

BREAKING THE SCHOOL-TO-PRISON PIPELINE

THE CRISIS AFFECTING ROCHESTER'S STUDENTS AND WHAT WE CAN DO TO FIX IT

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In Rochester City School District, like many other places around the country, young people are routinely subjected to extreme discipline and kicked out of school for behavior that used to get students sent to the principal's office or guidance counselor. This trend towards harsh discipline is known nationally as the school-to-prison pipeline. The overuse of suspension, expulsion, and school-based arrest has real consequences for our schools and communities: suspension increases the possibility that a student will repeat a grade, drop out of school, and become involved in the juvenile justice system.

The school-to-prison pipeline is a nationwide problem: the U.S. Department of Education estimates that over 3 million students are suspended from school every year. In New York State, there were over 100,000 out-of-school suspensions – which means that on average, 565 students are being suspended every school day. Overall, 4% of New York students were suspended in 2012-2013. But the numbers are much worse in Rochester. Over 10% of students in Rochester were suspended and Rochester students missed over 54,000 days of school during the 2012-2013 school year because of suspensions.

ROCHESTER STUDENTS ARE SUSPENDED TOO FREQUENTLY, OFTEN FOR MINOR INFRACTIONS.

Rochester students are suspended at alarmingly high rates: in 2012-2013, 1 in 10 RCSD students were suspended. The majority of suspensions in Rochester are not for weapons, serious fights, or drugs: 88% of the 6,373 RCSD suspensions in 2012-2013 were for being disruptive and for incidents involving no physical contact.

Suspensions often result from minor incidents that escalate due to a lack of resources, training, and effective alternatives. K, a 13 year old 8th grade student was late to class one day. Her teacher gave K a lunchtime detention. K felt the punishment was too harsh and did not go. As a result she was given an in-school suspension (ISS). When K arrived at the ISS room there was no work for her to do and the attending teacher did not provide any instruction. When K began chatting with some other students out of boredom she was told to be quiet. K became frustrated and began to argue with the teacher. Now her punishment was increased to a 2-day out-of-school suspension (OSS). This only made K more upset. Her apparent "attitude" at the continually escalating punishments over what began as being late to class led to K missing an entire week of school (a 5-day OSS).

M., a high school student, felt like she was constantly in trouble in part because she had no relationship with the staff at her school. "I have changed since 7th grade but they've always treated me like I was the 'loud girl' that I was back then. It was never, 'M's having a good day' or 'M hasn't gotten in trouble this week.' It was 24/7: 'What's M doing now? What is she getting into?' I had no relationship with the administrators. There were no adults in the school who I felt had my back."

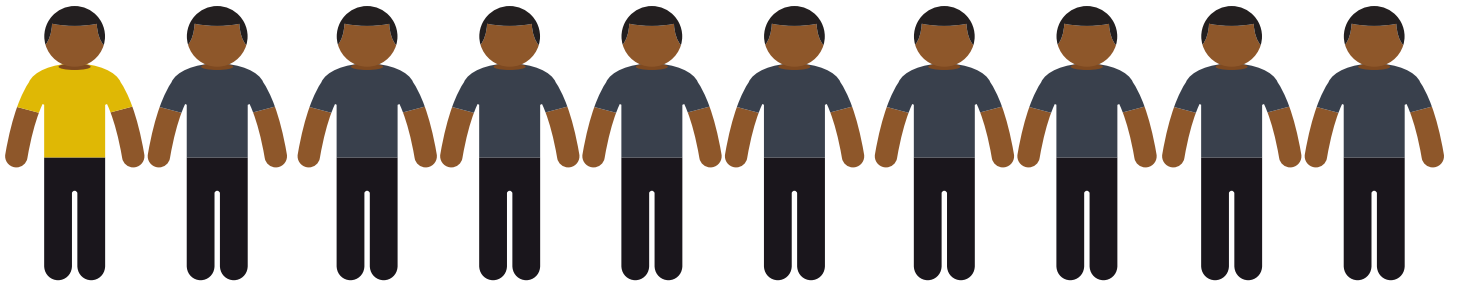
M was eventually suspended for multiple months: "There was a big fight on the 4X Genesee bus and they couldn't see who was in the fight on the camera so they suspended and long-termed everyone—about 35 students. I was not in the fight, but I was standing on a seat trying to see. When the fight happened on

the bus, the administrators added it up to 'if she's always in ISS, then she had to be involved.' Some [students] went to I'm Ready [alternative school] where students go when they're long-term suspended' and other people were sent home because there weren't enough slots at I'm Ready or other places. They never found me a spot, so I stayed home. They should've allowed me to get my work instead of pushing my wishes to the side. When I did get work sent home, it was just a few worksheets."

