

A young child with short hair, wearing a green t-shirt, is focused on playing with a colorful toy. The toy consists of a yellow and orange handle with a purple band and a blue base, connected to a red string. The child is holding the toy with both hands, looking intently at it. The background is slightly blurred, showing what appears to be a play area with other toys.

ADDRESSING HARSH DISCIPLINE AND DISPARITIES:

WHAT WE KNOW, WHAT WE DON'T KNOW,
AND WHAT WE SHOULD DO ABOUT IT

START WITH EQUITY: FROM THE
EARLY YEARS TO THE EARLY GRADES
DATA, RESEARCH, AND AN ACTIONABLE
CHILD EQUITY POLICY AGENDA

CHILDREN'S EQUITY
PROJECT


Bipartisan Policy Center

ADDRESSING HARSH DISCIPLINE AND DISPARITIES:

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This policy brief reviews the data, research, and policy landscapes of harsh discipline including suspension, expulsion, corporal punishment, seclusion, and the inappropriate use of restraint. It provides a robust policy agenda to reduce its use.

This is part of a broader effort launched in 2019 by the Children's Equity Project and the Bipartisan Policy Center with support from the Heising Simons Foundation. Our goal was to better understand the equity data, research, and policy landscapes in learning systems across three key policy areas: discipline, inclusion, and dual language learning. This effort brought together over 70 experts to discuss the state of these issues across the United States and culminated in a report titled, [*Start with Equity: From the Early Years to the Early Grades*](#). The full report provides a policy roadmap for building more equitable learning systems.

The consequential nature of the early years and the early grades cannot be ignored. Early learning experiences in these years can have long-lasting, life-changing effects on children. Unfortunately, data and research clearly indicate that the systems charged with providing those experiences are not living up to their promise. All our children have the right to reach their full potential. To do that, the learning systems that serve them must remove obstacles and expand opportunity equitably.

Although this brief and the more extensive report were completed before COVID-19 reached our shores, the social vulnerabilities exposed and exacerbated by this

pandemic make it especially important to prioritize equity in learning and to align policy with research now. More than ever, our country and the world are dependent on the next generation thriving.

WHAT WE LEARNED

Harsh discipline is not effective. There is **no scientific evidence** that harsh discipline improves children's behavior in the short term or over time, but there is an **abundance of research** showing it is associated with poor outcomes.

Harsh discipline is common and happens at a young age. Consider the case of exclusionary practices, such as expelling or suspending a child. In an analysis of Pre-K through elementary school systems, states reported 1.27 million cases of young children enrolled in public schools being suspended or expelled in a single school year.¹ A national parent survey found that **about 50,000 children under 5 were suspended and 17,000 were expelled in a single year.**²

By some estimates, **preschool children are expelled at rates more than three times higher than children in K-12 settings.**³ Although data on exclusionary discipline are scarce with respect to our youngest children, **research shows that toddlers may be just as at risk of experiencing this type of discipline as preschoolers.**⁴

When it comes to corporal punishment—defined as paddling, spanking, or other forms of physical punishment imposed on a child—there are no federal laws or regulations governing the practice other than those authorizing data collection. The practice remains legal in 19 states—mostly in the South.

Federal data from the Civil Rights Data Collection show that more than 160,000 children were subject to corporal punishment during the 2015-2016 school year. **More than 1,500 of these were preschoolers.**

