

EDUCATION WEEK

Policies Proposed, Change Demanded to End 'School-to-Prison Pipeline'

By Nirvi Shah - December 13, 2012

At a U.S. Senate hearing Wednesday about ending the 'school-to-prison pipeline,' leaders in the U.S. Departments of Education and Justice said they expect to provide guidance to schools about school discipline policies, a measure that would add to the growing list of actions the current administration has taken in this arena.

When pressed, Melodee Hanes, acting administrator of the Office of Juvenile Justice and Delinquency Prevention, told U.S. Sen. Dick Durbin, D-Ill., that the direction from the agencies would be available in the next few months.

Durbin, chairman of the judiciary committee's Subcommittee on the Constitution, Civil Rights, and Human Rights, convened the hearing on ending the school-to-prison pipeline—a collection of actions that lead to students' arrest for school-based actions, which often has the long-term effect of derailing students' academic careers. For some, it leads to criminal behavior in adulthood, and the practices disproportionately affect minorities, students with disabilities, and students who are lesbian, gay, bisexual, and transgender.

"The current system puts kids on a path into the adult justice system for minor infractions," Durbin said. "I hope today's hearing can initiate reforms to better discipline our students without forcing them out of the classroom and into a courtroom."

Hanes and Deborah Delisle, the assistant secretary for elementary and secondary education at the U.S. Department of Education, hinted at what their policy guidance may include. Delisle's written testimony included references to

providing teachers and administrators appropriate alternatives to out-of-school suspension and expulsion, an over-reliance upon which can indicate problems in the school environment that are going unaddressed.

"We must build school capacity to maintain a positive school climate and support students by drawing from evidence-based practices," Delisle's testimony reads.

"We must encourage states, schools, and communities to rethink school discipline policies and develop equitable and appropriate codes of conduct."

She specifically mentioned a Missouri school's adoption of a behavior-management approach called Positive Behavioral Intervention and Supports and Colorado's efforts to reform school discipline policies, which began with the state legislature convening a task force of stakeholders.

Delisle and Hanes referenced a report that studied about 1 million Texas students as they moved from 7th through 12th grades and found that about half were suspended or expelled at least once in that time. Students disciplined repeatedly, the study found, were far more likely to come in contact with the juvenile justice system than peers who weren't suspended or expelled.

The volume of suspensions, they said, is not an indicator of school safety, Delisle said. Nor does the punishment address students' underlying behavior.

The increase in suspensions has been accompanied by an increase in police presence at schools that leads to student arrests, in many cases, Judith Browne Dianis, a co-director of the Washington-based Advancement Project, told senators.

"Police are arresting students for behavior like talking back, which becomes disorderly conduct, or writing on desks—that's called vandalism," she said.

Hanes added that "We don't want to demonize school resource officers," but "we do want to see the best practices used and the best discipline practices."

What could some of those best practices look like? Consider this scenario. A student at one Georgia high school was behaving violently, throwing chairs at a

teacher, said Steven Teske, the chief judge in the juvenile court of Clayton County, Ga. Teske has worked with law enforcement and the school system on reducing the traffic to his courtroom, including through crisis-management training for school police officers.

"There was no doubt she has to be removed from the classroom," Teske said, but instead of handcuffing her, the officer led the student out of the class and talked with her for about two hours, helping her calm down. The student eventually broke down.

"She confessed her mom's live-in boyfriend has been raping her every week," Teske said. The girl was taken into protective custody and the boyfriend arrested.

The training works in another way, too. Instead of living in fear of police stationed at schools because of constant arrests and handcuffing, officers become another adult with whom students can form relationships.

"Students shared information. Police intelligence increased. School disruption decreased, including weapons on campus. Graduation rates increased 24 percent," he said. "The Clayton experience is not novel. We may have been a pioneer in dismantling this pipeline. We're not alone."

Possible Solutions

The litany of speakers Wednesday outlined a number of proposals or recounted action they are already undertaking to address the school-to-prison pipeline.

Among them:

- The federal Education Department, through the office of vocational and adult education, is developing a comprehensive strategy that addresses the quality of educational services in juvenile facilities and reentry of youth from prisons into the community;

- The federal Education and Justice Departments, through the Supportive School Discipline Initiative, are encouraging effective disciplinary practices, collaborating on research that informs this work, and developing the policy guidance that senators seized upon;
- The Justice Department has investigated the conduct of police in arresting children for school-based offenses and whether officers involved in juvenile justice are complying with young people's due process rights;
- Ohio instituted a program called RECLAIM—Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors, Ohio Attorney General Michael DeWine said. This empowers juvenile court judges to use more community-based options and keep students close to home or school and out of prison. Felony commitments and the state Department of Youth Services population have dropped by about 75 percent over the past few decades, and the state has saved money once spent on youth incarceration;
- Districts and states that have addressed the pipeline have done so by limiting the use of out-of-school suspensions and referrals to law enforcement, Dianis said. Schools in Denver and Philadelphia have adopted a range of consequences instead of defaulting to suspension. Suspensions should be limited and in-school suspension should be used instead of out-of-school suspension. Offenses should be defined narrowly;
- A number of speakers referenced the use of positive behavioral interventions and supports, or PBIS, and restorative justice. (Check out my recent series on school discipline, which goes into detail on both of these approaches.);

- At Orr Academy High in Chicago, the school instituted peer juries to mete out punishment, said Edward Ward, a sophomore at DePaul University who graduated from Orr two years ago. The premise was solid, but administrative turnover hampered the effort. "Students were actually understanding each other. They were working together to restore relationships that were almost destroyed between them. This effort has provided a safer school environment in which students and staff can work together as a unified body," he wrote in prepared remarks to the Senate subcommittee. "A suspension could never do that.";
- Vigorous, consistent enforcement of the code of conduct, detentions for small transgressions and in-school suspensions for more serious ones work at schools, Andrew J. Coulson, director of the Cato Institute Center for Educational Freedom has found. He also encouraged Congress to expand programs favored by the institute such as the DC Opportunity Scholarship Program, noting that students using the voucher program graduate at a higher rate than other Washington students. He encouraged lawmakers not to institute new regulations and programs "that would impede states' efforts to bring safe, responsive, independent schools within reach of all children."

Congress Poised to Act?

Many in attendance seemed pleased by the senators' inquiries and the generally consistent message of the speakers—that the problem is pervasive but not unsolvable.

All the local and state efforts outlined by speakers signal that it's time for federal action, said Matthew Cregor, the assistant counsel of the education practice at the NAACP Legal Defense and Educational Fund in New York City.

Several pieces of legislation already have been proposed, he said, including Virginia Rep. Bobby Scott's Youth PROMISE Act. The Democratic congressman

and Rep. Danny Davis, D-Ill., also spoke Wednesday. The Youth PROMISE Act would provide grants to communities facing the greatest youth gang and crime challenges that would pay for a comprehensive response to youth violence through a coordinated prevention-and-intervention approach.

Jerri Katzerman, deputy legal director for the Southern Poverty Law Center, said she was watching senators' faces closely during the hearing.

"They were looking for answers," she said. "What can they do on the Hill? That's where we're headed."