

# STUDENTS UNDER SIEGE

**How the school-to-prison pipeline, poverty,  
and racism endanger our school children**



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# INTRODUCTION

“In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunities of an education. Such an opportunity, where the state has undertaken to provide it, is a right that must be made available on equal terms.”

— Chief Justice Earl Warren, *Brown v. Board of Education* (1954)



School safety is in the headlines, in hearts and minds, and showing up in local, state, and federal legislative proposals nationwide since 14 students and three faculty members were [gunned down](#) at Marjory Stoneman Douglas High School in Parkland, Florida, sparking national protests.

Since the school shooting at Sandy Hook Elementary School in Newtown, Connecticut in 2012, there have been at least 240 school shootings, injuring at least 440 people and killing at least 140 people, [according](#) to the tracking non-profit organization Gun Violence Archive. Over 200,000 school children have been exposed to the trauma of gun violence at schools since the 1999 school shooting in Columbine, Colorado, according to [analysis](#) conducted by the Washington Post.

Even given the violence, shocking frequency, and tragedy of school shootings, they remain relatively rare instances and directly affect just a small portion of the nation's tens of millions of school students. Their indirect effects are felt more broadly, however, and tap into the trauma and fear that young people experience in other ways in their schools and communities.

Unfortunately, one result of these shootings can be to increase pressure for harshly punitive school environments — which can harm kids every day, far beneath the headlines commanded by higher-profile tragedies like shootings. Comprehensive approaches to trauma and fundamental shifts in how we understand school safety and the emotional well-being of our young people are necessary.

Among these approaches are two growing and promising movements: 1) the move toward the use of Restorative Justice practices in schools rather than suspensions, expulsions, and referrals to the juvenile legal systems; and 2) the adoption of social and emotional learning in

schools. This is a way of teaching and supporting the whole child, with family and community collaboration, paying attention to social and emotional stressors so that children can be safe, healthy, and ready to learn academically.

The effects of punitive discipline affect students' sense of safety, well-being, and ability to learn — problems that don't often catch headline attention. More pervasive than school shootings, the excessive use of suspensions, expulsions, and referrals has both short- and long-term adverse effects. And these practices are disproportionately used against students of color, LGBTQ students, students with disabilities, and low-income students.

New gun control measures are surely necessary to keep children safe. But measures to transform punitive discipline practices have the potential to save many more young lives and to substantially contribute to safer school environments.

The path to prison often begins in childhood and in schools segregated by race and class. Over the past 40 years, American schools with high Black and brown student populations in low-income and poor communities have come to resemble prisons more than places of learning. Behaviors typical of children and adolescents have been rendered criminal by harsh disciplinary policies, mandated suspensions and expulsions, and increased law enforcement presence in U.S. schools. Students of color, LGBTQ+ students (that is, lesbian, gay, bisexual, transgender, and/or queer students, along with intersex students and others), students from low-income households, and students with disabilities are routinely pushed out of schools and into criminal legal systems by these policies and the assumptions that undergird them. This trend is colloquially referred to as the school-to-prison pipeline. More than a year into the tenure of both President Donald Trump and Education

Secretary Betsy DeVos, the Department of Education is reportedly in talks to [roll back](#) the 2014 [guidance issued by the Obama administration](#) to protect students from racially marginalized communities against discriminatory discipline policies. The guidance vowed to exercise oversight over school districts with racially disparate disciplinary outcomes in acknowledgement that such disparities are the driving force behind the school-to-prison pipeline.

The potential reversal represents a shift away from the restorative justice (RJ) and [social and emotional learning](#) (SEL) models championed by the Obama administration toward the more punitive approach to “[law and order](#)” favored by the Trump administration. In the wake of the Parkland school shooting, President Trump proposed [arming teachers](#) and inserting more law enforcement officers in schools as a means of discouraging violence.

As this report will show, the presence of law enforcement officers in schools is the quintessential symbol of the school-to-prison pipeline. The president’s proposal suggests that his administration views punitive disciplinary policy as the solution to student misbehavior.

The shift has already begun: In February, Secretary DeVos requested a [two-year delay](#) to an [Obama-era rule](#) meant to standardize the identification process for students with disabilities. The delay is being interpreted as a stepping stone toward eliminating the rule altogether.

This report explores the underreported side of school safety: the dangers of punitive school punishment, pushout, and referrals to law enforcement, and the origins of these disciplinary policies, who they target, what is at risk, and what can be done in order to facilitate safe schools that treat the whole child, with attention to social and emotional development.