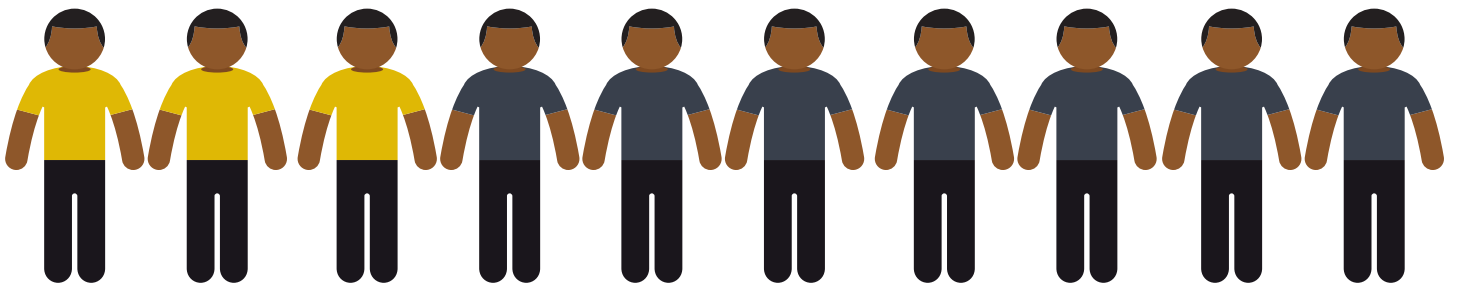
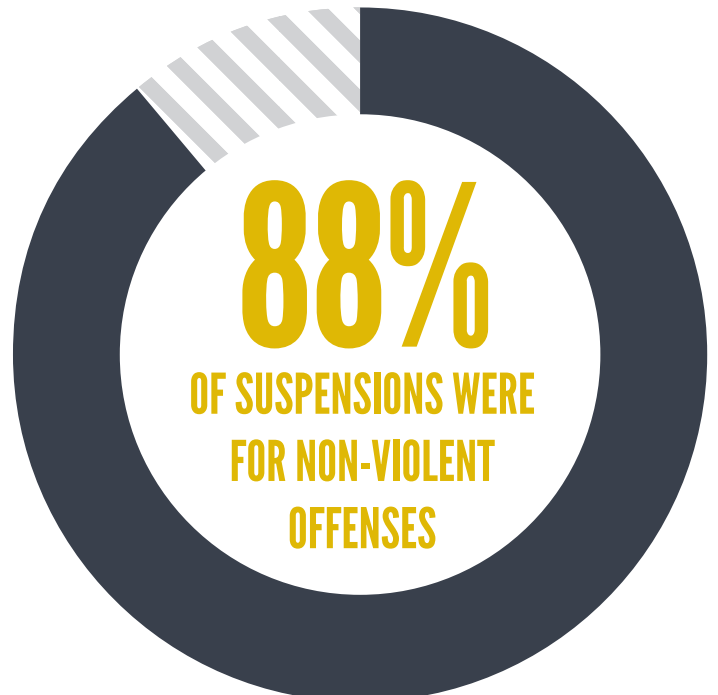
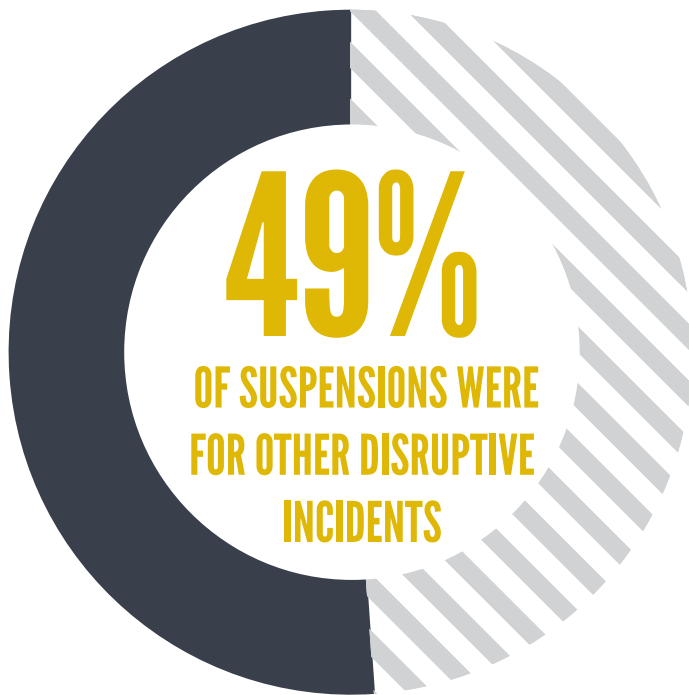
Teachers and administrators recognize that suspension doesn't effectively address student behavior, and that they need the resources to provide real supports for struggling students.

