



Impacts of the School to Prison Pipeline

YWCA Madison

The Sheraton Madison

Madison, Wisconsin

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Institute**

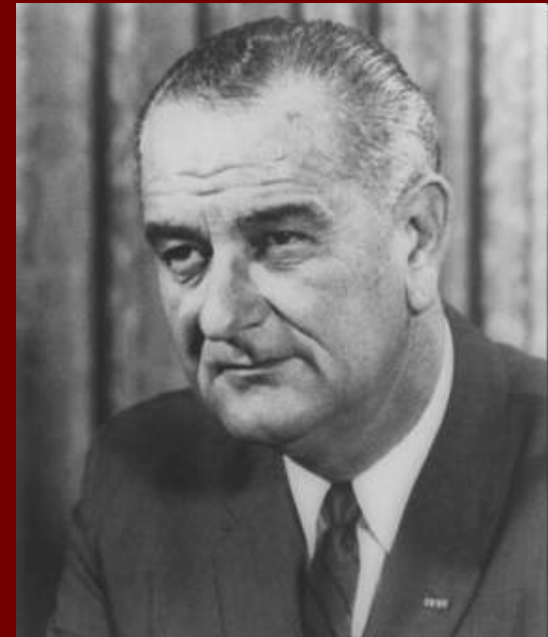
for Race & Justice

October 8th, 2009

President Lyndon Johnson

June 4, 1965

Men and women of all races are born with the same range of abilities. But ability is not just the product of birth. Ability is stretched or stunted by the family that you live with, and the neighborhood you live in—by the school you go to and the poverty or the richness of your surroundings. It is the product of a hundred unseen forces playing upon the little infant, the child, and finally the man.




Aspirations

ELECTION 2008 NOVEMBER 5, 2008

NEWS & RECORD

OBAMA TRIUMPHS

Promise of change propels first black president to White House
Hagan takes Senate seat from Dole; Perdue tops McCrory



Florida Voters Defier Marriage As Union Of One Man And One Woman

THE TAMPA TRIBUNE

'CHANGE HAS COME'

President-elect Obama calls on America to "summon a new spirit."

Racial barrier crumbles as voters favor polls in historic election



High Turnout Swings Florida, And The Nation, To Obama

Peace of mind comes standard on every vehicle.

MARKELL TROUNCES LEE

The News Journal

'YES, WE CAN'

OBAMA ELECTED FIRST BLACK PRESIDENT


BIDEN ACHIEVES HIGHEST OFFICE FOR A DELAWAREAN



Peace of mind comes standard on every vehicle.

PHILADELPHIA DAILY NEWS THE PEOPLE PAPER

WEDNESDAY, NOVEMBER 5, 2008



OBAMA

Rocky Mountain NEWS



OBAMA

Colorado key in electing first black president
Udall win boosts Dems' margin in U.S. Senate

COMPLETE LOCAL RESULTS START ON PAGE B1

WIDERS ENCL: LONG LINES, FEW FLOODS

HISTORIC OBSTACLES FACE NEW PRESIDENT

DEAR KLAY'S GAIN IN HOUSE SENATE

SESSIONS ELECTED TO 2ND TERM IN SENATE

FROM BARACK OBAMA'S SPEECH TUESDAY NIGHT:

"If there is anyone out there who still doubts that America is a place where all things are possible, who still wonders if the dream of our fathers is still alive in our time, who still questions the power of our democracy, tonight is your answer."




ELECTIONAL CYCLE: #1 needed to win BARACK OBAMA 338 JOHN MCCAIN 141

THE HUNTSVILLE TIMES

WEDNESDAY, NOV. 5, 2008

YES HE DID!

Barack Obama promises to 'be everyone's president'



For blacks, 'This day was coming'

GRIFFITH TAKES DISTRICT 5 RACE

52% 48%

le journal de montréal

PLUS DE MÉDAILLONS BIEN TÔT DISPONIBLES

Annoufhi Sergel Kosticyn

Découpez votre coupon en page 112

OBAMA

ELU

JOURNÉE HISTORIQUE POUR LES ÉTATS-UNIS

15 PAGES

CASA GRECQUE Spécial Crevettes 2 ASSIETTE 1/2 PRIX!