## KEY OBSERVATIONS

- Schools with school resource officers (SROs) refer children to the juvenile legal system for “disorderly conduct” at a rate almost [five times](#) that of schools without SROs.
- Recent research indicated that even one suspension can [double](#) the likelihood that a student drops out of school.
- According to [Kids Count](#), which uses data from the U.S. Department of Education Office of Civil Rights, for the 2013-2014 school year, nearly three million students in U.S. public schools experienced in-school suspension, and nearly three million students experienced out-of-school suspension. This trend [continues](#) for the 2015 to 2016 school year.
- Black students, who during the 2013 to 2014 school year represented [15.5 percent](#) of the public school student population, were 46 percent of those punished with multiple suspensions outside of school.
- As of 2017, it was estimated that Latinx public students were suspended every [nine seconds](#) somewhere in the country.
- Students with disabilities receiving IDEA services during the 2013 to 2014 school year were [more than twice](#) as likely to receive one or more out-of-school suspensions as compared to their counterparts without disabilities.
- Data from the [Department of Education's Civil Rights Data Collection](#) indicated that Native American/Alaska Native students were 2 percent of referrals to law enforcement during the 2013-2014 school year, despite representing 1.1 percent of the total public school student population.
- Of the LGBTQ respondents to [The 2015 National School Climate Survey](#) from the Gay, Lesbian, and Straight Education Network (GLSEN), 26.8 were punished with detention, 13.2 percent were punished with either in-school or out-of-school suspension, and 1.3 percent were expelled.
- A 2013 report from the [New York Civil Liberties Union](#) observed a positive correlation between the presence of low-income students and suspension rates.
- An average of over [150,000](#) truancy (sometimes defined as just more than three days of unexcused absences from school) cases annually regularly result in fines, loss of custody, placement in foster care, even incarceration and probation for both juveniles and parents.
- Among the [benefits](#) observed by high school students, staff, and administrators participating in a restorative justice program in a 2016 study were disruption of the school-to-prison pipeline and improved academic performance.

SECTION ONE:

# WHAT IS THE SCHOOL-TO-PRISON PIPELINE?



The bearings of the harsh disciplinary policies that sustain the school-to-prison pipeline can be found in the “[tough on crime](#)” approach that characterized the response to criminal justice in the 1980s, according to the Advancement Project. Fear of Black and Latinx teens deemed “[superpredators](#)” created a climate that convinced policymakers and parents that America’s schools would soon be under siege, if they were not already. Incidents like the Columbine school shooting were used to hype these concerns, though the two white teens who shot their classmates didn’t meet the demographic criteria other than by age. The result was legislation: The [1994 Federal Gun Free Schools Act](#) required states to require school districts to impose mandatory expulsions for a period of at least a year as punishment for bringing a firearm to school. The stage was set for changes to disciplinary policies across the board.

[Mirroring](#) mandatory minimum sentencing laws and “three strikes” laws, “[zero-tolerance](#)” policies, according to Child Trends, mandate “explicit, predetermined punishments to specific violations of school rules, regardless of the situation or context of the behavior.” While this approach is presented as a reasonable way to reduce classroom distractions and school violence, zero-tolerance policies dole out highly subjective, disproportionate punishments to students for minor infractions, while doing little to improve school safety.

[Underperforming schools](#) foster environments ripe for the construction of the school-to-prison pipeline. Situations in which teachers are overworked and resources are limited or inadequate can disadvantage both students and teachers. Students can become disengaged and vulnerable to falling down the pipeline. Teachers are often forced to outsource their responsibilities to law enforcement officers. Police officers are now considered a regular part of school staff, where they can even

replace school counselors and school psychiatrists in low-income schools.

The presence of these officers, referred to as school resource officers (SROs), increased [38 percent](#) between 1997 and 2007. As of 2016, 24 percent of elementary schools and 42 percent of high schools had [school resources officers](#) present. According to the National Center for Education Statistics, while only [about 100 SROs](#) worked in U.S. schools in the 1970s, that number ballooned to [more than 30,000](#) full-time and part time SROs by the 2013 to 2014 school year.

As of 2016, Latinx and Black students were 1.4 times as likely and 1.2 times as likely, respectively, to attend [schools with SROs but no guidance counselors](#) as White students. Using data from the Department of Education’s Civil Rights Data Collection, analysis from [Child Trends](#) showed that over 54 percent of middle schools with enrolled Black student populations that exceeded 75 percent of the student body had at least one SRO in the 2015-2016 school year. This offers a stark contrast to the 32.5 percent of middle and high schools with White student enrollment over 75 percent with at least one SRO. SROs can forcibly arrest students on campus for any behavior they or teachers deem disruptive.

The result is that students in schools with law enforcement present are more likely to have their disciplinary infractions met with arrests rather than adjudication from school administrators. For example, schools with SROs refer children to the juvenile legal system for “disorderly conduct” at a rate almost [five times](#) that of schools without SROs, according to a 2009 study by Matthew Theriot at the University of Tennessee College of Social Work. [Evidence](#) suggests that the majority of these arrests are for small misdemeanors.

Segregation — which [data](#) suggests has proven stubborn in the years since Brown v.

Board of Education, if not worsened — exacerbates the school-to-prison pipeline too. It gives rise to the existence of schools with high rates of poverty and high rates of student of color attendance. In turn, these factors, which are independently associated with the prevalence of the school-to-prison pipeline, are also [correlated](#) to the presence of less qualified and experienced teachers. A [2017 study](#) of Georgia public school discovered that particularly punitive disciplinary responses were more prevalent in more segregated school districts, hinting at the presence of subjectivity and bias in the disciplining of students.

Indeed, the wide discretion with which teachers, and increasingly SROs, are empowered to distribute punishments are at the heart of the zero-tolerance policies and the school-to-prison pipeline by extension. According to [Kids Count](#), which uses data from the U.S. Department of Education Office of Civil Rights, for the 2013-2014 school year, nearly 3 million students in U.S. public schools experienced in-school suspension, and nearly 3 million students experienced out-of-school suspension. This trend [continues](#) for the 2015 to 2016 school year.

