



Discipline Equity for American Indian and Alaska Native Students: Recommendations for District Leaders

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In response to field requests for information about exclusionary discipline for American Indian and Alaska Native (AI/AN) students, this report begins by defining the topic and some of the negative consequences that accompany its use. Presented are examples of how some states address problems of suspension and expulsion, which contribute to low graduation rates. These examples are accompanied by recent statistics that reveal adverse impacts on particular racial and ethnic groups. Additionally, specific recommendations for improving learning outcomes among AI/AN students are provided for policymakers and district leaders.

What Is Exclusionary Discipline?

Exclusionary discipline, as defined by Smizer (2021), encompasses “any type of school disciplinary action that removes or excludes students from their usual educational setting.” This broad definition includes “the formal or informal removal, whether on a short-term or long-term basis, of a student from a class, school, or other educational program or activity for violating a school rule or code of conduct” (U.S. Department of Education Office for Civil Rights & U.S. Department of Justice Civil Rights Division, 2023). The spectrum of practices within exclusionary discipline denies access to regular educational activities. It spans office discipline referrals, referrals to law enforcement, detentions, in-school suspensions, out-of-school suspensions, suspensions from riding the school bus, expulsions, disciplinary transfers, school-related arrests, seclusion, and restraint.

This spectrum of practices also includes families being subtly pushed out of school through passive means. For example, preK childcare sites with restrictive after-school pickup times often translate to parents repeatedly missing work to meet this requirement (Zinsser et al., 2022). This unsustainable arrangement can lead parents to withdraw their children as they search for a less prohibitive facility.



The consequences of excluding students from learning opportunities, whether temporarily or permanently, extend beyond immediate impact. Such actions have negative effects on motivation to succeed and are correlated with students losing interest in school (Walton & Cohen, 2007). In fact, a study by Wang et al. (2022) examining the effects of student expulsions on nonsuspended peers revealed that the whole class, on average, performed worse academically compared to classrooms with less frequent student exclusions. Results showed that school culturalization led to improved student perceptions and fewer school suspensions.

For AI/AN youth, removal from school links to increases in truancy (Aud et al., 2013) and dropout rates (Archambault et al., 2009), as their resulting feelings of rejection reduce motivation and interest in the “schooling” enterprise, which negatively impacts achievement.

How Have States Responded?

The response to exclusionary discipline practices varies across states, with many enacting legislation to broaden access to childhood and adolescent behavioral health counseling and related supportive services. Noteworthy state initiatives, such as those in Massachusetts and Maryland, have yielded robust evaluation data available on exclusionary discipline. Furthermore, legislation passed in California contributed to positive changes in districts that can serve as a model for other states (Senate Bill 419, 2019).

These state-level approaches prioritize comprehensive school-based mental health services, facilitate community partnerships, and support training and interventions delivered by qualified behavioral health professionals. They address exclusionary discipline practices and promote equitable and effective alternatives across educational systems.

Addressing exclusionary discipline, Massachusetts implemented significant changes in 2012 by integrating exclusionary discipline policies into its student code of conduct.¹ The policies aimed to allow educators to make informed data-driven decisions involving staff, students, and families and prepare them to communicate the purpose of the reforms clearly and repeatedly. The revised code was complemented with online resources to facilitate the implementation of the new rules and regulations. The policy mandated expanded data collection by school districts *before* implementing reform measures. It also prioritized the identification of effective low-cost, evidence-based alternatives to exclusionary discipline for district and school leaders.

In 2016, Maryland enacted legislation aimed at identifying schools with unequal disciplinary practices. This new law mandated the creation of corrective action plans to eliminate disproportionality within 3 years. Such changes in disciplinary practices have effectively reduced suspensions overall. Despite a decrease in exclusionary discipline, disparities persist for students with disabilities and students of color. A long-term evaluation revealed that the effectiveness of the Maryland law varies depending on the population of students (Lacoe & Manley, 2019). In other words, students are disciplined differently depending on races and ethnicities.

¹ Chapter 71, Section 37H.5 was added to the Massachusetts General Laws by Chapter 222 of the Acts of 2012 (<https://law.justia.com/codes/massachusetts/2006/gl-pt1-toc/71-37h.html>).



