



## Building an Equitable School System for All Students and Educators

### *Section 5*

*Interrupting Racism, Strengthening  
Communities, and Accelerating Student  
Learning: The Need for Restorative Practices  
and Trauma-Informed Schools in Minnesota*



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# The Trauma-Informed, Restorative Schools Team

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**Wendy Waha** has taught in the social studies and Ojibwe language departments at Cloquet Senior High School for the past 20 years. She holds an A.A. degree from Fond du Lac Tribal and Community College. She also holds a B.A. in social studies education and Ojibwe language and culture, with a minor in American Indian studies from the College of St. Scholastica and a master's degree in teaching and learning from St. Mary's University. One of Wendy's parents is a Grand Portage Band member of the Minnesota Chippewa Tribe. She is also a member of the first cohort of Education Minnesota's F.I.R.E. program. She practices her equity advocacy as a restorative teacher, engaging students and staff in both the circle process and restorative chats, as well as dipping her toe in teaching professional development topics on equity and culturally-responsive teaching. In her free time, she spends time on spiritual-development and recovery. She lives in Duluth with her husband Jerry, and enjoys spending time with her three sons, four grandchildren, siblings, sponsor, and friends.



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# Introduction

If a student does not know how to read, we teach the student to read. If a student does not know how to behave, we punish the child. This is the root of the problem. Educators need the agency to tackle the behavioral limitations of students in the same way they confront the academic limitations of students. Allow educators to teach students life skills, both academic and behavioral.

Educators must adopt an anti-racist mindset when thinking about school climate. Being non-racists is not enough. Educators should confront systemic and overt racism at every level.

*- Education Minnesota's Trauma-Informed, Restorative Schools EPIC Team*

In 2017, a team of Education Minnesota members with the Educator Policy Innovation Center released a transformative call for lawmakers to build systems that allow educators and schools to use restorative practices as opposed to the exclusionary interventions (primarily suspensions and expulsions) that fail to make schools safer. In that paper, educators asked for a drastic shift to start repairing decades of harm caused by systemic exclusionary and police-based practices that disproportionately harmed, and continues to harm, students of color, students with disabilities, and students identifying as LGBTQ+. The advisory team also encouraged Education Minnesota to advocate for these changes because current exclusionary practices are feeding a school-to-prison pipeline that fails all students.

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**Educators want more resources, professional development,  
and help implementing alternative disciplinary interventions.**

**Minnesota's elected leaders must heed this call.**

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Educators across Minnesota have called for trauma-informed, restorative practices. From the lobbying agenda of Education Minnesota to new professional development that helps members start the process of building trauma-informed, restorative schools, Education Minnesota is now in the second year of advocating for these changes. However, educators want more resources, professional development, and help implementing alternative disciplinary interventions. Minnesota's elected leaders must provide funding to provide these tools to educators.

Previous members of the original EPIC team on this topic, as well as new members, met to discuss next steps and needed changes to current thinking and outreach. The original paper and the supplementary documents associated with the paper are all free to the public on Education Minnesota's website. The original paper is titled:

*From Exclusionary to Restorative: An Intentional, Trauma-Sensitive Approach to Interrupting Racial Disparities, Reducing Violence, Strengthening Communities, and Accelerating Student Learning.*

We offer this section as an addendum to that work. At times, we will identify exact phrases and sections from the previous paper with appropriate citation. Other times, we will edit previous sections and include old material in a new frame. We also start by making it clear that:

1. This addendum does not contradict or change the central message of our original paper. The EPIC advisory team still supports that important document, but we provide new research perspectives gathered within the past two years in this addendum to build on that work.
2. The paradigm shift we discuss in this addendum and in our previous work about these practices is not one more initiative we hope to add to the agendas of overworked educators. Instead, we stand by our previous argument that we hope to "shift the way educators, schools, and communities think about and respond to student needs and behavior" (Educator Policy Innovation Center, March 2017, p. 78). We offer a new way of living, being, and thinking. We offer a complete reframing of school behavior, climate, and intervention and not an alternative program to replace old practice.



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We strongly believe that Minnesota lawmakers can help schools improve and eradicate both the academic opportunity gaps and the racial discipline gaps by providing the resources educators need to interrupt racism, strengthen communities, and accelerate student learning. Educators trained as restorative practitioners working in trauma-informed schools will build the schools worthy of Minnesota's students. It is time to provide the resources to help educators with this process. Increasing the school safety grants, and expanding them to fund training in trauma-informed, restorative practices would go a long way to providing the support needed to create transformative change.

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# Equity, Student Rights, and Discipline Gaps: School Safety and School Climate in the United States and Minnesota

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**Currently, we have a federal Department of Education that is unwilling to lead on the topics of school safety and school climate. Therefore, Minnesota lawmakers must fill this void by helping educators build schools that (1) fight racism, (2) welcome all students, and (3) accelerate learning, and (4) strengthen communities with non-exclusionary practices.**

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In December 2018, U.S. Secretary of Education Betsy DeVos and the Federal Commission on School Safety released the *Final Report of the Federal Commission on School Safety*. President Donald J. Trump created this commission after the tragic school shooting that took place at Parkland High School in Parkland, Texas in which 17 people lost their lives and another 17 suffered non-fatal injuries. Unfortunately, the lengthy report from DeVos and her colleagues offered very little advice on how to improve school climate for students and educators. Instead, the commission used bad evidence and weak studies to call for the termination of Obama-era reforms aimed at reducing the use of exclusionary interventions in schools. Currently, we have a federal Department of Education that is unwilling to lead on the topics of school safety and school climate. Therefore, Minnesota lawmakers must fill this void by helping educators build schools that (1) fight racism, (2) welcome all students, and (3) accelerate learning, and (4) strengthen communities with non-exclusionary practices.

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**Minnesota consistently ranks near the top of states with the worst racial discipline gaps. In addition, the Minnesota Department of Education regularly reports that disciplinary incidents and the use of exclusionary interventions are both increasing with each academic year.**

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We find the lack of federal leadership particularly troubling because we know:

Exclusionary discipline policies: (1) have not led to safer schools or higher levels of academic achievement, (2) have helped to create and sustain the school-to-prison pipeline, and (3) have created a discipline gap in public schools because students of color, students with disabilities, and LGBTQ+ students are far more likely to face suspension and expulsion for behaviors that, when demonstrated by White students, are met with less severe responses. (Educator Policy Innovation Center, March 2017)

Minnesota consistently ranks near the top of states with the worst racial discipline gaps. In addition, the Minnesota Department of Education regularly reports that disciplinary incidents and the use of exclusionary interventions are both increasing with each academic year. Finally, the Minnesota Department of Human Rights has recently declared the use of exclusionary interventions to be a violation of the state Human Rights Act when one protected class of students receives a disproportionate amount of these interventions.

The most recent federal data also pointed out for the first time “data on the days of lost instruction due to out-of-school suspensions” (Losen & Whitaker, 2018, p. 4). This is the first time federal agencies have accounted for the actual classroom hours students lost due to suspensions and expulsions. Unfortunately, “the Trump administration’s failure to even mention these new data raises concern that they will not pay attention to the serious civil rights issues raised by racially disparate discipline practices” (Losen & Whitaker, 2018, p. 4). Minnesota lawmakers must lead the way to correct these problems for students and educators.

We are past the point of placing blame or pointing fingers. We have always acknowledged that our national affiliates, the American Federation of Teachers and the National Education Association, were early champions of many behavioral interventions we now know to be problematic. In our previous report on this topic, we wrote:

The behavioral intervention problems occurring in Minnesota schools are the direct result of several decades of mandatory policies from the state and federal governments that were supported by well-meaning stakeholders. The over-reliance on exclusion originated from several structural problems. The current crisis is not the fault of a single group, person, or political party. Exclusionary practices were originally endorsed by unions, administrators, parents, and educators. Now, most of these groups have now acknowledged missteps in implementation. Educators, administrators, and politicians want to help students, but they are stifled by a failed system. The solution will require all stakeholders working to remove bad policies and change engrained practices. (Educator Policy Innovation Center, 2017, p. 18)

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Minnesota's schools exist in a racist system rooted in White supremacy. We want to lead by example and offer solutions to the growing school climate crisis rather than place blame.

Researchers and educators have shown us that "exclusionary discipline policies that rely foremost on suspensions and expulsions...have done more damage than almost anyone could have envisioned" (Educator Policy Innovation Center, March 2017). In our previous report, we have three factors that led to the school climate problems in Minnesota. We wrote:

1. Bad policies have trapped educators at the intersections of mandatory disciplinary procedures, a lack of effective professional development and resources, and implicit bias. As a result, current exclusionary disciplinary practices are harmful to students, educators, schools, and classrooms. They magnify harmful racial inequities and fill the school-to-prison pipeline.
2. Budget cuts have resulted in fewer support services, burgeoning class sizes, and less professional development. This means educators do not have the resources to prevent problematic behaviors.
3. Well-intended, anti-weapons policies have morphed into mandatory, severe punishments for even minor infractions. No Child Left Behind, and other unfunded, failed federal mandates, have accelerated the use of exclusionary interventions rather than offering better alternatives. (Educator Policy Innovation Center, 2017)

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**Our current policies have not built safe schools, so it is time to dismantle the system and build an equitable future for all students.**

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Minnesota's lawmakers can reverse these trends. We will discuss "appropriate, research-backed approaches to student behavior that Minnesota can adopt in place of exclusionary policies...to interrupt racial disparities, reduce violence, and accelerate student learning" (Educator Policy Innovation Center, March 2017). In what follows, we advise Minnesota lawmakers to fund the building of trauma-informed schools staffed by educators trained in restorative practices. We make this case by:

1. Introducing key terms associated with school climate and the discipline gap.
  2. Defining the scope of the problem at the national and state level.
  3. Discussing the link between adverse childhood experiences (ACEs) and school climate.
  4. Offering examples of successful shifts toward restorative practices and trauma-informed schools.
  5. Providing state resources to help educators.
  6. Offering policy solutions for lawmakers.
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**"To divest from punitive policies—to cease practices of suspension and expulsion—I argue, quite simply, that we have no other promising choice."**

**Lisbet Simmons, PhD**

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It will take a long time to correct the damage created by problematic behavioral interventions. However, the payoff is worth it. We embrace the comments of Simmons (2017) who wrote, "To divest from punitive policies—to cease practices of suspension and expulsion—I argue, quite simply, that we have no other promising choice" (Simmons, 2017, p. 23). Our current policies have not built safe schools, so it is time to dismantle the system and build an equitable future for all students.