Evidence exists that most disciplinary measures are taken in response to small infractions rather than serious or violent crimes: For example, a frequently cited 2004 [report on suspensions and expulsions in Indiana](#) discovered that 95 percent of out-of-school suspensions and 70 percent of expulsions were for nonviolent offenses during the 2002 to 2003 school year. Far more serious infractions involving weapons, by contrast, accounted for 1 percent of out-of-school suspensions and 4 percent of expulsions.

More recently, the National Center for Education Statistics calculated that during the 2007 to 2008 school year (the most recent year for which the data is available) [42.6 percent](#) of total disciplinary actions

were taken in response to the subjectively-defined category of “student insubordination.” Of those insubordination cases, 82.2 were met with out-of-school suspensions lasting five days or more. A frequently cited 2011 longitudinal study on Texas public schools’ disciplinary policies during the early 2000s called *Breaking Schools’ Rules* spoke to similarly high incidences of subjectivity: [Three percent](#) of the disciplinary actions taken were for misconduct for which such disciplinary actions were required by state law. The remaining disciplinary actions leveled were in response to discretionary misconduct.

Since the 1972 to 1973 school year, the number of children expelled or suspended during the 2009 to 2010 school year has increased nearly [40 percent](#), according to the Vera Institute of Justice.

Suspensions can have reverberating effects: Recent research indicated that even one suspension can [double](#) the likelihood that a student drops out of school. That same research projected a 20 percent decrease and a 12 percent decrease in the likelihood that a student would graduate from high school and go on to a post-secondary degree, respectively, with each suspension. Data collected in Texas showed that various types of “exclusionary discipline,” in which students are separated from academic instruction, were associated with a [23.5 percent](#) increase in a student’s likelihood of dropping out.

Involvement in the juvenile justice becomes more likely in the wake of a separation from school: A [2007](#) study determined that students who were arrested or incarcerated were 11 percentage points and 26 percentage points, respectively, less likely to graduate high school. The [Breaking Schools’ Rules](#) report calculated that about half of the Texas public schools students it evaluated who were disciplined 11 or more times were involved with the juvenile justice system. Students suspended or expelled for



“discretionary violations” were almost [three times](#) as likely to be involved with the juvenile justice system the next year in the absence of other factors, summarizing how subjective disciplinary policy can have drastic consequences.

Zero-tolerance policies also ultimately bring many students into direct contact with the criminal justice system. Data from the Department of Education’s Civil Rights Data Collection demonstrated that [291,100 students](#) were referred to or arrested by law enforcement during the 2015-2016 school year.

The effects of being caught up in the school-to-prison pipeline extend far beyond the classroom. Dropping out of high school typically translates to decreased earnings in the labor market: The National Center for Education Statistics calculated that the

median earnings of youth who had completed high school were [22 percent](#) higher than those who had not in 2015. [Statistics](#) have shown that youth arrest might be somewhat predictive of future arrest. States that tracked youth released from correctional facilities two years after their release found that between 68 percent and 82 percent recidivated. States that tracked these youth noted that between 45 and 72 percent were adjudicated or convicted for crimes within three years of their release. [Juvenile incarceration](#) has been linked to depression and generally worse health in adulthood. Possession of a criminal record presents a [barrier to employment](#) that is particularly acute for men, for whom incarceration has been determined to have led to a [reduction](#) of hourly wages by 11 percent, annual employment by nine weeks, and annual earnings by 40 percent.

SECTION TWO:

# WHO DOES THE SCHOOL TO PRISON PIPELINE AFFECT?



Zero tolerance policies mean that infractions, regardless of the seriousness, are met with harsh punishments. However, teachers have wide discretion in determining what counts as an infraction. That discretion can reflect underlying biases that color and distort the disciplinary infractions of students from marginalized communities.

Perhaps unsurprisingly, the burden of schools' over-reliance on suspensions as a means of curbing "bad" behavior falls most heavily on students of color and students belonging to other historically marginalized communities.

Students of color, especially Black boys, are saddled with labels rooted in generations of racism and oppression like "[bound for jail](#)" and "unsalvageable." Application of the [Pygmalion effect](#), also known as self-fulfilling prophecy, to teacher-student relationships holds that when teachers form these negative expectations of their students and act on them, then their students will almost certainly conform to them. The consequences of these prejudices can be almost [three times](#) as great for Black students as they are for

White students. Generally, they are also larger for other marginalized groups than their non-marginalized counterparts.

While this report chronicles disproportionate discipline rates among students from marginalized communities, it is important to remember that these students are not committing more infractions. Their infractions (real and imagined) are simply treated differently: For example, a 2011 analysis of patterns of referral for students attending 364 elementary and middle school students during the 2005 to 2006 school year revealed that Black and Latinx children are [more likely](#) than their White peers to be punished for the same misbehavior.

In light of this reality, in 2014 the Obama-era Department of Justice's Civil Rights Division and Department of Education's Office for Civil Rights jointly [opined](#), "in our investigations we have found cases where African-American students were disciplined more harshly and more frequently because of their race than similarly situated white students. In short, racial discrimination in school discipline is a real problem."

## **BLACK STUDENTS**

Prejudice-fueled perceptions of Black children have been particularly well-documented. Previous research has shown that Black boys are perceived as older and, therefore, more responsible for their actions. Police officers are among the most consistent practitioners of the "adulthoodification" of Black youth. Officers participating in a study conducted by Professor Philip Goff and his colleagues [overestimated the ages](#) of Black boys and, correspondingly, deemed them more responsible for their infractions as compared to White male

adolescents, the ages of whom they actually underestimated.

