

Panel Questions for December 6, 2011, meeting of the State Board of Education:

1. What are the three biggest barriers to providing environments in schools that are safe and conducive to learning?
 - **The absence of effective and consistent school leadership – high principal and assistant principal turnover does not make for a stable environment. If there is no guidance from the top, the rest of building is left to create spheres of safety, creating multiple systems of response and non-response.**
 - **Lack of consistent enforcement of discipline policies by school staff at all levels – students respond to learning environments where the discipline policies are clear, concise, and easily understood by all. School staff—from office secretaries, cafeteria workers, paras and classroom teachers and, most importantly administrators—have to be consistent in how they respond to discipline code infractions.**
 - **Ongoing violence within the school community – schools are microcosms of the neighboring community and if there is unrest, poverty, and violence in the community, it spills over into the schools.**

2. Do you think that suspension from school is warranted in certain cases? When should a student be suspended from school? For how long? Is two classroom weeks a reasonable maximum amount of time that a principal alone can decide to suspend a student?

Suspensions are indeed necessary and should be determined on case-by-case-bases. However, schools are not penal institutions and we can not set mandatory time frames, for example, a fight involving a weapon should carry a mandatory suspension of 10days. What happens if the student has never been involved in a fight and s/he picks up a brick, to defend himself from three individuals?

There are extenuating circumstances which must be taken into consideration. A principal in most instances has the final authority to determine if a suspension recommendation will be made, however, a school climate team – consisting of a school counselor, instructional leaders, and a parent liaison, etc.--should weigh in and aid in the decision-making process.

3. Can you identify any examples of student infractions of a non-violent nature (e.g. cheating on an exam, tardiness, etc.) which can result in student suspensions and due to their nature would make you feel unsafe or uncomfortable to have the suspended student/students readmitted to school pending the outcome of the appeal of the suspension?

At this juncture, I can not think of a situation in which a non-violent infraction has occurred that school staff should be concerned about a student returning pending appeals. However, these are situations that benefit careful analysis by a team and not subjectively decided by one person.

4. Should there be a minimum standard of educational services provided to students expelled or placed on long term suspension? If you answer "yes," could you suggest the types of services and method of delivery to be provided? If you answer "no," please provide your reason(s).

Yes, minimal services should be provided for students who have been expelled. We know from research that students who are suspended or expelled are more likely to engage in even more unwanted behavior and become further entrenched in legal systems. It would stand to reason that we would require career counseling, GED support, mental health and support counseling for these students who are on the margins.

5. Are you or is your organization aware of any other issues related to how student suspensions/expulsions are handled? If so, do you have any data which would shed light on the magnitude of this problem/issue?

The American Federation of Teachers (AFT) is part of the Atlantic Philanthropies Collaborative responding to the issue of school-to-prison. As part of their work, the Collaborative in partnership with the Open Society Foundation commissioned the study, *Breaking School Rules* (<http://justicecenter.csg.org/resources/juveniles>)

This week the Collaborative will be meeting with staff from the Department of Juvenile Justice and the Department of Education to discuss the Supportive School Discipline Initiative, which encourages positive and effective disciplinary practices that create safer school environments conducive to learning and do not remove students from the educational setting.

Also, I would direct your attention to the work of Dr. Ivory Toldson, who has studied this issue intensely. He is also a working member of the Atlantic Collaborative and a featured speaker in OSI – Baltimore, Talking about Race Series (http://www.soros.org/initiatives/baltimore/news/series_20090813).

Among other findings, Dr. Toldson, Judith Dianis-Brown (Advancement Project) and Dan Losen (Civil Rights Project), among others, have reported:

- Zero-tolerance disciplinary policies are often the first step in a child's journey through the pipeline.
- Zero-tolerance policies impose severe discipline on students without regard to individual circumstances. Under these policies, children have been expelled for giving Midol to a classmate, bringing household goods (including a kitchen knife) to school to donate to Goodwill, and bringing scissors to class for an art project.
- Even the American Bar Association has condemned zero-tolerance policies as inherently unjust: "zero tolerance has become a one-size-fits-all solution to all the problems that schools confront. It has redefined students as criminals, with unfortunate consequences...Unfortunately, most current [zero-tolerance] policies eliminate the common sense that comes with discretion and, at great cost to society and to children and families, do little to improve school safety."⁽¹⁾
- There is no evidence that zero-tolerance policies make schools safer or improve student behavior. On the contrary, research suggests that the overuse of suspensions and expulsions may actually increase the likelihood of later criminal misconduct.⁽²⁾

Schools today rely on law enforcement, rather than teachers and administrators, to handle minor school misconduct.

- Growing numbers of school districts employ full-time police officers, or “school resource officers,” to patrol middle and high school hallways. With little or no training in working with youth, these officers approach youth as they would adult “perps” on the street, rather than children at school.
- Children are far more likely to be arrested at school than they were a generation ago. The vast majority of these arrests are for non-violent offenses such as “disruptive conduct” or “disturbance of the peace.”⁽³⁾
- Children as young as five years old are being led out of classrooms in handcuffs for acting out or throwing temper tantrums. Students have been arrested for throwing an eraser at a teacher, breaking a pencil, and having rap lyrics in a locker. These children do not belong in jail.
- The explosion of school-based arrests cannot be attributed to an increase in youth violence. Between 1992 and 2002, school violence actually dropped by about half. Despite the fear generated by a handful of highly publicized school shootings, schools remain the safest places for young people.⁽⁴⁾
- Resources that could be put towards improving under-resourced schools are instead used for security. School districts spend millions of dollars for police officers and security personnel,⁽⁵⁾ despite the fact that these very schools are the ones lacking basic educational resources like textbooks and libraries.

