

Reforming School Discipline for Equity and Excellence in Oregon: Recommendations for Policy and Practice

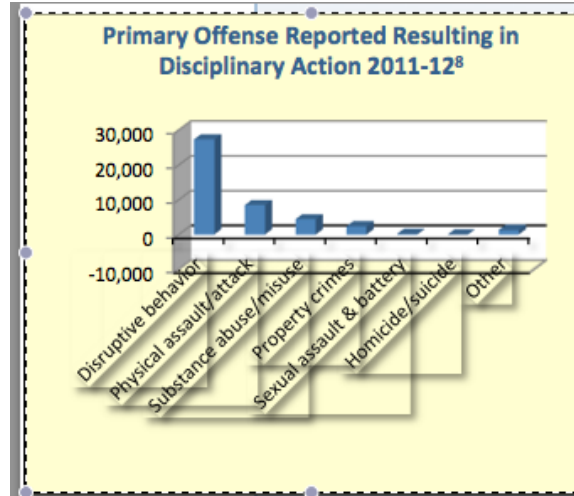
EXECUTIVE SUMMARY

The Unfortunate Effects of Disparities in School Discipline Policies

When a student is not in school, the student loses out on the educational opportunities afforded to them. Policies that disproportionately keep minority students out of school reduce their opportunity to learn and increase the gap in educational achievement. School boards, administrators, and policy makers must consider the consequences of school discipline policies, including the unintended consequences resulting from the disparities in school disciplinary policies. This report highlights the consequences of relying too much on zero tolerance policies that impact minority students, linking their absence due to strict zero tolerance policies, to the school to prison pipeline system.

Major Disparities in Oregon School Disciplinary Action

According to a report from the Oregon Education Investment Board (OEIB), while school discipline strategies and policies are receiving attention across Oregon, large numbers of students who display behaviors deemed inappropriate are separated or removed from the learning environment. In particular, students who have the greatest academic, social, economic, and emotional needs are disproportionately impacted by discipline policies that remove them from the learning environment leading to increased disengagement from school.



According to the U.S. Department of Education data, the report found African-American students are suspended or expelled at three times the rate of their white classmates.

There is a similar trend in Oregon. The new report finds Oregon schools suspended more than one in five African-American male students during the 2011-12 school year. The rate for white male students was one in twenty. Oregon's own calculations found a slightly lower suspension rate for African-American boys than the feds documented.

The study found that of the 43,000 instances of disciplinary action across the state, approximately, 70% involved students from low-income families; 60% resulted in out of school suspensions, 4% expulsions, with 95% of suspensions lasting less than 10 days. In the 2011-12 school year, disaggregating data by race/ethnicity illustrates that minority students are disproportionately impacted by disciplinary action. 16% (of 14,000) all Black/African American students; 11% (of 10,000) American Indian, 9% (of 118,000) Latina/os, 9% (of 4,000) Native Hawaiian/Pacific Islanders, in comparison to 7% (of 366,000) White students.

	4 Year Cohort Graduation Rate [*]	5 Year Cohort Completion Rate ^{**}
American Indian/ Alaska Native	51%	66%
Black/African American	53%	71%
Hispanic/Latino	60%	71%
Native Hawaiian/ Pacific Islander	66%	78%
Multiracial	69%	85%
White	71%	83%
Asian	81%	85%

^{*}Started in 9th grade and graduated with regular diploma within 4 years
^{**}Started in 9th grade and completed a regular diploma, modified diploma, GED, or community college completion within 5 years

According to a recent study from the Oregon ACLU, students who are repeatedly disciplined were most likely to be held back a grade or to drop out than students not involved in the disciplinary system. In fact, 31% of students disciplined once or more repeated their grade at least once. Those disciplined 11 times or more had a 40% chance of graduating. Specifically, African-American and Hispanic/Latino students are excluded at higher rates, which mirror national numbers, but locally the Native American student population exclusions are higher for that subgroup as well. African-American exclusions exist at a rate of nearly 40 per every 100 students, at almost 3.5 times the rate of white students. Hispanic/Latino exclusions exist at a rate of nearly 23 per every 100 students or almost twice the rate of white students. Native American exclusions exist at a rate of nearly 26 per every 100 students, or nearly 2.2 times the rate of white students. The trend shows the disparities in school disciplinary action in Oregon has increased for in-school suspensions, out-of school suspensions, and expulsions among minority youth.

Comparison of Oregon School Districts to One Another

According to Michael Mahoney of the Department of Education, disparate punishment in the school districts in Oregon is staggering, resulting in a number of grassroots community organizing; the

largest organization from the Portland School District in Multnomah County. The Parents Union, a new MRG Foundation grantee, empowers parents to be advocates in the education of their children and within their school communities. They work with parents of mostly poor students and minority students on how to advocate within the school district so their children can succeed in school. It is through the successful organization that the passage of HB 2192-B came to be, that will end zero tolerance policies in Oregon schools effective July 2014.

Oregon Policy and Recommendations to Reduce Disparities

Several recommendations are made at the end of this report, suggesting changes at the administrative level, within the schools, and with policymakers. With the passage of HB 2192-B, the number of suspensions and expulsions of minority youth will hopefully be reduced, leading to a decrease in the number of students entering the school to prison pipeline system.