Relatedly, evidence has shown that Black students are more vulnerable to subjectivity, which often undergirds zero-tolerance policies. [One study](#) found that while White students are more likely to be punished for objective offenses, like vandalism, Black students are more likely to be punished for vague, subjective offenses like disrespect. When prejudice and subjectivity combine, the result is heightened vulnerability to discipline.

Black public school students were disproportionately represented in the ranks of disciplined students during the 2013 to 2014 school year. Despite constituting [15.5 percent](#) of the total public school student population, Black public school students (with and without disabilities) were 22.9 percent of those expelled under zero-tolerance rules, 46 percent of those punished with multiple suspensions outside of school, 34.8 percent of those subjected to school-related arrests, and 26.1 percent of those referred to law enforcement.

According to the most recent data from the Department of Education's Civil Rights Data Collection during the 2015 to 2016 school year, the intersection of race and gender reveals especially deep disproportionalities for Black boys, who represented 8 percent of public school enrollment. These students were [25 percent](#) of public school students who received an out-of-school suspension and 23 percent of expelled public school students that school year.

Stark [disparities](#) similarly disadvantaged Black public school students, who were 3.8 times more likely to receive one or more out-of-school suspension, 1.9 times more likely to be expelled without educational services, and 2.2 times more likely to be referred to or arrested by law enforcement as their White peers during the 2013 to 2014 school year. Data from both the [2013](#)

[to 2014](#) and [2015 to 2016](#) school years indicate that Black overrepresentation in various disciplinary outcomes was complemented by White underrepresentation.

The researchers behind the Breaking Schools' Rule report using data collected from Texas public schools set the disciplinary disadvantage for Black students even higher: In the absence of other factors, Black students were [31 percent](#) more likely to be disciplined for discretionary infractions compared to their White and Latinx classmates.

Black students fared particularly poorly in "high poverty" schools, defined as having a student population that is between 75 percent and 100 percent low-income. A 2018 Government Accountability Office study of Department of Education data during the 2013 to 2014 school year calculated that Black students in high-poverty schools were overrepresented among the ranks of high-poverty public schools students who were suspended out of school by [24.6 percentage points](#).

That zero tolerance policies and other harshly punitive policies are disproportionately brought to bear against Black students is borne out by [a 2010 study](#) that determined that a school's percentage of Black students is predictive of its reliance on punitive discipline.

## **BLACK GIRLS**

Conversations surrounding Black students and school discipline tend to focus on Black boys. Across the intersection of race and gender, Black boys are the most disproportionately disciplined group of students. However, Black girls, across the intersection of race and gender, are subjected to the deepest disparities when

compared to their White peers, which is the premise of the groundbreaking 2014 report "[Black Girls Matter: Pushed Out, Overpoliced, and Underprotected](#)."

To this point, a 2017 [study of a Kentucky public school district](#) found that Black girls and Black boys were 2.5 times and 1.5 times more likely to be disciplined for

disobedience, respectively, as compared to White girls and White boys. Similarly, Black girls and Black boys were more than 3 times and more than 1.5 times more likely to be disciplined for disruptive behavior, respectively, as compared to White girls and White boys. An analysis of the data from the Civil Rights Data Collection during the 2013 to 2014 school year by the National Black Women's Justice Institute [reported](#) that Black girls were nearly four times more likely to be arrested at school than their White female peers.

The adultification of Black girls manifests itself in condensed stereotypes of them as loud, domineering, and hypersexualized. As the [Georgetown Law Center on Poverty and Inequality](#) discovered, the perception that Black girls are older and hyper-sexualized develops through a tendency to view them as more mature in behavior and attitude than their actual age, more knowledgeable of mature concepts, and more capable of assuming adult-level responsibilities than their actual age would suggest. The perception of Black girls as more mature begins when they are as young as five, meaning that Black girls, like Black boys, spend the majority of their youth effectively stripped of it.

Professor [Edward Morris](#) of Ohio University observed that teachers' application of this lens to the behaviors of Black girls leads them to perceive these behaviors as major infractions rather than youthful indiscretions that merit a proportionate response. Research has shown that Black girls are subjected to a greater level of policing than their White counterparts.

A recent [report](#) by the National Women's Law Center focuses on the policing of Black girls bodies through dress codes. The report details the ways in which Black girls can be removed from the classrooms and even sent home for violations of dress code prohibitions on headscarves, clothing that is too form-fitting for curvy figures, or skirt length violations. Further, dress codes often criminalize gender non-conforming clothing choices and are subjectively enforced.

The result is that nationally, Black girls, like other girls of color, are subjected to disparities in [suspensions](#) as compared to their White counterparts. Despite constituting 8 percent of the total public school population for the 2015 to 2016 school year, Black girls represented [14 percent and 10 percent](#) of those public school students who received an out-of-school suspension and were expelled, respectively.

## LATINX YOUTH

As of 2017, it was estimated that Latinx public school students were suspended every [nine seconds](#) somewhere in the country. According to the Department of Education's Civil Rights Data Collection, Latinx students in the 2013-2014 school year attending public schools were [24.8 percent](#) of the total student enrollment. Latinx students (with and without disabilities) were disproportionately represented among total school-related

arrests during the 2013-2014 school year, during which they constituted 25.2 percent of such arrests. This was the only disciplinary category in which Latinx students collectively were disproportionately affected.

