Disparate Punishment of Minority Youth in Oregon Schools

Presenter:
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INTRODUCTION AND EXTERNSHIP INFORMATION

- 2L at Willamette University College of Law
- Three entities
  - Governor’s office
  - Oregon Commission on Black Affairs
  - Oregon Department of Education Disproportionate Discipline Committee
- “Office space”
  - Governor’s Office of Diversity and Inclusion in the Public Service Building on Capitol Mall
  - Worked from other locations, as needed
Externship Information

- Interviews (additional contacts)
- Attend School Discipline meetings
- Final Product
  - Monograph/white paper with two components
- PowerPoint presentation (several)
Purpose

- Review of current rules and regulations on student discipline.
- Examine the relationship between student discipline, dropout rates, and subsequent involvement with the juvenile justice system.
- Provide recommendations based on the findings
Zero Tolerance

- Oregon participates in “zero tolerance”
  - Automatic punishment for infractions: eliminating undesirable conduct
- These policies are usually promoted as preventing drug abuse and violence (weapons) in schools.
Zero Tolerance

- Why is this a concern?
  - Pre-determined punishment is unfair.
- Important considerations:
  1. Individual situation
  2. Extenuating circumstances
  3. History
- Example
  - “Toy-style cap gun” and other “guns”
  - “Knife” possession
  - The “watch”
Zero Tolerance

- No proof reduces violence or drug abuse.
- Unintended negative consequences
- “Facially neutral” – FALSE!
- Unrelated to violence/drugs!
Disproportionate Punishment

- Occurs when minority students (i.e. African American and Latino) experience harsher punishments by schools for infractions and misbehaviors
Disproportionate Punishment in Oregon

- 2011-12 school year
  - 43,000 (8%) of Oregon students subject to formal disciplinary action
  - 70% low income families
  - 60% from disruptive behavior
  - 60% out of school suspensions, 4% expulsions
  - 95% >10 days; 55% >1

- Population v. Discipline
  - 16% (of 14,000) Black/African students
  - 11% (of 10,000) American Indian/Alaska Native
  - 9% (of 118,000) Hispanic/Latino
  - 9% (of 4,000) Pacific Islander
  - 8% (26,000) Multiracial
  - 7% (of 366,000) Whites
  - 2% (of 22,000) Asian
Suspension Rates

Figure 1. Racial Impact of the Rising Use of Suspension

Percent of enrollment by race suspended out-of-school one day or more.

- Blacks
- Whites
- Hispanic
- Native American
- Asian/PI
Why is this a concern?

- Loss of education opportunities
- Academic decline and failure
- Increased likelihood of dropping out
- Increased likelihood of being sent to the juvenile justice system
  - “School to Prison Pipeline System”
School to Prison Pipeline System

- Definition
- Original Developments
- Meaning today
  - Who is most vulnerable
School to Prison Pipeline System
Relationship to Zero Tolerance

- Zero tolerance first step in a child’s journey through the pipeline.
  - “One-size-fits-all solution” that “redefines students as criminals.”

- National Education Policy Center
  - Non-violent offenses
  - Dress code violations,
  - Cell phone use,
  - Attendance/truancy, and Insubordination.
Why are there so many discrepancies?

- Social and cultural factors
  - “Darker Skin theory”
  - Stereotyping or misperception of communication style

- Zero tolerance policy (OR); leads to overly harsh punishments

- Institutional racism; structures are overtly/covertly against minorities
Recommendations

- Cultural training
- Ending Zero tolerance policies
- Positive Behavior Interventions and Supports (PBIS)
- Reaching out to families
- Practices that help students stay in the classroom
Recommendations

- Continue to track suspension rates
- “Multi racial” or “bi racial”
- End “Subjective” profiling
New Developments

● ABA involvement with the School to Prison Pipeline System

● School Climate and Discipline Resources
  ○ Several white papers available/need to review for new material to include as addendum