# Gratitude to the Indigenous Peoples of North America, and Especially Those of Minnesota

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**We currently occupy Native land, and we will soon be referring to practices developed by the people of the First Nations of North America.**

**We must honor, recognize, and always acknowledge that restorative practices are a gift from communities of people who have often been the victims of historic trauma imposed by White Americans.**

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In the remainder of this document, we will discuss several restorative practices educators might use to change school climates. However, these practices are part of a rich tradition that pre-dates all immigrants to North America. We currently occupy Native American land, and we will soon be referring to practices developed by the people of the First Nations of North America. We must honor, recognize, and always acknowledge that restorative practices are a gift from communities of people who have often been the victims of historic trauma imposed by White Americans. Nancy Riestenberg (2012), a respected expert on restorative practices, has reminded educators that the circle process, a common restorative practice in schools, came from “ancient, unbroken indigenous wisdom” (p. 216). The circle, as it relates to restorative practices, represents the “spiritual values of Indigenous Peoples in North America—values such as respect, honor, compassion, forgiveness, and generosity” (Riestenberg, 2012, p. 119). We acknowledge the traditions from which many of the practices we discuss originated. This process is a gift from Indigenous peoples, and we acknowledge this to further step toward repairing systemic harms caused across several generations.

# Important Terms Associated with School Climate and Behavioral Interventions

We use a lot of education terminology in the following pages. Many of the terms we use carry several meanings depending on the context in which they are used. In this section, we clarify what we mean by each term.

## 1. EXCLUSIONARY PRACTICES

An exclusionary practice is a behavioral intervention tied to the failed zero-tolerance policies of the past. Suspensions and expulsions are the most common forms of these punishments. Cruz and Rodel (2018) defined an exclusionary practice as an intervention “that involves removing a student from school for violating the school district’s adopted code of conduct for expected behaviors” (p. 226). Scholars have consistently found that exclusionary practices decrease academic achievement and increase the likelihood that a student will end up involved with the criminal justice system (Cruz & Rodl, 2018, p. 226).

## 2. SCHOOL-TO-PRISON PIPELINE/CRADLE-TO-PRISON PIPELINE

In our previous reports, we have defined the school-to-prison pipeline as “the punitive pathways that move many Minnesota students out of classrooms and into the criminal justice system” (Educator Policy Innovation Center, March 2017, p. 38). We support the work of Heitzig (2009) who defined this term as a system of “tracking students out of educational institutions, primarily via zero tolerance policies, and tracking them directly and/or indirectly into the juvenile and adult criminal justice systems” (p. 1).

Researchers have proven that students who are “excluded from school are less likely to complete their high school education and more likely to become involved in the juvenile justice system” (Kafka, 2011, p. 126). We have previously argued that “when schools turn to the criminal justice system to respond to student behavior, that sets in motion a series of consequences for the student that dramatically change his or her life trajectory” (Educator Policy Innovation Center, March 2017, p. 38).

Most scholars use the terms school-to-prison pipeline or cradle-to-prison pipeline to account for the racist systems built to channel people of color, especially Black people, out of society and into prisons. However, we also recognize the work of scholars, like Lizbet Simmons, who challenge this term because “the disciplinary dynamic in schools is neither so linear nor so unidirectional as the pipeline analogy would suggest. Schools and prisons do not sit on opposite sides of a metaphorical path, and the criminal justice system is not merely at the end of the pipeline—it is implicated all along the way” (Simmons, 2017, p. 4).

We believe that “to understand the relationship between racialized school failure and racialized incarceration, it is necessary to look beyond the surface of school disciplinary policy and examine the historical context of racial oppression” (Simmons, 2017, p. 5). Simmons (2017) reminded all educators and researchers that, “the social, political, economic, racial, and gendered dynamics at the root of these phenomena remain intact, in spite of efforts to dismantle the pipeline,” so it is important to “pay attention to the underlying conditions in the campaign for educational equality” (Simmons, 2017, p. 5).

### 3. TRAUMA-INFORMED PRACTICES (TIP)

Trauma-informed practices refer to lenses of understanding rooted in the connections between childhood trauma and brain development. All trauma-informed practices build greater understandings of how adverse childhood experiences (ACEs) change levels of toxic stress in human beings. Educators and health professionals will use a TIP to understand how brain chemistry triggers both voluntary and involuntary responses in human beings.

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#### 4. RESTORATIVE PRACTICES (RP)/RESTORATIVE JUSTICE (RJ)/RESTORATIVE SCHOOL (RS)

Restorative justice is not a program or field of study. Instead, it is a philosophy restorative practitioners use to approach the world. Restorative justice philosophy originated with North American Indigenous peoples, and it got a boost from successful implementation in the criminal justice system in the United States. Restorative practices are methods used to live in accordance with the principles of restorative justice.

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**Restorative practices offer schools and districts the opportunity to reimagine their thinking around discipline and justice. In a restorative setting, far greater attention is paid to community building and engaging all students and staff in the school community.**

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We have previously argued,

Restorative practices offer schools and districts the opportunity to reimagine their thinking around discipline and justice. In a restorative setting, far greater attention is paid to community building and engaging all students and staff in the school community. This is a paradigm shift from thinking about justice or discipline as a means of social control or a reaction to misbehavior to thinking about justice and discipline as mechanisms of building communities and teaching accountability. (Educator Policy Innovation Center, March 2017, p. 12)

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**Restorative justice is a way of being, restorative practice is a method used to live in accordance with restorative justice principles, and a restorative school is a place of learning staffed by qualified, trained restorative justice practitioners.**

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Image 5.1, from the Minnesota Department of Education, shows the importance community plays in the creation of a school community. For us, restorative justice is a way of being, restorative practice is a method used to live in accordance with restorative justice principles, and a restorative school is a place of learning staffed by qualified, trained restorative justice practitioners.

IMAGE 5.1: BASIC ELEMENTS OF A RESTORATIVE SCHOOL



*Reproduced from (Beckman & Riestenberg, p. 11).*

## 5. IMPLICIT BIAS

Implicit bias refers to the subconscious stereotypes and scripts about people, behaviors, situations, and environments that everyone carries. In education, educators may exhibit inconsistent use of certain behavioral interventions due to these subconscious biases. Educators' implicit biases may also contribute to discipline disparities.

Cook et al. (2018) have argued, "Implicit bias refers to discriminatory biases that operate outside of conscious awareness and attentional focus but nevertheless can result in inaccurate, unwise, or unjust responses toward particular individuals" (p. 136). They also confirmed, "research has shown that implicit biases render people's decision making vulnerable and can produce behavior that departs from a person's endorsed beliefs" (Cook, et al., 2018, p. 136).

Researchers with the American Bar Association (ABA) (2018) synthesized several studies on implicit biases and reported:

- Implicit biases are measurable by social psychology and neuroimaging.
- Implicit biases are "pervasive."
- Implicit biases are different from what we self-report.
- Implicit biases may "become activated automatically, without a person's awareness or intention, and can meaningfully influence people's evaluations and judgments."
- Implicit biases are often dissociated from what a person actively and honestly believes or endorses.
- Implicit bias may cause a person to believe some youth are more threatening than others.
- Implicit biases can cause misremembering. (Task Force on Reversing the School-To-Prison Pipeline, 2018, pp. 16-17)

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**“Even individuals who profess egalitarian intentions and try to treat all individuals fairly can still unknowingly act in ways that reflect their implicit—rather than their explicit—biases.”**

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Everyone has implicit biases. Staats (2015) has noted, “even individuals who profess egalitarian intentions and try to treat all individuals fairly can still unknowingly act in ways that reflect their implicit—rather than their explicit—biases.” She also commented:

the unwavering desire to ensure the best for children is precisely why educators should become aware of the concept of implicit bias: the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Operating outside of our conscious awareness, implicit biases are pervasive, and they can challenge even the most well-intentioned and egalitarian-minded individuals, resulting in actions and outcomes that do not necessarily align with explicit intentions. (Staats, 2015)

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**“Implicit biases are pervasive, and they can challenge even the most well-intentioned and egalitarian-minded individuals, resulting in actions and outcomes that do not necessarily align with explicit intentions.”**

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All educators must start by taking inventory of their own biases. It is also important to remember, “Initial research has indicated that brief training in awareness of implicit biases and use of alternative strategies can reduce the effects of implicit bias” (as cited by Cook, et al., 2018, p. 136).

## 6. DISPROPORTIONALITY

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**“African-American students comprised only sixteen percent of the student population during the 2011-2012 school years, but they represented thirty-two percent of students who received an in-school suspension; thirty-three percent of students who received one out-of-school suspension; forty-two percent of students who received more than one out-of-school suspension; and thirty four percent of students who were expelled” (Task Force on Reversing the School-To-Prison Pipeline, 2018, p. 6).**

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We measure the discipline gap by looking at the “difference between a group’s representation in the population at large and its over or under representation in specific areas” (Task Force on Reversing the School-To-Prison Pipeline, 2018, p. 6). Researchers with the ABA (2018) clarified the meaning of disproportionately by writing:

African-American students comprised only sixteen percent of the student population during the 2011-2012 school years, but they represented thirty-two percent of students who received an in-school suspension; thirty-three percent of students who received one out-of-school suspension; forty-two percent of students who received more than one out-of-school suspension; and thirty four percent of students who were expelled. During that same time frame, African-American students represented twenty-seven percent of the students who were referred to law enforcement, and thirty-one percent of students who were subject to a school-based arrest. In addition, although African-American children represented eighteen percent of preschool enrollment, they represented forty-eight percent of the preschool children who received more than one out-of-school suspension. (p. 6)

The ABA (2018) researchers also pointed out that we often discuss this term in relation to African-American students but “the problem is not limited to this group. Operative variations and disproportionalities exist within each broad category and across geographical areas” (Task Force on Reversing the School-To-Prison Pipeline, p. 6). Scholars have not studied disproportionality in discipline referrals among other demographic categories as much as they have for Black students. Scholars have also given even less attention to the intersectionality of demographic categories. For example, we know very little about how disproportionality harms Black students who identify as lesbian or Native American students with disabilities.

