

Guidance on Discrimination in School Discipline

Spotlight on Evidence of Bias by School Officials

Schools violate the LAD when school officials' enforcement of discipline policies is discriminatory (i.e., when school officials, teachers, security guards, school-based police officers, or other employees or agents discipline students of one protected class differently than another, even if the policy appears neutral on its face).

Such violations may happen when schools' discipline of an individual student is influenced by that student's race, national origin, gender, disability, or other protected characteristic.

In determining whether a school's discipline of an individual student is influenced by that student's race, national origin, gender, disability, or other protected characteristic, DCR may consider **any evidence suggesting bias on the part of school officials** (whether intentional, implicit, or unconscious).

For example:

If a teacher who has failed to address students' use of racial slurs towards their classmates of color during class then imposes discipline on a student of color, that could provide evidence that their discipline of the student may have been influenced by race.

If a school that does not conduct harassment, intimidation, or bullying (HIB) investigations into allegations of race or ethnicity-based bullying or harassment then disciplines a student of color for alleged HIB incidents, that could raise an inference that their discipline of the student may have been influenced by race.

It is a violation of the LAD for any authority figure involved in the disciplinary process to use a racial or other bias-based slur towards a student at any point from the moment of the student's alleged misbehavior through to the imposition of discipline.

Not only would such conduct be strong evidence of differential treatment discrimination, but an authority figure's use of a bias-based slur during the disciplinary process would also likely be sufficient to state a separate claim under the LAD for hostile environment harassment.



For More Information

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