misdiagnosed (both for specific disabilities, but also for traumatic experiences that may require/deserve other types of support)



Consequences

- Inappropriate and inadequate services
- Referrals to police or other forms of school exclusion
- Aversive behavioral interventions that harm health or safety of a student, such as corporal punishment, inappropriate use of physical or mechanical restraints, and seclusion



BREAKING IT DOWN

- ✓ **Lessons from the world of discipline** 
- ✓ **Lessons about Race and Discipline**
- ✓ **Disability, Race and Discipline: What Does the Data Tell Us**
- ✓ **Significant Disproportionality**
- ✓ **Disability, Race, Gender and Arrests – Trends**
- ✓ **Causes and Considerations**



Impact of popular school safety measures

- 1 DISPARITIES by race, disability, and sometimes gender
- 2 HARSH PUNISHMENT for minor misbehaviors
- 3 Use of FORCE or threat of force against students
- 4 NEGATIVE SOCIAL AND ECONOMIC consequences
- 5 FAILURE to make schools safer and more orderly
- 6 CONTACT with the justice system and a RECORD

Discipline in the Modern Era

Key Takeaways

- Policies which may sound reasonable are implemented in ways that are harmful and don't solve the problems they claim to solve.
- Poor investment of resources – Don't address student needs
- Decisions about safety are often driven by one incident (not everyday reality), popular perceptions about crime, disorder, and negative attitudes about young people
- Culture of Punishment becomes established
- Failure to address the root causes
- Increasingly these policies make some young people feel unwelcome in schools, not supported, or attacked

BREAKING IT DOWN



- ✓ **Lessons from the world of discipline**
- ✓ **Lessons about Race and Discipline** 
- ✓ **Disability, Race and Discipline: What Does the Data Tell Us**
- ✓ **Significant Disproportionality**
- ✓ **Disability, Race, Gender and Arrests – Trends**
- ✓ **Causes and Considerations**



Resource on Confronting Racial Discrimination in Student Discipline

**U.S. Department of Education
Office for Civil Rights**

**U.S. Department of Justice
Civil Rights Division**

May 2023



Note: This resource has been removed from Ed's website and archived on the DOJ site, with a note that it may be out of date.



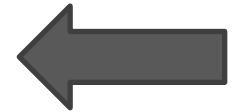
Patterns of Race and Discipline

- ✓ More frequent punishment for infractions that are subjectively measured — such as disorderly behavior — and for low level infractions, compared to white students.
- ✓ Harsher punishment for the same infraction. Consistently, race has been found a factor when Black students are compared to other students who have the same disciplinary records or who committed the same infraction.
- ✓ Using exclusionary interventions, such as removal from class or school, on Black students compared to white students who are found to have committed the same infractions.
- ✓ A tendency to call the police when Black students are involved, compared to white students.
- ✓ Failure by school officials to offer legitimate non-discriminatory reasons for disciplinary actions taken against Black students.
- ✓ Poor administration of discipline systems, including providing incorrect data (which often understates the impact on Black students), as well as a tendency to violate proscribed discipline procedures.



BREAKING IT DOWN

- ✓ **Lessons from the world of discipline**
- ✓ **Lessons about Race and Discipline**
- ✓ **Disability, Race and Discipline: What Does the Data Tell Us**
- ✓ **Significant Disproportionality**
- ✓ **Disability, Race, Gender and Arrests – Trends**
- ✓ **Causes and Considerations**



Disability, Race, and Discipline

What Does the Data Tell Us

1. Students with Disabilities* are disciplined at much higher rates than others
 - 17% of students, but 29% of students suspended and 24% expelled
2. Black Students with Disabilities** are disciplined at the highest rates
 - 13.34 % of SWD, but 35.96% of disciplinary removals
3. Black Students with Disabilities** are removed from school for longer periods of time.
 - 40.19 % removed for greater than 10 days

*Includes IDEA and 504 only **IDEA

DISCIPLINARY REMOVAL OF SWD BY DAYS REMOVED AND RACE – 2019-2020

	Enrollment	Total	1 day	2-10 days	>10 days
INDIAN/ALASKAN	1.09	1.13	1.23	1.23	1.33
ASIAN	3.82	.50	.8	.6	.36
BLACK	13.34	35.96	27.46	33.87	40.19
LATINX	23.44	20.41	21.65	20.6	21.20
HAWAII/PACIFIC	.32	.24	.27	.31	.40
TWO OR MORE	6.34	5.38	5.27	5.26	5.0
WHITE	51.65	36.39	43.32	38.13	31.54
	100%	100%	100%	100%	100%