# Defining the Discipline Gap: A Look at National and Statewide Statistics

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**Lawmakers need to stop the unequal use of behavioral interventions that remove students from schools and harm communities.**

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In 1975, the Children's Defense Fund became one of the first organizations to draw attention to the disproportionate use of exclusionary interventions with students of color (Children's Defense Fund, 1975). From that point, scholars and activists have continued to confirm this disparity in a litany of federal reports, agency briefs, advocacy papers, and social scientific, peer reviewed research studies. Unfortunately, some organizations, and political leaders, still refuse to accept the fact that students of color, students with disabilities, and LGBTQ+ students receive a disproportionate number of exclusionary interventions. However, the data is not on the side of these misguided groups and leaders. Lawmakers need to stop the unequal use of behavioral interventions that remove students from schools and harm communities.

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**"Research on student behavior, race, and discipline has found no evidence that African-American over-representation in school suspension is due to higher rates of misbehavior."**

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In what follows, we present a brief synthesis of research about the disproportionate use of exclusionary interventions. We have cited many of these studies in other publications, but we have also provided new data released after the publication of our previous report. The Office of Civil Rights (OCR) within the U.S. Department of Education is the federal department tasked with tracking data related to school discipline disparities. In March 2018, researchers with the United States Government Accountability Office (GAO) provided an analysis of data supplied in the most recent OCR report from the 2013-2014 school year. In what follows, we point to this most recent data from the federal government. We will also indicate when an author we cite uses a different data set and offers different statistics.

In addition, we want to begin with one important fact about research related to disproportionality in the use of exclusionary interventions. Students of color, LGBTQ+ students, and students with disabilities receive unequal numbers of punitive punishments, but there is no evidence that these demographics of students misbehave more than other students do.

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**As the department recently stated, quite emphatically and unambiguously, “in our investigations we have found cases where African-American students were disciplined more harshly and more frequently because of their race than similarly situated White students. In short, racial discrimination in school discipline is a real problem” (Task Force on Reversing the School-To-Prison Pipeline, 2018, p. 10)**

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Losen (2011) cited the work of Katherine Bradshaw of Johns Hopkins University and other researchers who have confirmed, “research on student behavior, race, and discipline has found no evidence that African-American over-representation in school suspension is due to higher rates of misbehavior” (pp. 6-7). In addition, researchers for the American Bar Association (2018) have also used data from the U.S. Department of Education’s Office of Civil Rights and concluded:

Discipline and other disparities are based on race and cannot be explained by more frequent or serious misbehavior by minority students. As the department recently stated, quite emphatically and unambiguously, “in our investigations we have found cases where African-American students were disciplined more harshly and more frequently because of their race than similarly situated White students. In short, racial discrimination in school discipline is a real problem.” Substantial empirical research corroborates the U.S. Department of Education’s conclusion. (Task Force on Reversing the School-To-Prison Pipeline, 2018, p. 10)

Marginalized students receive harsher punishments that can lead to problematic life trajectories, but we have no proof that they misbehave at higher rates.

In what follows, we synthesize important findings about the racial discipline gap, the discipline gap for students with disabilities, and the discipline gap for LGBTQ+ students.

# The Racial Discipline Gap: By the Numbers

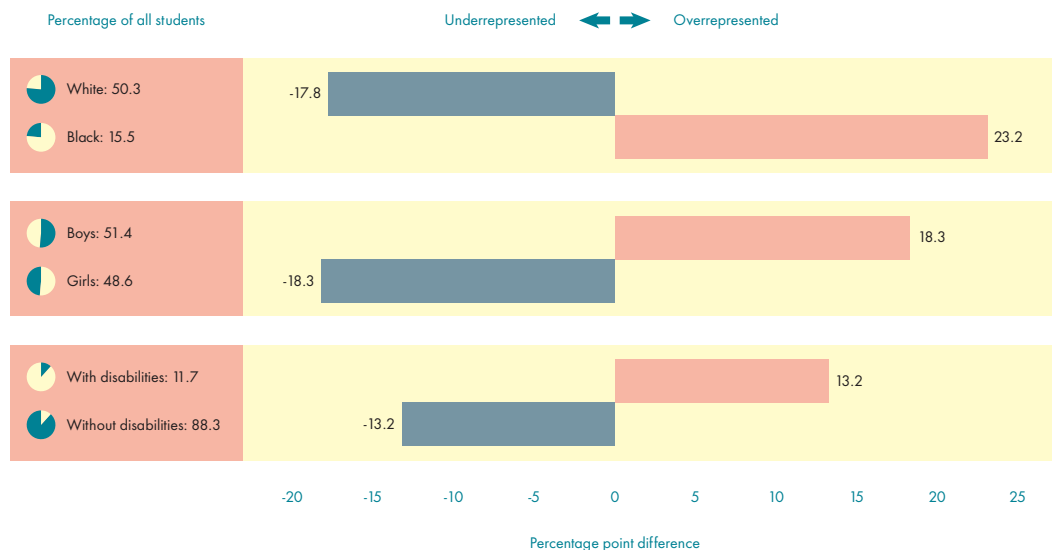
## GENERAL FINDINGS

Figure 5.1 illustrates federal statistics on how many demographic categories of students have experienced a disproportionate number of suspensions as compared to their total share of the overall national, student population. In addition, researchers have found:

- Students of color—particularly Black males—make up the largest proportion of students who receive exclusionary discipline (Cook, et al., 2018, p. 135).
- Black students in particular are disciplined more harshly for less severe and more subjective misconduct such as dress code violations, defiance, and disrespect, while White students are disciplined for more objective offenses such as vandalism or truancy (Cook, et al., 2018, p. 136).
- The GOA (2018) confirmed these findings and wrote, “Black students accounted for 15.5 percent of all public school students, but represented about 39 percent of students suspended from school—an overrepresentation of about 23 percentage points” (Government Accountability Office, 2018).
- Researchers have confirmed a racial bias that harms students of color in the way administrators and schools use suspensions and expulsions (Losen & Gillespie, 2012).
- School suspensions account for approximately one-fifth of Black-White racial differences in school performance (Losen & Whitaker, 2018, p. 4).

**FIGURE 5.1: SCHOOL SUSPENSIONS RATES FOR CATEGORIES OF STUDENTS COMPARED TO SHARE OF STUDENT POPULATION**

Students suspended from school compared to student population, by race, sex, and disability status, school year 2013-14. This chart shows whether each group of students was underrepresented or overrepresented among students suspended out of school. For example, boys were overrepresented by about 18 percentage points because they made up about 51% of all students, but nearly 70% of the students suspended out of school.



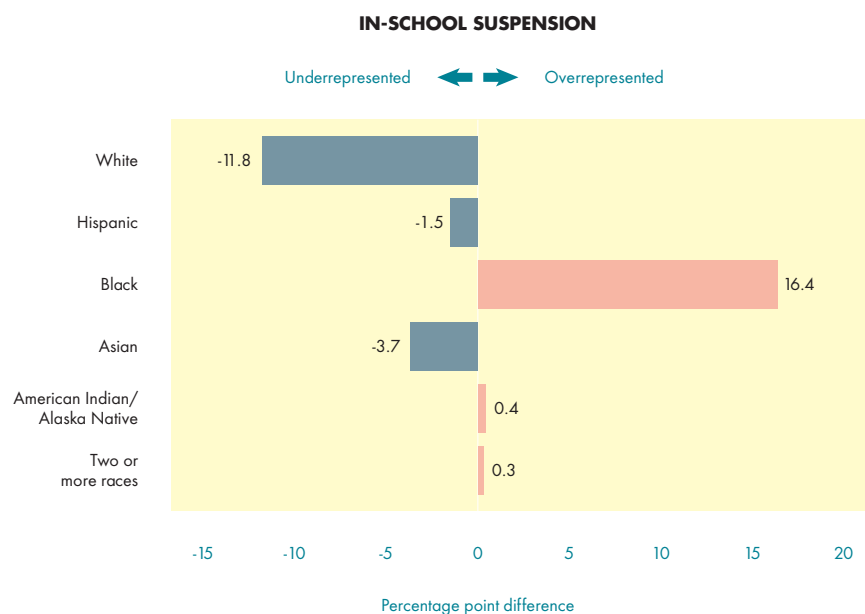
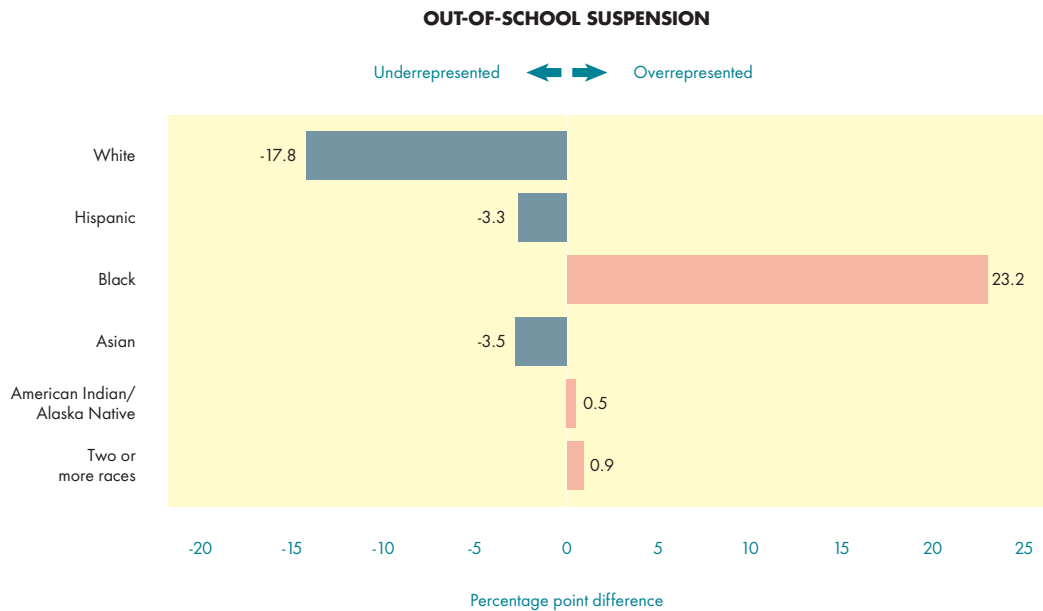
Reprinted from (Government Accountability Office, 2018, March).



