

REVERSING THE PIPELINE TO PRISON IN TEXAS

How to Ensure Safe Schools AND Safe Students

QUICK FACTS

40% of use-of-force incidents in Texas schools were against Black students from 2011-2015

33% of all out-of-school suspensions were applied to Black students, who comprised only 13% of the Texas student population from 2017-2018

144,432 kids from pre-k to 5th grade were placed in in-school suspension from 2015-2016 in Texas



THE SCHOOL-TO-PRISON PIPELINE: ZERO TOLERANCE DISCIPLINE AND OVER-POLICING

Today in Texas schools, students at every grade level face disciplinary methods that can land them behind bars. School administrations have implemented punitive “zero tolerance” policies and have increased on-campus policing in response to various incidents over past decades. This has led to negative, unintended consequences and has pushed many students – particularly those most vulnerable – out of the classroom, where they can be subject to criminalization and deprived of meaningful opportunities for education, future employment, and success.

The alternative? Restorative justice practices address student misbehavior and hold them accountable in a safe, non-court setting, leading to better outcomes for students, victims, schools, and communities.

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Removing students from the classroom has intensely adverse effects on their overall ability to succeed throughout their academic careers. It breaks important connections to teachers, peers, and their learning environment, making reintegration extremely difficult.

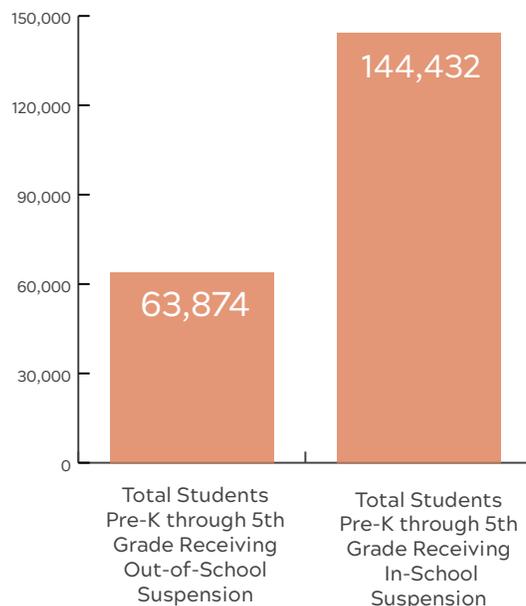
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WHAT IS THE SCHOOL-TO-PRISON PIPELINE?

Experts describe the school-to-prison pipeline as the result of practices that force students out of the classroom and into the justice system.¹ Students in hundreds of school districts nationally are susceptible to zero tolerance policies and denied education for often minor misbehaviors. **Alarminglly, students of color and students with special needs are disciplined at disproportionate rates compared to the greater student population.**² This is especially problematic given that schools over-rely on police forces to maintain on-campus discipline, leading to student arrests. **With the abuses of power and significant racial disparities seen in prosecution and detention, the school-to-prison pipeline is a continuation of the most broken parts of America's justice system.**

And yet, there is no evidence to support the efficacy of these forms of discipline. Claims that zero tolerance policies are an effective approach to controlling classrooms and helping students become healthy, well-adjusted members of society fail to hold up in light of data. Instead, **such policies drive students into the justice system, creating a dangerous cycle that deprives youth of meaningful opportunities for education, future employment, and success.**

Disparities in Use of Zero Tolerance in Texas: Very Young Students Pre-Kindergarten Through Fifth Grade, 2015-2016
(Total Enrollment: 2.61 million)



DISPARITIES IN THE APPLICATION OF ZERO TOLERANCE

Students of color, students with special needs, young boys, and children in foster care are consistently overrepresented in suspension and expulsion rates compared to the larger student population.

In Texas, while Black students comprised 13 percent of the student population from 2017-2018, they represented 33 percent of all out-of-school suspensions and 25 percent of all in-school suspensions. Similarly, students with disabilities comprised only 10 percent of the Texas student population but accounted for 20 percent of all out-of-school suspensions, 16 percent of in-school suspensions, and 17 percent of referrals to disciplinary alternative education programs.³