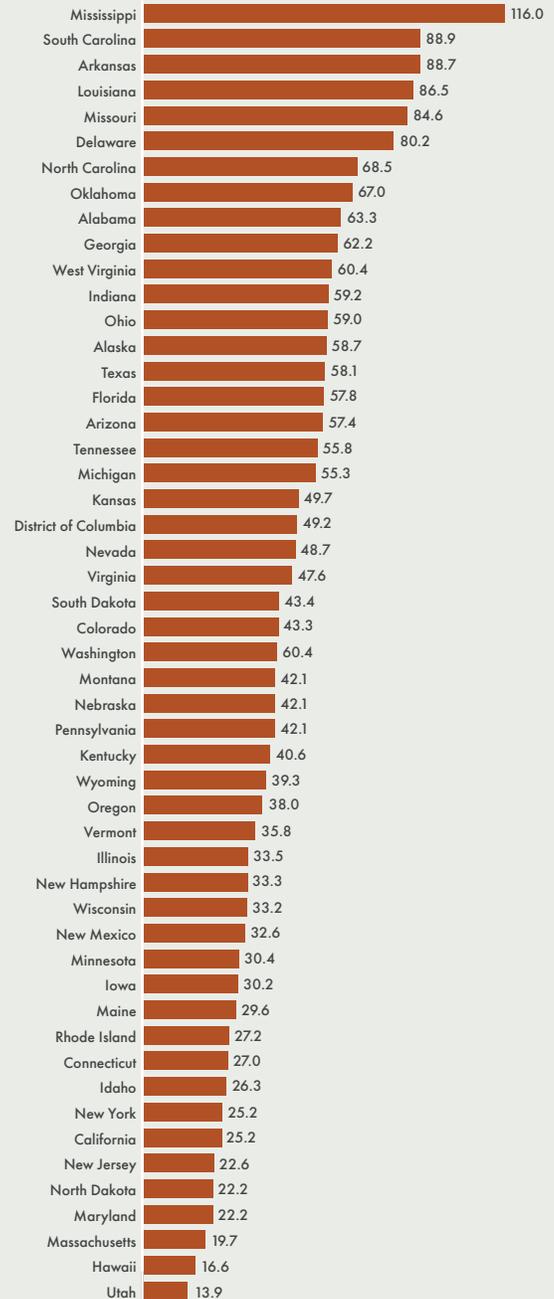
When it comes to physically restraining children, the latest data shows 86,000 children were restrained over the course of a year. 36,000 children were subject to seclusion, or the practice of confining children in a room alone without the ability to get out. These practices were developed to be used exclusively for emergencies and to mitigate physical harm, not for routine discipline. But investigative reporting and Government Accountability Office reports have found that the practice is frequently misused.⁵

It is disproportionate. Black children are far more likely to experience harsh discipline than their White peers. Federal data indicates that Black children in PreK–12 settings make up only 15% of children in schools, but 36% of those suspended at least once. Black children in K-12 settings also make up 27% of children restrained and 23% of children secluded.¹

Nationally, Black boys are nearly twice as likely to be corporally punished as their White peers, and Black girls are about three times as likely. However, this imbalance varies greatly by state, with Louisiana, Mississippi, South Carolina, Georgia, and Texas driving much of the national difference between Black and White children. **American Indian/Alaska Native children also face significant inequality in corporal punishment, with national data indicating that they make up less than 1% of enrollment, but 9% of corporal punishment cases.**¹ Disproportionality is greatest in North Carolina and Oklahoma for these children. There is also substantial variability at the district level, though that analysis was outside the scope of this brief.

There is no evidence that Black children show greater or more severe misbehavior.⁶ Instead, research suggests Black children are punished more severely than their peers for the same or similar behaviors and that they are subject to increased scrutiny starting as early as preschool. Research further suggests that Black children are often the subjects of implicit bias, with adults perceiving Black children as being older than they

In 2015–16, the average rate of classroom exclusion for young students in the U.S. was just over 47 per 1,000 students.ⁱ



ⁱ Our independent analysis included children in Pre-K through elementary school.