INTRODUCTION

Disproportionate discipline is a major crisis occurring throughout the nation. In the past decade alone, the problems associated with excessive use of school suspensions and expulsions as disciplinary practices have been recognized as a national concern for both the education and juvenile justice systems (American Psychological Association, 2008; Schiff and Bazemore).

Overview: The History of Zero Tolerance Policies

The definition of zero tolerance is hard to pin down, given that the use and meaning of the term has evolved over time. Zero tolerance policies were developed in federal drug policies of the 1980s, and intended to send the message that certain behaviors will not be tolerated, by punishing all offenses severely, no matter how minor the offense. Zero tolerance policies began as a title program developed in 1986 by U.S. Attorney Peter Nunez in San Diego, impounding seagoing vessels carrying any amount of drugs. U.S. Attorney General Edwin Meese highlighted the program as a national model in 1988, and ordered customs officials to seize the vehicles and property of anyone crossing the border with even trace amounts of drugs, and charge those individuals in federal court. Zero tolerance policies fired the public imagination and within months of its initial coinage, began to be applied to a broad range of issues, including environmental pollution, trespassing to skateboarding, homelessness, loud boomboxes, and other similar offenses.

Frightened by the increase of school violence, school administrators in the 1990s were eager for a no-nonsense approach to drugs, gangs, and weapons. Beginning in 1989, school districts in California, New York, and Kentucky mandated expulsion for drugs, fighting, and gang-related activity. By 1993, zero tolerance policies had been adopted across the country, often broadened to include not only drugs and weapons, but also smoking and school disruption. The demand for zero tolerance

policies reached its height in 1994, when the Clinton Administration signed the Gun-Free Schools Act into law (www.dpi.state.nd.us/speced1/laws/policy/guns.pdf). The law mandates a one year calendar expulsion for possession of a firearm, referral of law-violating students to the criminal or juvenile justice system, and the provision that state law must authorize the chief administrative officer of each local school district to modify such expulsions on a case-by-case basis. Originally, the bill covered only firearms, but more recent amendments have broadened the language of the bill to include any instrument that may be used as a weapon.

Local school districts have broadened the mandate of zero tolerance beyond the federal mandates of weapons, to drugs, alcohol, fighting, threats, and something as innocuous as swearing. Many schools now include “rude” behavior such as “back talking” and “disrespectful behavior” as zero tolerance offenses, such as not following the directions of a school official in a prompt manner. Many school boards continue to toughen their disciplinary policies; some have begun to experiment with permanent expulsion from the system for some offenses (“Groups critical of no second chances”, 1999). Others have begun to apply school suspensions, expulsions, or transfers to behaviors that occur outside of school (Seymour, 1999a). There is still considerable variation in local definition of zero tolerance. Many districts adhere to a strict zero tolerance policy: punishing major and minor disruptions equally, while others have only more recently treated zero tolerance as a graduated system, basing the punishment on the severity of the offense in question.

Zero Tolerance Policies

Zero tolerance policies purposely increase the intensity of consequences for all offenders.

However, the practice of punishing seemingly minor incidents has been controversial as seen with the increase in the number of suspensions and expulsions associated with zero tolerance for relatively trivial incidents in school settings. A report from Skiba and Peterson (1999) presented some of the suspensions and expulsions that received media attention from the passage of the Gun-Free Schools Act in 1994 until May 1998, including school expulsions for reasons ranging from paper clips to minor fighting to organic cough drops.

Proponents of zero tolerance policies argue disruptive students should be removed, enabling teachers to devote more time to teaching, rather than trying to maintain order in their classrooms. They also state that having clear guidelines and swift, firm consequences for violations helps to deter disruptive behavior and violence, thereby promoting a more conducive environment for learning.

However, opponents of zero tolerance policies argue that the “one punishment fits all” increases school dropouts by treating both minor and major infractions the same, are racially and ethnically disproportionate and increase the likelihood of delinquency. The use of both in school and out of school suspensions as punishment, rather than serve as a deterrent, merely ensures that the student is not being educated and is further isolated from social support, as well as positive reinforcement. The greatest difficulty with the one punishment fits all approach was that zero tolerance policies did not often differentiate between major and minor infractions. A student could be making progress towards turning away from gangs, violence and drugs, only to lose the ground gained by a minor infraction such as calling another student a name. Zero tolerance policies have been used to get rid of problem students so administrators did not have to deal with an individual student’s circumstances or offer other alternatives. Often, teachers are not provided support to effectively discipline students in the classroom, or rather than deal with the “problem”, the “problem” was sent to the principal’s office.

As the rates of discipline have dramatically increased, disciplinary disparities on racial lines have become more pervasive. Minority students account for an overwhelming number of school-enforced punishments, as well as the majority of arrests for school-related incidents around the country. For example, African-American students overall are now nearly three times as likely to be suspended, and Latino students are nearly one-and-a-half times as likely to be suspended, as their white peers. (NAACP, www.naacpldf.org/case/school-prison-pipeline). Studies show that minority students receive harsher punishments for engaging in the same conduct as white students. Racially isolated schools that primarily educate minority students are more likely to be among the nation's "dropout factories" and also among those that utilize the harshest, most exclusionary means of discipline.