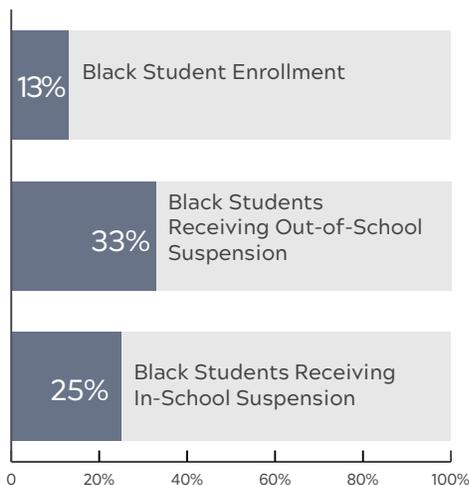
This tragic overrepresentation of certain students in disciplinary actions is seen in referrals to law enforcement and arrests as well. Black students, who comprise 15 percent of student enrollment nationally, represent 31 percent of students referred to law

enforcement or arrested. Students with special needs represent a quarter of the students who are referred to law enforcement or subjected to school-related arrests, but comprise just 12 percent of the student population.⁴

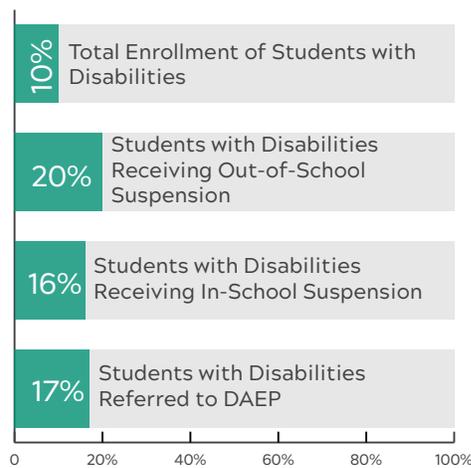
Very young children are a large portion of students represented in these statistics. From 2015-2016 in Texas alone, 63,874 children from pre-kindergarten through fifth grade received an out-of-school suspension; 144,432 children were removed from the classroom and placed into in-school suspension.⁵ From 2017-2018, children in foster care from pre-kindergarten to second grade in Texas were three times more likely than their peers to be suspended.⁶

Professionals assert that disparities in the application of zero tolerance are the result of systematic failures in the education system.⁷ For instance, a lack of support for teachers and administrators (including funding, additional personnel, and training and professional development) creates an overreliance on traditional discipline.⁸

Disparities in Use of Zero Tolerance in Texas: Black Students



Disparities in Use of Zero Tolerance in Texas: Students with Disabilities



In 2012, Black girls were suspended from school **6 times more frequently** than white girls.



Other drivers of disparities in the application of zero tolerance include:

- » LACK OF TRAUMA-INFORMED CARE
- » LABELING
- » IMPLICIT BIAS
- » “ADULTIFICATION” OF BLACK GIRLS

Learn more about these drivers of disparities on pages 7 and 8 of our report.

EFFECTS OF ZERO TOLERANCE

Zero tolerance policies have numerous ill effects that impact students, educators, administrators, and communities.

HEALTH EFFECTS:

- » The excessive punishment that accompanies zero tolerance may accelerate negative mental health outcomes by increasing feelings of alienation, anxiety, and rejection, and by destroying healthy adult bonds.⁹

EDUCATIONAL IMPACT:

- » Removing students from the classroom has intensely adverse effects on their overall ability to succeed throughout their academic careers; it breaks important connections to teachers, peers, and their learning environment, making reintegration extremely difficult.¹⁰
- » Removing students from school also increases the likelihood that they will repeat a grade. Thirty-one percent of students who received a suspension or expulsion between seventh and twelfth grade repeated their grade at least once.¹¹

- » The U.S. Department of Health and Human Services and U.S. Department of Education reported that “Young students who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration than those who are not.”¹²

COMMUNITY IMPACT:

- » Estimates regarding the fiscal impact of school discipline-related dropouts and suspensions show staggering losses to the community in both social and fiscal costs. Social costs related to dropouts include lower income and higher medical costs due to poorer health outcomes. Fiscal costs include education expenditures from students repeating grades, youth and adult justice system expenses, and costs related to health and social services. One study estimated that “if policymakers could remove the entire 14 percent increase in dropouts associated with school discipline, the total lifetime savings for each student cohort would be between \$750 million and \$1.35 billion.”¹³

WHAT IS RESTORATIVE JUSTICE?

Restorative justice is a disciplinary practice that seeks to repair harm by addressing the root cause of the actor's conduct, ultimately mitigating the likelihood of their behavior recurring. Using methods such as group conferencing, healing circles, check-ins, and mediated victim offender dialogue (VOD), restorative justice helps the actor consider the consequences of their actions; it also encourages empathy by using age-appropriate, feeling-centered language.