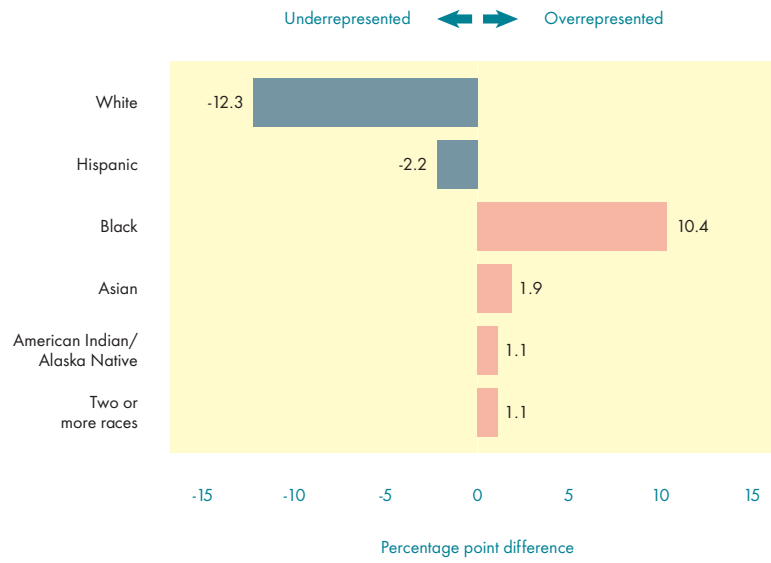
Figure 5.2 also offers six bar graphs that provide a snapshot of how different types of disciplinary actions disproportionately affect various protected classes of students.

### FIGURE 5.2: TYPE OF DISCIPLINARY ACTION AS DISPROPORTIONATELY ASSIGNED TO CATEGORIES OF STUDENTS

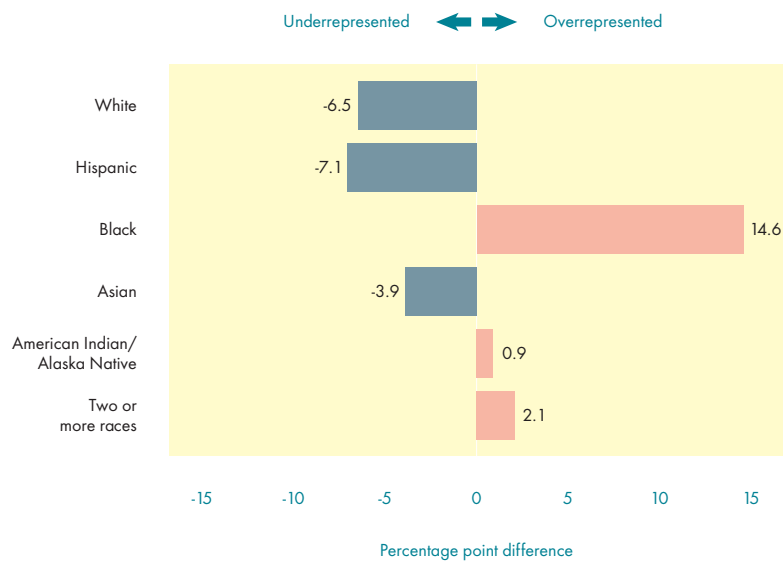
Representation of students who received disciplinary actions compared to overall student population, by student race or ethnicity, school year 2013-14. This chart shows whether each race or ethnicity was underrepresented or overrepresented among students suspended out of school. For example, White students were underrepresented among students suspended out of school by approximately 18 percentage points, as shown in the chart, because they made up about 50% of the overall K-12 student population, but 32% of the students suspended out of school.



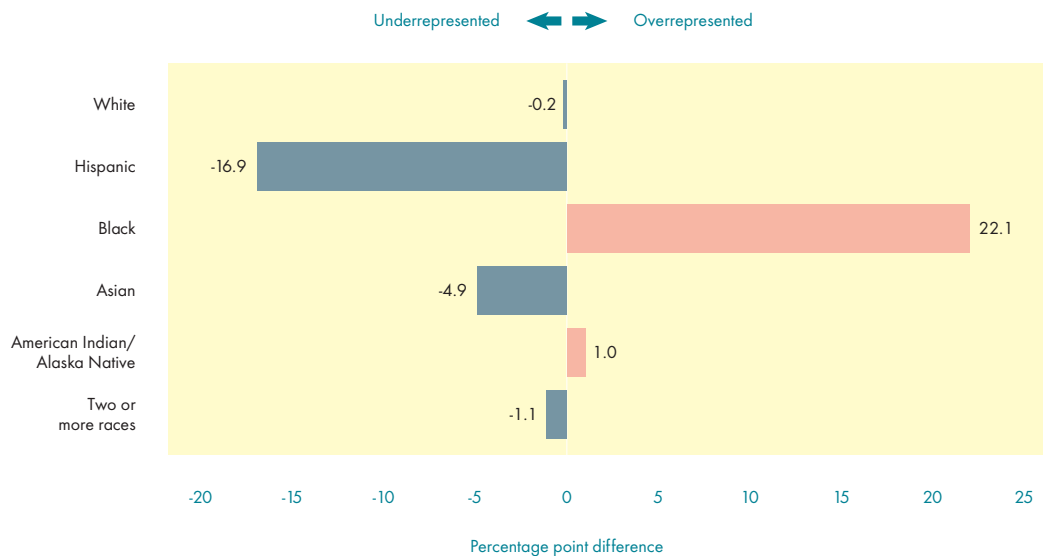
### REFERRAL TO LAW ENFORCEMENT



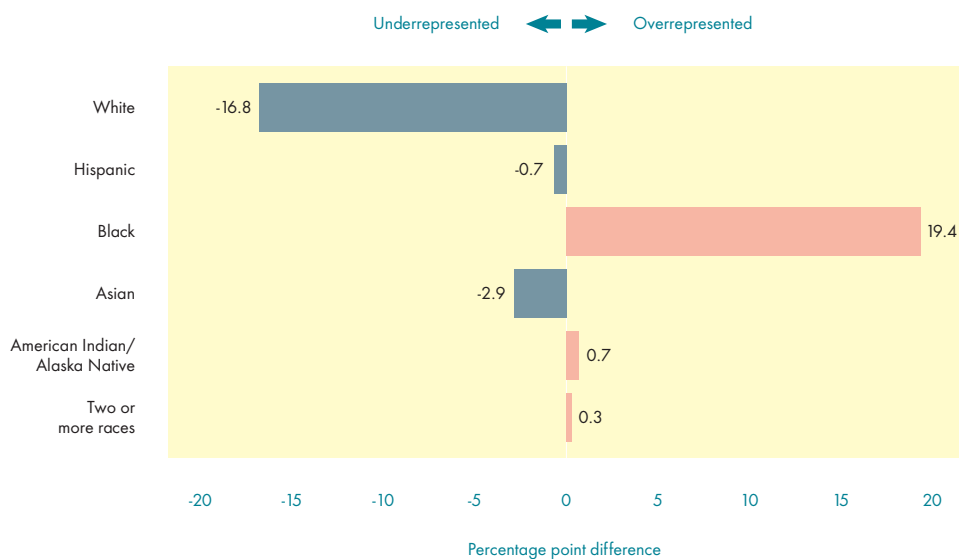
### EXPULSION



### CORPORAL PUNISHMENT



### SCHOOL-RELATED ARREST



*Note: Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination had occurred. Source: GAO analysis of Department of Education, Civil Rights Data Collection. Reprinted from (Government Accountability Office, 2018, March, p. 14).*

## FINDINGS REGARDING BLACK MALE STUDENTS

- “Black males receive suspensions and office referrals at rates two to three times higher than their White peers” (Cook, et al., 2018, p. 136).
- “Young Black males are more likely to be suspended or expelled from schools than any other group” (as cited by Howard, Flenaugh, & Terry, Sr, 2012).
- Researchers with the U.S. government have confirmed “Black students, boys, and students with disabilities were disproportionately disciplined (e.g., suspensions and expulsions) in K-12 public schools” (Government Accountability Office, 2018).

## FINDINGS REGARDING BLACK FEMALE STUDENTS

- The NAACP Legal Defense Fund (NLDF) and the National Women’s Law Center (NWLC) (2014) recently reported:
  - *“African American girls in urban middle schools had the fastest growing rates of suspension of any group of girls or boys.”*
  - *African American females are more likely than other demographics to experience traumatic experiences at young ages.*
- The researchers who conducted Minnesota’s Adverse Childhood Experiences survey confirmed that girls of color report very high incidents of early trauma.
- NLDF and NWLC (2014) have argued that, “responses to African American girls’ allegedly ‘defiant’ or ‘bad’ attitudes typically do not consider the lived experiences of African American girls and the underlying causes of the conduct at issue, including for some girls’ exposure to trauma, violence, abuse, or other toxic stress” (p. 18).
- Black girls were suspended from school at higher rates than boys of multiple racial groups and every other racial group of girls (Government Accountability Office, 2018, p. 14).

## FINDINGS REGARDING LATINX AND BLACK STUDENTS

Welch and Payne (2018) provided a synthesis of several studies in which researchers have concluded:

- “Black and Latino/a students experience more frequent and intense school punishments for the same or lesser offenses than their White peers” (Welch & Payne, 2018, p. 92).
- “Several notable studies chronicle the many ways in which students of color are subject to greater scrutiny, surveillance, and social control...mirroring trends seen in the criminal justice system” (p. 92).
- “Research clearly demonstrates that these racial and ethnic disparities in discipline are not justified by differences in misbehavior or delinquency” (p. 92).
- “Furthermore, minority students experience harsher school punishment regardless of other influences, such as economic disadvantage” (pp. 92-93).
- “Black and Latino/a students are much more likely than White students to receive office referrals for discipline... and be referred to law enforcement...Compared to White students, students of color are also suspended more often for the same or lesser offenses” (p. 93).
- “Expulsion, generally the most severe school penalty, is also more frequently assigned for violations by both Black students and Latino/a students” (p. 93).