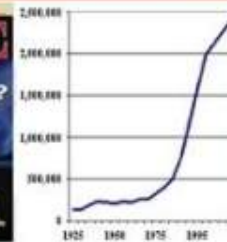


Promising Developments



National Criminal Justice Commission Act of 2009

Introduced in the Senate March 26, 2009



[Jim Webb's Website](#) | [Constituent Services](#) | [Newsroom](#) | [Photos](#) | [Contact](#) | [Subscribe](#) | [Unsubscribe](#)

The **National Criminal Justice Commission Act of 2009** that I introduced in the Senate on March 26, 2009 will create a blue-ribbon commission to look at every aspect of our criminal justice system with an eye toward reshaping the process from top to bottom. I believe that it is time to bring together the best minds in America to confer, report, and make concrete recommendations about how we can reform the process.

Why We Urgently Need this Legislation:

- With 5% of the world's population, our country now houses 25% of the world's reported prisoners.
- Incarcerated drug offenders have soared 1200% since 1980.
- Four times as many mentally ill people are in prisons than in mental health hospitals.
- Approximately 1 million gang members reside in the U.S., many of them foreign-based; and Mexican cartels operate in 230+ communities across the country.
- Post-incarceration re-entry programs are haphazard and often nonexistent, undermining public safety and making it extremely difficult for ex-offenders to become full, contributing members of society.

America's criminal justice system has deteriorated to the point that it is a national disgrace. Its irregularities and inequities cut against the notion that we are a society founded on fundamental fairness. Our failure to address this problem has caused the nation's prisons to burst their seams with massive overcrowding, even as our neighborhoods have become more dangerous. We are wasting billions of dollars and diminishing millions of lives.

We need to fix the system. Doing so will require a major nationwide recalculation of who goes to prison and for how long and of how we address the long-term consequences of incarceration.

There are few things rarer than a major politician doing something that is genuinely courageous and principled, but Jim Webb's impassioned commitment to fundamental prison reform is exactly that.

Glenn Greenwald

Salon.com, March 28

Other Promising Headlines (2009)

To Cut Costs, States Relax Prison Policies

—NY Times, March 24

Bills would loosen Florida zero tolerance policies

—Florida A.P., March 25

\$50 million of the workforce-training money is set aside for YouthBuild

—Education Week, March 11

South School looking at the bright side; rewarding positive student behavior

—Tri-State Media, March 17

Albany Reaches Deal to Repeal 70's Drug Laws

—New York Times, March 26

School discipline guide approved (Rockford, Illinois)

—Rockford Register Star (RRSTAR.COM), September 22

\$1.4M Awarded To Safe Schools Healthy Partnership - Partnership Designed To Improve School Discipline

—WAPT Jackson, MS, September 23

School board approves changes to district's zero tolerance policy (Lee County School District, FL)

—lehighacrescitizen.com, September 30

Who Are the Role Models and Mentors of Today?