Source – IDEA Section 618 annual data


Black students tend to be:

- **Over-diagnosed** for some disabilities (emotional disturbance),
- **Underdiagnosed** for others (autism and dyslexia),
- **Misdiagnosed** both for specific disabilities, but also for traumatic experiences that may require/deserve other types of support

	ENROLLMENT	DISCIPLINE
SPECIFIC LEARNING DISABILITIES	37%	36%
OTHER HEALTH IMPAIRMENTS	16%	27%
EMOTIONAL DISTURBANCE	5%	18%*
INTELLECTUAL DISABILITIES	7%	5.45%*
AUTISM	10%	4.45%*
SPEECH OR LANGUAGE	17%	4.28%

* RACE/ETHNICITY IS A MAJOR FACTOR

BREAKING IT DOWN

- ✓ **Lessons from the world of discipline**
- ✓ **Lessons about Race and Discipline**
- ✓ **Disability, Race and Discipline: What Does the Data Tell Us**
- ✓ **Significant Disproportionality** 
- ✓ **Disability, Race, Gender and Arrests – A Case Study**
- ✓ **Causes and Considerations**

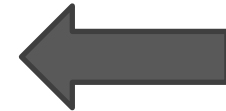
“Significant Disproportionality”

Certain racial/ethnic groups identified for special education, placed in more restrictive environments, and disciplined **more harshly than their peers**.

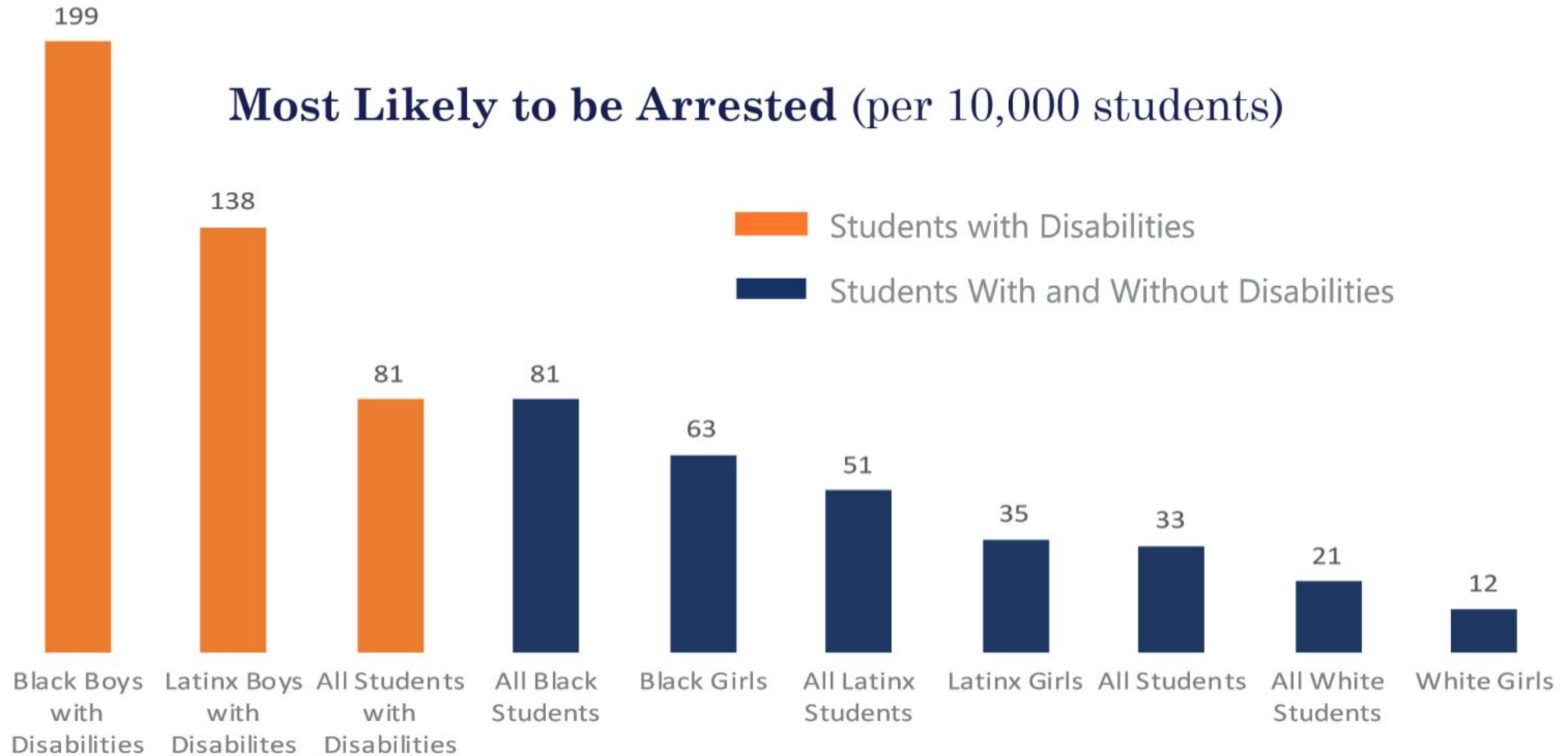
- **Identification** – All students of color, except Asians, are identified at higher rates than Whites. Most pronounced for Black/Latinx students, even controlling for income.
 - For Black students, Emotional Disturbance and Intellectual Disabilities are most dramatically overrepresented – 2x white students
 - Overrepresentation by race/ethnicity is greatest for disabilities that are more subjectively measured (no clear root cause or objective test), where identification depends on the judgment of the assessor.
- **Placement** – Black, Latinx, Indigenous are less likely to be placed in Least Restrictive Environment or general education; differential outcomes
- **Discipline** – OSS, disciplinary removals, involvement of police, mechanical restraints.
 - All students of color, except Asians, are more likely to be disciplined than white students.
 - A Black boy with disability is more likely to be suspended or arrested than any other student; and more likely to be mechanically restrained.