Recent data on exclusionary discipline in California shows a similar pattern. California took a proactive approach in 2015, enacting legislation to address disproportionate disciplinary practices. Assembly Bill 420 prohibited suspensions for disruptive behaviors among students in grades K–3, and expulsions were prohibited for all students. In 2019, Senate Bill 419 amended the original “willful defiance” law. Effective from July 2020, the new law further restricted the use of temporary expulsion as a disciplinary measure for public and charter school students in grades 4–5. Additionally, the new law placed restrictions on middle school student suspensions until July 2025.

Understanding statewide educational practices is essential for district leaders, providing them with crucial insights into the overarching policies and frameworks that shape the educational landscape. This knowledge allows leaders to align district-level initiatives with broader educational goals, ensuring a coherent and effective educational system. This awareness is particularly important for district leaders working with AI/AN student populations. By grasping statewide practices, these leaders can navigate and advocate within the broader educational context, ensuring the integration of the unique needs and cultural considerations of AI/AN students into district-level strategies. This contextual understanding empowers district leaders to develop targeted and culturally responsive approaches, improving educational outcomes for AI/AN students and fostering a more equitable and inclusive educational environment.

What Do the Numbers Show? Discipline for American Indian/Alaska Native Students in California (Public) Schools PreK Through High School

The tables that follow (Tables 1 and 2) examine the discipline trends for AI/AN students in California’s public schools from preK through high school. Utilizing disciplinary action data from the California Department of Education (CDE) (CDE, n.d.-a), the tables outline suspension and expulsion rates across various dimensions: (a) four grade bands and overall, (b) students with disabilities compared to students without disabilities, and (c) eight racial/ethnic groups. The rates reflect “the percentage of students who were suspended for an aggregate total of one full day any time during the school year” (CDE, n.d.-b).

Table 1. Suspension Rates in California's Public Schools From PreK Through High School (Percentage)

Without a disability

Grade	K-3	4-6	7-8	9-12	Average
African American	1.8	7.5	13.6	8.4	7.8
Two or More Races	0.6	3.8	8.8	5.9	4.8
White	0.5	2.5	6.6	4.1	3.4
Hispanic or Latino	0.4	2.5	5.5	3.7	3.0
Pacific Islander	0.4	1.9	4.6	3	2.5
Filipino	0.2	1	2.6	1.3	1.3
Asian	0.1	0.8	1.8	1.1	1.0
American Indian and Alaska Native	1.2	5.3	12.4	7	6.5
Overall	0.5	2.4	5.9	3.7	3.1

With a disability

Grade	K-3	4-6	7-8	9-12	Average
African American	3.6	10.5	18.7	14.4	11.8
Two or More Races	2	5.1	13.8	9.7	7.7
White	1.9	4.8	11	8.5	6.6
Hispanic or Latino	1	4.2	9.7	7.6	5.6
Pacific Islander	1	3.6	9	6.8	5.1
Filipino	0.6	1.8	4.1	2.9	2.4
Asian	0.4	1.7	3.1	2.6	2.0
American Indian and Alaska Native	2	8.1	16.3	13	9.9
Overall	1.4	4.2	10.1	7.9	5.9

Table 2. Expulsion Rates in California's Public Schools From PreK Through High School (Percentage)

Without a disability

Grade	K-3	4-6	7-8	9-12	Average
African American	-	0.1	0.3	0.3	0.2
Two or More Races	-	-	0.2	0.2	0.1
White	-	-	0.1	0.1	0.1
Hispanic or Latino	-	-	0.1	0.1	0.1
Pacific Islander	-	-	0.1	0.1	0.1
Filipino	-	-	-	-	0.1
Asian	-	-	-	-	0.1
American Indian and Alaska Native	-	-	0.3	0.3	0.1
Overall	-	-	0.1	0.1	0.2