Like Black boys, Latinx boys are disadvantaged by school disciplinary policies when accounting for the intersection between race and gender. During the 2015



to 2016 school year, Latinx boys accounted for [13 percent](#) of all public school students. They nevertheless represented 15 percent of such students who were punished with out-of-school suspension and 16 percent of such students who were expelled that same year.

As confirmation of the subjective nature of the school-to-prison pipeline, Latinx students are [as much as three times](#) more likely to face suspension or expulsion than their White counterparts for having displayed the same minor misbehavior.

Specific analysis from [The New York Daily News](#) of data collected by the New York

Police Department revealed that Black and Latinx students in New York City are overwhelmingly pushed into contact with the criminal justice system via school. These students, who constituted 68 percent the New York City public school student population, were 93 percent of all arrests and court summonses by law enforcement in public schools between January and March 2016. Meanwhile, White students are ostensibly spared from such contact: White students, despite representing 15 percent of the public school student population, were only 3 percent of total arrests and court summonses.

## STUDENTS WITH DISABILITIES

[Twenty-eight percent](#) of public school students with disabilities as defined by the Individuals with Disability Education Act (IDEA) were referred to law enforcement during the 2015 to 2016 school year. Twenty-six percent of these students were subjected to one or more out-of-school suspensions. These students represented 24 percent of those who were expelled. Public school students with disabilities as defined by IDEA represented 12 percent of all enrolled students during the 2015 to 2016 school year.

[Children of color with disabilities](#) were especially impacted by disciplinary practices with Black students demonstrating the most severe. Among public school students with disabilities as defined by IDEA who received more than one out-of-school suspension during the 2013 to 2014 school year, 41.9 percent were Black. Black students with disabilities were 22.1 percent of zero-tolerance expulsions, 28.8 percent of referrals to law enforcement, and 35 percent of school-related arrests of public school

students with disabilities as defined by IDEA during the 2013 to 2014 school year. Among boys with disabilities receiving IDEA services who were subjected to suspensions outside of school, over [one in four](#), with the exception of Latinx and Asian Americans, were students of color.

The Breaking Schools' Rules study indicated that nearly [three out of four](#) students with disabilities observed were suspended or expelled at least once over the course of the study. Disproportionalities for students with disabilities translated into further disparities: Students with disabilities receiving IDEA services during the 2013 to 2014 school year were [more than twice](#) as likely to receive one or more out-of-school suspensions as compared to their counterparts without disabilities. In 2015, [The National Council on Disabilities](#) reported that while children with disabilities comprise just 12 percent of the student population, they comprise 31 percent of school-related arrests.

## Children with disabilities make up 12% of the K-12 student population, but:

- + they make up 31% of students involved in school-related arrests
- + 58% of students subjected to involuntary seclusion during school hours
- + 75% of students subjected to mechanical restraint during school hours



African American children make up 1/2 of all students with disabilities in correctional facilities



1. "Breaking the School-to-Prison Pipeline for Students with Disabilities | NCD.gov" (National Council on Disability, June 18, 2015), <https://www.ncd.gov/publications/2015/06182015>.

## NATIVE AMERICAN/ALASKA NATIVE YOUTH

Native American/Alaska Native youth (with and without disabilities) attending public schools constituted 1.1 percent of the national student population during the 2013 to 2014 school year. Data from the [Department of Education's Civil Rights Data Collection](#) indicated, however, indicated that these youth were 1.8 percent of zero-tolerance expulsions, 1.3 percent of multiple suspensions outside of school, 1.5 percent of school-related arrests, and 2 percent of referrals to law enforcement during that same school year.

Statewide data from the 2013 to 2014 school year in the three of the states with the highest non-Hispanic Native American/Alaska Native alone (as compared to in combination with other races) populations, according to [2016](#)

[population estimates](#) from the U.S. Census Bureau, uncovers the deeper extent to which Native American/Alaska Native students are vulnerable to the school-to-prison pipeline. In Arizona, Native American/Alaska Native public school students (with and without disabilities) represented [24.3 percent](#) of school-related arrests. In California, these students were [1.4 percent](#) of students who received multiple out-of-school suspensions. In New Mexico, Native American/Alaska Native public school students (with and without disabilities) were [34 percent](#) of those expelled under zero-tolerance policies.

For reference, Native American/Alaska Native students were 4.8 percent, 0.7 percent, and 10.1 percent, respectively, of the [total public school student population in](#)

[Arizona, California, and New Mexico](#) during the 2013 to 2014 school year.

## TRANSGENDER AND LESBIAN, GAY, BISEXUAL, AND QUEER YOUTH

In May 2016, the Obama administration issued a [directive](#) that all schools receiving federal funds protect transgender and gender non-conforming students from discrimination and harassment. This directive reaffirmed the U.S. Department of Education's [2014 clarification](#) that Title IX's protection against discrimination based on sex also encompasses gender identity and expression. Though it was [challenged](#) by official representatives of eleven states, this decree provided unprecedented protection and access to federal recourse for transgender and gender non-conforming students.

The Trump administration's decision to [rescind](#) the 2016 guideline on transgender students in February 2017 was the first indication of what has proven to be its non-interventionist approach to marginalization. As previously mentioned, the Department of Education is considering rescinding the 2014 Obama-era [guidelines](#) to reduce suspensions and expulsions of students of color, as previously mentioned.