BREAKING IT DOWN

- ✓ **Lessons from the world of discipline**
- ✓ **Lessons about Race and Discipline**
- ✓ **Disability, Race and Discipline: What Does the Data Tell Us**
- ✓ **Significant Disproportionality**
- ✓ **Disability, Race, Gender and Arrests – Trends**
- ✓ **Causes and Considerations**



Who is most affected in Pennsylvania?



Nationwide

- ❑ Race, gender, disability patterns nationally mirror PA patterns. One exception is that the highest rates are among Native Hawaiian/Pacific Island students, driven almost entirely by state of Hawaii.
- ❑ Arrest rates doubled in schools with police present compared to similar schools without police.
- ❑ The association between police presence and increased rates of student arrests held even when controlling for school characteristics that might also be associated with higher rates of arrests and referrals – gang activity, school location, and a measure of school disorder.



July 2024

K-12 EDUCATION

Differences in Student Arrest Rates Widen When Race, Gender, and Disability Status Overlap

<https://www.gao.gov/products/gao-24-106294>

BREAKING IT DOWN

- ✓ **Lessons from the world of discipline**
- ✓ **Lessons about Race and Discipline**
- ✓ **Disability, Race and Discipline: What Does the Data Tell Us**
- ✓ **Significant Disproportionality**
- ✓ **Disability, Race, Gender and Arrests – Trends**
- ✓ **Causes and Considerations**