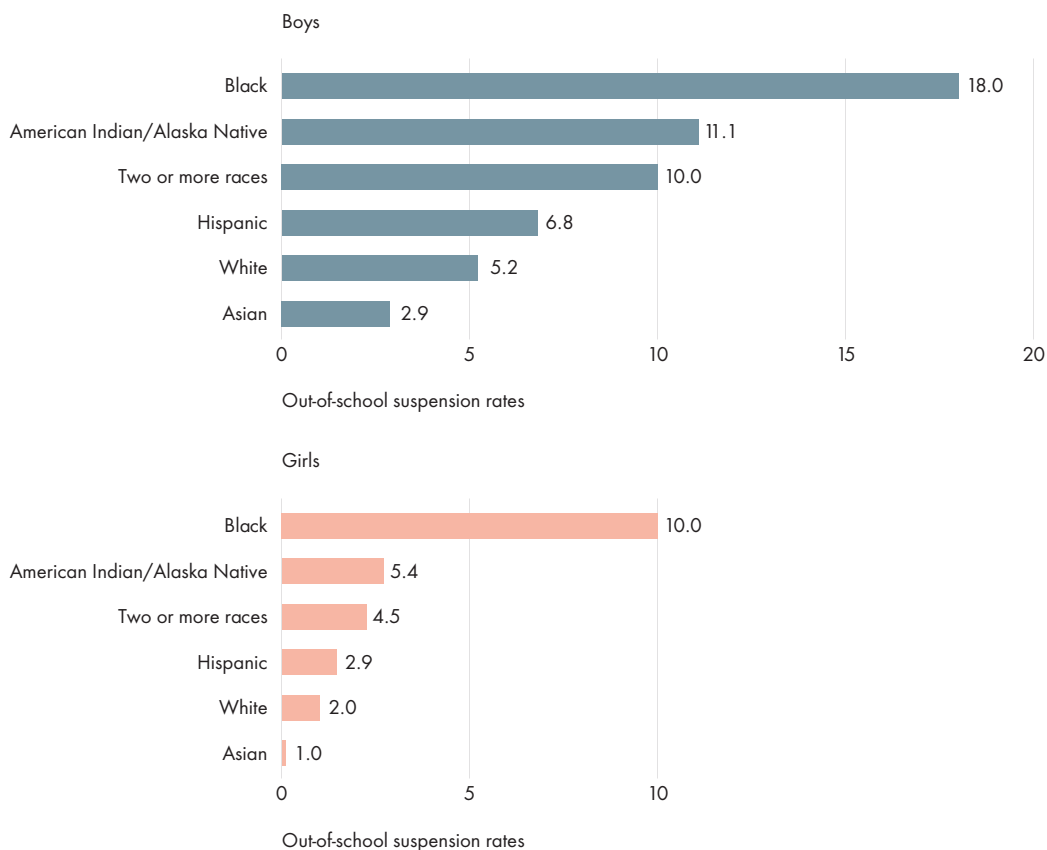
## FINDINGS ABOUT SEX AND DISPROPORTIONALITY

Figure 5.3 illustrates the sex-discipline gap in the use of suspensions.

- “Boys as a group were overrepresented, while girls were underrepresented among students disciplined” (Government Accountability Office, 2018, p. 15).
- “Boys accounted for just over half of all public school students, but were at least two-thirds of students disciplined” (Government Accountability Office, 2018, p. 15).
- Disproportionality by sex “presented as early as preschool” (Government Accountability Office, 2018, p. 15).
- Black boys and girls are “the only racial group[s] [sic] for which both sexes were disproportionately disciplined” (Government Accountability Office, 2018, p. 14).

**FIGURE 5.3: NATIONAL SUSPENSION RATES, DISAGGREGATED BY RACE AND SEX**

*Rates of out-of-school suspensions, by student race or ethnicity and sex, school year 2013-14.*



*Note: Disparities in student discipline such as those presented in this figure may support a finding of discrimination, but taken alone, do not establish whether unlawful discrimination had occurred. Source: GAO analysis of Department of Education, Civil Rights Data Collection. Reprinted from (Government Accountability Office, 2018, March, p. 15).*

## FINDINGS REGARDING PRESCHOOL STUDENTS

- “Disparities in discipline for Black students and boys appeared as early as preschool” (Government Accountability Office, 2018, p. 15).
- “Black students accounted for 19% of all public preschool students, but represented 47% of students suspended from preschool” (Government Accountability Office, 2018, p. 15).
- “Boys were 54% of all public preschool students, but 78% of those suspended from preschool” (Government Accountability Office, 2018, p. 15).

## FINDINGS REGARDING STUDENTS WITH DISABILITIES

- The National Council on Disability (NCD) (2015) reported that “students with disabilities are more than twice as likely to receive an out-of-school suspension (13%) than students without disabilities (6%)” (p. 11). Also, students who qualify for services under the Individuals with Disabilities Education Act (IDEA) account for 25% of “school-related arrests” even though they represent only 12% of the public school population (NCD, 2015, p. 11).
- “Students who receive special education are only 12% of students in this country, but represent 19% of students expelled and 23% of students arrested in relation to school” (Casey, 2014).
- “Students with disabilities (special education and Section 504) represent 14% of students, but nearly 76% of the students who are physically restrained by adults in their schools” (Casey, 2014).
- “Schools suspend students with disabilities at rates that are typically two to three times higher than for their non-disabled peers” (Losen, Hodson, Keith, Morrison, & Belway, 2015, February, p. 6).

## FINDINGS REGARDING LGBTQ+ STUDENTS

LGBTQ+ stands for lesbian, gay, bisexual, transgender, queer, and others. However, many researchers use different abbreviations for these communities. We report a researcher’s findings with the abbreviation they use in their text.

- “Lesbian, gay, and bisexual (LGB) youth, particularly gender-nonconforming girls, are up to three times more likely to experience harsh disciplinary treatment by school administration than their non-LGB counterparts” (Mitchum & Moodie-Mills, 2014, p.2).
- “LGB youth are overrepresented in the criminal justice system; they make up just 5% to 7% of the overall youth population, but represent 15% of those in the juvenile justice system” (Mitchum & Moodie-Mills, 2014, p.2).
- “LGBT youth report significant distrust of school administration and do not believe school officials do enough to foster safe and welcoming school climates” (Mitchum & Moodie-Mills, 2014, p.2).
- “Recognizing that LGBTQ juveniles have higher health risks, a longitudinal study published in the *Journal of the American Academy of Pediatrics* found that, controlling for other variables, non-heterosexual youth were disproportionately subject to sanctions including school expulsion, police stops and arrests, and juvenile convictions, with girls more likely to suffer these differences than boys” (as cited by the Task Force on Reversing the School-To-Prison Pipeline, 2018, January, p. 62).

- The Gay, Lesbian, and Straight Education Network (2016) reported that:
    - *“Nearly half of transgender students (45.2%) and students with another gender identity, i.e., those who were not cisgender, but did not identify as transgender or genderqueer (48.9%), had experienced discipline at school, compared to less than 40% of genderqueer (39.1%) and cisgender female (37.5%) and male (38.4%) LGBTQ students” (p. x).*
    - *“Cisgender LGBTQ students whose gender expression was nonconforming reported higher rates of school discipline: 41.8% compared to 35.6% of gender conforming LGBTQ cisgender youth” (p. x).*
    - *“LGBTQ students who were homeless were more likely to have experienced school-based discipline: 54.0% vs. 46.6% of those living with relatives and 38.5% of those living at a parent/guardian’s home, perhaps due to challenges in attending school or completing schoolwork” (p. x).*
    - *“LGBTQ students who reported having an educational, emotional, or physical disability were more likely to have experienced school discipline: 47.8% compared to 36.9% of LGBTQ students without a disability” (p. x).*
- 

**Students who do not receive suspensions or expulsions also experience diminished academic experiences simply by going to schools in which their peers receive these interventions.**

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We conclude this national picture by also noting that students who do not receive suspensions or expulsions also experience diminished academic experiences simply by going to schools in which their peers receive these interventions. For example, we have previously argued, and again draw attention to the work of Howard, Flenbaugh, and Terry, Sr. (2012) who confirmed, “exclusionary interventions harm all students, not just suspended or expelled students” (Educator Policy Innovation Center, March 2017). In addition, Perry and Morris (2014) have warned that “high levels of out-of-school suspension in a school over time are associated with declining academic achievement among non-suspended students” (Perry & Morris, 2014, pp. 1082-1083). Punitive disciplinary measures harm all students, and lawmakers need to provide the resources to correct these troubling trends.

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**“High levels of out-of-school suspension in a school over time are associated with declining academic achievement among non-suspended students.”**

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**Minnesota lawmakers should be ashamed of the fact that “one out of every five or six Black students is suspended, but only about one out of every forty White students” is suspended and there is NO PROOF that Black children misbehave at higher rates than White students**

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## School Discipline Gaps in Minnesota

Minnesota’s lawmakers should be aware that the disproportionate use of exclusionary practices does not improve when figures are broken down to state level data. Losen and Gillespie (2012) confirmed that Minnesota ranked in the top 10 worst states for suspension differences between Black students and White students (p. 18). Minnesota lawmakers should be ashamed of the fact that “one out of every five or six Black students is suspended, but only about one out of every forty White students” is suspended and there is NO PROOF that Black children misbehave at higher rates than White students (Losen & Gillespie, 2012, p. 20). Also, Losen and Whitaker (2018) confirmed that Minnesota is in the top 10 states for worst disproportionality rates for suspensions and expulsions of Native American students (p. 8).

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**Minnesota’s students cumulatively lost 106,913 days due to exclusionary interventions.**

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Recently, Losen and Whitaker (2018) released a study with the Center for Civil Rights at UCLA and the American Civil Liberties Union. These researchers are the first to report data based on “actual reports from nearly every public school in the nation” rather than estimates (Losen & Whitaker, 2018, p. 2). Losen and Whitaker (2018) have now provided, “vital information to parents, students, educators, advocates, researchers, policy makers and others interested in the impact of discipline disparities on educational equity and opportunity” (p. 2). According to their number, Minnesota’s students cumulatively lost 106,913 days due to exclusionary interventions, and students of color, students with disabilities, and LGBTQ+ students carried more of that loss than other groups. Chart 5.1 draws from Losen and Whitaker’s work and compares Minnesota’s lost instructional time for students to national averages.

