REDIRECTING THE PIPELINE FROM SUSPENSION TO SUCCESS VIA ADVOCACY AND EDUCATION

Marlene Sallo, J.D. - Education Advocate
Quotes

- A characteristic of the normal child is he doesn't act that way very often. ~Author Unknown

- Children are one third of our population and all of our future. ~Select Panel for the Promotion of Child Health, 1981

- If our American way of life fails the child, it fails us all. ~Pearl S. Buck
Brown v. Board of Education

The Supreme Court of the United States wrote:

“Education is perhaps the most important function of state and local governments.”

347 U.S. 483 (1954) at 493
Equity and Opportunity for All Students

Meeting the Needs of Diverse Learners

Schools must support all students, including the provision of appropriate instruction and access to a challenging curriculum along with additional supports and attention when needed.
Quality Education Key to the Nation’s Economic Well-Being

“In a global economy where the most valuable skill you can sell is your knowledge, a good education is no longer just a pathway to opportunity - it is a prerequisite”

President Barack Obama, 02/24/09
REALITY

WE CAN’T AFFORD TO
SAVE THIS ONE, BUT
DON’T WORRY, SOMEONE
WILL CATCH HIM.
National Trend

The School-to-Prison Pipeline

- According to the American Civil Liberties Union the school-to-prison pipeline is one of the most important civil rights challenges facing our nation today
- The school-to-prison pipeline refers to the national trend of criminalizing, rather than educating our nation’s children
The School-to-Prison Pipeline

1. Suspensions
2. Expulsions
3. Referrals to Alternative Schools
4. Policing of School Hallways
5. Referrals to Juvenile Justice
STTP: Pathway to Incarceration

For most students the pipeline begins with:

- Inadequate resources in public schools
  - Overcrowded classrooms
  - Lack of qualified teachers
  - Insufficient funding for “extras” like counselors
- Zero tolerance policies/No Child Left Behind Act
- Policing School Hallways
- Disciplinary Alternative Schools
- Juvenile Detention
Zero Tolerance

A school will automatically and severely punish a student for a variety of infractions without regard to individual circumstances
The Establishment of Zero-Tolerance Policies

- 1994 Guns Free Schools Act
- 1980s War on Drugs
- 1999 Columbine H.S.

Get Tough Approach Policing of our Schools
The Get Tough Approach

The War on Drugs established this approach which seeped into the public school system in the form of:

- Suspensions
- Expulsions
- Referrals to Alternative Schools
- Referrals to Law Enforcement
- School-Based Arrests
By 2001, over 90% of U.S. schools had implemented some form of zero tolerance policy despite an overall decline in violent incidents since 1996.

Effects of Zero Tolerance

- “Common sense” has been removed from disciplinary decisions
- Equal Treatment of students
- One-size fits all solution to school problems
National Statistics

- In 2004, more than 3 million students were suspended and 106,000 were expelled.
- This represents a 9.3% increase in suspensions and a 7.4% increase in expulsions since 2000.

U.S. Department of Education
Data from the National Coalition Advocates for Students (NCAS) suggests that the vicious cycle of misbehavior, disciplinary action, and removal from the classroom only leads to lower achievement and more acting out in school.

Research shows that those students suspended repeatedly are at risk for less participation in positive extracurricular activities, increased placement in special education programs and increased truancy.

(Civil Rights Project, 2000)
The Impact at the State Level

- In New York City between 2000 and 2004 the number of superintendent suspensions increased by more than 76 percent.

- From 8,567 to 15,090

- During the same period the high school population increased by only 5 percent.
In Texas, over a five-year period, the number of expulsions increased by 23% and the number of out-of-school suspensions increased by 43%.

In just one school year, 2007-08, there were over 128,000 referrals of students to alternative disciplinary schools.
Are Suspension & Expulsions Working?