"Three weeks into September S arrived in our elementary classroom. [On her first day] she repeatedly kicked the principal in the shins as he tried to remove her from the playground. Kicking your principal in the shins is one of the surest ways to earn a suspension from school [but] my principal said, 'Let's not suspend her yet. I'll go to her house before school tomorrow and see if we can find out what is going on with her.' The next week I visited her home after another rough day at school. In her subsequent conversation with the school counselor, S marveled that at this school the principal and teachers cared enough about her to come to her house....Although her behavior in school is not perfect, it continues to improve. I cannot help but think that her behavior would have gone in a much worse direction if she had been suspended. Sometimes forming a strong school-home connection and building a relationship with a student is what is needed. My principal made a great call on S's first day of school!"

- RCSD Teacher



IN 2012-13, 1 IN 10 RCSD STUDENTS WERE SUSPENDED



**SUSPENSIONS ARE HIGHEST IN 9TH GRADE;
3 IN 10 9TH GRADERS WERE SUSPENDED IN 2012-2013**

STUDENTS OF COLOR, STUDENTS WITH DISABILITIES, AND STUDENTS OF COLOR WITH DISABILITIES ARE DISPROPORTIONATELY SUSPENDED.

The school-to-prison pipeline is a civil rights issue: nationally in 2011-2012, Black students were three times more likely to be suspended than their white peers.¹ These disparities exist in Rochester as well, and students of color and students with disabilities are more likely to be suspended than their white and general education peers. Black students with disabilities bear the highest burden of these unfair suspensions: despite federal laws that mandate that schools address behaviors directly instead of relying on exclusionary discipline, Black students with disabilities were 2.6 times more likely to be suspended than their white peers. In our Rochester schools:

- ▶ Black students are 2.29 times more likely to be suspended than their white peers
- ▶ Latino students are 1.45 times more likely to be suspended than their white peers
- ▶ Students with disabilities are 1.3 times more likely to be suspended than their non-disabled peers.
- ▶ Black students with disabilities are 2.6 times more likely to be suspended than their white peers

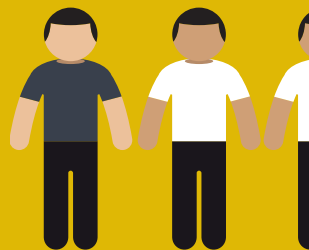
These differences are not because students of color are behaving differently or worse.² Students of color receive harsher punishments for the same behavior and are punished more often for subjective offenses.³ Subjective offenses are ones that are not clearly defined and based on adult perceptions – like being rude or disrespectful to a teacher, or being disruptive. Providing training around implicit bias, as well as eliminating the use of harmful school exclusions in response to these perceived behaviors, can go a long way towards reducing these disparities.



BLACK STUDENTS ARE 2.29 TIMES MORE LIKELY TO BE SUSPENDED THAN THEIR WHITE PEERS.



LATINO STUDENTS ARE 1.45 TIMES MORE LIKELY TO BE SUSPENDED THAN THEIR WHITE PEERS.



STUDENTS WITH DISABILITIES ARE 1.3 TIMES MORE LIKELY TO BE SUSPENDED THAN THEIR NON-DISABLED PEERS.



BLACK STUDENTS WITH DISABILITIES ARE 2.6 TIMES MORE LIKELY TO BE SUSPENDED THAN THEIR WHITE PEERS.

THE OVERUSE OF EXCLUSIONARY DISCIPLINE COSTS PRECIOUS TIME IN THE CLASSROOM.

In 2012-2013, Rochester students lost **54,619** days of instructional time due to suspension— that is over 300 school years missed because of suspensions. When students miss school because of suspension, they are not only missing those class days, but are more at risk of being suspended again, falling behind in school, and eventually dropping out.⁴

Students who received just one suspension in 9th grade are two times more likely to drop out of school.