**CHART 5.1: LOST INSTRUCTION TIME AS A RESULT OF EXCLUSIONARY INTERVENTIONS, MINNESOTA COMPARED TO NATIONAL TOTALS**

*Lost DOI calculated per 100 students in the 2015-2016 academic year.*

	MINNESOTA	NATIONAL TOTALS
Total lost DOI	106,913	11,360,004
All students (lost DOI)	12	23
Black students (lost DOI)	48	66
Native American students (lost DOI)	40	31
Pacific Islander students (lost DOI)	3	30
Latin(x) students (lost DOI)	16	17
White students (lost DOI)	6	14
Asian students (lost DOI)	3	4
Students with disabilities (lost DOI)	33	44
Students w/o disabilities (lost DOI)	9	20

*DOI refers to "day of instruction." We obtained these figures from (Losen & Whitaker, 11 million days lost: Race, discipline, and safety at U.S. Public Schools, Part 1, 2018, August, p. 8). Orange indicates that Minnesota is "among the 10 worst [states] for Native American students" in the disproportionate use of exclusionary interventions. (Losen & Whitaker, 11 million days lost: Race, discipline, and safety at U.S. public schools, Part 1, 2018, p. 8). These figures were reproduced from (Losen & Whitaker, 11 million days lost: Race, discipline, and safety at U.S. public schools, Part 1, 2018, p. 8)*

In addition to Losen and Whitaker (2018), lawmakers should consider the most recent data from the Minnesota Department of Education's (MDE) (2018) *Dangerous Weapons and Disciplinary Incidents* report. MDE has most recently documented that:

1. "The rates of disciplinary actions are disproportionate when compared to state race/ethnicity demographic percentages: White students comprise 67.1% of all K-12 students enrolled and account for 41.7% of students disciplined, while non-white students make up 32.9% of all K-12 students enrolled but account for 58.3% of all disciplinary incidents" (p.7).
2. "The highest rates of racial/ethnic disproportionality appear to occur for students who are Black (10.7% of all K-12 students enrolled and 32.9% of all disciplinary incidents) and American Indian or Alaskan Native students (1.6% of all K-12 students enrolled and 5.2% of all incidents)" (p. 7).
3. "The discipline data also continue to show a disproportionality between state demographics and student's education type (general education, special education, 504 plan). Half of the K-12 students disciplined (50.9%) are in general education (84.8%), whereas students in special education comprise 13.9% of K-12 enrollment but account for 47.6% of students disciplined" (p. 7).

4. "Among students receiving special education services, students whose primary disability is reported as emotional or behavioral disorder account for 21.5% of disciplinary incidents" (p. 7).

MDE did indicate that "In 2016-17 there was a decrease in both the number of disciplinary incidents and the number of students suspended compared to 2015-16; however, the rate of disciplinary incidents and number of students suspended exceeds the rates observed in 2013-14 and 2014-15" (Minnesota Department of Education, 2018, p. 7). Thus, it would be short sighted to use that data blip to indicate the use of exclusionary interventions is decreasing across the state. In addition, we know that "disruptive/disorderly conduct/insubordination" remains the most common incident type. That category accounts for 35.7% of incidents as compared to objective categories like tobacco use/possession (3%) or alcohol use/possession (1.1%) (Minnesota Department of Education, 2018, p. 9). Moreover, we know students are most commonly caught violating school rules in spaces where Education Minnesota's members work (classroom (45.1%) and hallways (22.2%) (Minnesota Department of Education, 2018, p. 12).

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**A student should not leave a school in handcuffs because  
he or she refused to remove a pair of headphones.**

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We draw attention to these numbers because out-of-school suspension and in-school suspension continue to be the two most common interventions offered to students. However, school districts/educators/administrators cite most students for a very subjective category of "disorderly conduct" which means throwing a chair in one school or failing to take out earbuds in another school. We believe most people would agree these are drastically different acts. We also believe most people would agree that different interventions are appropriate for these very different acts. A student should not leave a school in handcuffs because he or she refused to remove a pair of headphones.

Finally, Minnesota lawmakers should also give attention to the important work of the Minnesota Department of Human Rights (MDHR). MDHR has recently cited several charter schools and traditional public school districts for violating the Human Rights Act of the state because data shows these districts disproportionately suspend and expel students of color and students with disabilities. MDHR used discipline data from the 2015-2016 school year and confirmed:

- American-Indian students were 10 times more likely to be suspended or expelled than their White peers.
- African American students were eight times more likely to be suspended or expelled than their white peers.

- Students of color were twice more likely to be suspended or expelled than their White peers.
- Students with disabilities were twice more likely to be suspended or expelled than their peers without a disability (Minnesota Department of Human Rights, 2019).

These districts have the option to work with MDHR to correct these trends to prevent the department from pursuing legal ramifications. Most of the districts have agreed, and some are doing exciting and productive work. Commissioner Kevin Lindsey, under Governor Mark Dayton, initiated this important program, and we are excited that Commissioner Rebecca Lucero, appointed by Governor Tim Walz, will continue this work.

## Adverse Child Experiences (ACEs) and School Climate

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**Educators need the opportunity to understand the relationship between toxic stress and brain development before they can begin the process of using restorative practices.**

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Several sections of this report have discussed the connection between toxic stress and student behavior. In particular, we point readers to the sections on full-service community schools, teacher preparation, and student support services. However, high ACE scores in children often account for large numbers of misbehaviors. Educators need the opportunity to understand the relationship between toxic stress and brain development before they can begin the process of using restorative practices.

As we have previously reported,

The Minnesota Department of Health (MDH) conducted an ACE assessment of the general population in 2011 ...In Minnesota, 55% of the population reports having one or more adverse childhood experiences. The most common are emotional abuse (28%), living with a problem drinker (24%), separation or divorce of a parent (21%), mental illness in the household (17%), and physical abuse (16%) (Minnesota Department of Health). Of those who have one or more adverse childhood experiences, 60% had two, and 15% have had five or more. (Educator Policy Innovation Center, March 2017, pp. 64-65)

We can use the MDH numbers to determine that “in an average class of 30 students, 16 to 17 will have had one or more adverse childhood experiences, and two to three have had five or more” (Educator Policy Innovation Center, March 2017, p. 68). We also know that some demographics, including Native American students, Black students, Latinx students,

LGBTQ students, and special education students, carry some of the highest ACE scores to school (Educator Policy Innovation Center, March 2017, p. 68). In fact, there are Level IV special education classrooms in Minnesota in which no student has an ACE score of 0.

Scholars with the Minnesota Department of Health (2013) have stressed, “Toxic stress strengthens connections in the parts of the brain that are associated with fear, arousal, and emotional regulation. Additionally, toxic stress negatively impacts the parts of the brain associated with learning and memory” (p. 9). Lawmakers need to realize that people with four or more ACEs are:

- 12 times more likely to attempt suicide.
- 5 times more likely to be beaten or raped.
- 10 times more likely to inject street drugs.
- 7 times more likely to be an alcoholic.
- 2 times more likely to have cancer.
- 2 times more likely to have heart disease.

*\*these numbers are from various sources at (Aces too High, 2014)*

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**Minnesota students carry a lot of emotional trauma to school, and toxic stress produces fight, flight, and freeze responses in kids. These children are often unable to control these responses. Unfortunately, our behavioral intervention systems are designed to catch the student who “fights” (throws a chair, curses an adult), but they fail to catch students who move into “flight” (disappear from activities or school) or “freeze” (sit silently and move away from social and academic interaction with peers and teachers).**

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Minnesota students carry a lot of emotional trauma to school, and toxic stress produces fight, flight, and freeze responses in kids. These children are often unable to control these responses. Unfortunately, our behavioral intervention systems are designed to catch the student who “fights” (throws a chair, curses an adult), but they fail to catch students who move into “flight” (disappear from activities or school) or “freeze” (sit silently and move away from social and academic interaction with peers and teachers). As we have previously advocated, “it is time to make investments that will help curb the mental health crisis in Minnesota schools and classrooms” (Educator Policy Innovation Center, 2017).

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**Educators and administrators need trainings, now widely available, on the prevalence of adverse childhood experiences among our student population, the effects of that toxic stress on the brain, and what that toxic stress looks like in terms of student behavior.**

---

Due to some groundbreaking studies conducted in the last 20 years, we know far more now about what is happening in the brains of many of our students who are mostly likely to exhibit problematic behaviors in school. Educators and administrators need trainings, now widely available, on the prevalence of adverse childhood experiences among our student population, the effects of that toxic stress on the brain, and what that toxic stress looks like in terms of student behavior. The Minnesota Adverse Childhood Experiences (ACEs) study, though conducted on the adult population, provides us with a clear picture of how many of our students have experienced adverse childhood experiences and which groups of our students are most likely to have high numbers of adverse childhood experiences.

## The Process of Successfully Shifting to Trauma-Informed, Restorative Schools

Many detractors might cloud arguments about restorative justice by asking, “What about consequences?” Unfortunately, restorative justice, for some, has a reputation of letting students move through the world without facing consequences. This is a complete mischaracterization of restorative models. A restorative practitioner will include a student in the process of designing consequences and accountability measures. Restorative justice is a model in which students learn to repair relationships. It is new way of conceptualizing how students learn to make amends. In a restorative model, justice is “done with you” and “not to you.”

Minnesota lawmakers need to provide the resources for all educators, which we define as all school staff working with public school children, to receive training in both trauma-informed pedagogy and restorative practices. We mean every teacher, administrator, support professional, custodian, bus driver, and all other personnel. As we stated earlier:

- Trauma-informed practices provide a lens to understand behavior.
- Restorative justice is a way of being.
- Restorative practices are the methods used to live by the values of restorative justice.

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**Educators are best equipped to build equitable systems that meet the needs of their specific student populations. Legislators should provide financial resources for professional development and then allow educators to build systems of support.**

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We also want lawmakers to realize the following truths:

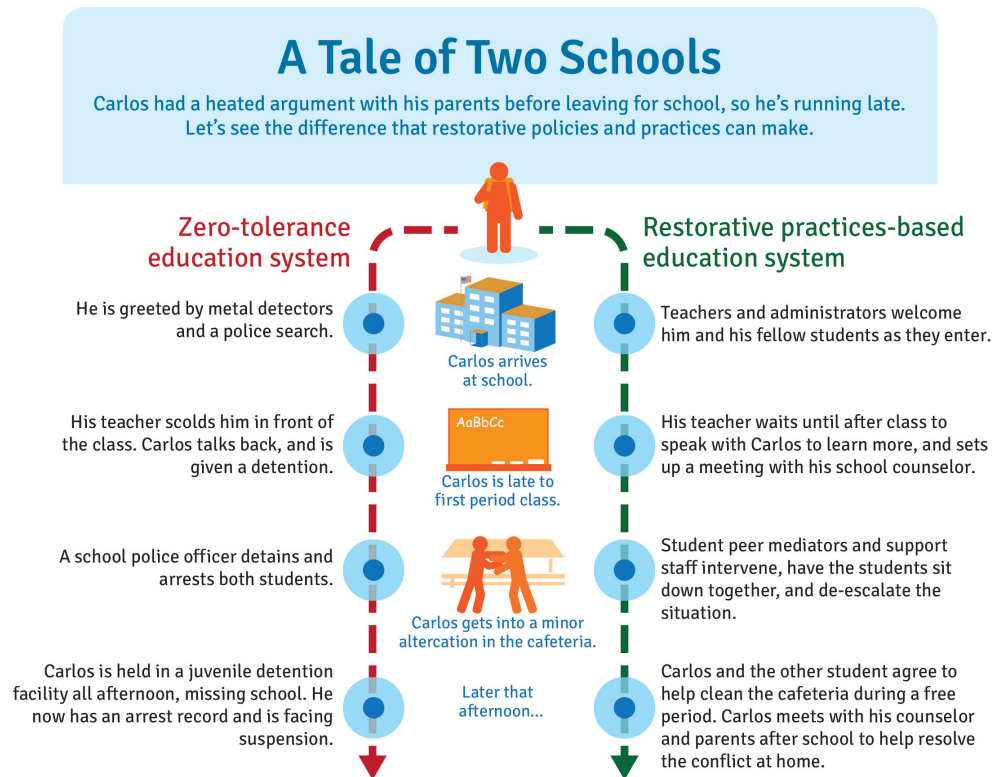
1. Educators must consistently learn and retrain the practices and skills tied to living a restorative justice lifestyle. There is not a single curriculum to master or learn. A true restorative practitioner is constantly learning and improving his or her skills.
2. There are many types of restorative practices. Students in Bemidji, Minnesota will need different interventions than the students in Rochester, Minnesota. Educators are best equipped to build equitable systems that meet the needs of their specific student populations. Legislators should provide financial resources for professional development and then allow educators to build systems of support.
3. These philosophies and practices take time. Most experts predict it takes two to five years for schools to reap the benefits of an authentic restorative shift. Educators in Minnesota need the time to develop and build these systems. Lawmakers eager for quick data about results need to give educators the time to build sustainable systems.