NO

- Studies have found that 30% to 50% of suspended students are repeat offenders.
- Suspensions do not deter future disruptive behavior.
Which Behaviors Lead to Suspension?

- A six year-old child was suspended for ten days for bringing a toenail clipper to school. A school board member said, “This is not about a toenail clipper! This is about the attachments on the toenail clipper!” (Harrisburg, PA)

- A kindergarten boy in Pennsylvania was suspended for bringing a toy ax to school as part of his Halloween costume
Seven year old suspended for weapon possession in school

- Los Angeles Unified School District: A 7-year-old boy was suspended from school for carrying one of these because it violated the district's "zero tolerance" policy on "weapon possession"
The Impact of the Pipeline

Data from the U.S. Department of Education indicates enduring racial inequality in school discipline across the nation.
National Trend

National Enrollment vs. Disciplinary Actions

Source: Office for Civil Rights, 2002 Elementary and Secondary School Survey

- Enrollment
- Out-of-School Suspension
- Expulsion

AMERICAN INDIAN/ALASKAN NATIVE
- Enrollment: 1
- Out-of-School Suspension: 4
- Expulsion: 18

ASIAN or PACIFIC ISLANDER
- Enrollment: 2
- Out-of-School Suspension: 2
- Expulsion: 16

HISPANIC
- Enrollment: 2
- Out-of-School Suspension: 3
- Expulsion: 20

BLACK
- Enrollment: 1
- Out-of-School Suspension: 3
- Expulsion: 32

WHITE
- Enrollment: 1
- Out-of-School Suspension: 59
- Expulsion: 44
- Total Hispanic: 44
What Do The National Numbers Show Us?

- African American students represent 17% of public school enrollment, but 36% of out-of-school suspensions (OSS)
- Latino students represent 18% of public school enrollment, but 16% of OSS
- White students make up 59% of public school enrollment and represent 44% of OSS
- OSS results in student removal from school for at least one day
The Disparate Racial Impact

Nationwide Change in Out-of-School Suspensions per Student
2002-03 to 2006-07
Source: U.S. Department of Education

White Students: -3%
Black Students: 8%
Latino Students: 14%
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.

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.
National Numbers for Latinos

- Discipline statistics for Latino students - A more complicated picture
- Some school districts: Latino students are disciplined in proportion to their numbers in the school population
- Urban areas and “urbanized” suburban school districts: Latinos are disproportionately disciplined

(Applied Research Center, 2000)
The Pipeline and Race

Daniel J. Losen – The Civil Rights Project at Harvard University

- Inadequate School Resources
- Low Achievement
- Use of Special Education in Lieu of Discipline
- High Rates of Suspension and Expulsion
- Failure to Earn a Real Diploma
- Court Involved
- Low Quality Education While Incarcerated (if any)
- More Black Men in Jail Than in College
Racial Disparities, the Pipeline & Juvenile Justice

- According to the OJJDP Juvenile Justice Bulletin, in 2003 African-American youth made up 16% of the nation’s overall juvenile population, but accounted for 45% of juvenile arrests.

- According to the Advancement Project there is no evidence that students of color misbehave to a greater degree than white students.

- Students of color are, however, punished more severely, often for behaviors that are less serious.
Under the strict discipline of zero tolerance, what was once considered a minor infraction, such as a school yard scuffle, can land a student in family court or even prison.

Off-campus incidents are now also leading to arrests of students and involvement with the police – e.g., rise in Facebook and cell phone “crimes”

School districts are transferring their disciplinary authority to law enforcement officials.
The Policing of Our Schools

2009 ACLU White Paper - Policing in Schools

- K-12 public schools across the country have law enforcement agents on school grounds
- In 2004, 60 percent of high school teachers reported armed police officers stationed on school ground
- In 2005, almost 70 percent of public school students ages 12 to 18 reported that police officers or security guards patrolled their hallways
According to the Advancement Project:

“Because of the increasingly strong ties between schools and law enforcement, perhaps the most “policed” group in the country right now – outside of prison and jail inmates – is public school students.”
In schools across the country, young children — almost always Black and Latino children — are made to walk around the school with their hands folded across their chests, along straight, painted lines, one after the other down the hall.