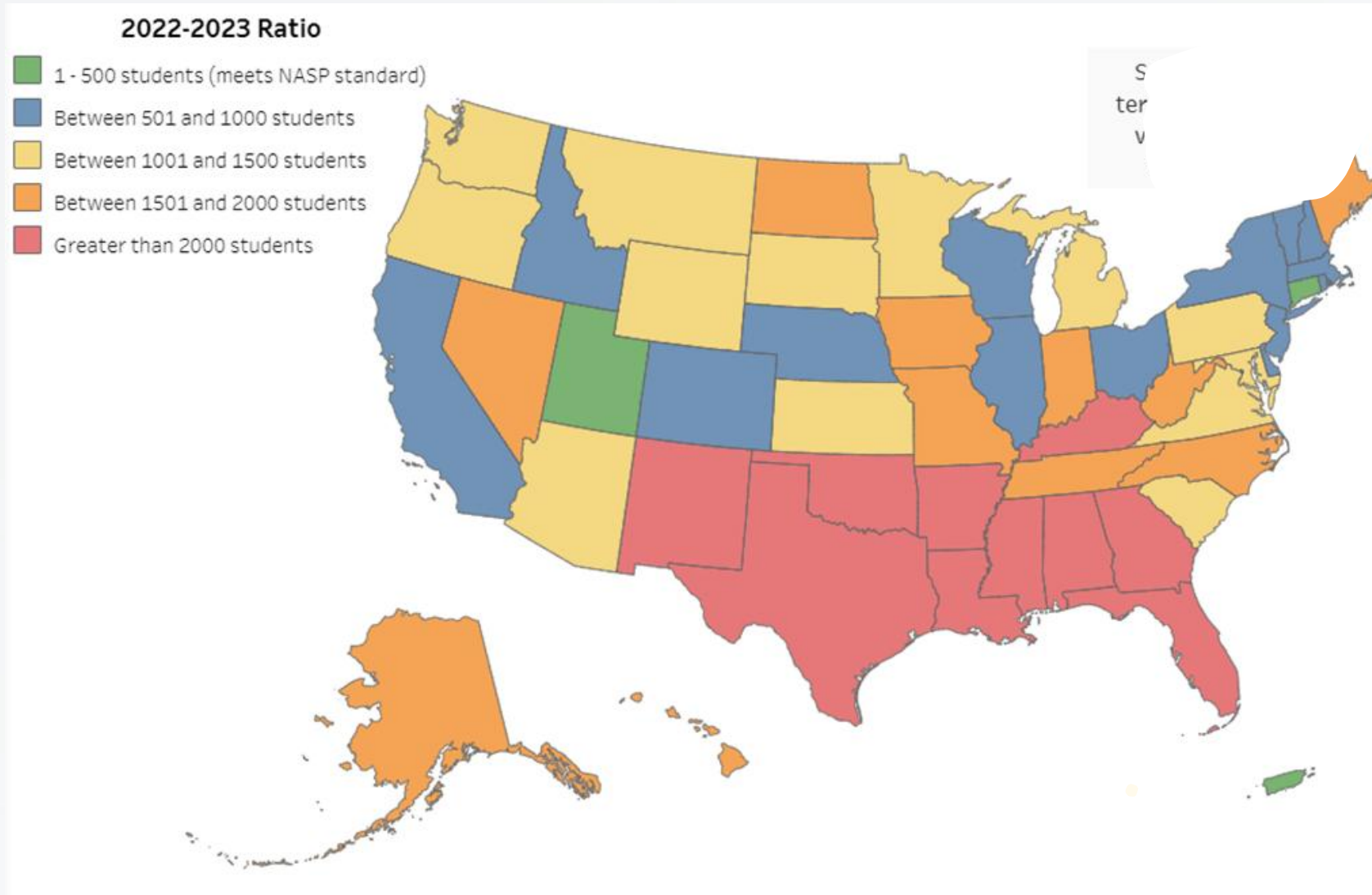


What's Going On

- Failure to provide services, supports, and protections kids are entitled to under IDEA and Section 504
- Growing use of law enforcement, esp. on Black SWD
- Adultification Bias: assumed to be older and more threatening than others; assumed to be less in need of protections traditionally afforded to teenagers
- Implicit and explicit bias
- Misuse of Behavioral Threat Assessment in Schools

STUDENTS-TO-PSYCHOLOGISTS

(Recommended by National Association of School Psychologists— **500:1**)



Pennsylvania
Between 1001 &
1500 students
per school
psychologist



Moving Forward

- **No federal law has changed:** IDEA, Civil Rights Act, Rehabilitation Act, etc.
- **Data exists which has yet to be analyzed:** Section 618 special ed data (state level); Civil Rights Data Collection for 2021-22 SY (released 1/2025, plus data collected by the PA Department of Education.
- **State-level accountability:** pressure state agencies to do their jobs. PA law reinforces schools' responsibility
- **Conduct a self-study at the school or district level:** review data and examine practices
- **Restrict interactions between students with disabilities and law enforcement**
- **Add resources and supports for students:** some school safety funds may be used for alternative interventions



Get in touch

hjordan@aclupa.org

Harold Jordan