Who is Impacted by Zero Tolerance Policies?

"Get the children when they are young"

This seems to be the proper phrase that describes the impact of zero tolerance policies on minority students. According to a recent study released by the Department of Education Civil Rights division, the racial disparities in American education were prevalent in suspensions (and disparities) began as early as preschool. Black children represent about 18 percent of children in preschool programs in schools, but they make up almost half of the preschoolers suspended more than once, the report said. Six percent of the nation's districts with preschools reported suspending at least one preschool child.

While a large amount of literature exists examining the link of zero tolerance policies to the increase of students to the school to prison pipeline system, the studies focus on middle and high school policies. The above mentioned student indicates the problems associated with zero tolerance policies and disparate punishment impacts children at an even younger age. Overall, the data showed black

students of all ages are suspended and expelled at a rate that's three times higher than that of white children. Even as boys receive more than two-thirds of suspensions, black girls are suspended at higher rates than girls of any other race or most boys. While the report didn't explain why such disparities exist or the reason(s) students were suspended, the fact that minorities, in particular black students, are still punished at a greater rate than Whites at such a young age is alarming.

Oregon Data

During the 2011-12 school year, approximately 43,000 (8%) of Oregon students were subject to formal disciplinary action of in or out-of-school suspension, or expulsion:

- 70% involved students from low-income families
- 70% involved males
- 25% involved those in elementary school
- 40% involved those in middle school
- 35% involved those in high school
- 60% were related to disruptive behavior
- 60% resulted in out of school suspensions; 4% in expulsions
- 95% lasted less than 10 days; 55% lasted one day or less

Disaggregating data by race and ethnicity and viewing as a proportion of each student subgroup population illustrates with clarity that minority students are disproportionately impacted by disciplinary action. Students within subgroup population with one or more discipline incidents in the 2011-12 school year.

- 16% of all Black/African American students
- 11% of all American Indian/Alaska Native students
- 9% of all Hispanic/Latino students
- 9% of all Native Hawaiian/Pacific Islander students
- 8% of all Multiracial students
- 7% of all White students
- 2% of all Asian students

The impact of disciplinary action resulting in suspension and expulsion is known to be cumulative, and often has serious and far-reaching consequences for students including, but not limited

to: immediate loss of educational opportunities, academic decline and failure, increased likelihood of dropping out, increased likelihood of being sent to the juvenile justice system, underlying factors leading to these disturbing variances have been attributed, but are not limited to social and cultural factors such as, stereotyping or misperception of communication style as combative, or defiant of authority, zero-tolerance policies that can lead to overly harsh punishment for relatively minor infractions, inconsistent and overbroad application of disciplinary rules resulting from vague sets of standards, institutional racism whereby systemic policies, access to decision making, practices, and structures overtly or covertly disadvantage minorities.

Conversations with Michael Mahoney, Safe and Healthy Schools Coordinator with the Department of Education resulted in several stories of zero tolerance policies gone awry. The primary example he shared was a young child who brought a watch to her child's school. It was a gift from her grandfather. Unknown to her, there was a little "sharp object" as a decoration to the pocket watch. School officials confiscated it, and determined the sharp object was a "knife", and promptly expelled the child for bringing a weapon to class. Despite appeals from the child's family, the child was excluded from school. She had to wait one year before gaining readmittance to school; however, the damage had been done, as she now had a record.

National Examples

The impact of zero tolerance policies is seen beyond Oregon, and has been prevalent in the news. Ninth grader Andrew Mikel, a freshman at Spotsylvania High School in Virginia, was expelled in December 2010 for shooting a handful of small pellets akin to plastic spit wads at fellow students in the school hallway during lunch period. Although the initial punishment was only for 10 days, the school board later extended it to the rest of the school year. School officials also referred the matter to local

law enforcement, which initiated juvenile proceedings for criminal assault against Andrew.

There is the case of fifteen year old Dontadrian Bruce, who, along with his science group, constructed a double helix out of Legos, and was asked by their teacher to pose for a picture with their project. Bruce held up three fingers - his thumb, forefinger, and middle finger, palm facing outward. The following day, Bruce was called to the principal's office for "holding up gang signs". Despite Bruce explaining the hand gesture referred to the number of his football uniform, he was suspended for three days before a school hearing declared he would be suspended for the year, with the possibility of expulsion. After 21 days off from his initial suspension, he was invited back to school, partially due to the media and community uproar surrounding his situation. However, he had to agree to a one-year probation, and his permanent record and school performance has not been cleared yet. There is the case of nine-year-old Patrick Timoney, who was sent to the principal's office and threatened with suspension after school officials discovered that one of his LEGOs was holding a 2-inch toy gun. That particular LEGO, a policeman, was Patrick's favorite because his father is a retired police officer. There is also Chaz Seale, who accidentally packed a can of beer in his lunch. While hurrying to get ready for school, Seale reached into the refrigerator to get a soda and did not realize he grabbed a similar colored can of beer instead. He immediately approached a teacher to hand over the beer and explain the situation. Despite his mistake, Seale was suspended three days, followed by an automatic two-month transfer to a local alternative high school for trouble teens.