With a disability

Grade	K-3	4-6	7-8	9-12	Average
African American	-	0.1	0.4	0.4	0.2
Two or More Races	-	-	0.1	-	0.1
White	-	-	0.1	0.1	0.2
Hispanic or Latino	-	-	0.2	0.2	0.2
Pacific Islander	-	0.2	-	0.1	0.2
Filipino	-	-	0.1	0.2	0.2
Asian	-	-	0.1	0.1	0.2
American Indian and Alaska Native	-	0.1	0.4	0.2	0.1
Overall	-	<.1	0.2	0.2	0.2



In California, notable disparities exist in suspension rates between AI/AN students without a disability and those with a disability. AI/AN students without a disability face suspension at nearly twice the overall average, indicating that these students are more likely than the general student population to face suspensions. Upon examination of grade bands, the K–3 grade band stands out with the highest percentage of suspensions, surpassing other age groupings and the overall average by 2.4 times. Thus, among AI/AN students without a disability, those in the K–3 grade band encounter suspensions at a higher rate than all other grade bands and the overall average.

Within the 4–6 grade band, AI/AN students with a disability experience the highest percentage of suspensions relative to other grade bands, with the overall average at 1.9 times greater. This suggests that, in this grade band, AI/AN students with a disability face a higher rate of suspensions than their peers without a disability. Notably, grades 9–12 show the largest disparity between AI/AN students without a disability and those with a disability, with the latter experiencing 1.8 percent more suspensions. This suggests that AI/AN students with a disability are disproportionately suspended compared to their peers without a disability, raising concerns about potential biases or inequities in disciplinary practices.

Expulsion rates among AI/AN students mirror suspension rates for individuals with disabilities and those without disabilities. In grades K–3 and 4–6, AI/AN students without a disability were not expelled, while AI/AN students with a disability faced expulsions despite changes to the California Education Code. For grades 7–8, AI/AN students with a disability had the highest percentage of expulsions relative to the other three grade bands and twice the overall average.

In summary, California’s disciplinary action data unveil significant disparities in suspension and expulsion frequencies among both AI/AN students with disabilities and those without disabilities. These findings underscore the imperative to investigate the underlying factors contributing to these disparities, necessitating targeted interventions and a thorough examination of disciplinary practices. A crucial implication is the call for the reform of disciplinary approaches to be sensitive to the race/ethnicity of the student. The higher rates of suspensions and expulsions experienced by AI/AN students signal a need for strategies that promote fairness, equity, and inclusivity in disciplinary practices beyond current conventional approaches.

Suggestions for Reducing Exclusionary Discipline for American Indian and Alaska Native Students

While formal studies of recent policy changes to guide exclusionary discipline recommendations for AI/AN students are limited, similar studies and reports offer insight into effective approaches and strategies for enhancing discipline equity. Wang et al. (2023), among others, have addressed alternative disciplinary approaches such as racial socialization, which has been deemed more suitable for students’ development and well-being than has excluding students from school through suspension and expulsion. The following are focal points known to make a difference.



Cultural/Contextual/Communal Awareness

Establishing an inclusive educational environment involves concentrating on and enhancing awareness of cultural, contextual, and communal elements. This includes being responsive to the needs of both students and the broader community. Cultural responsiveness “is essential for preventing misunderstandings that lead to exclusionary practices that hurt Native American children and youth” (Zinshteyn, 2019). This awareness encompasses values, value systems, languages, partners, tribal parents, families, caregivers, and youth, necessitating that LEA school leadership, teachers, and staff develop a range of competencies. For example, recognizing the historical contexts of Native school populations, such as intergenerational trauma, is important for educators to address underlying issues contributing to undesired classroom behaviors.

Implicit Bias

Implicit bias is a critical area that demands attention from educators because individuals have particular biases, such as racial biases against Native peoples, that lead to inaccurate, inappropriate, and detrimental consequences. The American Psychological Association (APA) has affirmed this in the following statement:

“Implicit bias influences disciplinary decisions. Implicit bias refers to the attitudes or stereotypes that influence our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual’s awareness or intentional control. Research suggests that providing strategies to educators to neutralize the effects of implicit bias could reduce disparities in exclusionary discipline. Education and training can help teachers and administrators overcome preconceptions about students” (APA, n.d., p. 2).

