

School-to-Prison Pipeline

A Civil Liberties Briefing



The “school-to-prison pipeline” is a trend where children are pushed out of schools and into the juvenile and criminal justice systems.

Ohio schools are in desperate need of reform in their disciplinary procedures. Unfortunately, present school climates and policies have prevented too many children from fully accessing their educational rights, often for displaying age-appropriate behavior or committing minor rule infractions.

Zero Tolerance Policy

The root cause of the school-to-prison pipeline lies in having a zero tolerance policy. According to Ohio Revised Code 3313.534, every school district must adhere to this policy, which results in harsh punitive responses to minor infractions of school rules. They are required to suspend students for violent, disruptive, or inappropriate behavior. Suspensions have continually increased over time as students are suspended for excessive tardiness, texting, dress code violations, or making gestures.

School-to-Prison Pipeline

Far too often, students are suspended for age-appropriate or non-violent behavior that can be addressed by professional staff. Yet, students who receive out-of-school suspensions are not provided with the resources and support from which they could benefit in school. There are ramifications for students who receive out-of-school suspensions. Research shows that students suspended just once in the ninth grade are twice as likely to drop out of school as those who have not been suspended at all. Moreover, an indirect relationship exists between educational attainment and arrests. The Ohio Department of Rehabilitation and Corrections states that 80 percent of incarcerated adults do not have a high school diploma.

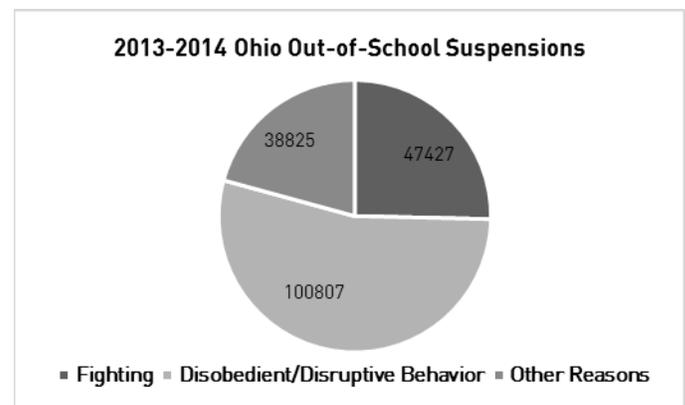
These statistics indicate that punitive discipline in schools leads to high rates of incarceration. This chain of events is labeled as the school-to-prison pipeline.

Out-of-School Suspensions

Suspensions are one of the primary forms of discipline. They are overused as a disciplinary measure for disobedient behavior, and literally push students out of school and on the road to dropping out.

Although it could be assumed that violence leads to high suspension rates, in reality, school violence has decreased significantly since 1993. Research has also found school-age children are safer and more secure at school than anywhere else.

In the 2013-2014 school year, 187,059 students received out-of-school suspensions in Ohio schools according to the Ohio Department of Education. Around 47,427 of these suspension were for fighting, while 100,807 were for disobedient or disruptive behavior. Disobedient or disruptive behavior is subjective and disproportionately affects students.



Disproportionate Effects

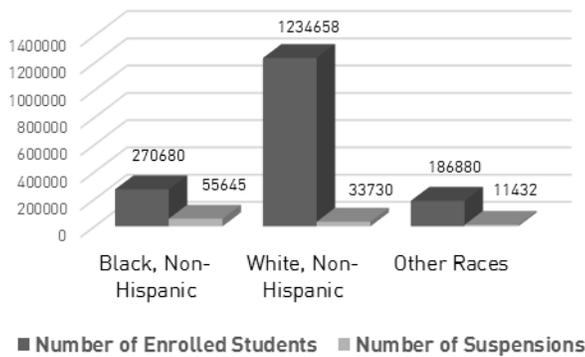
According to a November 2012 policy briefing from Children’s Defense Fund-Ohio and the Ohio Poverty Law Center, students of color, students with disabilities, and students living in poverty experience higher rates of suspensions and expulsions. The following charts from the Ohio Department of Education display the differences between occurrences of out-of-school suspensions for disobedient/disruptive behavior and the number of enrolled students. According to the data students of color, students with a disability, and students who are economically disadvantaged have higher suspension rates compared to enrollment rates.