Racial disparities in exclusionary discipline exist everywhere. We calculated exclusion rates for Black children as compared to their peers and found racial disparities in every single state.

are, less innocent than their peers, more culpable and aggressive, and more deserving of harsher punishment than White children.⁷

Even when we account for socioeconomic status, race is still a significant predictor of exclusionary discipline.⁸

We're not making enough progress nationally. Data in K-12 settings indicate that racial disparities in corporal punishment and exclusionary discipline today are largely consistent with the first data collection on corporal punishment published more than 40 years ago.⁹

Disparities also exist for children with disabilities. In more than half of the schools that use corporal punishment, children with disabilities are disproportionately subject to the practice. They also are twice as likely to be pushed out of K-12 settings than their peers without disabilities.¹

The largest disparity exists in the use of restraint and seclusion. Children with disabilities make up 12% of student enrollment but 71% and 66% of all children restrained and secluded, respectively.¹

State policies and practices vary. Federal policy on harsh discipline is minimal and typically in the form of recommendations, as opposed to requirements. State and local policies vary drastically. For example, data indicates that Utah has the lowest rate of using exclusionary tactics to discipline children, while Mississippi has the highest rate.

Racial disparities in exclusionary discipline exist everywhere. We calculated exclusion rates for Black children as compared to their peers and found racial disparities in every single state. Ohio had the biggest difference in rates of exclusion between Black children and their peers.

Corporal punishment is legal in private school settings in every state in the nation except two (New Jersey and Iowa), and in public school settings in 19 states. The majority of public school corporal punishment cases occur in Mississippi, Arkansas, Alabama, and Texas.

Policies and practices around seclusion and restraint also vary by state. Only two states, Georgia and Hawaii, ban seclusion outright. A handful ban it for children with disabilities. There are no limits on restraining children in nearly half the states.

Harsh discipline is fueled by a complex array of factors. Misguided policies in K-12 settings—such as “Zero Tolerance” policies—or a complete lack of policies in early childhood settings can play a role in harsh discipline and its disproportionate application. Lack of teacher training and ongoing supports is also key. One national representative survey found that only 20% of early childhood providers received training in social and emotional development in the previous year.¹⁰

- **Teacher wellness and access to supports affect disciplinary outcomes.** Research finds that when teachers have access to an early childhood mental health specialist, suspensions and expulsions can drop by half. Teachers who are depressed and under greater levels of stress are more likely to suspend and expel students.¹¹ Additionally, early childhood programs with higher child-to-adult ratios and larger group sizes are associated with increased exclusionary discipline measures.¹²
- **Disparities in access to social-emotional supports for children are also a factor.** Preliminary data show that children of color may have less access to early childhood mental health specialists in early learning settings¹³; in K-12 settings, they disproportionately attend schools with an inadequate number of counselors and mental health professionals. In every state in the nation, with only three exceptions, schools are failing to meet the recommended child to counselor ratio in schools, affecting 90% of all school-age children.¹⁴
- **Implicit and explicit bias are also underlying drivers of the unequal application of harsh discipline.** Black children face disparities across all forms of harsh discipline and across all age groups, despite a complete lack of evidence that points to more frequent or intense misbehavior.¹⁵

SOLUTIONS BEGIN WITH POLICY CHANGE.

CONGRESS SHOULD:

- Pass discipline reform legislation that would apply to all programs that receive federal funding and serve young children. Such legislation should a) prohibit corporal punishment, b) seclusion, and c) exclusionary discipline (except in very rare cases where there is an immediate and serious safety threat, not based on stereotypes or bias). It should also limit restraint, including the type and duration of restraint; ensure that it is only used as an emergency measure for the shortest amount of time possible, and require training for those restraining children, timely incident reporting, and the triggering of intervention and support. Such legislation should authorize federal agency monitoring and accountability measures in cases of misuse.
- Address discipline in IDEA by eliminating the existing 10-day allowance for exclusionary discipline for children with disabilities, prohibiting seclusion, mechanical and chemical restraint, and providing parameters around the use of restraint to ensure child safety and prevent abuse.

FEDERAL AGENCIES SHOULD:

- Reinstated federal discipline guidance that discourages the use of exclusionary discipline and promotes positive school climates and mental health supports.
- Encourage states to use flexible federal and state funds to reduce harsh discipline and disparities by investing in prevention, intervention, professional development, data infrastructure, and parent awareness and support.