The meaning of zero tolerance policies are difficult to the point where even playing "shooting" games with your hands can lead to suspension and arrest for threatening other students. Nathan Entingh, 10, was suspended in March for three days because he made a gun gesture with his hand and said "bang" when he pointed it at a student's head. Entingh stated he made the motion in jest, and that

other students in his classroom have done it in the past without a problem. While he was allowed to return to school after serving his suspension, he fears that he will be signaled out for speaking against the policies.

Other seemingly innocent actions, deemed to have violated zero tolerance policies, appear excessive. A 12-year-old New York student was hauled out of school in handcuffs for doodling on her desk with an erasable marker. In Houston, an eighth grader was suspended for wearing rosary beads to school in memory of her grandmother (the school has a zero tolerance policy against the rosary, which the school insists can be interpreted as a sign of gang involvement). A seven year old boy was enjoying a strawberry pastry at school when he decided to get creative and nibbled the breakfast treat into the shape of a mountain, but from his teacher's perspective, it looked like a gun. For chewing a piece of food that was somehow construed as violent, he received a two-day suspension from school.

Reasons for Exclusion

The last part of this report examines the reasons for exclusions of students from school based on race. Nationally, Caucasian students are referred to the office significantly more frequently for offenses that can be objectively documented (e.g. smoking, vandalism, leaving without permission and obscene language). African-American students, in contrast, are referred more often for disrespect, excessive noise, threat and loitering — behaviors that would seem to require more subjective judgment on the part of the referring agent. On a national level, minority students facing discipline for the first time are typically given harsher, out-of-school suspension, rather than in-school suspensions, more often than white students.

Locally, minority students make up 45.6% of the enrollment in schools studied; yet 60.6% of discipline exclusions are connected to minorities. When looking at reasons for exclusion, minority

students are excluded in more subjective ways than their Caucasian peers. Although “fighting” is the largest category for exclusion across most subgroups, after that, subjective categories of “Disruptive Conduct” and “Insubordination” top the charts for minorities.

School to Prison Pipeline System

The “school-to-prison pipeline” refers to the policies and practices that push our nation’s schoolchildren, especially most at-risk children, out of classrooms and into the juvenile and criminal justice systems. This pipeline reflects the prioritization of incarceration over education. The funneling of students out of school and into the streets and the juvenile correction system perpetuates a cycle known as the “School-to-Prison-Pipeline,” depriving children and youth of meaningful opportunities for education, future employment, and participation in our democracy. (NAACP report). The NAACP reports several key areas that lead to children to the school to prison pipeline system.

Failing Public Schools

For most students, the pipeline begins with inadequate resources in public schools. Overcrowded classrooms, a lack of qualified teachers, and insufficient funding for “extras” such as counselors, special education services, and even textbooks, lock students into second-rate educational environments. This failure to meet educational needs increases disengagement and dropouts, increasing the risk of later court involvement. Even worse, schools may actually encourage dropouts in response to pressures from test-based accountability regimes such as the No Child Left Behind Act, which create incentives to push out low-performing students to boost overall test scores.

Zero-Tolerance and Other School Discipline

Lacking resources, facing incentives to push out low-performing students, and responding to a

handful of highly-publicized school shootings, schools have embraced zero-tolerance policies that automatically impose severe punishment regardless of circumstances. Under these policies, students have been expelled for bringing nail clippers or scissors to school. Overly harsh disciplinary policies push students down the pipeline and into the juvenile justice system. Suspended and expelled children are often left unsupervised and without constructive activities; they also can easily fall behind in their coursework, leading to a greater likelihood of disengagement and drop-outs. All of these factors increase the likelihood of court involvement.

Policing School Hallways

Many under-resourced schools become pipeline gateways by placing increased reliance on police rather than teachers and administrators to maintain discipline. Growing numbers of districts employ school resource officers to patrol school hallways, often with little or no training in working with youth. As a result, children are far more likely to be subject to school-based arrests—the majority of which are for non-violent offenses, such as disruptive behavior—than they were a generation ago. The rise in school-based arrests, the quickest route from the classroom to the jailhouse, most directly exemplifies the criminalization of school children.

Disciplinary Alternative Schools

In some jurisdictions, students who have been suspended or expelled have no right to an education at all. Others are sent to disciplinary alternative schools. Most alarmingly, these programs often fail to provide meaningful educational services to the students who need them the most. As a result, if students are allowed to return to their regular classroom setting, they will return to their school unprepared or permanently held in subpar educational settings. Many students who enter into alternative school settings enter the juvenile justice system.

Court Involvement and Juvenile Detention

Students pushed along the pipeline find themselves in juvenile detention facilities, many of which provide few, if any, educational services. Minority students are more likely than their white peers to be suspended, expelled, or arrested for the same type of conduct at school.

Though many students are propelled down the pipeline from school to jail, it is difficult for them to make the journey in reverse. Students who enter the juvenile justice system face many barriers to their re-entry into traditional schools. The vast majority of these students never graduate from high school.

Oregon and the School to Prison Pipeline System

Current Oregon data shows a trend of criminalizing, rather than educating our state's children. It encompasses the growing use of zero-tolerance discipline, disciplinary alternative schools and juvenile arrests that marginalize our most at-risk youth and deny them access to education. With zero tolerance, behavior problems and infractions that used to be handled by teachers and school administrators are now effectively pushing students out of school and entangling many of them in the juvenile justice system.

