

# BREAKING THE CHAINS

The School-To-Prison Pipeline,  
Implicit Bias, and Racial Trauma

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EQUAL JUSTICE SOCIETY

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## INTRODUCTION



### What is the School-to-Prison Pipeline?

Each year, about 3 million youth are suspended from school at least once.<sup>1</sup> In 2011-2012, over half of those 3 million were suspended at least twice.<sup>2</sup> The recent increase in disciplinary actions such as suspensions or expulsions is often justified by asserting that students are committing more severe infractions at school than they have in the past. However, in study after study, the data show that more students are suspended for minor infractions such as willful defiance, disrespect, or classroom disruption than any other type of disobedience.<sup>3</sup> Young people have not become more violent or more defiant than they were in the past; we simply discipline them more harshly for lesser offenses.<sup>4</sup>

The problem of skyrocketing school discipline rates becomes more troubling when we consider the long-term implications of schools' discipline

practices. It is estimated that suspensions result in U.S. students missing roughly 18 million days of instruction each year.<sup>5</sup> Research shows that students who have been punished by school officials are at a particularly high risk of falling behind their classmates academically, dropping out of school, and entering the juvenile

justice system.<sup>6</sup> A Florida longitudinal study found that just one suspension in 9th grade reduced the chance of graduating from 3 in 4 to only half.<sup>7</sup> A Texas study found that students who were suspended or expelled in a discretionary disciplinary action were about 3 times more likely to come into contact with the juvenile justice system the following year.<sup>8</sup> This correlation between overly harsh school discipline,

drop-out rates, and the juvenile justice system creates the gateway to the school-to-prison pipeline.

The school-to-prison pipeline ensnares a disproportionate percentage of students of color,

**“YOUNG PEOPLE HAVE NOT BECOME MORE VIOLENT OR MORE DEFIANT THAN THEY WERE IN THE PAST; WE SIMPLY DISCIPLINE THEM MORE HARSHLY FOR LESSER OFFENSES.”**

students with disabilities, and LGBTQ youth. Black students are suspended and expelled 3 times more often than White students.<sup>9</sup> Latino, Native American, and Native-Alaskan students are also disproportionately suspended and expelled.<sup>10</sup> Students with disabilities are more than twice as likely to receive an out-of-school suspension,<sup>11</sup> and students that report a same-sex relationship are statistically more likely to be expelled from school than their heterosexual peers.<sup>12</sup>

These devastating statistics can be traced to the explicit and implicit biases of school administrators, teachers, and other decision-makers in the education system, as well as structural racism and inequality. These often overlooked and unacknowledged biases create a system in which students who are most in need of support and attention from the public education system are most harmed by its impersonal mechanisms. It may be easy to assign responsibility when racism in a school setting is overt; however, implicit biases—those that affect an authority figure’s interactions with youth at a subconscious level—are much more common, insidious, and imperative to address.

This Policy Report examines the path of the school-to-prison pipeline, including the pipeline’s contributing factors such as: lack of support for teachers and insufficient classroom management training, over-representation of law enforcement in schools, disproportionate discipline influenced by implicit bias, and lack of attention to students experiencing trauma. The Report explores both overarching statistics and individualized group profiles of the types of students who are most negatively impacted by the school-to-prison pipeline. Finally, several recommendations are proposed to aid teachers, administrators, and policymakers in tackling disproportionate discipline and reducing the effects of implicit bias in school settings. •

## BY THE NUMBERS

A FLORIDA LONGITUDINAL STUDY AND A TEXAS STUDY FOUND THE FOLLOWING DATA:

### •DISCIPLINE AFFECTS LIKELINESS TO GRADUATE

**1 SUSPENSION AS EARLY AS 9<sup>TH</sup> GRADE**



**33% CORRELATED TO A DECREASE IN GRADUATION RATES**

### •SUSPENSIONS, EXPULSIONS, AND CRIMINALITY

**STUDENTS WITH 1 SUSPENSION OR EXPULSION**



**ARE 3X MORE LIKELY TO ENTER THE JUVENILE JUSTICE SYSTEM THE FOLLOWING YEAR**

# —ROOTS OF THE SCHOOL-TO-PRISON PIPELINE—

## Lack of Teacher Training, Staff Support, and Diversity

Several scholars have determined that the quality of teachers matters more than any other factor of the school system.<sup>13</sup> Despite this data, teachers are so under-supported in public settings that over one-tenth of the 3.4 million public school teachers in the U.S. either transfers between schools (227,016) or leaves (230,122) the profession altogether each year.<sup>14</sup> In high-poverty school districts, over 20% of classes are taught by a teacher with neither a certification nor academic background in the subject matter they teach.<sup>15</sup> This means that in schools where students are already struggling to succeed, one in five classes is taught by an under-prepared teacher.<sup>16</sup> In a recent study on Chicago Public Schools, the data revealed that the school system lost about half of its teachers every five years.<sup>17</sup> This same trend is replicated in many high-poverty districts across the nation.<sup>18</sup> Blame should not fall on the teachers who are dedicated to serving children, but rather on the systems that allow this reprehensible situation to continue unabated.