Ken Chenault,
Chairman and CEO

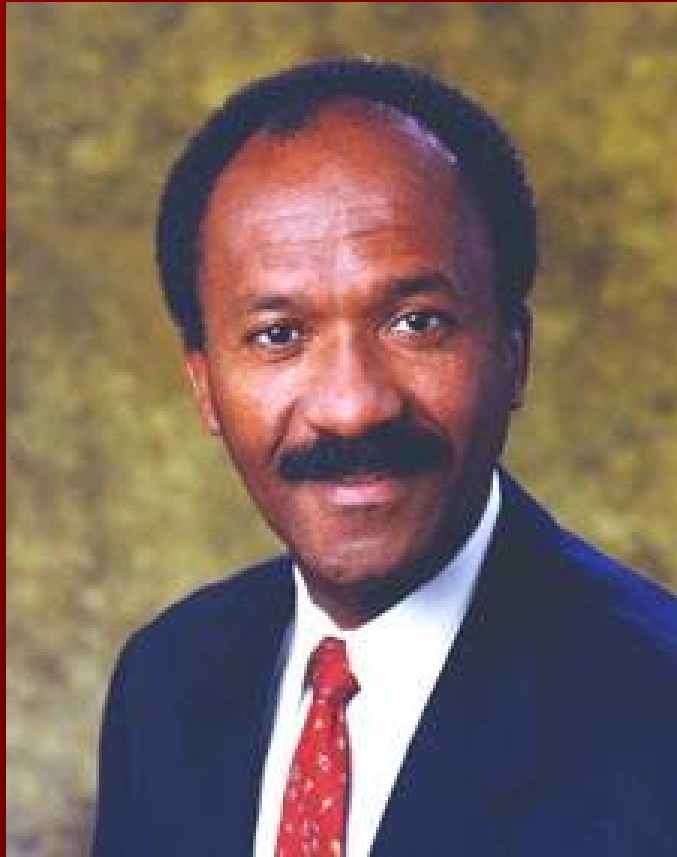


Y&R

Ann Fudge,
Former Chairwoman
and CEO



Debra L. Lee
President & CEO



Franklin Raines,
Former Chairman and CEO



Clarence Otis, Jr.
CEO

**How Do We
Define Success?**

Graduation



Doctors



Lawyers



Teachers



Realities

Derrion Albert

1993-2009





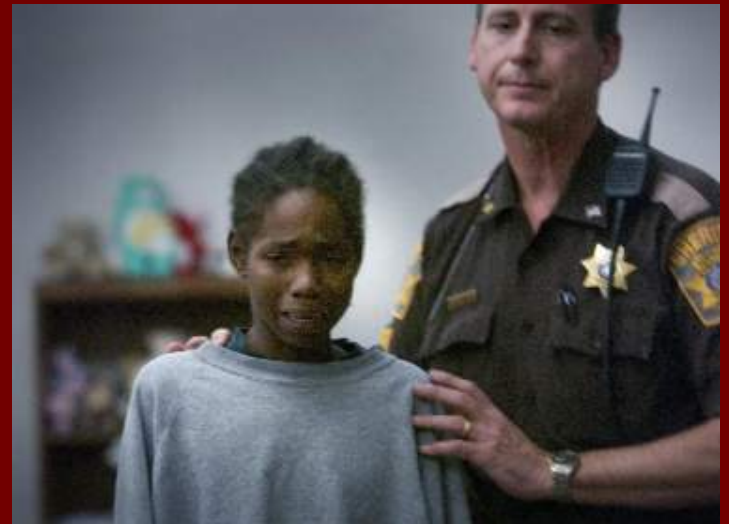
Funeral for Derrion Albert



(Tribune photo by Abel Uribe / October 3, 2009)

The School to Prison Pipeline Marches On

- Arrests of students in school are no longer an anomaly, but an accepted fact
- Principals and teachers often embrace idea of police arresting students, sometimes more than the police themselves
- District attorneys, police, some judges now consider schools as part of their “territory” – e.g. rise in Facebook and cell phone “crimes.”





The Impact of the Pipeline Nationwide

- **An analysis of U.S Department of Education data revealed that only 52% of students in the largest cities obtained a high school diploma.**
- **According to the most recent statistics from the U.S. Department of Education, in 2004, more than 3 million students were suspended and 106,000 were expelled. This represents a 7.4 percent increase in expulsions and a 9.3 percent increase in expulsions since 2000.**
- **Studies show that students in urban schools are disciplined more often and more severely for the same behaviors seen in suburban schools. Racial disparities in exclusionary school discipline mirror those in the juvenile and adult criminal justice systems.**
- **Researchers studied 37 states and found a strong relationship between racial disparities in school suspension and overall juvenile incarceration rates. Nationally, in 2003, youth of color made up 38% of the U.S. youth population, yet, they represented 65 % of the youth in secure detention facilities.**
- **The most recent data from the U.S. Department of Education indicates enduring racial inequality in school discipline across the nation. In 2003, 14% of African American students were suspended at least once from school, compared to less than 5 % of white students. African American students were almost 3 times more likely than white students to be suspended.**