The APA (n.d.) has offered a series of recommendations to assist school personnel in making appropriate student disciplinary decisions. District leaders and those in positions to make these determinations must engage in antibias intervention and training, which not only deepens their comprehension of the biases at play in disciplinary decisions but also equips them with strategies to promote empathy as a solution to discipline issues. When disciplinary practices are carried out in schools by educators with empathy and cultural considerations, such as instructional coaches in transfer schools, WestEd staff have observed profound positive change.

Secondly, fostering a teaching workforce that recognizes students’ racial and cultural assets is advised. Growing a well-prepared workforce proves valuable in interpreting student behavior and actions, particularly when instructors lack resources and knowledge to recognize these behaviors and actions. Teachers who gain better understanding of ways in which student behaviors and actions align with the ways they are raised and socialized can enact more appropriate curricula, instruction, and assessment.



Prevention Programs

Prevention programs that aim to reintegrate marginalized students into the school setting and rebuild student relationships with their teachers, peers, and educational administrators are recommended (Fabelo et al., 2011). While little research exists regarding AI/AN students, two approaches known to be effective for most students are restorative justice and consultation. These approaches address risky behaviors or threats of dropping out of school.

Restorative Justice

Restorative justice focuses on acknowledging the adverse effects of wrongdoing and endeavors to mend the harm by holding offenders accountable, necessitating their acknowledgment of responsibility for their actions. Shifting from exclusionary discipline to restorative practices eliminates the aspect of punishment and places a more positive spin on correcting behavior through effective classroom management techniques (Braithwaite, 2003; Fabelo et al., 2011). The National Education Association highlighted the implementation of restorative justice methods, such as “classroom circling,” in collaboration with six area schools in Dallas, Texas (Long, 2016, p. 1). This practice brought students and teachers together to discuss behavioral issues, providing children with a platform to express themselves. Dallas educators observed that when students felt heard, they were more likely to adhere to the rules and actively participate in the learning process.

Consultation

Current research suggests that pairing students with mentors who monitor their attendance, motivation, and engagement is effective because of the ways consultants mediate interactions with teachers (Silver & Zinsser, 2020). One evaluation of a 12-week program that supported teacher mentoring (Gilliam et al., 2016) found that teachers who received consultations for specific children rated these children as being less hyperactive and as displaying fewer problem behaviors than control group children (Silver & Zinsser, 2020, p. 774).

Evidence-Based Programs

To cultivate a more equitable and positive educational landscape, district leaders play a pivotal role in steering schools away from punitive measures in managing student behavior. The adoption of evidence-based programs becomes not only a recommendation but also a strategic imperative for district leaders seeking to enhance the overall well-being and success of their student populations. This section delves into three impactful programs: Positive Behavioral Interventions and Supports (PBIS), the Pyramid Model for Promoting Young Children’s Social–Emotional Competence, and Schoolwide Positive Behavior Interventions and Supports (SWPBIS).



District leaders stand to benefit significantly from understanding and implementing these programs, as they are designed to create inclusive school environments. Emphasizing evidence-based practices, cultural responsiveness, and targeted interventions, these programs offer district leaders effective strategies to reduce disciplinary issues, bridge learning gaps, and ultimately foster an environment conducive to student success. As this exploration unfolds, it becomes evident that district leaders, armed with the insights gained from these evidence-based programs, can profoundly influence positive change within their educational communities.

Positive Behavioral Interventions and Supports

The PBIS framework, as described on the PBIS website, is committed to using evidence-based practices to positively impact students' disciplinary problems and academic performance.

"PBIS is a framework for creating safe, positive, equitable schools, where every student can feel valued, connected to the school community, and supported by caring adults. By implementing evidence-based practices within a PBIS framework, schools support their students' academic, social, emotional, and behavioral success, engage with families to create locally-meaningful and culturally-relevant outcomes, and use data to make informed decisions that improve the way things work for everyone" (Center on PBIS, 2023).

This multilayered, data-driven system of support promotes the review and analysis of discipline data to identify cross-group disparities, proactively prevent challenging behaviors, and reduce disciplinary issues. When disparities emerge from the review and analysis of discipline data, immediate steps are taken to implement actionable plans.