- Conduct a public awareness campaign on the effects of harsh discipline, laws and regulations that protect children, and family rights.
- Require states to report disaggregated data on the use of harsh discipline on children in child care settings.

STATES SHOULD:

- Prohibit corporal punishment and seclusion, and limit restraint across all learning settings for young children.
- Prohibit suspension and expulsion in the early years and early grades, except in very rare cases where there is an immediate and significant safety threat that cannot otherwise be remedied. In such cases, states should outline parameters around its use, including a maximum number of days for suspension (e.g., three days) that are used to work with parents to develop a clear intervention and support plan. Such parameters should also include timely reporting and should trigger a district- or state-level review.
- Restrict the use of any public funds by programs, districts, or schools that engage in harsh and inappropriate forms of discipline for young children.
- Protect young children from the school to prison pipeline by setting an appropriate minimum age for criminal liability no younger than age 14.
- Build and expand data infrastructure that collects disaggregated data on equity indicators, including the disproportionate application of harsh discipline.
- Invest in professional preparation and development infrastructure to make training, coaching, and technical assistance available to all providers. States may do this in the form of developing state-level technical assistance centers, developing coaching

corps, expanding the focus of existing coaches, or state-led, regional technical assistance teams that provide tailored support.

- Use Child Protective Services hotlines and related infrastructure to receive complaints from families on harsh discipline. States should develop processes to respond to complaints and accountability measures if complaints are substantiated.
- Incorporate discipline indicators into their quality rating improvement systems, including but not limited to, equitable access to culturally responsive social-emotional and behavioral coaching and consultation models, interventions or approaches that explicitly address the role of implicit bias in discipline decision-making; policies that eliminate and/or meaningfully restrict harsh discipline; and collecting, analyzing and using disaggregated data for continuous quality improvement and accountability.
- Reallocate existing funds for school resource officers, to social emotional interventions and supports, including mental health coaches, counselors, social workers, and school psychologists.

DISTRICTS/LOCAL COMMUNITIES SHOULD:

- Manage young children’s behavior within the school context and strictly prohibit all negative interactions between school resource officers and young children including handcuffing, unnecessary restraint, intimidation, and arrest.
- Prohibit corporal punishment, seclusion, and exclusionary discipline and set clear limits around restraint for young children, whether or not states permit their use.
- Reallocate funding for punitive discipline measures, such as school resource officers, to prevention, promotion, and intervention efforts to address children’s mental health and social emotional development.
- Invest in systems for training, coaching, and evaluating the use of positive discipline approaches.

Read the full report and complete equity policy agenda [here](#).