Minority students are disproportionately represented at every stage of Oregon's school to prison pipeline. Data shows that minorities are more likely than their white peers to be subjected to harsher punishment and the effects are amplified the further up the justice system they move. (ACLU report). Nationally, African-American students are far more likely than their white peers to be suspended or expelled for the same kind of conduct at school. Although they represent 3% of the youth population in Oregon (age 10-17), African Americans make up 13% of those held in "close custody" in Oregon juvenile detention facilities. On the other hand, their white peers represent 76% of the same population and 56% of those held in close custody.

In 2008-2009, overall discipline data in Oregon's schools begins to tell the story of disproportionate punishment of minority students. For example, though African American youth represented 2.94% of the student population, they represented over twice the proportion (6.13%) of students disciplined. On the other hand, white students represented 68.42% of the student population and 65.47% of students disciplined. In 2008-2009, although African American youth represented 2.94% of the total student population in Oregon, they represented well over twice that proportion (7.37%) when it came to students suspended outside of school and 4.09% of those suspended in school. (ACLU Report).

For the Hispanic or Latino population, though they represented 17.18% of the total student population, 19.73% of those suspended outside of school were Latino and 21% of those suspended in school were Latino. For Native American students, who represented 2% of the total student population in Oregon, their share of suspensions outside of school was 3.17% and 3.2% of those suspended in school. White students, on the other hand, represented 68.42% of the total student population, but a smaller proportion of those suspended outside of school (64.86%) and a smaller proportion of students suspended in school (66.5%) as well the disproportionate impact of expulsions on youth of color in Oregon is similar to that for suspensions.

Again, although African Americans comprised 2.94% of the total student population, they made up 4.93% of those students expelled. Hispanic or Latinos represented 17.18% of the total student population and made up 25.24% of those expelled. Native Americans comprised 2% of the total student population and 2.43% of those students expelled. White students, on the other hand, made up 68.42% of the total students and 61.5% of those expelled. The disproportionate impact of expulsions on youth of color in Oregon is similar to that for suspensions. Again, although African

Americans comprised 2.94% of the total student population, they made up 4.93% of those students expelled. Hispanic or Latinos represented 17.18% of the total student population and made up 25.24% of those expelled. Native Americans comprised 2% of the total student population and 2.43% of those students expelled. White students, on the other hand, made up 68.42% of the total students and 61.5% of those expelled. (ACLU report).

Oregon Measure 11 Referendum

Measure 11 was a citizens' initiative passed in 1994 in the U.S. State of Oregon. This statutory enactment established mandatory minimum sentencing for several crimes. The law guarantees long sentences for certain violent crimes and limits the court's discretion in the punishment. If criminal charges are made under Measure 11, the judge has no choice, except under few circumstances, but to impose the mandatory minimum prison sentence, whether or not the offender has a criminal record or not. In addition to facing harsh sentences, Measure 11 offenders have very limited options. Convicted offenders are ineligible for early release or receiving reduced sentences for good behavior.

The Measure 11 referendum further impacts the school to prison pipeline system. A child who violates school policy under the zero tolerance policy could be impacted by the punishment from Measure 11. There is no discretion of the judge to decide whether the punishment fits the crime.

RECOMMENDATIONS

The following recommendations were the combined result of interviews and data review of successful and not-so-successful programs developed to address the impact of the disproportionate punishment resulting from zero tolerance policies on minority youth.

A. SCHOOL ADMINISTRATIVE LEVEL

Recommendation #1. Additional multicultural and diversity awareness training for staff,

faculty, and administration.

While teachers are required to earn a certain number of continuing education (CE) credits every certain number of years to maintain their license, the types of CE classes are varied and can consist of varied topics, and teachers can “pick” which classes to take to earn their credits.

Unless the school offers a diversity awareness training program, or the teacher elects to take the CE class, the teachers and administrative personnel would likely not have any courses or additional training on multi-cultural or diversity awareness.

Should be made mandatory; quarterly; even on short training sessions on issues surrounding diversity and cultural competence. However, the training should be more than a series of workshops or classroom instruction. Workshops without further hands-on approach is mundane, and there has been much debate about it’s usefulness and sustainability. Rather, the programs should be developed so that the participants will gain the necessary knowledge by first recognizing their own bias and misperceptions, then discussing them, and providing methods for the participant to actively reach their goals.

This could include a series of sessions, such as starting off with the diversity awareness test/tool to gauge the pre-knowledge/understanding by the participant. The participant would engage in a series of workshops/trainings, and then based on the results of the pre-test, work to move to the “next” stage of his/her own awareness. This may consist of attending community events “outside” of his/her comfort zone or volunteering for community groups. The participants can actively or passively engage with others, provided s/he maintains a journal/continues to participate in the workshop series to report back their experiences/findings. The end goal would be for the participant to be open to experiences outside of their comfort zone, thereby opening their knowledge and understanding about other cultures.