Behavior management interventions encompass a spectrum, extending from broad strategies that may benefit all students to individualized interventions that are more targeted and tailored for students requiring supplementary support. PBIS has demonstrated success in diminishing office referrals and mitigating racial disparities in disciplinary actions (McIntosh et al., 2021).

The Pyramid Model for Promoting Young Children's Social-Emotional Competence

The Pyramid Model (Fox et al., 2003) focuses on fostering children's social-emotional development and addresses challenging behaviors within early childhood education programs. Like PBIS, this model is designed as a tiered support system, aiming to decrease exclusionary discipline by guiding early educators in implementing effective practices. Longitudinal data suggest that the adoption of the Pyramid Model aligns with a significant decrease in exclusion rates. This model improves challenging behaviors in classrooms by offering teachers the necessary support to sufficiently enact effective response strategies and effectively communicate with families to foster respectful and trusting relationships.



Schoolwide Positive Behavior Interventions and Supports

Derived from PBIS, SWPBIS has evolved into a successful schoolwide disciplinary approach, catering to the needs of entire school populations (Sprague & Horner, 2006). According to Vincent et al. (2014), race continues to predict trends in disciplinary exclusion, with racial disparities on the rise, particularly for elementary and secondary students with a disability and for Black and American Indian students whose academic performance and high school graduation rates suffer. SWPBIS addresses these disciplinary inequities by employing cross-disciplinary educator teams to establish behavioral expectations, teach them to students, and design activities recognizing student behavior patterns and successes.

Conclusion

Discipline equity in AI/AN schools is an essential topic for educators (including district leaders), parents, and students to understand because fostering a positive school climate, promoting social and emotional learning, and adopting a restorative approach to discipline can help decrease disparities and continued problematic behavior (Sciamanna, n.d.). In fact, schools achieving the greatest disciplinary equity emphasize relationships, parent involvement, positive behaviors, and Native traditions (Vincent et al., 2013). Below are recommendations of effective approaches for promoting inclusive learning environments.

Recommendations

The U.S. Department of Education (2023) describes actions schools and districts can take to create inclusive and supportive schools:

- Foster a sense of belonging through a positive, safe, welcoming, and inclusive school environment.
- Support the social, emotional, physical, and mental health needs of all students through evidence-based strategies.
- Adequately support high-quality teaching and learning by increasing educator capacity.
- Recruit and retain a diverse educator workforce.
- Ensure the fair administration of student discipline policies in ways that treat students with dignity and respect (including systemwide policy and staff development and monitoring strategies).



Leung-Gagné et al. (2022) provide policy-level recommendations to increase educational opportunities and reduce expulsion practices at state and local levels:

- Collect and report disaggregated data on exclusionary discipline.
- Eliminate zero-tolerance and other exclusionary discipline policies.
- Invest in support services and support staff.
- Offer technical assistance and increase oversight and accountability.
- Address discipline disparities by investigating what occurred, who was affected, and what can be done to set things right.
- Provide additional funding for professional learning that helps educators create inclusive and culturally responsive learning environments.
- Offer professional learning to help educators create inclusive and culturally responsive learning environments and foster trusting relationships with students.
- Ensure transparent reporting using metrics so that all data are comparable.
- Support evidence-based alternative strategies to exclusionary discipline.
- Support the dissemination and use of newly released Department of Education resources aimed at reducing exclusionary discipline for students with disabilities.
- Update and reissue the 2014 “Non-Discriminatory Administration of School Discipline” resource aimed at reducing exclusionary discipline.



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This brief is prepared for the Western Educational Equity Assistance Center (WEEAC) at WestEd, which is authorized under Title IV of the Civil Rights Act of 1964 and funded by the U.S. Department of Education. Equity Assistance Centers provide technical assistance and training to school districts and tribal and state education agencies to promote equitable education resources and opportunities regardless of race, sex, national origin, or religion. The WEEAC at WestEd partners with Pacific Resources for Education and Learning and Attendance Works to assist Alaska, American Samoa, Arizona, California, Colorado, the Commonwealth of the Northern Mariana Islands, Guam, Hawai'i, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

The contents of this brief were developed under a grant from the Department of Education. However, the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the federal government.