

**ADVANCEMENT PROJECT** ...Just Democracy  
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# THE UNINTENDED CONSEQUENCES OF SCHOOL JUSTICE PRACTICES

Jim Eichner, Managing Director, Programs  
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## What is Advancement Project?

- National racial justice civil rights organization based in Washington, D.C.
- Works with grassroots and community-based groups across the U.S. to end the school-to-prison pipeline.
- Uses strategic communications strategies to lift up the voices of impacted communities and change the national conversation.
- Provides resources and best practices on school discipline.

## Defining the School to Prison Pipeline



### **DEFINITION:**

*The policies and practices that are directly and indirectly pushing students out of school and on a pathway to prison.*

## Origins of Zero Tolerance



1980s Drug Policy

1990s Columbine Tragedy

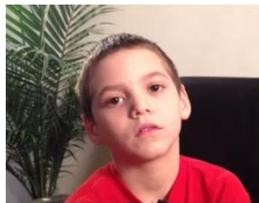


## Redefining Student Behavior

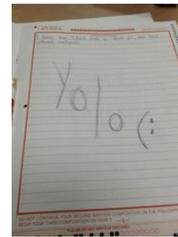
pushing & shoving	→	"Assault & Battery "
senior pranks	→	"Breaking & Entering"
talking back	→	"Disorderly Conduct"
temper tantrums	→	"Disrupting a School Function"

## In just the last year...

Colorado second-grader suspended for throwing a pretend grenade at recess.



Maryland 7-year-old suspended for chewing his Pop Tart into the shape of a gun.



Texas high school junior suspended for writing "YOLO" on his standardized test and tweeting it at the school district.

## Meet Salecia Johnson



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## Impact of Shift in Philosophy

- Suspensions and expulsion rates are practically double the rates of the 1970s.
  - In New York, 139,308 students received out-of-school suspensions in 2010-2011.
  - 774 students in New York are suspended per day, on average.
- One third to one half of students experience at least one suspension during their K-12 career.
- Thousands of pre- school students were suspended or expelled in 2011-12.

## Harsh Discipline Doesn't Work

- Schools with higher suspension rates have lower test scores and graduation rates (controlling for poverty and other demographics).
- American Psychological Association concluded that schools with zero tolerance are not safer and have more negative school climates.
- Overly harsh discipline hurts the relationship between teachers and students, and doesn't address root causes.

## The Facts on Disparities

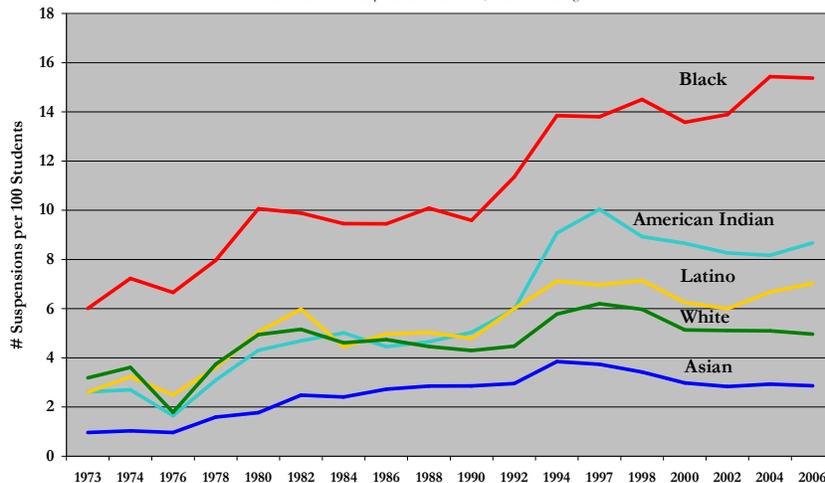
- Nationally African-American students are suspended and expelled 3 times as often as white students.
  - On average 5% of white students suspended compared to 16% of African American students.
- African-American girls are suspended or expelled at higher rates than white boys.
- Black children represent 18% of preschool enrollment but 48% of those suspended.
- Latinos are one-and-a-half times more likely to be suspended than white students.

## The Facts on Disparities Cont.

- African-American students represent 16% of students, but 27% of those referred to law enforcement and 31% of school-related arrests.
- White students make up 51% of students, but 41% of students referred to law enforcement and 39% of those arrested.
- Students with disabilities are suspended at twice the rate of their non-disabled peers.
- 75% of African-American students with disabilities were suspended out of school in Chicago during 2009-2010.