If the recommendation is too daunting of a task, another successful program shown to encourage hands-on approach is the implementation of “Diversity Dialogue Circles” (DDC) or work in small groups on exercises offered through EdChange. The DDCs are organized to enable participants to discuss issues of race, privilege and difference. The purpose of Diversity Dialogue Circles is to increase cultural competency amongst individuals and to raise awareness of power and privilege dynamics present in American society. This knowledge can be applied to career goals, civic participation and academic studies. Diversity Dialogue Circles strive to create a comfortable and safe environment to discuss diversity and eliminate misunderstanding. A trained facilitator, who will guide participants in an exploration of privilege, oppression and cultural competency, will lead each Diversity Dialogue Circle. The circles will address many different aspects of diversity including gender, religion, sex, age and race.

Recommendation #2. Ending zero tolerance policies.

On May 21, 2013 the Oregon legislature passed HB 2192-B, removing mandatory expulsion requirements from the state's school discipline statute. The new legislation will go into effect in July 2014. Oregon formerly embraced a policy mandating a one-year expulsion for students who brought items considered ‘dangerous’ to school, even where the student intended no harm whatsoever. With one of the worst high school graduation rates in the United States, a shift away from zero tolerance was long over due in Oregon. HB 2192-B will give more discretion to school administrators in deciding when suspension and expulsion should be administered.

The effect of the passage of HB 2192-B is yet to be seen. Based on other states that have removed zero tolerance in its schools, there has been success shown utilizing other methods that enable students to remain in the classroom.

Recommendation #3: Positive Behavior Interventions and Supports (PBIS)

Positive Behavior Intervention and Support (PBIS) is a process for creating school environments that are more predictable and effective for achieving academic and social goals. For some schools, PBIS will enhance their current systems and practices, for others it will radically change the culture for the better.

A key strategy of the PBIS process is prevention. The majority of students follow the school's expectations, but are never acknowledged for their positive behavior. Through instruction, comprehension and regular practice, all stakeholders use a consistent set of behavior expectations and rules. When some students do not respond to teaching of the behavioral rules, PBIS schools view it as an opportunity for re-teaching, not just punishment.

Several programs have been recommended in the literature; however, three specific PBIS programs have been recommended repeatedly, and have been implemented with success in the respective communities.

Student-Generated Agreements and Contracts. Involving students in the design of classroom discipline policies can go a long way toward establishing buy-in and shared ownership of classroom culture. Ideally, students will work on the policies as a class, but teachers can also work individually with students who need extra support. (Teaching Tolerance).

“Zero Indifference” but Not Zero Tolerance. Although zero-tolerance policies are popular, mounting evidence suggests that this approach does not make schools safer. An alternative (recommended by the American Civil Liberties Union; the Gay, Lesbian and Straight Education Network; the Anti-Defamation League; the Respect for All Project; and Teaching Tolerance) is taking a “zero-indifference” approach to bullying, harassment and other disciplinary issues. Zero indifference

means never letting disrespectful conduct go unaddressed; school staff always name and respond to behaviors, but they do not implement automatic suspension, expulsion or other punishments.

Restorative Justice. Restorative justice is an approach to school discipline that empowers students to resolve conflicts on their own, and it's a growing practice at schools around the nation. The idea is to bring students together in peer-mediated sessions to ask questions or to air their grievances.

Restorative justice approaches emphasize the importance of repairing harm and restoring relationships rather than simply punishing those who have engaged in misconduct. Restorative justice spans a wide variety of practices and strategies, and has included peacemaking circles, peer jury processes, mediation, conferencing and classroom discussions focused on building empathy.

Recommendation #4. Reaching out to families first

Convene an interagency leadership team including educators, social services officials, court officials, and others to keep more students safely in school while cutting down on the use of the harshest measures. This could include connecting with schools that have low rates of suspensions, arrests, and summonses to share solutions with schools that have struggled with this problem. NY Times Editorial Board, 2013.

Fostering collaborative relationships with individuals who are members of students' culture will increase educators' understanding of student background. This partnership will, therefore, minimize students' disconnect from school environment and assist schools with effective, culturally competent management of student behavior.

Recommendation #5. End subjective profiling by Administrative Support Staff.

One important aspect is racial profiling by administrative support staff, whether it be the principal, the guidance counselor, but most importantly, preconceived notions held by the student's

teacher. There are several key areas mentioned by the Fix School Discipline report that are worth mentioning here.

5.1 An individuals behavior. Cognitive psychology shows that, even in the absence of an outright intent to discriminate, people act according to unconscious biases that make them behave discriminatorily against races that have been historically segregated.

5.2 A social divide. Social class, generational, and experiential differences increase the divide and subsequent misunderstanding between African American students and their teachers and administrators, even with similar ethnic backgrounds.

5.3 Awareness of cultural conflicts. Cultural conflicts exist between many African American students' culture and the dominant culture of the schools they attend. For instance, many African American students are accustomed to engaging in multiple, varied tasks simultaneously when outside of school. If a school's instructional activities are structured around working silently and on one activity at a time, some African American students may be perceived to be willfully defiant for talking or working collaboratively. Another example: some African American students engage in "stage-setting" behaviors to prepare for starting an assignment, such as sharpening pencils, talking to classmates, and going to the restroom. Teachers may mistakenly perceive not beginning an assignment immediately as avoidance of schoolwork and noncompliance with directions.

5.4 Communication Styles (also can be under cultural competency training). Verbal and nonverbal communication differences can create further cultural conflict and misinterpretation between school staff and African American students. Many teachers may misinterpret the more active and physical style of communication of African American males to be combative or argumentative. Teachers who are prone to accepting stereotypes of adolescent African American males as threatening or dangerous may

overreact to relatively minor threats to authority.