"I got caught in the hall sweep twice and after the second they gave you five days ISS [in-school suspension] where you don't learn at all...I fell behind in school and it was hard for me to catch up. I gave up and eventually stopped coming. I cried when they told me I was suspended but after that it just triggered everything, I kept getting suspended over and over again... I mean we could have talked about [the behavior]. They didn't know what was going on, they just jumped to a conclusion assuming that I was just skipping and hanging in the hall. I didn't really learn anything except for kind of to be badder, because I wasn't misbehaving, wasn't a bad kid, I just was late, they should have talked to me first."

- L.N., 12th grade student

54,619 
LOST DAYS DUE TO SUSPENSION

300 
SCHOOL YEARS MISSED

"When I was suspended for having gummy bears in the classroom my parents had to take off work and come to the school. I had to stay after school to get all the work in and was far behind the rest of my class."

– R.W., 9th grade student

ROCHESTER STUDENTS ARE ARRESTED FOR BEHAVIOR THAT CAN BE BETTER HANDLED BY THE SCHOOLS.

In addition to facing suspension or expulsion, some students are arrested in school. The majority of the offenses are non-violent misdemeanors, such as disorderly conduct, harassment, or trespassing on school grounds. These behaviors should be dealt with by school administrators and not the police. Any unnecessary contact with the juvenile justice system puts a student at risk of continued system involvement, and just one court appearance more than quadruples a student's likelihood of dropping out of school.⁶ Too many students in Rochester are criminalized for behavior that can be handled by administrators, counselors, or other school staff.

During the 2012-2013 school year, Rochester City Police Department reported 166 arrests on school grounds. Close to half of those arrests were for "public order" or "other" offenses. Another 38% were for simple assault.

- a. *Only 3% of the reported arrests were for serious felonies*
- b. *In 2013 – 2014, arrest data reported to the school board showed that 75% of the arrests were for non-violent incidents like disorderly conduct, harassment, petit larceny, and trespassing*

These arrests happen even to very young students in RCSD. During an elementary school class, while working on an art project, a third grade student was holding up child safety scissors. The teacher, concerned that they were fighting, requested a sentry to take him out of the room. The vice principal talked to the police officer stationed in the building, who charged the student with assault with a deadly weapon, handcuffed him, and walked the student out of the building.



3%

OF THE REPORTED ARRESTS WERE FOR SERIOUS FELONIES



75%

OF THE ARRESTS WERE FOR NON-VIOLENT INCIDENTS

CONCLUSION

It is time to make a change: Rochester students deserve better. The federal government and the New York State Attorney General have both given guidelines about how to ensure that all students can be treated fairly during the school discipline process. Rochester City School District should make changes to ensure that we develop safe, quality schools that get to the root of behavior issues, prevent and address real violence, assist educators with needed training and resources to help student learning, and keep students in school and learning whenever possible.

RECOMMENDATIONS

- 1. THE CODE OF CONDUCT MUST BE CHANGED TO ELIMINATE SUSPENSIONS FOR MINOR, NON-VIOLENT, AND VAGUE, SUBJECTIVE OFFENSES SO THAT NO STUDENT IS UNNECESSARILY CAUGHT IN THE SCHOOL-TO-PRISON PIPELINE.** RCSD must create a discipline matrix, that is child centered, developmentally appropriate and based on relevant research, that clearly defines the interventions and consequences appropriate for each behavior, using suspension only as a last resort. RCSD must ensure that the community is involved in making decisions around school discipline and school climate by including community members in policymaking task forces and by holding public hearings during deliberations about changes in the code of conduct.
- 2. ADMINISTRATORS, TEACHERS, PARENTS, AND STUDENTS NEED SUPPORT, TRAINING, AND MEANINGFUL ALTERNATIVES LIKE RESTORATIVE JUSTICE TO GET TO THE ROOT OF THE PROBLEM SO THAT TEACHERS CAN TEACH AND STUDENTS CAN LEARN.** School personnel must learn how to respond to students who are traumatized, alienated, and in need of support. Schools must also provide resources to help students develop key social and emotional competencies

"There were a lot of things they could've done differently [instead of imposing long term suspensions]. Kicking us all out accomplished nothing. It didn't make us think differently about fights. There should've been a mediation for the students who were fighting but there wasn't any. They should've sat down with the kids who were there to talk about what happened instead of it just spreading around the school between the students. It's stupid to leave us doing nothing at home just watching TV and staying in bed." – M, 16 year old RCSD student

(such as self-management, resilience, self-awareness, responsible decision-making) that will help them redirect their energy, avoid conflict, and refocus on learning. Such changes in school climate and discipline require sustainable and much needed funding.