There is only one other place where people are treated this way:

PRISON
Push-Out of School and into Detention

Criminalizing trivial offenses tends to push students out of the school system and into the juvenile justice system.
Irvington, NJ: 3rd grader used paper gun to play cops and robbers with other students. Child was arrested and charged with threatening to kill other students. He was held for 4 ½ hours before being released to father. Suspended for one day. Case dismissed after two court appearances. Child being treated for PTSD. Attorneys for The Rutherford Institute have filed suit on several charges including the unconstitutional application of baseless zero tolerance policies.
Stuart, Florida: 13-year-old boy "continually disrupted his classroom environment" by intentionally breaking wind. He then shut off some computers other students were using. The SRO placed the boy under arrest after he confessed about his behavior. He was charged with disruption of school function and released to his mother.
Suspensions, Drop Out Rates & Incarceration

- There exists a high correlation between suspension/expulsions and dropping out of school.

- Dropping out, in turn, is strongly correlated with incarceration.

- According to researcher Gary Sweeten, a first-time arrest can double the odds that a student drops out, and a first court appearance quadruples those odds.
What if We Reduced the Number of Referrals under Zero Tolerance?

- Data shows a direct correlation between a decrease in student referrals and an increase in graduation rates.
- Economists estimate that raising high school graduation rates would decrease violent crime by 20% and property crime by 10%.
- The same economists find that each additional high school graduate would yield an average of $36,500 in lifetime cost savings to the public.
- Ex: Dropouts cost California $1.1 billion annually in juvenile crime costs; Study finds that cutting the dropout rate in half would save $550 million and prevent 30,000 juvenile crimes a year. Law enforcement urges more dropout-prevention programs.
Another Layer to the Drop Out Problem

- Zero Tolerance Policies lead to punishment AND
- Diminish a student’s educational opportunity

- High Stakes Testing
Crack Down On Failing Schools

1983 “Nation at Risk” → Push for Greater School Accountability → Broader Use of Standardized Tests → Tests Used Against Some Students → Adoption of No Child Left Behind (2002)
The No Child Left Behind Act

- The latest version of the Elementary and Secondary Education Act (ESEA), the nation’s major federal law related to education in grades pre-kindergarten through high school.
- Congress first passed the ESEA in 1965 as part of the nation’s war on poverty.
- The centerpiece of the ESEA, Title I, was designed to improve achievement among the nation’s poor and disadvantaged students.
NCLB Intent

NCLB was intended to increase the quality and effectiveness not only of the Title I program, but of the entire elementary and secondary education system — raising the achievement of all students, particularly those with the lowest achievement levels.
NCLB’s Four Fundamental Premises

- Accountability for Results
- Flexibility in Service Provisions
- Research-based Methodology
- Parental Choice
The Purpose Behind NCLB

The purpose of this title is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments.
NCLB and School Push-Out

- The U.S. Department of Education projected that there were almost 250,000 more students suspended out-of-school in 2006-07 than there were just four years earlier, when NCLB was signed into law.

- During the same timeframe, the Department projected that the number of students expelled across the country increased 15%.
Racial disparities in school discipline are getting worse, as the use of suspensions and expulsions for students of color has increased since the passage of NCLB, while it has decreased for White students.
High-Stakes Testing & Zero-Tolerance

- Via NCLB schools are pressured to improve test scores
- High-stakes testing makes the public more tolerant of widespread use of zero tolerance policies
- NCLB yields the mind-set of remove the “bad kids” who prevent the “good kids” from learning
- There’s a direct relationship between the consequences attached to test results and the severity of school disciplinary practices
- Districts that face the most test pressure will be the most inclined to suspend/expel
What are Some Schools Doing?