B. PRACTICES IN THE SCHOOL

Recommendation #1. Practices that allow students to stay in the classroom.

Before a student is suspended, other methods must be undertaken to address the student's "unacceptable" behavior. One important concern with suspension under zero tolerance policies is once the student is suspended, and often times expelled, if the student lives in a horrible neighborhood, the school administration places the student back into the negative environment s/he is attempting to escape. At times, school is the one place the student feels safe.

Several literature cited on-campus suspensions (OCS), an alternative setting that removes students from the classroom for a period of time, while requiring students to attend school and complete their work. This form of punishment is often chosen because it provides supervision and structure to the students' days, whereas a student who is given an off-campus suspension receives essentially an unscheduled holiday, increasing the likelihood of the student staying home unsupervised, and for those who live in unsafe neighborhoods, continued exposure to possible criminal activity. Students assigned to on campus suspensions are sent to the designated OCS location, completes work submitted in advance by the student's teachers, and monitored by school staff. Another form of in school suspension is Saturday school, allowing a student attend class during the week, but requiring the student to appear at school at a predetermined time on Saturdays to serve their punishment. The consequence of not attending Saturday school is the threat of additional and often times, more severe, punishment.

However, the procedure of following in school suspensions should be taken with caution, as there is often limited space to house on campus suspension students, a limited budget for staff to properly supervise students, and access to the schools if Saturday school was ordered for the student.

Recommendation #3. Grassroots efforts by students to engage in discussions/dialogue about their experiences with racism/prejudice and brought up to administration.

Often times, the best way to engage with students is through grass root efforts by students to engage with faculty and administrative staff. Students have a voice, and why not empower students to act upon it.

One such program is a community study or student-led walking tour, organized by students. Community studies usually address up to three questions; structure can vary greatly and may involve research, interviews, art, writing, video or other media. A walking tour should also focus on a few themes and ask students to highlight neighborhood places they find meaningful in relation to a relevant social issue. Student age and physical limitations should be taken into consideration when planning a walking tour. (Tolerance.org)

Recommendation #4. Early intervention practices.

With the removal of zero tolerance policies, it is more important that inline with the implementation of HB 2192-B, the use of a “graduated response protocol” that would show schools how to resolve non serious misbehavior on their own reserving the courts for the most egregious cases. NY Times Editorial Board, 2013.

Several recommendations from the American Academy of Pediatrics included the following:

- (1) Developing early intervention programs for preschool children;
- (2) Early identification of children at risk for school difficulties and intensive intervention before problem behaviors occur.

However, teachers and administrators must receive training on how to identify children at risk for school difficulties. This may include involving the child’s physician, or the family doctor, if the child is seen by medical personnel.

Recommendation #5. Honoring the Student’s Experience/Creating a Positive Learning Environment.

This recommendation is challenging in that it asks teachers to rethink how they structure their teaching curriculum. Teachers would actively engage students to explore issues of personal and social identity. To achieve this, teachers must provide safe spaces where students are seen, valued, cared for and respected. It is also important that students have opportunities to learn from one another’s varied experiences and perspectives. To create this learning environment, teachers need to skillfully draw on student experiences to enrich the curriculum. (Learner.org).

Teachers can show they value students’ lives and identities in a variety of ways. Some are small, like taking the time to learn the proper pronunciation of every student’s name or getting to know young people’s families. Others require more time and investment, like building curriculum around personal narratives or incorporating identity-based responses into the study of texts. At the community level, it is important to understand neighborhood demographics, strengths, concerns, conflicts and challenges. Like students themselves, these dynamics may change frequently.

Classroom-Reflective Texts Coupled with Nonjudgmental Dialogue. Choosing texts that reflect classroom demographics and following the readings with discussions or reflective writing assignments can provide teachers with powerful information about their students’ hopes, concerns, strengths and life circumstances. These practices also open channels of understanding among students. Successful conversations about issues of identity frequently lead to deeper dialogue about students’ own backgrounds and the experiences of others.

Share Stories That Make Room for Student Sharing. Personal anecdotes—respectfully and thoughtfully shared by teachers—have great power. Stories should be chosen carefully, kept brief, and

told at a level that invites appropriate student sharing. (Tolerance.org).

Recommendation #2. Education Reform: The role of knowledge about the Civil Rights Era.

There is also a question about whether there is enough education and information taught to youth today about the Civil Rights Era. The importance of the time period, and the relationship of the era and its impact on youth today are important today as it was then. According to a study issued through Teaching Tolerance, Oregon was ranked at 0% in education relating to the Civil Rights era. While the findings may be a bit biased - the study relied on official documents that mentioned anything relating to the Civil Rights Era, considering the history of Oregon and its relationship to the Ku Klux Klan, it is more important than ever that schools continue to have this discourse with youth.

<http://www.tolerance.org/book/2014-state-grades>

C. GOVERNMENT AGENCIES

Recommendation #1. Continue to track suspension rates.

It is very important for the Department of Education to continue tracking suspension and expulsion rates among Oregon schools. The rates show the percentage of the disproportionate number of minorities who are punished versus white students.