Though quantitative data on the experiences of lesbian, gay, bisexual, and/or transgender (LGBTQ) youth within the school-to-prison pipeline is limited, the data that does exist indicates that these youth are similarly exposed to harsh disciplinary policies. Using survey data collected from over 10,500 self-identified LGBTQ students in grades 6 to 12 in 2015, [the 2015 National School Climate Survey](#) from the Gay, Lesbian, and Straight Education Network (GLSEN) reported high rates of LGBTQ student discipline. Of those

surveyed, 26.8 were punished with detention, 13.2 percent were punished with either in-school or out-of-school suspension, and 1.3 percent were expelled.

Intersecting racial identities may contribute to higher rates of discipline for LGBTQ students of color. According to a 2013 report from [GLSEN](#), 46.7 percent of Black students, 44.1 percent of Latinx students, and 47.3 percent of multiracial students reported having been disciplined at school. Among White LGBTQ students, 36.3 percent reported such discipline. A similar narrative exists among LGBTQ students with various disabilities. 47.8 percent of these students reported experiencing school discipline versus 36.9 percent of those without disabilities.

Evidence exists that LGBTQ students may be falling victim to the small, subjective infractions that drive the school-to-prison pipeline: [Almost 30 percent](#) of LGBTQ students reported being disciplined for publicly displaying affection in a context in which such behavior is not similarly deemed transgressive among non-LGBTQ students. More than 3 percent reported being disciplined for identifying as LGBTQ.

Survey data from from GLSEN also speaks to a positive correlation between experiencing LGBTQ-related discrimination and school discipline. Among respondents to their 2015 survey, [81.6 percent](#) reported the existence of discrimination related to identification as LGBTQ. Of those who reported such discrimination, 46 percent also reported being disciplined at school.



LGBTQ-related discrimination, and the subsequent creation of what was perceived to be a hostile learning environment, proved to be a major factor in the absenteeism of LGBTQ students: Over [44 percent](#) of LGBTQ students who had experienced such discrimination reported missing school as compared to 12.3 percent of those who had not. For LGBTQ respondents, experiences with victimization, like those with discrimination, correlated to a greater likelihood of missing school and being disciplined.

A [2009 GLSEN survey](#) using data from the 2006 to 2007 school year found that 89 percent and 87 percent of transgender students experienced verbal harassment because of their sexual orientation and gender expression, respectively. In terms of physical harassment, 55 percent and 53 percent of transgender students faced such harassment because of their sexual orientation and gender expression, respectively. Absenteeism from school among transgender students was common: Among respondents, 47 percent reported skipping a class at least once in the past month, while 46 percent reported missing school altogether for at least one day in the past month. Safety was frequently the cited reason among transgender respondents for avoiding school, with these students being more likely to miss school out of concern for their personal safety than their non-transgender counterparts.

Results from [the 2015 U.S. Transgender Survey](#) by the National Center for

Transgender Equality mirror those from the GLSEN survey. Asked to reflect on their K-12 experiences in which they were either out as transgender or perceived to be transgender, more than half of transgender respondents reported being verbally harassed (54 percent) and almost one-fourth reported being physically attacked (24 percent) over their actual or perceived transgenderism.

The creation of an [uncomfortable school environment](#), independent of experiences with discipline, can [push students out of school](#) and into contact with the criminal justice system.

In terms of discipline, [20 percent](#) of respondents to the 2015 U.S. Transgender Survey argued that they were disciplined by teachers and other school administrators more harshly given their identity. Perhaps as evidence of such bias, 36 percent of respondents reported that they were disciplined for defending themselves against abuse. Six percent of respondents were expelled from school.

Harassment and discrimination drove [17 percent](#) of respondents out of school entirely.

These experiences and others related to harassment and discrimination among transgender respondents to the 2015 U.S. Transgender Survey are depicted in the following [graphic](#) from the National Center for Transgender Equality.



### Experiences of people who were out as transgender in K–12 or believed classmates, teachers, or school staff thought they were transgender

EXPERIENCES	% OF THOSE WHO WERE OUT OR PERCEIVED AS TRANSGENDER
Verbally harassed because people thought they were transgender	54%
Not allowed to dress in a way that fit their gender identity or expression	52%
<u>Disciplined</u> for fighting back against bullies	36%
Physically attacked because people thought they were transgender	24%
Believe they were disciplined more harshly because teachers or staff thought they were transgender	20%
Left a school because the mistreatment was so bad	17%
Sexually assaulted because people thought they were transgender	13%
Expelled from school	6%
One or more experiences listed	77%

Source: National Center for Transgender Equality 2015 [U.S. Transgender Survey](https://www.transgenderequality.org/surveys/2015)

## CHILDREN FROM LOW-INCOME FAMILIES AND IN UNDER-RESOURCED SCHOOLS

Schools in the United States have a long history of being segregated by income level, often overlaid with racial segregation, and receiving vastly unequal funding. This is largely because the funding system is local, with some state funding and a small amount of federal funding. Over [90 percent](#) of funding for most elementary and secondary education is non-federal funding. Low-income and poor communities have far less tax revenue to spend on local schools. Nationwide, high-poverty school districts spend nearly [16 percent less](#) on each school student than school districts with low poverty do.