Implementing Push-Out Practices:
- withdrawing students from attendance rolls;
- assigning students to alternative schools;
- coercing or encouraging students to drop out or enroll in General Educational Development (GED) programs;
- Using suspensions, expulsions, and referrals to alternative schools.
In North Carolina, for example, the long-term suspension rate (more than 10 days) increased 135 percent over the first eight years following NCLB’s passage.

At the same time, the state’s graduation rate stood at just 63 percent by 2006, with only 45 percent of black students graduating.
The Nation’s graduation rate is being affected. In 2006 - 69% of the students, nationwide, graduated

- The lowest it has been since before NCLB was passed
- Graduation rate for Black students – 51%
- Graduation rate for Latino students – 55%
- Rates dropped significantly from 2005 to 2006
- 2008: the number of persons taking the GED test was at its highest level since before NCLB
Policies That Pose The Most Threat

Zero Tolerance Discipline Policies + High Stakes Testing = School-to-Prison Pipeline
Are Students with Disabilities Being Affected?

- Students with special needs are disproportionately subjected to criminal charges.
- Attorneys and disability advocates nationwide have contended that students are often arrested for behaviors that are manifestations of their disabilities.
- Inadequately trained teachers and school resource officers coupled with budget cuts and lack of resources contributes to the disproportionate amount of students with special needs that are being arrested.
The Effect on Students with Disabilities

- “Exclusion of students with disabilities reduces their exposure to instruction, makes academic tasks more aversive, results in further negative behaviors, and increases the risk for further exclusions.”

- The Individuals with Disabilities Education Act (IDEA) presumes that changes in placement are particularly problematic for special education students, triggering procedural protections any time a disciplinary action will result in a change in placement of 10 days or more.
New York State Suspends A Relatively High Percentage of Black Students With Disabilities

- Black students with disabilities are 2.4 times as likely to be suspended for more than 10 days as their White counterparts.
- New York is among the top ten states for risk of being identified as having “emotional disturbance” (ED) for Black and American Indian students (OSEP 2003).
- New York is among the worst states for placing Black and Latino students with disabilities in the most restrictive (removed >60 percent of day) educational environments. 42% of Blacks, 41% of Latinos, but less than 20% of Whites (OSEP 2003).
A conservative “self report” survey data shows that one third of the students in the juvenile justice system are IDEA eligible.

However, youth with disabilities may account for as much as two-thirds or more of the total number of youth in the juvenile justice system, while only accounting for 10-12% of the general population in school.

Yet, research shows that many incarcerated youth with disabilities have not been identified for special education.
A national study has shown that 32% of all youth with SLD and 57% with ED are arrested at least once.

Children with ED are more than three times as likely to be arrested before leaving school in comparison to other students.

The vast majority of juveniles in the juvenile justice system are children with Emotional Disturbance (ED) and children with Specific Learning Disabilities (SLD).
Nationally, graduation rates for students with disabilities are considerably lower than other students (about 33%).

Children with ED have the worst graduation rate of all disabilities; Nationally, only 35% graduate from high school (compared to 76% of all students).
The Pipeline and Some Relevant Federal Statutes

- **Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et. seq.**
- **No Child Left Behind Act (NCLB), 20 U.S.C. § 6301 et. seq.**
- **Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, et. seq.**
- **The Family Educational and Rights and Privacy Act (FERPA), 20 U.S.C. § 1232 et. seq.**
HISTORICALLY

- A child would sometimes break school rules or, because of the child's disability, be unable to conform his or her behavior to school rules.

- When a school district recognized that a child had special needs the child would then be excluded from the educational program on that basis.