The rise in suspensions, expulsions, and school-based arrests may be due, in part, to the rise of high-stakes testing.

- As a result of test-based accountability regimes such as the No Child Left Behind Act, schools have an incentive to push out low-performing students to boost overall test scores. One study found that schools meted out longer suspensions to students who performed poorly on standardized tests than to high-performing students for similar offenses. This “punishment gap” grew substantially during the period of time when standardized tests

were administered, indicating that schools may use “selective discipline” to keep low-performing students out of school during testing days.⁽⁶⁾

We must demand accountability for the education of all students.

- **In some states, students who have been expelled or suspended have no right to education at all. These children are left to fend for themselves, while the government and school districts are absolved of any responsibility for educating their most at-risk children.**
- **In a growing number of jurisdictions, struggling students are sent involuntarily to disciplinary alternative schools. These alternative schools—sometimes run by private, for-profit companies—are not subject to traditional school accountability standards (such as minimum hours and curriculum requirements), and frequently fail to provide meaningful educational services to the students who need them the most. Some lack even the basics, such as teachers and textbooks, and many do not offer high school diplomas upon graduation.**
- **Students confined in juvenile detention facilities have access to few, if any, educational services.**
- **Students who enter the juvenile justice system face many barriers blocking their re-entry into traditional schools, and can be haunted by their criminal records later in life. The vast majority of juvenile justice-involved students never graduate from high school, and may be denied student loans, public housing or occupational licenses because of their prior criminal records.**

Students of color are disproportionately represented at every stage of the school-to-prison pipeline.

- **African-American students are far more likely than their white peers to be suspended, expelled, or arrested for the same kind of conduct at school.⁽⁷⁾**

- **In 2003, African-American youth made up 16% of the nation's overall juvenile population, but accounted for 45% of juvenile arrests.⁽⁸⁾**
- **There is no evidence that students of color misbehave to a greater degree than white students. They are, however, punished more severely, often for behaviors that are less serious.⁽⁹⁾**
- **Students with special needs are disproportionately represented in the school-to-prison pipeline, despite the heightened protections afforded to them under law.**
- **Children who have unmet special learning or emotional needs are particularly likely to be pushed out of mainstream schools and into the juvenile justice system.**
- **While approximately 8.6% of public school children have been identified as having disabilities that impact their ability to learn,⁽¹⁰⁾ a recent survey of correctional facilities found that students with disabilities are represented in jail at a rate nearly four times that.⁽¹¹⁾**
- **Minority students with disabilities are particularly vulnerable, since many schools regard jail as the default special education placement for poor and minority children. African-American students with disabilities are three times more likely to receive short-term suspensions than their white counterparts, and are more than four times as likely to end up in correctional facilities.⁽¹²⁾**

End Notes

1 ABA Juvenile Justice Committee, ZERO TOLERANCE POLICY: REPORT (Feb. 2001).

2 Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 16; Johanna Wald & Dan Losen, "Defining and Re-directing a School-to-Prison Pipeline," NEW DIRECTIONS FOR YOUTH DEVELOPMENT (No. 99, Fall 2003), p. 11.

3 Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 15.

4 Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 11.

5 Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 17.

6 David N. Figlio "Testing, Crime and Punishment," JOURNAL OF PUBLIC ECONOMICS (Vol. 90 Iss. 4-5, May 2006).

7 Russel J. Skiba, ZERO TOLERANCE, ZERO EVIDENCE (2000), pp. 11-12; The Advancement Project & The Civil Rights Project, OPPORTUNITIES SUSPENDED: THE DEVASTATING CONSEQUENCES OF ZERO TOLERANCE AND SCHOOL DISCIPLINE POLICIES (June 2000), pp. 7-9; Russell J. Skiba, et al., THE COLOR OF DISCIPLINE: SOURCES OF RACIAL AND GENDER DISPROPORTIONALITY IN SCHOOL PUNISHMENT (2000).

8 Howard N. Snyder, "Juvenile Arrests 2003," OJJDP JUVENILE JUSTICE BULLETIN (2005), p. 9.

9 Advancement Project, EDUCATION ON LOCKDOWN: THE SCHOOLHOUSE TO JAILHOUSE TRACK (Mar. 2005), p. 8.

10 Sue Burrell and Lauren Warboys, "Special Education and the Juvenile Justice System," OJJDP JUVENILE JUSTICE BULLETIN (July 2000), p. 1.

11 Mary M. Quinn, Robert B. Rutherford, and Peter E. Leone, ERIC Clearinghouse on Disabilities and Gifted Education, STUDENTS WITH DIS-ABILITIES IN CORRECTIONAL FACILITIES (2001).

12 Johanna Wald and Dan Losen, "Defining and Re-directing a School-to-Prison Pipeline," NEW DIRECTIONS FOR YOUTH DEVELOPMENT (No. 99, Fall 2003).