Given these challenges, low-income students, who are disproportionately Black and Latinx youth, are similarly funneled through the school-to-prison pipeline. A 2013 report from the New York Civil Liberties Union offered an analysis unique to New York City that quantified the extent

to which low-income students are vulnerable to the pipeline. A positive correlation was found to exist between the presence of low-income students and suspension rates. So strong was the correlation that the district with the highest proportion of low-income students, with 85 percent of students qualifying for free or reduced-price lunch, also had the [highest suspension rate](#) in the city at 8 percent.

According to recent [findings](#) in the Annie E. Casey Foundation's Kids Count data, in 2016 two out of five children in the U.S. live in low-income families. Black, Native American and Latinx children are the most likely to live in a low income household at rates around 60 percent, while White, Asian and Pacific Islander children are the least likely at less than 30 percent.

A [study](#) aimed at determining the relationship between the presence of school resource officers (SROs) and student arrests compared 13 schools in which school resource officers (SROs) were present against 15 schools without SROs. Here too a positive correlation was found to exist between school poverty and the incidence of school discipline, with a greater degree of school poverty corresponding to a higher total number of student arrests. Authors concluded that this relationship suggests that “poverty is a strong predictor of school exclusion.”

High rates of poverty also appear to correlate to high rates of truancy: A California study found that [85 percent](#) of elementary students deemed “chronically truant” were from low-income families. As of 2017, [93 percent](#) of youth sent to juvenile court for truancy in Washington state were from low-income families.

Truancy separates students from school and exposes them to the subsequent vulnerabilities that drive the school-to-prison pipeline, including suspensions and expulsions. According to The Marshall Project, as of 2015, an average of over [150,000](#) truancy cases annually regularly result in fines, loss of custody, placement in foster care, even incarceration and probation for both juveniles and parents. Truancy in some states is defined by as little as four days of unexcused absences in a year. Some school districts identify

tardiness and some skipped classes as truant days, even when the student is in school.

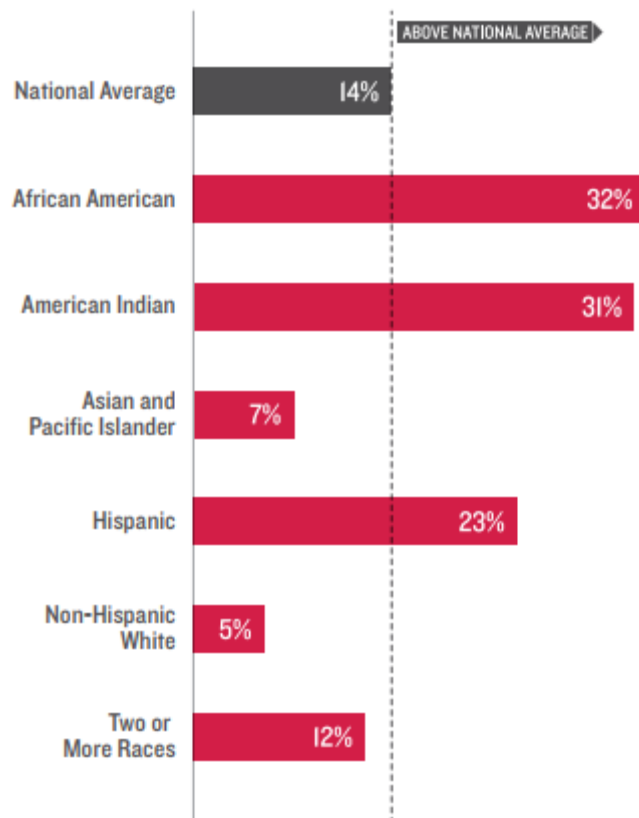
[According](#) to Melissa Sickmund, director of the National Center for Juvenile justice, the majority of students both identified as truant, as well as those disproportionately expelled and suspended from school for truancy, are poor and low-income.

A study of Washington state high school students spoke to the connection between truancy and youth interactions with the criminal justice system — quantifying, to some degree, the broader function of truancy as a driver of the school-to-prison pipeline itself. [Thirty-three percent](#) of students who were first-time truants were criminally charged in between when they received their first petition for truancy and when they turned 18. So strong was the connection between truancy and contact with the criminal justice system that [50 percent](#) of all students evaluated in the study were found to have been charged with a crime before the age of 18.

Criminalizing unexcused absences from school has not resulted in increased school attendance, or decreased juvenile criminal behavior, according to the 2015 Marshall Project [study](#). On the contrary, such action may result in increased school absences and serve only to push families deeper into poverty.



## PERCENTAGE OF CHILDREN LIVING IN HIGH-POVERTY AREAS: 2011–15



SOURCE: U.S. Census Bureau, 2011–15 American Community Survey.

Source: US Census Bureau, from <http://www.aecf.org/m/resourcedoc/aecf-2017kidscountdatabook.pdf#page=31>

SECTION THREE:  
TOWARD EQUITY

## ALTERNATIVES TO SCHOOL DISCIPLINE

This report illustrates some of the many ways already marginalized youth are further targeted, policed, disciplined, pushed out, arrested, and incarcerated. When punitive discipline and the presence of SROs are centered in low-income

schools with high minority populations, odds are stacked against these young people as they become systematically removed from opportunities for higher education and to move out of cycles of poverty.