Professionals and students we spoke with repeatedly emphasized that **while restorative justice is the age-appropriate response, it is not a soft approach to discipline.** In requiring varying levels of participation and engagement both in proactive and reactive actions, building and maintaining a restorative culture requires much of students, most of all from the student who caused harm. From the requirement of taking responsibility for the wrongdoing, to making a sincere apology, to developing a plan for restitution satisfactory to the victim, to ultimately following through on that plan, professionals and students agree: **far more accountability is required of a student making amends through a restorative justice model than one who is sent home via suspension or expulsion.**

“When 5-year-olds have been through child abuse or other trauma that affects their behavior and learning, school districts need to provide support to help them heal, manage their emotions, and improve their behavior rather than just kicking them out of class.”

David Feigen,

*Early Education Policy
Associate at Texans
Care for Children*





A
“WHOLE SCHOOL”
APPROACH:

When Teachers Get on Board, They See Results

It is true that restorative justice advocates have faced pushback from their peers – teachers themselves. Advocates we spoke with said teachers expressed worry that restorative justice would add new tasks to their already significant workload, or worse, remove their ability to control a classroom by sending a disruptive student away. Their fears are not unwarranted. Advocates warn that partially or improperly implemented restorative justice may leave schools with low punishment and low accountability. Alternatively, they point to schools that continue using traditional discipline, but incorporate restorative exercises in the punitive process, negating the restorative model.

Professionals we spoke with said again and again, the goal of restorative justice is not to take tools away from teachers. Instead, when whole districts and schools adopt a restorative culture, teachers will be more supported in their goals of teaching students, and they will have additional tools to access for a productive classroom.

RECOMMENDATIONS

REC #1 | FOR SCHOOL DISTRICTS

School districts should prioritize budgetary allocations towards trauma-informed training, bias training, other professional development, and personnel to help students and classrooms remain productive and successful. This is especially critical for vulnerable and high-needs students. School districts should STOP investing in school policing, which drives students out of the classroom and towards the justice system.

REC #2 | FOR SCHOOLS

School Resource Officers (SROs) are on-campus law enforcement officers in schools across the country. Schools that have existing SROs and that are interested in implementing restorative justice programming should train the SROs to reinforce – rather than work against – the principles of restorative justice.

REC #3 | FOR THE TEXAS LEGISLATURE

For restorative justice programming to be successfully implemented and maintained, administrators and teachers should have adequate support. Dr. Philip Carney (see report, pgs 16-17), Kyle Lemere (pg 18), and Dr. Anita Wadhwa (pgs 20-21) credit the success of their programs to the support of the administration, sufficient staff, and student leaders.

After a thorough review of restorative justice programming across Texas, it is clear that implementation of restorative justice practices will be an uphill climb for under-resourced schools; that is also the case for teachers who are sometimes single-handedly fighting to get their schools to adopt restorative justice programming because they want to see their students graduate.

The Texas Legislature should allocate funding toward restorative justice measures in Texas in 2021 – specifically for the addition of multi-year Restorative Justice Coordinators in schools.

In 2015, the Texas Education Agency funded a grant that provided restorative justice training to 10 education centers through the Institute for Restorative Justice and Restorative Dialogue at The University of Texas at Austin School of Social Work. It was through this grant that Dr. Philip Carney (previous) and those like him in Texas were able to begin implementing restorative programming in schools. While the results have been overwhelmingly positive, similar allocations to restorative justice in the years since have yet to be made.

The Texas Education Agency should continue to invest in school personnel by regularly allocating funding for training in restorative justice practices for both school administrators and teachers.

EXPAND RESTORATIVE JUSTICE IN SCHOOLS

Students and administrators alike are calling for changes to school discipline practices because they agree that current systems are not working. Traditional, punitive models of student discipline are not only ineffective, but harmful to students and communities.

It is imperative for the safety of children and the outcomes of communities that policy-makers hear the voices of people who are impacted and work toward solutions that keep children and school settings safe and productive, protect students' opportunity for educational attainment, and help them reach their full potential.

Visit www.TexasCJC.org to hear more from students and experts in restorative justice.

“Under a traditional school discipline approach, the student is held accountable to the administrator, the district, or the police, rather than, for example, the teacher that he or she wronged.

Using a restorative justice approach, the student is held responsible to the person he or she hurt.”

*Dr. Philip Carney,
Restorative Discipline
Coordinator at
North East Independent
School District in
San Antonio, Texas*

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