

Guidance on Discrimination in School Discipline

Spotlight on Discriminatory Policies

Schools violate the LAD when they discipline students differently because of their race, national origin, gender, disability, or other protected characteristic, even if the differential treatment results from unconscious rather than conscious bias on the part of school personnel.

Differential treatment sometimes happens when a policy itself is discriminatory (i.e., the policy itself treats students of one protected class differently, or was enacted with the intent to do so).

For Example:

A school policy that explicitly authorizes educators to use restraint or seclusion against students with disabilities, but not against their non-disabled peers, would violate the LAD by discriminating based on disability.

A dress code that penalizes students for wearing their hair in twists, braids, cornrows, Afros, locs, Bantu knots, fades, or any other hairstyle that is closely associated with being Black would violate the LAD by discriminating on the basis of race.

A school that revises its dress code to ban clothing with “political” or “inappropriate” phrases or symbols and specifies that “Black Lives Matter” or “Stop Asian Hate” attire is unacceptable, but does not prohibit students from wearing the confederate flag or other white supremacist phrases or symbols, would discriminate based on race.

A school that requires students with disabilities to undergo a psychological evaluation before returning to school after a suspension or expulsion, but does not require students who do not have disabilities to undergo such an evaluation before returning to school after a suspension or expulsion for similar behavior, would discriminate based on disability.



For More Information

Read DCR’s new [Guidance on Discrimination in School Discipline](#) or access our series of one-pagers.