ENDNOTES

- 1 U.S Department of Education. (2016-2017). Civil Rights Data Collection. <https://www2.ed.gov/about/offices/list/ocr/data.html>.
- 2 U.S. Department of Health and Human Services (2016). National Survey for Children’s Health. <https://www.childhealthdata.org/learn-about-the-nsch/NSCH>.
- 3 Gilliam, W. S. (2005). *Pre-Kindergarteners left behind: Expulsion rates in state Pre-kindergarten systems*. New York, NY: Foundation for Child Development.
- 4 Cutler, A., and L. Gilkerson. 2002. *Unmet needs project: A research, coalition building and policy initiative on the unmet needs of infants, toddlers and families*. Chicago, IL: University of Illinois at Chicago and Erikson Institute; Gerdes, M., & Renew, N. (2016). Incidence of expulsion and suspensions in Philadelphia 2016: Summary of survey findings. Philadelphia: Children’s Hospital of Philadelphia.
- 5 Government Accountability Office (2009) Examining the Abusive and Deadly Use of Seclusion and Restraint in Schools. Retrieved from: <https://www.govinfo.gov/content/pkg/CHRG-111hhrq49597/pdf/CHRG-111hhrq49597.pdf>
- 6 Anyon, Y., Jenson, J. M., Altschul, I., Farrar, et al. (2014). The persistent effect of race and the promise of alternatives to suspension in school discipline outcomes. *Children and Youth Services Review*, 44, 379-386; Bradshaw, C. P., Mitchell, M. M., O’Brennan, L. M., & Leaf, P. J. (2010). Multilevel exploration of factors contributing to the overrepresentation of Black students in office disciplinary referrals. *Journal of Educational Psychology*, 102(2), 508–520; Skiba, R. J., Arredondo, M. I., & Williams, N. T. (2014); Skiba, R. J., Chung, C. G., Trachok, M., Baker, T. L., Sheya, A., & Hughes, R. L. (2014). Parsing disciplinary disproportionality: Contributions of infraction, student, and school characteristics to out-of-school suspension and expulsion. *American Educational Research Journal*, 51(4), 640-670.
- 7 Goff, P. A., Jackson, M. C., Di Leone, B. A. L., Culotta, C. M., & DiTomasso, N. A. (2014). The essence of innocence: consequences of dehumanizing Black children. *Journal of personality and social psychology*, 106(4), 526; Staats, C. (2014). Implicit racial bias and school discipline disparities. Retrieved from Columbus, OH: <http://kirwaninstitute.osu.edu/wp-content/uploads/2014/05/ki-ib-argument-piece03>. Pdf; Todd, A. R., Thiem, K. C., & Neel, R. (2016). Does seeing faces of young Black boys facilitate the identification of threatening stimuli?. *Psychological science*, 27(3), 384-393; Todd, A. R., Simpson, A. J., Thiem, K. C., & Neel, R. (2016). The generalization of implicit racial bias to young Black boys: Automatic stereotyping or automatic prejudice?. *Social cognition*, 34(4), 306-323; Epstein, R., Blake, J., Gonzalez, T. (2017) *Girlhood interrupted: The erasure of Black Girls’ childhood*. Center on Poverty and Inequality Washington, DC: Georgetown <https://www.law.georgetown.edu/news/Black-girls-viewed-as-less-innocent-than-white-girls-georgetown-law-research-finds-2/>
- 8 Okonofua, J. A., & Eberhardt, J. L. (2015). Two Strikes: Race and the Disciplining of Young Students. *Psychological Science*, 26(5), 617–624; Skiba, R., Michael, R., Nardo, A., & Peterson, R. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review*, 34(4), 317-342.
- 9 Children’s Defense Fund. (1975). *School suspensions: Are they helping children?* Cambridge, MA: Washington Research Project; Mendez, L. M. R., Knoff, H. M., & Ferron, J. M. (2002). School demographic variables and out-of-school suspension rates: A quantitative and qualitative analysis of a large, ethnically diverse school district. *Psychology in the Schools*, 39(3), 259-277.
- 10 National Survey of Early Care and Education. <http://www.acf.hhs.gov/programs/opre/research/project/national-survey-of-early-care-and-education-nsece-2010-2015>

- 11 Gilliam, W. S., & Shahar, G. (2006). Preschool and child care expulsion and suspension: Rates and predictors in one state. *Infants and Young Children*, 19(3), 228-245.
- 12 Gilliam, W. (2008). Implementing policies to reduce the likelihood of preschool expulsion. <https://www.fcd-us.org/assets/2016/04/ExpulsionBriefImplementingPolicies.pdf>
- 13 Albritton, K., Mathews, R. E., & Anhalt, K. (2018). Systematic review of early childhood mental health consultation: Implications for improving preschool discipline disproportionality. *Journal of Educational and Psychological Consultation*, 29(4), 444-472
- 14 American Civil Liberties Union. (2019). Cops and no counselors: How the lack of school mental health staff is harming students. Retrieved from <https://www.aclu.org/report/cops-and-no-counselors>
- 15 Government Accountability Office (2018). Discipline disparities for Black students, boys, and students with disabilities. <https://www.gao.gov/assets/700/690828.pdf>.