
Dismantling the School-to-Prison Pipeline: A Survey from the Field

by Matt Cregor & Damon Hewitt

Our nation's school discipline rates have reached all-time highs. As suspension, expulsion and school-based arrest rates grow, racial disparities in discipline continue to widen. Despite a wealth of research on the harms of these exclusionary discipline practices and their ties to school push-out, media outlets are filled with stories of ever younger students being suspended, expelled or arrested for matters that, prior to "zero tolerance" disciplinary policies, were once handled by a call home. As the "School-to-Prison Pipeline" reaches a crisis stage, both new and familiar voices are emerging to reform school discipline. Here we review recent research on school discipline and highlight promising efforts to eliminate racial disciplinary disparities and dismantle the School-to-Prison Pipeline.

A Current Look at the School-to-Prison Pipeline

According to the most recent data from the U.S. Department of Education's Office for Civil Rights (OCR), over 3 million students are suspended at least once each year and over 100,000 are expelled. U.S. public school discipline rates have never been higher—roughly double today what they were in the 1970s. In *Test, Punish, and Pushout*, Advancement Project (www.advancementproject.org) provides some alarming glimpses

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into school discipline trends at the local level:

- In Chicago, the number of out-of-school suspensions quadrupled to 93,312 between 2001 and 2007.
- In Texas, more than 128,000 students were pushed out of school and into alternative schools in 2007.
- In Pennsylvania, the number of school-based arrests almost tripled

Racial disparities in discipline continue to widen.

between 1999 and 2006, to 12,918.

With these absurd numbers also come appalling stories. Last year, national media covered the arrest of a 12-year-old in New York for doodling on her desk with an erasable marker and the long-term suspension of a six-year-old in Delaware for bringing his Boy Scout knife for show-and-tell.

High disciplinary rates persist despite a significant body of research on the harms of exclusionary discipline. The American Academy of Pediatrics found that suspension and expulsion jeopardize children's health and safety and may exacerbate academic failure. The Centers for Disease Control & Prevention found that out-of-school youth are more likely to be retained a grade, drop out of school, become teen parents, and engage in delinquent behavior. Indeed, a 2003 study by Robert Balfanz found that school suspension is a top predictor for those students incarcerated by ninth grade. Beyond impacting those excluded, the American Psychological Association (APA) found that zero tolerance policies fail to make schools safer and that schools with high suspension rates score worse on standardized tests. In a recent publication in *Educational Researcher*, Anne Gregory, Russ Skiba

and Pedro Noguera explore the connection between racial disparities in discipline and educational achievement.

Race continues to play a central role in school discipline. In *Race is Not Neutral*, a forthcoming publication, Russ Skiba reviewed the disciplinary data of over 400 elementary and middle schools from across the country and found that African-American and Latino students received harsher punishments for similar misbehavior than their white peers. In related research, Skiba found that students of color were disproportionately disciplined for "subjective" offenses (e.g., "disrespect"), while their white peers were disproportionately disciplined for "objective" offenses (e.g., smoking). According to OCR, African-American students are nearly 3 times as likely to be suspended and 3.5 times as likely to be expelled as their white peers. Latino students are 1.5 times as likely to be suspended and twice as likely to be expelled as their white peers.

Disparities in discipline encompass all of our nation's historically disenfranchised youth. The APA found that students with disabilities are disciplined at a rate roughly twice that of their non-disabled peers. In November 2010, the *New York Times* reported that gay and lesbian students receive harsher punishment than their straight peers in school disciplinary matters. Recent research suggests that disciplinary rates and disparities may be most pronounced in the middle school grades. (See more details in this issue's "PRRAC Researcher Report.")

School administrators' approaches to discipline play a significant role in disciplinary activity. In *Opportunities Suspended*, Advancement Project and the UCLA Civil Rights Project found

(Please turn to page 6)

(PIPELINE: Continued from page 5)

that building principals used exclusionary discipline in direct proportion to their stated support for zero tolerance disciplinary practices. (The University of Virginia's Youth Violence Project—<http://youthviolence.edschool.virginia.edu>—has done excellent related research, examining how schools with similar demographics can have such divergent discipline rates.)