- Schools would suspend, transfer, expel, or otherwise prevent the child's attendance.
IDEA and Educational Inequality

IDEA was created to address educational inequality
1. Exclusion from School
2. Failure to recognize special needs
3. Disciplinary Exclusion
4. Failure to Appropriately Evaluate
5. Lack of Individualized Education
6. Placement/Segregation in Schools
7. Related Services
8. Parental Involvement
9. Access to Records
10. Due Process
The Premise Behind IDEA and Student Discipline

- All children deserve safe, well-disciplined schools & orderly learning environments
- Educators need the tools to prevent misconduct & discipline problems
- The law seeks a balanced approach between need for safe schools & provision of a FAPE
- IEPs with behavior intervention strategies can decrease discipline problems
Unless a disciplinary infraction is the direct result of a child’s disabilities (i.e., caused by or has a direct and substantial relationship to, or is a direct relationship of a school’s failure to implement an IEP), the child will be disciplined in the same manner as a nondisabled child.
Due Process Protections & Student Discipline

Under IDEA Students:

- Cannot be denied FAPE
- Cannot be suspended for more than 10 days consecutively or cumulatively without triggering a number of procedural safeguards
What’s Could Really Be Happening?

- Schools may just not want to deal with misbehaving students — Pass the buck mentality
- School Personnel may not know how to “deal” with students with disabilities
- School Personnel may have their own biases towards students with disabilities
Why Are Children with Disabilities Being “Pushed-Out?”

- Non-compliance with IEP requirements
- Non-compliance with or lack of Behavior Plan
- Over reliance on School Resource Officers who lack appropriate knowledge and skills
- Use of Restraint and Seclusion
- Failure to Identify Children needing services under IDEA
- Department of Juvenile Justice is viewed as a place where those “bad kids” belong
Confidentiality

- Governs educational records
- Includes all special education records birth to 21
- Not individual teacher/staff notes kept to themselves

Note: once a medical record is given to a school (ex: immunizations, evaluations) it becomes a school record and isn’t covered by HIPAA
FERPA and Confidentiality

If a teacher overhears a student making threatening remarks to other students, FERPA does not protect that information, and the teacher may disclose what he or she overheard to appropriate authorities.
Confidentiality cont.

- Law Enforcement Unit Records
  - Many Schools Employ their own security staff to monitor safety
  - Under FERPA, investigative reports and other records created and maintained by these “law enforcement units” are not considered “education records” subject to FERPA
  - Schools may disclose information from law enforcement unit records to anyone, including law enforcement authorities, without parental consent.
On October 7, 2008 the Fostering Connections to Success and Increasing Adoptions Act was signed into law.

The law amends part B and E of Title IV of the Social Security Act.

It contains several provisions to improve outcomes of children and youth in foster care.
Fostering Connections to Success Act
2008 Provisions

- Notification of Adult Relatives when a child is placed in foster care
- Waivers for Licensing Relative Caregivers
- Sibling Placements

- **Educational Stability**
  - Transition Plan for Youth in Care
  - Extension of Chafee Foster Care Independence Program and Education Training Vouchers to youth who exit foster care to live with permanent relatives or through adoption

- Health Coordination Plans
- Notification of Adoption Tax Credit
- Promoting Special Needs Adoptions
Child Welfare agencies must include “a plan for ensuring the educational stability of children while in foster care” as part of every child’s case plan.

As part of this plan, the agency must include assurances that:
- the placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement; and
- the state child welfare agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.
Additionally, the law requires that if remaining in such school is not in the best interest of the child, the case plan must include assurances by the child welfare agency and the local educational agencies that:

- provide immediate and appropriate enrollment in a new school; and
- provide all of the educational records of the child to the school
The McKinney-Vento Act is a federal law designed to increase the school enrollment, attendance, and success of children and youth who lack a fixed, regular and adequate nighttime residence.

It also provides modest grants to states to provide supplemental services to eligible youth.
The McKinney-Vento Act provides eligible children with many rights and services, including:

- The right to remain in one school, even if their temporary living situation is located in another school district or attendance area, as long as remaining in that school is in their best interest.