A Shared Reality:

Communities Around the Country are Confronting Similar Challenges

- **School arrests**
- **Zero Tolerance**
- **Suspensions & Expulsions**
- **Court Referrals**

A Shared Reality:

Communities Around the Country are Confronting Similar Challenges

Example: Los Angeles Unified School District, California: Preliminary Evidence - School Pushout

- **High drop-out rate – over 50% of all students do not graduate**
- **High suspension rates - Local District 7 had 9,251 suspensions in 2004-05**
- **Racial disparity: African American students received 44% of suspensions, while representing 24% of student population**
- **Los Angeles County – students attending schools with high suspension rate are less likely to graduate with their class, compared to students attending schools with low suspension rates**
- **High involuntary transfer rates:**
 - “opportunity transfers” (OT) allow schools to transfer student from one district to another
 - supposed to be used as last resort, but documentation shows it is not – 3% of Local District 7 students in 2004-5
 - racial disparity - African Americans represent 48% of OT’s in Local District 7, while representing only 24% of student population

Source: “More Education. Less Suspension. A Call to Action to Stop the *Pushout* Crisis in South Los Angeles” - CADRE
(June 2006)

A Shared Reality:

Communities Around the Country are Confronting Similar Challenges
(continued)

Example: Denver, Colorado

- **Black and Latino students - 70% more likely to be disciplined (suspended, expelled, or ticketed) than White students.**
- **School referrals to law enforcement typically result in an appearance in juvenile court, often leading to probation for up to a year, or entrance into a diversion program.**
- **Between 2000 and 2004, the number of out-of-school suspensions increased from 9,846 in the to 13,423; most (86%) were for subjective, nonviolent offenses.**
- **Racial disparity in distribution of disciplinary “tickets” - in the 2003–2004 school year, Black students received tickets at twice the rate of White students. Latino students received tickets at seven times the rate of White students.**
- **In 2004, 68% of cases filed in court involving unlawful acts in/around schools were dismissed (i.e. via diversion programs). Youth involved end up with a “record” unless they formally ask to have it expunged (removed) from the court files.**

A Shared Reality:

Communities Around the Country are Confronting Similar Challenges
(continued)

Example: Hartford Region, Connecticut

- **Students of color are disproportionately arrested at school**
 - **In 2006-07 East Hartford's African American and Hispanic students - 85% of school-based arrests, while representing only 69% of the population**
 - **West Hartford, African American and Hispanic students - 63% of arrests, while representing 24% of the population**
- **Students of color committing minor infractions were more likely to be arrested than are white students committing the very same offenses**
 - **African American students involved in physical altercations at school in West Hartford were ~2x as likely to be arrested as similarly situated white students.**
 - **East Hartford, both African American and Hispanic students involved in disciplinary incidents involving drugs, alcohol, or tobacco were 10x more likely to be arrested than White students**
- **Very young students were arrested at school - over a 2 year period in Hartford, 86 young students experienced school-based arrest**
 - **Most were in the 7th or 8th grade**
 - **25 were in 4th – 6th grade**
 - **13 were in 3RD grade or younger**

Source: "Hard Lessons: School Resource Officer Programs and School-Based Arrests in Three Connecticut Towns" - The American Civil Liberties Union (November 2008)

A Shared Reality:

Communities Around the Country are Confronting Similar Challenges
(continued)

Example: Florida

- In 2004-5 school year: 26,990 school-related referrals were received by the Florida Department of Juvenile Justice (DJJ)
- More than 75% of these school-based referrals were for minor offenses or misdemeanors (i.e. disorderly conduct, trespassing, or assault and/or battery, "which is usually nothing more than a schoolyard fight.")
- The number of out-of-school suspensions increased by 14% between 1999 and 2005, from 385,365 to 441,694.
- Students of color were impacted the most. While Black students comprised ~23% of the student population they received 46% of the out-of-school suspensions and police referrals during the 2004-05 school year.

