Alternatives to Suspension and Expulsion and their Impact on School Climate and Safety

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A Look at Harsh Discipline
Let’s talk about some of the origins of the school-to-prison pipeline.

In the 1990s we really started to see an upsurge in schools adopting “zero tolerance” school discipline policies. The ideology of “zero tolerance” comes from the “get tough on drugs and crime” policies of the 1980s. In the 1980s, we know that (spurred by the Reagan Administration’s declaration of a “War on Drugs”) there was a move in the criminal justice and law enforcement world to move toward taking a “tough on crime stance.”

- We all also know what a debacle that was and continues to be.
- Our prison population has tripled.
- The United States leads the world in its incarceration rate (we make up only about 5% of the world’s population, but we incarcerate a full 25% of the world’s imprisoned people).
- And communities and families are left devastated by the impact of mass incarceration.
- And then in 1999, there was the Columbine school shooting.
Many of us recall the school shooting at Columbine.

Two high school teenagers opened fire on students at Columbine High School on April 20, 1999, killing 12 of their classmates and one teacher, before they committed suicide.

At the time, it was the most deadly school shooting in American history. It certainly was a horrific tragedy that left families and an entire country reeling.

This incident filled a lot of people with fear about young people and what they are capable of, about how the “times” were different, and youth are dangerous.
• In the aftermath, we saw the “get tough” philosophy of the criminal justice system being funneled into schools and used on students:

  • mandatory minimum sentencing laws are used in the criminal justice system requiring fixed sentences for individuals convicted of a drug crime, regardless of culpability of other mitigating factors.

  • “three-strikes” laws

  • broken windows theory – aggressively policing minor offenses that have been traditionally ignored, in the hopes that if you crack down on minor crimes, this will prevent crime in the future.

• Schools and school districts are using these exact strategies in their own school discipline codes. And this is pushing youth out of school and onto a pathway to prison.
• Let me give you some examples of these types of policies at work in school discipline codes.

• First, an example of Mandatory Sentencing.

• In Lauderdale County MS, the code requires OSS and then placement in an alternative school for fighting. No caveats, no discretion on the part of the teacher. Obviously, there is a 3-strikes thing happening here as well, but notice the fact that even on a first offense, out-of-school suspension is mandatory.

• I’d also like to note here that their “tardy policy” is a warning, and then on a second offense the possibility of paddling.
• You might be tempted to say, that just Mississippi! It’s the South! They are just extra tough.

• Here is an example of “Broken Windows” Theory from an urban city in the North: Detroit, Michigan.

• In Detroit Public Schools, they are policing “refusing to wear your student ID” and “long embraces of a personal nature” with out-of-school suspensions and administrative transfers to different schools!
• And, again, to make the point that this is happening everywhere, not just in the South or in urban cities, here is an example of “three strikes” from Charles County in our neighboring state of Maryland.

• Here, if a student is caught smoking on school grounds or on the school bus, they are:
  • First offense – smoking education class and promise not to do it again.
  • Second offense – out-of-school suspension + volunteer hours
  • Third offense – Recommended for expulsion!
- And what this looks like at the classroom and school level is that we are seeing what used to be typical adolescent misbehaviors re-characterized and criminalized.
  
  - So for example, pushing and shoving becomes “battery”
  - Swiping headphones becomes “theft” or “robbery.”
  - Talking back has become “disorderly conduct.”
• After Newtown, each state in the country introduced reactionary laws after the school shooting in Newtown in an effort to address school safety concerns.

• Over 450 pieces of legislation were introduced in each state in the nation

• And while some of this legislation sought to strengthen gun control laws and address the need for mental health services and counseling, the majority suggested increasing the number of police in schools, arming school employees, easing gun restrictions, and adding additional security measures to school buildings like metal detectors and alarms

• We know that these measures do not lead to actual safety, but only create the appearance of safety, and that these measures often create a level of distrust between students and school administrators
Let me tell you why. The harms of harsh discipline are serious and far-reaching. The overuse of suspension, expulsion, and other harsh disciplinary policies increases the likelihood that youth will enter the juvenile or criminal justice systems.

And it is linked with

- lower ratings for school climate
- Predicts higher rates of student misbehavior
- Is associated with lower academic performance among students
- AND with lower school-wide academic performance
- Increases the likelihood of school dropout
The Harms of Harsh Discipline...

A 2011 Council for State Governments report found that:

- About 10% of students suspended or expelled between seventh and twelfth grade dropped out.
- About 59% of those students disciplined 11 times or more did not graduate from high school.
- Students who were suspended were two times more likely to repeat a grade.
- Student who were suspended or expelled were three times as likely to be involved with the juvenile justice system.

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  - AND with lower school-wide academic performance
  - Increases the likelihood of school dropout
• So, school push-out leads to the under-education of youth and puts them on a pathway to prison.

• For example, 1 in 10 high school dropouts will be incarcerated at some point in her or his life. Compare that with only 1 in 35 high school graduates and 1 in 100 college graduates, this is something we can and need to do something about.