## RESTORATIVE JUSTICE

In some school districts around the country, recognition of the injustice of the criminalization of those living in poverty and at the intersection of race, gender identity, sexual orientation, disability, and minority religious affiliation is growing. The concept of Restorative Justice (RJ) is taking hold, especially in the Oakland Unified School District, and being replicated from Colorado to Illinois to Baltimore and Washington, DC and beyond.

Restorative Justice stands counter to punitive justice. Rather than punishing an offender for breaking a law or a rule, RJ seeks to heal a harm that has been done and involve all stakeholders in the resolution. It takes the focus away from punishment of a student and toward healing and learning as a process that includes all the stakeholders — from the student responsible for the harm, to the person(s) harmed, to the families and school staff. By focusing on learning and healing and building community instead of punishing, suspensions and expulsions and even referrals to the juvenile legal system have been [reduced](#), as have recidivism rates. Also, both the students committing the harm

and those experiencing the harm [report](#) feeling a greater sense of fairness and satisfaction through restorative justice programs.

To give students the best chance of achieving higher education and the best chance of a fulfilling life free from the trauma of poverty, a comprehensive approach to school safety requires breaking out of the paradigm of punitive discipline and zero-tolerance policies. Restorative practices can extend to the whole school and be used regularly as a community-building practice. They can prevent harm with their inclusive school-based approach to caring for the social and emotional development of students in addition to their academic success.

There are many resources for schools available to help them begin implementing restorative justice principles. The Oakland Unified School District website, Restorative DC and School Talk DC, and the Advancement Project's "School-Wide Restorative Practices, Step by Step" are just a few.



## SOCIAL, EMOTIONAL, AND ACADEMIC LEARNING

Another set of tools that school districts can use to facilitate the safety, well-being, and thriving of students employ tenets known as “Social, Emotional, and Academic Development ([SEAD](#)) or “Social and Emotional Learning” ([SEL](#)).

[SEAD](#) focuses on teaching the whole child and understanding that learning involves addressing obstacles, traumas, social and emotional needs that children and adolescents face in their homes, communities, and school environments. It recognizes that students need access to social workers and mental health professionals, to healthy food, welcoming environments, collaborations with family and community, peer collaboration, mentors, and alternatives to harsh discipline.

SEL approaches learning in a way that recognizes that students learn through social and emotional connections to family, community, peers, mentors, and teachers.

Studies show that approaches to academic learning that also address social and emotional needs give students a [better](#) chance at thriving at school and prepare the students for a socially engaged and positive future. A [2011 study](#) of over 270,000 kindergarten through high school students involved in 213 SEL programs in school noted an 11 percentile point increase in achievement as measured by grades in specific subjects and performance on standardized tests, along with improved attitude and behavior.

The changes effected by SEL programs can lead to positive life outcomes that extend into adulthood. A [longitudinal study spanning 19 years](#) followed kindergarten students enrolled in a behavioral intervention program for children showing early signs of behavioral issues. Teachers assessed the social competence of the kindergarten students. Self-reported data from the students in 2010 revealed the existence of the predictive quality of social competence: Students evaluated as demonstrating high social competence were more likely to have graduated high school on time, finished college, and obtained gainful employment — and less likely to have ever had encounters with the police or been detained.

Students are not the only ones who benefit. Across six distinct social and emotional learning intervention programs, [researchers from Columbia University](#) estimated that the economic benefits of these SEL programs as a whole outweigh the economic costs 11 to one.

School environments that teach the whole child, recognize and address social and emotional needs, and employ restorative justice principles are taking concrete steps toward true safety at school — not only for marginalized populations, but for all children. When we address the needs of those most at risk, we also create healthy environments for all our kids.

# CONCLUSION

The consequences of punitive discipline, like the focus on zero-tolerance policies and the funding of SROs at the expense of mental health and whole child SEL policies, are at the center of the school-to-prison pipeline and school safety considerations. Punitive discipline policies stand in marked contrast to restorative justice and social, emotional, and academic learning practices.

When schools are safe places in which children are valued and supported rather than policed and punished, we [know](#) they perform better academically and delinquency is reduced. Among the [benefits](#) observed by high school students, staff, and administrators participating in a restorative justice program as reported to a 2016 study were disruption of the school-to-prison pipeline and improved academic performance.

In addition to the approaches suggested here, more structural change is required to address school safety and the well-being of students in a comprehensive way. These include, but aren't limited to, desegregation of schools, increased school funding, and raising teacher pay.

School desegregation has been linked to positive educational outcomes. Black students attending desegregated schools

have been shown to be [more likely to graduate](#) high school, along with other positive effects that have extended into adulthood: Black students who attended desegregated schools for at least five years earned [25 percent](#) more than their counterparts who attended segregated schools. Not only do students perform [better](#) in schools with sufficient funding, there's even evidence that society as a whole would [benefit](#) from a better and more equitably funded public school system in the U.S. Finally, school districts offering higher pay [attract](#) more experienced and better qualified teachers.

As policymakers from school boards to local, state, and federal governments debate how to ensure student safety, they should adopt a more multidimensional approach that considers not just students' physical needs, but their emotional, social, and academic needs as well. That approach must also include discussion on how to disrupt and dismantle the school-to-prison pipeline, expand the use of restorative justice practices in schools, desegregate schools, and increase funding and teacher pay. Together, these approaches will bring us a long way toward real and lasting safety for our children.



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