Source: "Arresting Development: Addressing the School Discipline Crisis in Florida" - Advancement Project (Spring 2006)

Startling Images and Stories

- Six-year-old kindergarten student Desre'e Watson was handcuffed and booked into the Highlands County Jail Tuesday on one felony and two misdemeanor charges. She is charged with disruption of a school function, battery on school employees and resisting a law enforcement officer without violence.





- An 8-year-old is fingerprinted at the Juvenile Assessment Center after he was arrested on charges including battery on a law enforcement officer.

- In Texas, a white teenager burns down her family's home and receives probation. A black teenager shoves a hall monitor and gets 7 years in prison.



Framing the Pipeline



- This is more than a legal issue involving abusive discipline and policing
- The School to Prison Pipeline really begins in neighborhoods of concentrated disadvantage
- Series of conditions and experiences can converge in insidious ways to make it difficult for children of color to succeed in school

School to Prison Pipeline in Action



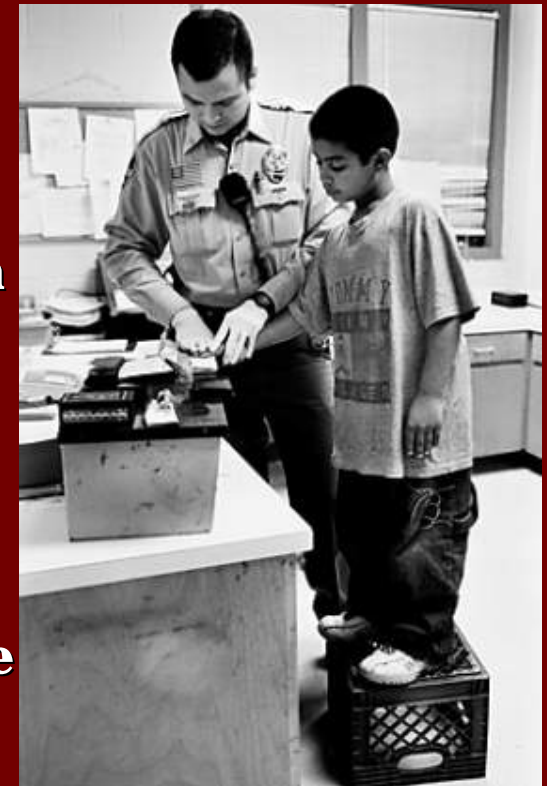
What Are These Conditions?

- Poverty
- Exposure to violence and trauma
- Environmental hazards
- Poor access to health care—vision and dental problems
- Lack of nutrition
- Over-stressed families and parents
- Lack of preparation for kindergarten
- Falling behind academically can lead to increasingly severe behavioral issues



Schools Worsen the Problem

- **Cultural “disconnect” between mostly white and middle class teachers and the children of color in their classrooms**
- **Crowded conditions, under-resourced facilities, over-taxed teachers, many with little experience, leads to chaotic environments**
- **Misreading and misunderstanding of behaviors and affects—leading to suspensions, expulsions, etc. that increase dramatically as children become teenagers in middle school**
- **Lack of parental and community engagement**



Schools Worsen the Problem

(continued)

- Implicit—unconscious—racial bias and stereotyping by teachers, school officials, police
- Lack of understanding of home and neighborhood environments of children and stresses they live with
- Narrow and rigid educational orientation—pressure to increase test scores and adhere to rigid and punitive zero tolerance policies
- Perverse institutional incentives to “push out” certain students or engage in “selective discipline”