- The school is known as the school of origin (defined as the school in which the student was last enrolled or where the student attended when permanently housed).
McKinney-Vento Act

- The **right to receive transportation to and from** the school of origin.
- The **right to enroll in school and begin participating fully in all school activities immediately**, even if they cannot produce normally required documents, such as birth certificates, proof of guardianship, school records, immunization records, or proof of residency.
- **Supplemental services such as tutoring and mentorship**
McKinney-Vento Act

- Every school district is required to designate a liaison, who is responsible for determining eligibility under the Act and ensuring that services are provided.
- If the school or district office is unable to provide the liaison’s contact information, the McKinney-Vento State Coordinator should have that information.
- Many child welfare agencies also employ education specialists who can provide information about the McKinney-Vento Act and assist with communication with the liaison.
It is important for both the school districts and child welfare agencies to collaborate and develop policies and practices to implement the Act smoothly, addressing issues such as:

- efforts to keep students’ placements stable and close to their schools of origin;
- information-sharing;
- Educational decision-making;
- training;
- financial responsibility; and
- strategies to ensure that children in out-of-home care are enrolled in school, attending, and receiving the support they need to succeed
IDEA v NCLB

These two laws are complimentary in nature.

IDEA protects each individual child while NCLB protects the children, in particular children that normally would be protected by IDEA.
IDEA v. NCLB

- 2014 Goal of Meeting Proficient Levels under NCLB in Math and Reading
  - Students with Disabilities need to have access to the general curriculum
  - Loss in Funding may prevent appropriate remediation
- Under IDEA students may remain in school until age 22 in order to meet graduation requirements
- CONTRA NCLB which states that a student must earn a diploma in the standard four years of high school in order to count as “graduated”
The Effects of NCLB

- Public schools must focus on the importance of behavior and of providing a safe school environment that is conducive to learning.
- Teachers are required to adopt a zero-tolerance approach to violent or persistently disruptive behavior in the classroom.
- In effect NCLB amends the Federal Education Rights and Privacy Act (FERPA) to make it easier for school personnel and police to share information about student misconduct.
Educators Fear NCLB Test Requirements

- Requires them to teach to the test
- Requires participation of most kids with disabilities, who may have greater difficulty with the tests
- How does the child’s IEP relate to the school-wide test content? Do we really have to provide access to the general curriculum?
Possible Issues

- Push will continue to expand number of children with disabilities who are exempt from school-wide testing.
- Kids who are exempt are supposed to be provided alternative assessment, but no consistency or substance to alternative testing.
What is it?

- Congress’s main education law – providing federal funds in return for states’ compliance with federal education requirements

- The ESEA includes Title I, Safe and Drug-Free Schools, and a number of funding sources related to discipline
Reauthorizing the ESEA

- First passed during the Johnson administration
- Last reauthorized during the Bush administration as “No Child Left Behind”
- With each reauthorization, opportunity to change federal education requirements

Dignity in Schools Campaign 2010
The US Department of Education has offered its “blueprint” for reauthorization, calling for the Obama administration’s educational priorities:

- Competitive Title I funding
- Broader measures of accountability
- Measuring teacher effectiveness by student achievement
- More money, and different models, for turning around the lowest achieving schools

Dignity in Schools Campaign 2010
'We now know enough about how people learn that no child need fail if we changed our minds first. We need new minds for a new millennium'

Bruce Hammonds
ENFORCEMENT TECHNIQUES RELATED TO DISCIPLINE

- Enforce preventive strategies, Functional Behavioral Analysis (FBA), and Behavior Intervention Plans (BIP) at first sign student is having behavioral problems
- Enforce compliance with IEP that contains behavioral strategies by filing Administrative Complaints or due process if not resolved
- Require school system to keep good data
What Should Be Done?

- The federal government should change its accountability measures and cease relying on basic-skills standardized tests as the sole measure of student achievement and school success.