**Suspension Rates, By Race**  
1973-2006

Source: United States Department of Education, Office of Civil Rights



## What We Know About Disparities

- Disparities can't be explained by differences in student behavior.
- Students of color are punished more severely for less serious or more subjective infractions.

Great Resource: <http://csgjusticecenter.org/youth/breaking-schools-rules-report/>

- Students of color also attend schools that rely on more harsh discipline than predominately White schools – and that have police and metal detectors.

# RACE

## Effects of Suspensions & Expulsions

- Students are more likely to be retained.
- Students are pushed out of school.
- Students are less likely to graduate.
- Students are more likely to get arrested or referred to the juvenile delinquency system.



## Police in Schools

- Newtown tragedy resulted in a push to put more police in schools.
- But our schools are safe and school shootings are very rare:
  - 17 young people died because of homicides in schools in 2010.
  - 1475 young people died in homicides not at school.

## Unintended Consequences

- Students get arrested for routine school discipline matters.
- In Florida in 2010-2011:
  - 45 students were referred directly to the juvenile justice system, each day.
  - Two-thirds of school-based arrests were for misdemeanor charges.
- In Delaware in 2010-2011, 90% of referrals were for misdemeanors.

**What can be done?**

## Tools for Reform

- Community engagement and involvement.
- Data collection and analysis.
- Code of Conduct revisions.
- School-based programs that reduce disparities.
- Accountability mechanisms.



## Promising Interventions

- To address numbers and disparities:
  - Investment in social and emotional learning strategies.
  - Restorative practices have effectively reduced suspensions and disparities.
  - Teacher training programs focused on student engagement can boost achievement and reduce disparities.
- Great Resource: [http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/Disparity\\_Interventions\\_Full\\_031214.pdf](http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/Disparity_Interventions_Full_031214.pdf)

## 25 Classroom and In-School Alternatives to Suspensions, Expulsions, and Arrests

- Reminder and/or re-direction
- Re-teaching of expectations and skills
- Student/teacher conference
- Loss of privileges
- Role-play
- Written apology
- Mini-course/training on topics such as conflict resolution, anger management, social skills, or appropriate behavior
- Time-out/chill-out period
- Reflective essay or other reflective activity
- Independent study
- Parental outreach
- Student/teacher/parent conference
- Detention
- Referral to after-school program
- Saturday School
- Restorative practices, such as peace circles
- Referral to support staff, such as guidance counselor, social worker, or nurse
- Self-charting of behaviors
- Daily report card on behavior, task completion, and achievement
- Referral to an in-school suspension center or support center
- Restitution
- Community service
- Mentoring
- Modified/adjusted schedule, including changes to the student's overall schedule or course content
- Referral to community-based services

## Buffalo, NY



## Reform in Buffalo

- Code of Conduct reform:
  - Clearly defines the misbehaviors that violate the code and the consequences attached to them with an emphasis on eliminating suspensions for minor misbehaviors.
  - Makes clear due process rights and timelines.
- Mandatory staff training and data collection.
- Focus on prevention strategies.

## Positive Results

- 34.8% reduction in Short Term Suspensions (1 to 5 days) from 2012 to 2013.
- 14.8% reduction in Long Term Suspensions (greater than 5 days) from 2012 to 2013.

## Limiting the Role of Police

- Agreement between all stakeholders (with community input) that provides clear and limited role for police.
- Police should only be involved in incidents that pose a serious and immediate threat to a person's safety.
- Data collection, training, and accountability.
- Great Resource - Agreement in Broward County  
[http://b.3cdn.net/advancement/db79d1858f4c5f3e13\\_7hm6bq78b.pdf](http://b.3cdn.net/advancement/db79d1858f4c5f3e13_7hm6bq78b.pdf)

## Federal Guidance

- Released on January 8, 2014 by Departments of Justice and Education.
- Components:
  - “Dear Colleague” Letter on legal requirements.
  - Resources on best practices.

## Why Guidance Matters

- Strong statement of Federal Government:
  - Discrimination is a problem.
  - Not explained by different behavior.
- Schools need to do better or risk legal action.
- **Attend breakout session on school guidance to learn more!**

## Resources

- Discipline Data Snapshot from CRDC
  - <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>
- Research to Practice collaborative
  - <http://www.indiana.edu/~atlantic/briefing-papers/>
- [Safequalityschools.org](http://Safequalityschools.org)



## For More Information

- Go to:
  - Advancementproject.org
- Contact Info:
  - James Eichner,  
[jeichner@advancementproject.org](mailto:jeichner@advancementproject.org)
  - Follow me/us on Twitter!
    - @JimE\_at\_AP
    - @adv\_project