Source: ZPress

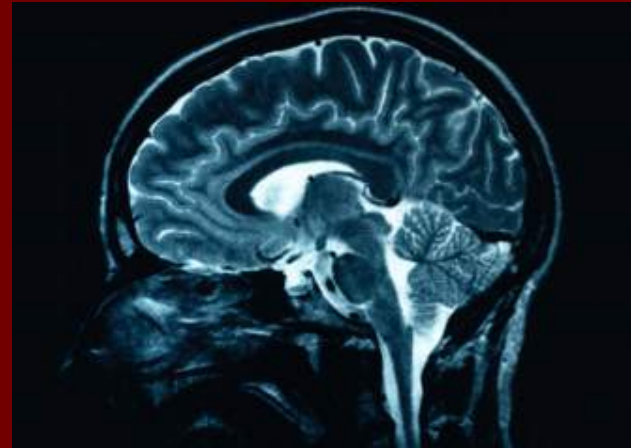


Monica Almeida/The New York Times



New Research Changes Our Diagnosis of Both the Problem and the Remedies

Recent neuro-scientific research helps us to understand how the developing brain is altered by conditions in the social environment. This casts a new light on how and why children behave in a certain way in school, particularly those who have been exposed to trauma, violence and toxic stress.



New Research Changes Our Diagnosis of Both the Problem and the Remedies

(continued)

- **Implicit bias research helps us to understand how unconscious prejudice may affect decision-making process of teachers, administrators, and school resource officers**

Need to Look Both Within and Outside of School for Solutions

Need to focus on:

- Changing the climate of school, and punitive orientation of officials
- Increasing access to health and mental health resources for students and families

Need to Look Both Within and Outside of School for Solutions

(continued)

Need to focus on:

- Building trusting relationships between children and adults
- Building stronger collaborations with organizations outside of school



However....

- Solutions cannot be found just in schools
- Children bring the rest of their lives into school with them; these must be addressed as well

Challenge For Litigators

- Can we use litigation to do more than stop most egregious abuses, but also advocate for positive systemic and structural reforms?
- Can we start to bring some of our new knowledge about the ways in which children are affected by their environments into remedies portion of litigation?
- Can we coordinate litigation with other advocacy strategies?

Beyond Litigation

- Training for police, teachers, and principals in adolescent psychology, conflict resolution, identifying signs of trauma, developing brain, implicit bias
- Transparent data collection, particularly around school arrests
- Better and more community/parent oversight of school arrests and police interventions

Beyond Litigation

- **Advocacy for more health and mental health services in the schools; and other non-punitive options and supports**
- **Clearer understanding and guidelines for the role and purpose of SROs in school**
- **More after-school and out of school opportunities, resources for children and families**
- **Advocacy for redistribution of funding streams away from corrections/juvenile justice toward increased services**

Window of Opportunity

“Dropping out is no longer an option....”

-President Barack Obama



The Challenge

- Need to connect **school to prison pipeline** issues more closely to dropout discussion: to move more forcefully and aggressively into the public domain, congressional hearings, etc. the notion that dropping out is not always an individual choice, but often an institutional one, that students are being “pushed out.”
- Must make ending “pushouts” an integral part of the dropout prevention discussion and strategies

Resources

- **Challenging the School-to-Prison Pipeline: Harms and Remedies:**
Conference co-sponsored by the ACLU's Racial Justice Program and New York Law School's Justice Action Center, on April 1, 2009.
Access to overview, conference video, conference materials, and more:
http://www.nyls.edu/centers/harlan_scholar_centers/justice_action_center/annual_conferences/school_to_prison_pipeline
- **Dignity in Schools Campaign:**
“The DSC unites policy advocates, parent and student organizers, educators and lawyers in a campaign to promote local and national alternatives to a culture of zero-tolerance, punishment and removal.”
<http://www.dignityinschools.org/>
- **School to Prison Pipeline Campaign/NYCLU:**
Access factsheets, training materials, **student films**, and more.
<http://www.nyclu.org/schooltoprison>
- **The Advancement Project “stopschoolstojails” website:**
<http://www.stopschoolstojails.org/>
- **SchooltoPrison.org website: Challenging the School to Prison Pipeline**
www.schooltoprison.org



Promising futures