Federal and state laws and policies also play a significant role in shaping the disciplinary practices at the school level. While the Gun-Free Schools Act of 1994 may have inspired the proliferation of zero tolerance policies, a number of more recent laws and grant opportunities continue to incentivize exclusionary approaches to discipline. The U.S. Department of Justice's Community Oriented Policing Services ("COPS") grants provide funds for school districts to hire or staff law enforcement at their schools. While such grants are intended to further school safety, school arrests are skyrocketing as schools have come to rely on law enforcement to handle routine disciplinary matters. Such over-reliance on school police recently led the Florida legislature to amend its zero tolerance statute to limit the types of infractions for which a student could be arrested.

Aspects of the No Child Left Behind Act (NCLB) contribute to the Pipeline as well, and U.S. suspension and expulsion rates have spiked since the law's enactment. While NCLB correctly "shined the light" on educational disparities along racial, language, disability and socioeconomic lines, the law's accountability structure, with its narrow focus on standardized test scores, has given schools the perverse incentive to push out those students who exhibit challenging behavior or who do not meet testing standards. In December 2010, a group of organizations released a position paper recommending policy changes for the reauthorization of the Elementary and Secondary Education Act (ESEA) as a means to begin dismantling the Pipeline through federal

law. To review and endorse the paper, please visit Fair Test's website at www.fairtest.org and email stopschoolstojails@advancementproject.org by January 31, 2011.

Turning the Tide: Steps toward Dismantling the School-to-Prison Pipeline

Although national trends show disciplinary rates on the rise, an increasingly diverse group of stakeholders has begun to turn the tide on exclusionary discipline at the state and local levels. Teachers unions in Los Angeles and Ohio have advocated for better classroom management practices. Juvenile courts are working with school districts to reduce school-based arrests. Parent, student, civil rights and human rights organizations have secured meaningful changes at the

A wealth of research shows the harms of exclusionary discipline.

local, state and federal levels. For example:

- In Denver, Padres y Jóvenes Unidos, a parent and student organizing group, led a multi-year campaign that resulted in significant changes to Denver Public Schools' discipline code and practices. Denver's new code is premised on the principles of restorative justice—techniques for de-escalating and resolving conflicts and strengthening bonds between students, their peers and their teachers. The code restricts the types of offenses for which students can be suspended, expelled and arrested. Padres y Jóvenes Unidos also partnered with Denver Public Schools to obtain a grant for professional development in restorative justice. As a result, the district's arrest rate is down significantly and its suspension rate is down 44%. See *Education on Lockdown*, a joint publication by Padres y Jóvenes Unidos and Advancement Project, for more information ([\[project.org\]\(http://project.org\)\). See the International Institute for Restorative Practices website for additional information and case studies on restorative practices: \[www.iirp.org\]\(http://www.iirp.org\).](http://www.advancement</div><div data-bbox=)

- To address spiraling school arrest rates in Clayton County, Georgia, the local juvenile court assembled representatives from the county's school district, law enforcement agencies and mental health agencies to develop a "school offense protocol." The protocol limits the types of arrestable infractions and provides alternatives to court referral for school officers. Both school safety and student achievement have improved since implementation: Incidents of weapons possession are down 70% while the district's graduation rate is up 20%.

- In Los Angeles, CADRE, a parent organizing group, secured passage of Los Angeles Unified School District's *Discipline Foundation Policy*. The policy is built on human rights principles and calls for the district-wide implementation of Positive Behavior Supports (PBS)—an evidence-based approach to improving school discipline shown to reduce disciplinary incidents, support gains in academic achievement, and improve staff morale and perceptions of school safety (www.pbis.org). PBS implementation has led to significant reductions in exclusionary discipline in some L.A. schools. However, failure to implement and enforce the policy district-wide leaves many schools that could benefit most from the policy no different than they were before its adoption. CADRE members and allies have investigated the district's implementation efforts and recently released a shadow report on what the school district must do to fulfill its promises under its PBS policy (www.cadre-la.org).