- State governments should be ordered to hold their schools and administrators accountable for any over-use of suspensions, expulsions, arrests and referrals to alternative schools.
Strategies to be Implemented

- School districts should be given incentives for reducing suspension and expulsions while also increasing graduation rates.

- Where data indicates that students are being pushed out through disciplinary measures, states should trigger assistance for the school in the way of grants to implement promising practices to undo the trends.

- Grants should be provided to schools to provide classroom management training and to implement programs that are alternatives to discipline -- such as restorative justice, peer mediation and behavioral support programs.
What Schools Should Do

- Schools and Administrators should go back to handling any minor disciplinary infractions.

- School districts, law enforcement agencies, state education agencies, juvenile justice agencies, and juvenile courts, should collect and maintain consistent arrest and summons data, relating to school-based incidents, that is disaggregated by race, gender, age, school, offense and arresting officer.

- School districts should also collect and maintain data involving arrests/summons of children with disabilities.
Schools should notify students and parents of the conduct which the law requires – or standard practice dictates – to be referred to law enforcement agencies. Many district codes of conduct address conduct subject to school disciplinary processes but do not outline the circumstances under which students will be referred to law enforcement agencies.

School staff and police who interact with students, should be provided training on child/adolescent development/psychology and behavior management.
Recommended Steps cont.

- Data should be monitored to identify rogue police officers and school administrators who employ over-zealous, unfair or discriminatory arrest/summons practices.

- Schools and police departments should have clear policies through “Memoranda of Understanding,” about each other’s role and responsibilities with regard to school incidents.
Steps cont.

- School districts must be sensitive to the experiences communities of color have had with law enforcement in the hiring, training and practices of school police when they attempt to implement security programs, and understand that children’s perceptions of police may be very different from their own.

- School district staffs, including school police, need to be trained to educate and manage the behavior of students with disabilities. Additionally, prosecutors and judges should be trained to properly take into account disabilities in the charge and sentencing phases.

- Schools should implement policies that require that parents, or an adult advocate for the student, be present for any questioning of children where it is possible that criminal charges may be filed.
State legislatures must clarify statutes pertaining to the referral of students to law enforcement agencies. In many instances schools may be interpreting these laws and other penal statutes with an eye towards disposing of unwanted children.

Students arrested for lesser offenses, including simple assaults, should be placed into prevention/intervention/diversionary programs that avoid giving them a juvenile record.
What Can We Do?

- Advocate for School Discipline Reform
- Change the school climate through a restorative justice approach:
  - Resolution committees/peer mediation (focus change from: “student vs. student” to “student vs community”)
  - Positive Behavior Intervention Supports (PBIS): focuses on telling students what to do NOT what not to do.
- Monitor referrals to identify teachers that may be having difficulties with classroom management
- Train teachers on conflict resolution and behavior management
What We Can Do cont.

- Establish a model discipline code of conduct
- Accountability mechanisms should be in place for schools that have a permanent police presence
- Increase access to health and mental health resources for students and families
- Rewrite/Change Zero Tolerance policies
- Implement a graduated system of consequences based on behaviors
Internet Resources


- [http://www.ed.gov/about/offices/list/osers/osep/index.html](http://www.ed.gov/about/offices/list/osers/osep/index.html) - U.S. Department of Education – Office of Special Education Programs


- [http://www.edjj.org](http://www.edjj.org) - The National Center on Education, Disability and Juvenile Justice
Internet Resources

- [www.wrightslaw.com](http://www.wrightslaw.com) — Special Education Law and Advocacy
- [www.cec.sped.org](http://www.cec.sped.org) Council for Exceptional Children
- [http://www.pacer.org/publications/juvenile.asp](http://www.pacer.org/publications/juvenile.asp) - Pacer Center (publications on juvenile justice)
- [http://www.fape.org/justice/juv_justice.htm](http://www.fape.org/justice/juv_justice.htm) - Excellent website - contains links to other informational websites