Minnesota has the resources to build restorative schools. Marsh (2017) has defined the elements of RP culture change in school as moving through these steps:

1. Leadership
2. Community Building
3. Relationships
4. Whole School Buy-in
5. Community Agencies
6. Training
7. Sustainability
8. Time (p. 5).

All adults in a building must be on the same page and must hold mutual respect for each other. Image 5.2 provides a nice comparison of how a restorative school can change the day of a single child. Educators need the resources to build these schools for all students in Minnesota.

IMAGE 5.2: EXCLUSIONARY PRACTICES COMPARED TO RESTORATIVE PRACTICES



Reproduced with permission from AFT. Original image from: *Restorative Practices: Fostering Healthy Relationships for Promoting Positive Discipline in Schools* (2014). A report from the Advancement Project, the American Federation of Teachers, the National Education Association, and the National Opportunity to Learn Campaign. Retrieved from <http://schottfoundation.org>.



Lawmakers should know that building restorative, trauma-informed schools is worth the investment. We already know our current systems are failing students and educators. We have previously noted that the districts who have implemented transitions to restorative practices have witnessed:

- A reduction in punitive disciplinary actions and problematic behavior over time.
- Greater respect for teachers and education support professionals across racial and ethnic groups.
- Fewer differences in the number of misconduct/defiance referrals issued to Asian/White and Latino/African-American student groups.
- Increased student connectedness.
- Improved student academic achievement (credit accrual and progression toward graduation).
- Improved school climate. (Educator Policy Innovation Center, 2017)

The St. Paul Public School District has started a very successful pilot project that can serve as a model for many other districts in the state.

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**Restorative schools have seen: a reduction in harmful and violent behavior, increased student respect for teachers and paraprofessionals, a decreased racial-discipline gap, increased student connectedness, improved school climate, and improved student academic achievement.**

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Researchers and advocacy organizations have also confirmed that restorative schools have produced gains for educators and students. Restorative schools have seen: a reduction in harmful and violent behavior, increased student respect for teachers and paraprofessionals, a decreased racial-discipline gap, increased student connectedness, improved school climate, and improved student academic achievement (Armour, 2014/2015), (Fronius, Persson, Guckenburg, Hurley, & Petrosino, 2016, February), (Gonzalez, 2012), (Gregory, Clawson, Davis, & Gerewitz, 2014), (Mirsky, 2003), (Suvall, 2009), and (Tyler, 2006). Minnesota should invest in these worthy school models to enhance the educational climate in all public schools.

## Resources

Educators can seek several resources to start moving schools in the direction of restorative models. We provide a list of tools in our previous EPIC paper on this topic. We also encourage educators to use MDE's the Trainer's Guide for Working With Schools to Implement Restorative Practices. Finally, Education Minnesota members can seek professional development on these topics through their state union affiliate.

## Proposed Solutions

Minnesota needs more trauma-informed, restorative schools in order to prevent the school discipline gaps from growing. Lawmakers should look to this list of solutions as a place to start:

### SOLUTION #1: MINNESOTA LAWMAKERS SHOULD PROVIDE FUNDING FOR ALL ADULTS WORKING WITH STUDENTS TO LEARN TRAUMA-INFORMED SKILLS AND RESTORATIVE PRACTICES. DISTRICTS SHOULD ALSO RECEIVE MONEY TO TRANSITION ALL SCHOOLS TO A RESTORATIVE MODEL.

Minnesota lawmakers can look to California for examples and success rates. Washburn and Willis (2018) provided documentation that some of California's largest districts have made significant investments in restorative justice, such as:

1. Oakland Unified budgeted roughly \$2.5 million for restorative justice in the 2017-18 school year, which pays for 35 facilitators and a districtwide coordinator.
2. The Los Angeles Unified School District budgets more than \$10 million annually for restorative justice and has a goal of implementing the practices in each of its more than 900 schools by 2020.
3. Following the lead of Los Angeles Unified, the San Diego Unified School District board last year approved a "School Climate Bill of Rights" that is centered on restorative practices. The board also approved a nearly \$800,000 budget for restorative justice in 2017-18, which pays for a districtwide program manager along with several other staff members.
4. The Santa Ana Unified School District received a multi-year, \$3 million federal grant to implement restorative practices in schools throughout the district.

Minnesota schools will need enough time and money to transition away from exclusionary interventions and toward the full-scale adoption of restorative models. Lawmakers could further help with this transition by reducing class sizes and increasing school support staff.

## SOLUTION #2: TRAIN ALL EDUCATORS, ESPECIALLY TIER 1 AND TIER 2 TEACHERS, IN RESTORATIVE PRACTICES AND TRAUMA-INFORMED SKILLS.

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**“Students attending schools with teachers who had more years of teaching experience had a lower risk of suspension, which suggests that students benefit from access to a more experienced teaching faculty.”**

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Cruz and Rodl (2018) recently reported that “students attending schools with teachers who had more years of teaching experience had a lower risk of suspension, which suggests that students benefit from access to a more experienced teaching faculty” (p. 232). All teachers in Minnesota need ongoing professional development in trauma-informed, restorative practices. However, all laws must also provide resources for Minnesota’s least experienced teachers, those individuals on a Tier 1 or Tier 2 license, to receive these trainings. Cruz and Rodl (2018) have documented that experienced teachers sometimes provide a safeguard against disproportionality. Unfortunately, most experienced teachers are not working with the students who are most affected by the school discipline gaps. Thus, all teachers need these important trainings.

## SOLUTION #3: TRAIN ALL SCHOOL RESOURCE OFFICERS (SROs) AND SCHOOL LIAISON OFFICERS (SLOs) IN RESTORATIVE, TRAUMA-INFORMED INTERVENTIONS.

We find it unfortunate that schools are increasingly criminalizing student behavior and introducing students to the criminal justice system at early ages. However, we also know that SROs and SLOs are vital parts of several school communities across the state. Lawmakers should know that the Minnesota Department of Public Safety Office of Justice Programs has documented that 28% of public schools in Minnesota utilize SROs or SLOs, and we know that these schools are located in both the metro area and Greater Minnesota (Swayze & Buskovich, 2014, pp. 17, 21). In addition, Swayze and Buskovich (2014) found that of all SROs/SLOs in the state, “21% feel they are involved in the enforcement of school rules and code of conduct too much” (p. 45). Schools can correct this trend by transforming to restorative models.

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**SROs and SLOs working in schools must be part of the transition to restorative models if districts expect to see school climate improve.**

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As we previously argued, “Minnesota can benefit all students by helping to make alternative interventions a real option for 100% of all SLOs and SROs” (Educator Policy Innovation Center, March 2017, p. 21). Swayze and Buskovich (2014) reported that one respondent to their survey said, “if an SRO is not using some form of Restorative Justice, [sic] shame on them, their department and schools” (Swayze & Buskovich, 2014, p. 73). SROs and SLOs working in schools must be part of the transition to restorative models if districts expect to see school climate improve (Educator Policy Innovation Center, March 2017, p. 21).

**SOLUTION #4: PROVIDE FUNDING FOR RESEARCH-BASED STRATEGIES THAT REDUCE EXCLUSIONARY PRACTICES AND HELP BUILD BETTER SCHOOL CLIMATES.**

Minnesota lawmakers should provide funding to do the following:

1. Place a restorative coach in every school building.
2. Give educators the time to make restorative justice part of their curriculum and instruction.
3. Allow educators to access ongoing professional development to gain the skills needed to meet the needs of their students.
4. Develop systems that allow educators to seek restoration for secondary trauma they experience as caretakers.
5. Build sensory break areas to provide students with high levels of toxic stress a place to de-escalate.
6. Screen all students in Minnesota for ACEs.

**SOLUTION #5: MINNESOTA LAWMAKERS SHOULD MANDATE THAT NO CHILD FROM BIRTH TO GRADE 3 CAN RECEIVE A SUSPENSION OR EXPULSION.**

Many schools and districts have implemented similar policies. Researchers and educators agree that the use of exclusionary practices on young children is unacceptable. Lawmakers can seriously disrupt the school-to-prison pipeline by mandating this change.

## Concluding Thoughts

Minnesota can end the school discipline gaps and interrupt the school-to-prison pipeline by building trauma-informed, restorative schools. Educators and students deserve the chance to learn and work in supportive and safe environments. Lawmakers need to provide the funding to make that possible.