At press time, a broad coalition of advocates and community groups secured unanimous passage of the Student Safety Act in the New York City Council. The Act requires reporting of school-based arrests, summonses and other forms of exclusionary dis-

cipline. (www.nyclu.org)

While districts like those described above are implementing school-wide strategies for reducing exclusionary discipline, more must be done to eliminate the racial disciplinary disparities. PBS, for instance, has been found to reduce suspensions for students of all races at similar rates, but PBS implementation alone does not close racial disciplinary gaps. Schools in the Midwest are combining best practices like PBS with focused efforts to address racial bias. After being cited for racially disproportionate placements in special education, Eau Claire Public Schools in Wisconsin melded its PBS efforts with “beyond diversity” trainings and trainings in culturally responsive pedagogy. The district’s disciplinary rates and racial disparities are down significantly. Alton Middle School in Illinois combined similar practices along with restorative justice training to reduce its out-of-school suspension rate, and its discipline and achievement disparities are narrowing (see the December 2009 Newsletter of the Illinois PBIS Network, the country’s largest network of PBS schools: www.pbisillinois.org). Indiana University’s Equity Project is piloting similar efforts toward Culturally Responsive PBIS in Indiana schools. (<http://www.indiana.edu/~equity/index.php>)

To reduce racial disparities in discipline, OCR has stepped up collection of disciplinary data and its enforcement of Title VI. (See the PRRAC Researcher Report in this issue of *P&R* for more on OCR’s renewed Title VI enforcement efforts. Visit www.wakehelp.org for information on a recent Title VI complaint that involves disciplinary disparities in Wake County, NC.) Beyond Title VI, a number of promising legal strategies are developing to challenge the School-to-Prison Pipeline in state and federal courts. For example, the Southern Poverty Law Center has employed class administrative complaints under the Individuals with Disabilities Education Act (IDEA) to win

district-wide implementation of PBS and other practices. For a survey of current legal strategies to address the Pipeline, see *The School-to-Prison Pipeline: Structuring Legal Reform*, a book released in late 2010 by Catherine Kim, Dan Losen & Damon Hewitt (New York University Press).

Despite a shifting Congressional landscape, a number of efforts are under way on Capitol Hill to effect school discipline reform through federal law. The Congressional Black Caucus has stated that reforming zero tolerance and reducing racial disciplin-

Federal and state laws and policies play a significant role.

ary disparities are among its consensus priorities for ESEA reauthorization. Rep. Carolyn McCarthy (D-NY) has introduced legislation (H.R. 5628) to ban corporal punishment for all

schools receiving federal funds, and to provide grant funds for PBS implementation. The ACLU and Human Rights Watch released an excellent report on corporal punishment in schools: *Impairing Education*—www.aclu.org. Senator Michael Bennet (D-CO) has introduced a bipartisan bill (S. 3733) that calls for additional use of PBS in state education plans. A number of community organizations, educators and civil rights groups have come together under the umbrella of the Dignity in Schools Campaign and the Alliance for Educational Justice to prioritize discipline reform in the ESEA context.

Much work remains to address exclusionary discipline policies and related disparities, but more than a decade’s work by community organizers, researchers, educators and advocates is beginning to show great progress in dismantling the School-to-Prison Pipeline. □

Resources

Catherine Kim, Daniel Losen & Damon Hewitt. 2010. *The School-to-Prison Pipeline: Structuring Legal Reform*. New York: New York University Press.

Robert Balfanz et al. 2003. “High Poverty Secondary Schools and the Juvenile Justice System,” in Johanna Wald & Daniel Losen, eds., *Deconstructing The School to Prison Pipeline*. San Francisco: Jossey-Bass, 77-78

The Alliance for Educational Justice: www.allianceforeducationaljustice.org

The Dignity in Schools Campaign: www.dignityinschools.com

NAACP Legal Defense and Educational Fund, Inc: www.naacpldf.org

www.schooltoprison.org (a password-protected legal forum on pipeline issues)

Advancement Project/Stop the Schoolhouse-to-Jailhouse Track: www.stop-schoolstojails.org

Poverty & Race (July/Aug. 2005) has a series of articles on the school-to-prison pipeline. Back issue available at www.prrac.org

American Bar Association. 2009. *Resolution 118A: The Right to a High-Quality Educational Program; Resolution 118B: The Right to Remain in School; 118C: The Right to Resume Education*. www.abanet.org