• Yet, we push out 3 million students, suspending them out-of-school every year.

• (The 3 million figure is based on 2009-2010 national data from the U.S. Department of Education, Office for Civil Rights.)
Harsh disciplinary policies disproportionately impact:

- Students of color, particularly black and brown students.
- Students who identify as LGBTQ.
- Students with disabilities.

- What is more, students with disabilities, and students who identify as LGBTQ are also disproportionately affected by the STPP.

- And the reality is that for many young people, these identities are overlapping and often result in double or triple harshness. So if you are a black student with a disability, who also identifies as queer, the likelihood is that you have a VERY big uphill battle to graduation.
• If you are a Black student you have a 1 in 6 chance of being suspended at least once. If you are a Latino student you have a 1 in 14 chance of being suspended at least once. Compare this to a 1 in 20 chance for White students. And if you are a Black student with a disability, you have a 1 in 4 chance of being suspended at least once.

• What is also disgraceful is how zero tolerance policies have had and continue to have a disproportionate impact on students of color, particularly Black students, American Indian students, and Latino students.

• This is a graph of suspension data from 1973-2006 from the U.S. Department of Education’s Office for Civil Rights.

• What do you notice?

• First that all students are being suspended more than they were a few decades ago

• And importantly, that black and brown students have historically been suspended at higher rates, and that their rates of suspension are also growing at faster rates that that of White or Asian students.

• Here are some ways we can break down that trend:
• If you are a Black student you have a 1 in 6 chance of being suspended at least once. If you are a Latino student you have a 1 in 14 chance of being suspended at least once, compared to a 1 in 20 chance for White students. And if you are a Black student with a disability, you have a 1 in 4 chance of being suspended at least once.
According to the Journal of Pediatrics, LGBT youth are up to three times more likely to experience criminal justice and school sanctions than straight students.

In a recent study released by the Center for American Progress, LGBTQ, and gender nonconforming youth were also found to be significantly over-represented in the juvenile justice system – approximately 300,000 LGBTQ youth are arrested and/or detained each year, and more than 60% are Black or Latino.

While they represent 5-7% of the overall youth population, LGBTQ youth compose 13-15% of those in the juvenile justice system.

SOURCE: Journal of Pediatrics, Center for American Progress, Seeking Shelter: The Experiences and Unmet Needs of LGBT Homeless Youth (September 2013).
• So we are going to talk for a moment about some of the work that we’ve been involved in and that others have been doing around the school-to-prison pipeline, but before I do, I think it’s important to note here the tremendous cost that is being paid by all of us in letting the school-to-prison pipeline continue to hold root in our schools.

• Our students are paying the costs of this with their trauma, their diminished future prospects, their lives. And it doesn’t end with them, the hidden costs are a heavy burden for communities to bear in the short and long terms.

• There are the short term costs of an expensive and punitive system that relies heavily on the administration of juvenile and criminal justice – metal detectors, alternative schools, court costs, security guards.

• And the long-term costs of a lost generation – lost tax revenue and, relatedly, the higher public health, criminal justice, and public assistance costs of supporting their lower education and higher incarceration rates.
• So let's talk about some of the work that's been done around dismantling the school-to-prison pipeline.

• Padres y Jovenes Unidos has been working organize and mobilize students and families, particularly students of color to do something about the discipline problem.
Here are some of the elements of how they reformed their school code.
Padres y Jovenes Unidos/Denver Public Schools
Denver, CO

• In just the past 5 years...

  1. Reformed Denver Public School’s school discipline code to make it one of the most progressive in U.S.
  2. Passed CO state-wide Smart School Discipline Bill.
  3. Kept Denver Public Schools accountable to the reformed discipline code.
  4. Brokered a Memorandum of Understanding (MOU) between law enforcement agencies and the school district.
Out-of-School Suspensions

2003-04
13,423 Out-of-School Suspensions

DOWN
53.4%

2012-13
6,252 Out-of-School Suspensions
Expulsions

2003-04
Expulsions

DOWN
45.8%

2012-13
Expulsions
Padres y Jovenes Unidos/Denver Public Schools
Denver, CO

Referrals to Law Enforcement

2003-04
Referrals to Law Enforcement

DOWN

47.9%

2012-13
Referrals to Law Enforcement
Denver County Juvenile Filings

2003 DOWN 43.1%

2012
A quick note about Restorative Justice. There may be folks already familiar with RJ, either in a school-based setting or as an alternative to the criminal justice system.

On the school-side, if implemented with fidelity, it prompts a paradigm shift.
• So Restorative Justice practitioners often describe restorative practices as falling on a spectrum –

• if you teach students and teachers the communication practices and informal structures (positive statements, restorative questions and dialogue, team-building circles), that allow for the building of solid relationships...

• then they are able to come together into more intensive “circles” when it comes time to resolve conflicts.
Questions & Answers