- 3. THE RCSD AND POLICE MUST REFORM THE MEMORANDUM OF UNDERSTANDING (MOU) TO MAKE SURE THAT THE ROLE OF THE POLICE IS WELL-DEFINED AND THAT STUDENTS ARE NOT BEING ARRESTED FOR INCIDENTS THAT MUST BE HANDLED BY THE SCHOOL.** RCSD has an MOU with Rochester police which allows for police in schools and defines their role. This MOU needs to ensure that police roles are limited so that they are not acting as disciplinarians, that students are not being arrested or referred for minor incidents, and that school police receive all necessary training.
- 4. PROVIDE MANDATORY TRAINING FOR ALL ADMINISTRATORS AND TEACHERS ON RELEVANT TOPICS LIKE IMPLICIT BIAS, CULTURAL COMPETENCY, CLASSROOM MANAGEMENT, AND THE IMPACTS OF THE SCHOOL-TO-PRISON PIPELINE.**
- 5. DATA COLLECTION WITHIN RCSD NEEDS TO BE IMPROVED.** RCSD should collect more complete data around school culture, school climate, student discipline and school-based arrests. The data should motivate schools to take proactive steps to reduce their reliance on exclusionary discipline. RCSD should make the data and analysis publicly available on a quarterly basis.
- 6. NEW YORK STATE LAW NEEDS TO BE CHANGED TO ELIMINATE ZERO TOLERANCE AND RACIAL DISPARITIES AND SUPPORT COMMON SENSE SCHOOL DISCIPLINE AROUND THE STATE.**

ABOUT US



Founded in 1965, Metro Justice is Rochester's leading grassroots, member-driven, progressive organization working for social and

economic justice. When we join together to demand a more fair and just society, our individual voices are louder, our efforts more effective, our power greater. <http://www.metrojustice.org/>



The mission of the Center for Teen Empowerment is to empower youth and adults as agents of individual, institutional, and social change. Teen Empowerment (TE)

inspires young people, and the adults who work with them, to think deeply about the most difficult social problems in their communities, and gives them the tools they need to work with others in creating significant positive change. At TE's youth organizing sites, youth and adult staff bring authentic youth voice into the dialogue about improving their communities, mobilize the energy of urban youth to create meaningful change, and facilitate mutually respectful relationships between youth and adults. <http://www.teenempowerment.org/>



The Alliance for Quality Education (AQE) is a coalition mobilizing communities across the state to keep New York true to its promise of ensuring a

high quality public education to all students regardless of race, income or zip code. Combining its legislative and policy expertise with grassroots organizing, AQE advances proven-to-work strategies that lead to student success and echoes a powerful public demand for a high quality education for all of New York's students. <http://www.aqeny.org/>



Advancement Project is a national, next generation, multi-racial civil rights organization that supports grassroots movements

that aim to dismantle the school-to-prison pipeline. Advancement Project is an innovative civil rights law, policy, and communications "action tank" that advances universal opportunity and a just democracy for those left behind in America. We believe that sustainable progress can be made when multiple tools—law, policy analysis, strategic communications, technology, and research— are coordinated with grassroots movements. <http://advancementproject.org/> and <http://safequalityschools.org/>

HOW TO GET INVOLVED

<https://www.facebook.com/pages/AQEMetro-Justice-Education-Committee/910617848953777>
Metro Justice (585) 325-2560

End Notes

1 CRDC Discipline Snapshot, <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>

2 Department of Justice & Department of Education, "Joint Dear Colleagues on the Nondiscriminatory Administration of School Discipline," <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html> (January 8 2014).

3 Department of Justice & Department of Education, "Joint Dear Colleagues on the Nondiscriminatory Administration of School Discipline," <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html> (January 8 2014).

4 Justice Center – The Council of State Governments and Public Policy Research Institute, *Breaking Schools' Rules, A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (July

2011), available at <http://justicecenter.csg.org/resources/juveniles>.

5 Robert Balfanz et al., *Sent Home and Put Off-Track: The Antecedents, Disproportionalities, and Consequences of Being Suspended in the Ninth Grade* (paper presented at the Center for Civil Rights Remedies and the Research-to-Practice Collaborative National Conference on Race and Gender Disparities in Discipline, Washington, DC, January 10, 2013).

6 Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 *Justice Quarterly* 462, 473-477 (2006).

* All Rochester data used and analyzed throughout this report has been openly provided by Superintendent Bolgen Vargas and the Rochester City School District and is on file with authors.