Recommendation #2. Clearly define racial/ethnic groups in data collection.

Early data collection broke down race/ethnicity categories as the “Top five” consisting of African American/Black, Asian/Asian American (sometimes Asian Pacific Islanders were included in this category), White/White American (with two categories; Non-Hispanic and Hispanic), and American Indians. Over the past fifteen years, the number of biracial or other multiracial students have emerged with the growing number of interracial relationships. Newer data includes newer racial groups, including biracial/multiracial as a category. The problem is that the data is not equal across the board -

the data collection classification groups vary from state to state.

Recommendation #3. Partnerships with Associations and Organizations.

Clearly, there are several associations, organizations, and entities vested in discussing the problems associated with zero tolerance policies and its relationship to the school to prison pipeline system. These organizations exist at the community and national level. Several important national organizations include the American Bar Association (ABA), Dignity in Schools, and the American Association of Pediatrics, to list a few.

American Bar Association (ABA)

The mission of the ABA is To serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession. In 2014, the ABA Midyear Meeting was held in Chicago and covered “The School-to-Prison Pipeline: What are the Problems? What are the solutions”? Establishing a working relationship with the ABA, and attorneys involved with civil rights, education, and social justice law would be beneficial.

http://www.americanbar.org/news/abanews/aba-news-archives/2014/02/lawyers_communitya.html

Dignity in Schools.

The Dignity in Schools Campaign (DSC) challenges the systemic problem of pushout in our nation's schools and advocates for the human right of every young person to a quality education and to be treated with dignity. The DSC unites parents, youth, advocates and educators to support alternatives to a culture of zero-tolerance, punishment and removal in our schools. The DSC started in 2006 when local grassroots and advocacy groups fighting to end school pushout came together to share information and strategies and build a common framework for dignity and human rights in our schools. In 2012 the DSC and the Opportunity to Learn Campaign launched a Moratorium on out-of-school suspensions

and the DSC published the Model Code on Education and Dignity.

American Academy of Pediatrics (AAP)

According to AAP does not support zero tolerance policies and recommends that student suspension or expulsion should be considered on a case-by-case basis.

Believing early intervention is important to identify behaviors that could lead to suspension or expulsion, the AAP recommends that pediatricians screen for early childhood and preschool behavior problems so treatment can begin early to reduce risk factors for future behavior.

Community organizations such as the Portland Parent Union, which successfully sought to overturn zero tolerance policies in Oregon, Oregon Alliance for Education Equity (OAEE), Reentry Organizations and Resources (ROAR), and countless others have also been shown to combat issues relating to disproportionate punishment.

Portland Parent Union/Parent Associations

The Portland Parent Union, a new MRG Foundation grantee, is empowering parents to be advocates in the education of their children and in their school communities. They work with parents of mostly poor students and minority students on how to advocate with the school district so that these students can succeed in school.

Oregon Alliance for Education Equity (OAEE)

The Oregon Alliance for Education Equity (OAE) is a non-partisan coalition of community organizations that represent communities of color, English Language Learners, education advocates, families and other stakeholders. OAE's goal is to eliminate racial and ethnic disparities in education and ensure that students of color and students learning English graduate prepared to be successful adults and global citizens.

Reentry Organizations and Resources

Reentry Organizations and Resources (ROAR) is a collaboration of over 40 nonprofit, faith-based and government agencies that work to promote successful reentry from incarceration to the community. As an alliance, ROAR coordinates existing resources in the community, catalyzes collaboration and mutual learning among reentry organizations, and promotes greater awareness of reentry issues in the general public and government bodies.

Summary

Although zero tolerance policies were developed to assure consistent and firm consequences for dangerous behaviors, broad application of these policies has resulted in a range of negative outcomes with few if any benefits to students or the school community. Rather than increasing school safety, zero tolerance policies have led to indiscriminate suspensions and expulsions for both serious and mild infractions and disproportionately impacts students from minority status backgrounds. Serious dangerous behaviors require consistent and firm consequences to protect the safety of students and staff; however, for many offenses addressed by zero tolerance policies, more effective alternative strategies are available. Systemic school-wide violence prevention programs, social skills curricula and positive behavioral supports lead to improved learning for all students and safer school communities.

Resources *still being worked on*

American Psychological Association, Zero Tolerance Task Force (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *American Psychologist*, 63, 852-62.

The Editorial Board. *The New York Times*. "New York City's School-to-Prison Pipeline". May 29, 2013. Accessed electronically from

<http://www.nytimes.com/2013/05/30/opinion/new-york-citys-school-to-prison-pipeline.html>

Schiff, M. and Bazemore, G. “Whose kids are these”: Juvenile justice and education partnerships using restorative justice to end the “school-to-prison pipeline”. National Leadership Summit on School-Justice Partnerships: Keeping Kids in School and Out of Court. Accessed electronically from http://school-justicesummit.org/pdfs/journal-web_paper_5.pdf

Programs

- Center on Positive Behavioral Interventions and Supports (PBIS) www.pbis.org
- First Step to Success Sopris West (www.sopriswest.com)
- Positive Adolescent Choices Training (937) 775-4300
- Project ACHIEVE <http://www.projectachieve.info/home.html>
- Second Step Curriculum www.cfchildren.org