# References

- Aces too High. (2014). *ACEs too High News*. author. Retrieved from [aces.toohigh.com](http://aces.toohigh.com)
- Armour, M. (2013). *Ed White Middle School restorative discipline evaluation: Implementation and impact, 2012/2013, sixth grade*. Retrieved from The Institute for Restorative Justice and Restorative Dialogue: <https://irjrd.org>
- Armour, M. (2014/2015). *ED White Middle School restorative discipline evaluation: Implementation and impact*. Austin: The Institute for Restorative Justice and Dialogue at the University of Texas at Austin. Retrieved from <http://sites.utexas.edu/irjrd/files/2016/01/Year-3-FINAL-Ed-White-report.pdf>
- Baker, M. L. (2009). *DPS restorative justice project: Year three*. Year End Report. Retrieved from Outcomes Colorado: <http://restorativesolutions.us/wp-content/uploads/2013/11/RestorativeSolutions-DPSRJ-ExecSum07-08.pdf>
- Beckman, K., & Riestenberg, N. (n.d.). *Trainer's guide for working with schools to implement restorative practices*. Roseville: Minnesota Department of Education. Retrieved from <https://education.mn.gov>
- Burke Harris, N. (2018). *The deepest well: Healing the long-term effects of childhood adversity*. Boston: Houghton Mifflin Harcourt.
- Casey, M. (2014). Government releases new guidance on school discipline, But what about students with disabilities? *NCLD Blog*. Retrieved from <https://www.nclld.org>
- Children's Defense Fund. (1975). *School suspensions: Are they helping children?* Cambridge: Washington Research Project.
- Children's Defense Fund--Ohio. (2015). *Addressing children's trauma: A toolkit for Ohio schools*. Retrieved from Children's Defense Fund--Ohio: <http://www.cdfohio.org>
- Children's Law Center. (2015, June). *Addressing childhood trauma in DC schools*. Retrieved from Children's Law Center: <http://www.childrenslawcenter.org>
- Cook, C. R., Duong, M. T., McIntosh, K., Fiat, A. E., Larson, M., Pullman, M. D., & McGinnis, J. (2018). Addressing discipline disparities for black male students: Linking malleable root causes to feasible and effective practice. *School Psychology Review*, 47(2), 135-152.
- Cruz, R. A., & Rodl, J. E. (2018). Crime and punishment: An examination of school context and student characteristics that predict out-of-school suspension. *Children and Youth Services Review*, 95, 226-234.
- Educator Policy Innovation Center. (2017). *From Exclusionary to Restorative: An intentional, trauma-sensitive approach to interrupting racial disparities, reducing violence, strengthening communities, and accelerating student learning*. St. Paul: Education Minnesota. Retrieved from [www.educationminnesota.org](http://www.educationminnesota.org)

Educator Policy Innovation Center. (2017, March). *Student discipline executive summary*. Retrieved from [www.educationminnesota.org](http://www.educationminnesota.org)

Educator Policy Innovation Center. (2017, March). *Student discipline one-pager*. Retrieved from [www.educationminnesota.org](http://www.educationminnesota.org)

Federal Commission on School Safety. (2018, December). *Final report of the federal commission on school safety*. Washington D.C.: U.S. Department of Education; U.S. Department of Homeland Security; U.S. Department of Health and Human Services; U.S. Department of Justice.

Fronius, T. P. (2016). *Restorative justice in U.S. Schools: A research review*. Retrieved from WestEd Justice and Prevention Center: <http://jprc.wested.org>

Fronius, T., Persson, H., Guckenburg, S., Hurley, N., & Petrosino, A. (2016, February). *Restorative justice in U.S. schools: A research review*. San Francisco: West Ed Justice and Prevention Research Center. Retrieved from <https://jprc.wested.org>

Gay, Lesbian, & Straight Education Network. (2016). *Educational exclusion: Drop out, push out, and school-to-prison pipeline among LGBTQ youth*. New York: author.

Gonzalez, T. (2012). Keeping kids in schools: Restorative justice, punitive discipline, and the school to prison pipeline. *Journal of Law and Education*, 281-335.

Government Accountability Office. (2018, March). *K-12 Education, Discipline disparities for black students, boys, and students with disabilities*. Washington, D.C.: author. Retrieved from <https://www.gao.gov/>

Gregory, A., Clawson, K., Davis, A., & Gerewitz, J. (2014). The promise of restorative practices to transform teacher-student relationships and achieve equity in school discipline. *Journal of Educational & Psychological Consultation*, 325-353.

Health, M. D. (2013). *Adverse childhood experiences in Minnesota: Findings & recommendations based on the 2011 Minnesota behavioral risk factor surveillance system*. Retrieved from Minnesota Department of Health: <http://www.health.state.mn.us>

Heitzig, N. (2009). Education or incarceration: Zero tolerance policies and the school to prison pipeline. *Forum on Public Policy Online*. Retrieved from [files.eric.ed.gov](http://files.eric.ed.gov)

High Hopes Campaign. (2012). *From policy to standard practice: Restorative justice in Chicago Public Schools*. Retrieved from High Hopes: <https://dignityinschools.org>

Howard, T. C., Flenaugh, T. K., & Terry, Sr, C. L. (2012). Black males, social imagery, and the disruption of pathological identities: Implications for research and training. *Educational Foundations*, 26, 85-102.

Kafka, J. (2011). *The history of "zero tolerance" in American public schooling*. New York: Palgrave.

- Losen, D. J. (2011, October). *Discipline policies, successful schools, and racial justice*. Boulder: National Education Policy Center; School of Education, University of Colorado, Boulder.
- Losen, D. J., & Gillespie, J. (2012). *Opportunities suspended: The disparate impact of disciplinary exclusion from school*. Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project at the University of California, Los Angeles. Retrieved from [www.civilrightsproject.ucla.edu](http://www.civilrightsproject.ucla.edu)
- Losen, D. J., & Whitaker, A. (2018, August). *11 million days lost: Race, discipline, and safety at U.S. Public Schools, Part 1*. The Center for Civil Rights Remedies at UCLA; the American Civil Liberties Union. Retrieved from [www.aclu.org](http://www.aclu.org)
- Losen, D., Hodson, C., Keith, M. A., II Morrison, K., & Belway, S. (2015, February). *Are we closing the school discipline gap?* Los Angeles: The Center for Civil Rights Remedies at the Civil Rights Project at the University of California, Los Angeles. Retrieved from <https://civilrightsproject.ucla.edu>
- Marsh, V. L. (2017, October). *Becoming restorative: Three schools transitioning to a restorative practices culture, research brief*. Rochester: Center for Urban Education Success, The Warner School of Education at the University of Rochester.
- McMorris, B. B. (2013). *Applying restorative justice practices to Minneapolis Public School students recommended for expulsion*. Retrieved from The Legal Rights Center: <http://www.legalrightscenter.org>
- Minnesota Department of Education. (2017). *A Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students*. Roseville: author. Retrieved from <https://education.mn.gov>
- Minnesota Department of Education. (2018). *Dangerous Weapons and Disciplinary Incidents*. Roseville: author. Retrieved from <https://education.mn.gov>
- Minnesota Department of Health. (2013). *Adverse childhood experiences in Minnesota*. St. Paul: author. Retrieved from [www.health.state.mn.us](http://www.health.state.mn.us)
- Minnesota Department of Human Rights. (2019, February). *Education discrimination: Suspension and expulsion*. St. Paul: author. Retrieved from <https://mn.gov/mdhr>
- Mirsky, L. (2003). *Safer saner schools: Transforming school cultures with restorative practices*. Retrieved from Restorative Practice Forum: <http://www.iirp.edu>
- Mitchum, P., & Moodie-Mills, A. (2014). *Beyond bullying: How hostile school climate perpetuates the school-to-prison pipeline for LGBT youth*. Washington, D.C.: Center for American Progress. Retrieved from [www.americanprogress.org](http://www.americanprogress.org)
- Morrison, B. (2016). *What is restorative justice?* Retrieved from Restorative Justice Center at the University of California, Berkeley: <http://rjcenterberkeley.org>



NAACP Legal Defense Fund & National Women's Law Center. (2014). *Unlocking opportunities for African American girls: A call to action for educational equity*. New York: NAACP Legal Defense Fund. Retrieved from <https://www.nwlc.org>

National Alliance on Mental Illness. (n.d.). *Mental Health Facts: Children and Teens*. Arlington: author. Retrieved from [www.nami.org](http://www.nami.org)

National Commission on Social, Emotional, and Academic Development. (2019). *From A Nation at Risk to A Nation at Hope*. Washington, D.C.: The Aspen Institute. Retrieved from [nationhope.org](http://nationhope.org)

Oehlberg, B. (2012). *Ending the shame: Transforming public education so it works for all students*. Pittsburg: RoseDog Books.

Perry, B. L., & Morris, E. W. (2014). Suspending progress: collateral consequences of exclusionary punishment in public schools. *American Sociological Review*, 79(6), 1067-1087.

Riestedberg, N. (2012). *Circle in the Square: Building community and repairing harm in school*. St. Paul: Living Justice Press.

Simmons, L. (2017). *The prison school: Educational inequality and school discipline in the age of mass incarceration*. Berkeley: University of California Press.

Staats, C. (2015). Understanding implicit bias: What educators should know. *American Educator*. Retrieved from [www.aft.org](http://www.aft.org)

Stevens, J. E. (2014, January 28). *San Francisco's El Dorado Elementary uses trauma-informed & restorative practices; suspensions drop by 89%*. Retrieved from ACES Too High News: <https://acestoohigh.com>

Stevens, J. E. (2015, April 9). *Minnesota high school screens students for ACEs to develop trauma-informed education*. Retrieved from ACES Too High News: <https://acestoohigh.com>

Suvall, C. (2009). Restorative justice in schools. *Harvard Civil Rights-Civil Liberties Law Review*, 44, 547-562.

Swayze, D. H., & Buskovich, D. (2014). *Law enforcement in Minnesota schools: A statewide survey of school resource officers*. St. Paul: Minnesota Department of Public Safety Office of Justice Programs. Retrieved from <https://dps.mn.gov>

Task Force on Reversing the School-To-Prison Pipeline. (2018). *ABA Task Force on Reversing the School-to-Prison Pipeline: Report, Recommendations, and Preliminary Report*. Chicago: American Bar Association.

Tyler, T. (2006). Restorative justice and procedural justice: Dealing with rule breaking. *Journal of Social Issues*, 62(2), 307-326.

United States Government Accountability Office. (2018, March). *K-12 Education: Discipline disparities for black students, boys, and students with disabilities, Accessible version*. Washington, D.C.: author. Retrieved from <https://www.gao.gov>

Voices of Youth in Chicago Education. (2011, July). *Failed policies, broken futures: The true cost of zero-tolerance in Chicago*. Retrieved from Voices of Youth in Chicago Education: <http://www.indiana.edu/~atlantic/wp-content/uploads/2012/01/VOYCE-report-2011.pdf>

Washburn, D., & Willis, D. J. (2018, May 13). The rise of restorative justice in California schools brings promise, controversy. *EdSource*. Retrieved from <https://edsource.org>

Welch, K., & Payne, A. A. (2018). Latino/a student threat and school disciplinary policies and practices. *Sociology of Education*, 91(2), 91-110.





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