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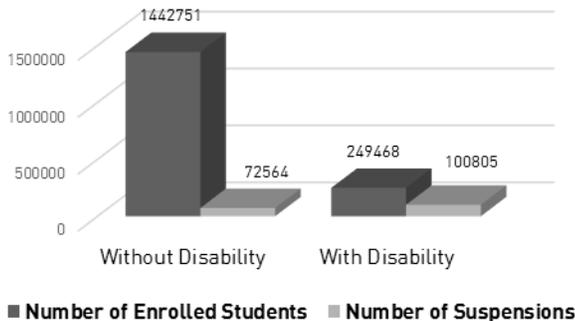
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JUNE 2015

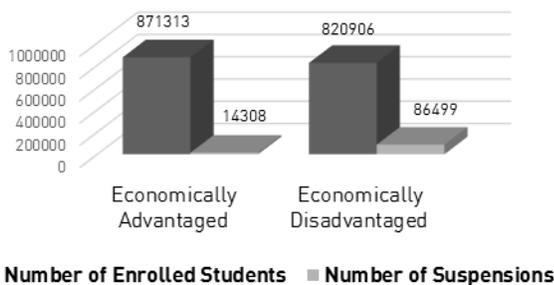
2013-2014 Ohio Out-of-School Suspensions for Disobedient/Disruptive Behavior by Race



2013-2014 Ohio Out-of-School Suspensions for Disobedient/Disruptive Behavior by Disability Status



2013-2014 Ohio Out-of-School Suspensions for Disobedient/Disruptive Behavior by Economic Status



Punitive Discipline through Seclusion and Restraint

For years, Ohio schoolchildren—many of them disabled—were routinely isolated in cell-like seclusion rooms or physically restrained by educators with little or no oversight from the Ohio Department of Education. Due to advocacy efforts by the ACLU of Ohio and other advocates, the State Board of Education finally passed 3301-35-15 on April 9, 2013, governing the implementation of Positive Behavior Interventions and Support (PBIS) and the use of seclusion and restraints practices in Ohio schools. This rule was an

important step for the many Ohio schools that secluded and restrained children without guidelines for years and added extra protections like parental notification and oversight when a child is secluded or restrained.

Restorative Justice

The ACLU challenges zero tolerance and punitive disciplinary policies that push children out of schools and interrupt their education. One way schools can combat these policies is through the use of *restorative justice*, which is a community-oriented practice used in many communities and schools as a method of solving conflicts.

One approach to restorative justice is the three-tiered model of prevention, intervention, and supported re-entry:

- *Prevention* attempts to create a community within the classroom by allowing students to share their thoughts and feelings in a group circle.
- *Intervention* occurs when facilitators mediate a conversation about a conflict.
- *Supported re-entry* works to help students who are coming back to school from a suspension or expulsion.

This inclusive environment allows students to confront their mistakes in an open and positive learning experience. It attempts to keep the majority of students in school and, if necessary, remains a safe place for those returning from a suspension or expulsion. Students develop the necessary skills to cope with their behavior issues and will also learn the techniques involved in communication and conflict solving.

This progressive form of conflict solving should be implemented nationwide as a way of teaching students that school is a learning environment not only for academics, but for social and emotional development.

Conclusion

As demonstrated, the marginalization of people of color, people with disabilities, and people from low income unfortunately begins in schools. The ACLU fights to protect the right to equality in education as a form of fighting the systemic oppression of these targeted populations.

¹ See <http://reportcard.education.ohio.gov/Pages/default.aspx>.

² Balfanz, R., Byrnes, V., & Fox J. (2013). *Sent Home and Put Off Track: The Antecedents, Disproportionalities and Consequences of Being Suspended in the Ninth Grade*. Paper present at the Closing the school discipline gap: Research to practice, Washington, D.C.

³ See <http://www.drc.ohio.gov/web/faq.htm>.

⁴ See <http://www.npr.org/2012/03/16/148758783/violence-in-schools-how-big-a-problem-is-it>.

⁵ See <http://reportcard.education.ohio.gov/Pages/default.aspx>.

⁶ See www.cdf.ohio.gov/assets/pdf-files/issue-brief-zero-tolerance.pdf.

⁷ See <http://bireports.education.ohio.gov/PublicDW/asp/Main.aspx>.

⁸ See <http://www.weareteachers.com/blogs/post/2015/04/03/restorative-justice-a-different-approach-to-discipline>.

⁹ See <http://www.icjia.state.il.us/public/pdf/BARJ/SCHOOL%20BARJ%20GUIDEB000K.pdf>.