School administrations and school districts often fail to properly support their teachers with resources and training. This may result in teachers feeling under-valued, particularly in instances where skilled teachers are not well recruited, classroom improvement is not celebrated, and new teachers receive few or no offerings for continued education, limited opportunities to share useful resources such as best practices with their teaching peers, and few opportunities to adequately address pressing issues with school

administrators.<sup>19</sup> Moreover, most teachers receive minimal clinical training and frequently provide classroom instruction without much administrative support.<sup>20</sup> With American public secondary school class sizes at an average of 26.8 students per class, it is difficult for any teacher to successfully teach every student without an aide.<sup>21</sup>

Given the lack of teacher training, the minimal support from school administrations, and the large class sizes, it is not surprising that teachers struggle to respond appropriately to discipline issues while attempting to serve the remaining pupils in the classroom. Discipline issues are greatly exacerbated by the fact that teachers are often not taught about the developmental psychology of youth, including the effects of chronic trauma and toxic stress on children's learning.<sup>22</sup>

In addition, the training teachers receive has not been adapted to address rapidly changing demographics of America's classrooms. According to a 2013 study by the National Center for Education Statistics, in the 2011-2012 school year, 82% of all public school teachers were White, while only 7% were Black and 8% were Latino.<sup>23</sup> Many teachers lack cultural sensitivity about the cultures of the students of color they serve.<sup>24</sup> These young people already struggle with the common insecurities of establishing identity and discovering one's place in the world. For students of color who feel they are frequent targets of discrimination, trauma and stress associated with constant anticipation of prejudice can cause great wear-and-tear on their psyches,

## SCHOOL ADMINISTRATORS AND SCHOOL DISTRICTS OFTEN UNDER-VALUE TEACHERS, AND MOST TEACHERS RECEIVE MINIMAL CLINICAL TRAINING.

contributing to an experience known as “racial trauma.”<sup>25</sup> Dr. Kenneth Hardy’s recent research published in the journal *Reclaiming Children & Youth* indicates that few educators know anything about the deeply destructive effects of racial trauma.<sup>26</sup> Educators often misunderstand youth of color, asking the question “What is wrong with them?” as opposed to “What has happened to them?”<sup>27</sup>

Unfortunately, racial trauma is just one area of trauma that many students face. Students must also overcome trauma associated with poverty, violence, abuse, and other forms of victimization.<sup>28</sup> In order for teachers to be successful in helping students learn and develop high-level cognitive skills, they must first be educated about and respond to student behavior through trauma-informed practices. Most are not trained to do so.

### Overrepresentation of Law Enforcement in Schools

Theft and violence rates in schools are being reported at the lowest levels in the last 20 years, but youth are referred from school settings to the criminal justice system at escalating rates.<sup>29</sup> Young people, disproportionately students of color, are often suspended for minor discretionary offenses such as “willful defiance”<sup>30</sup>

or “disorderly conduct.”<sup>31</sup> These minor offenses have surprising potential to result in criminal charges or other interaction with the criminal justice system.<sup>32</sup>

Moreover, increased police presence in school results in additional arrests and student contact with the criminal justice system.<sup>33</sup> This occurs, in part, because school law enforcement officers are not thoroughly trained to respond to the particular needs of young people. More often than not, school police and “School Resource Officers” (SROs) come from other law enforcement backgrounds, such as prisons guards, and are primarily trained to interact with adults, with little additional training tailored to the school setting.<sup>34</sup> School security personnel “are not always trained to de-escalate incidents with students and to help minimize their contact with the juvenile justice system when appropriate.”<sup>35</sup>

The potential harm is compounded by the fact

that 1.6 million students attend a school with a sworn law enforcement officer, but no school counselor.<sup>36</sup> Indeed, adults and young people are different. Their brain functioning and chemistry differ in terms of impulsivity and reactivity, and their understandings of cause and effect are dissimilar as well.<sup>37</sup> The way in which youth misconduct is dealt with must purposefully and adequately reflect these differences to avoid

**1.6 MILLION STUDENTS ATTEND A SCHOOL WITH A SWORN LAW ENFORCEMENT OFFICER**

*BUT NO*

**SCHOOL COUNSELOR**

Handcuffs icon by Buena Buena for Creative Commons

turning youthful mistakes into pathways to incarceration.

## Implicit Bias

Implicit bias is perhaps the most complex aspect of the school-to-prison pipeline. The implicit biases of teachers, administrators, classified staff, school police, and school officials are key instigating factors in treating youth of color more harshly than their counterparts.

### *What is implicit bias?*

Though it is assumed that we are in constant control of what we think and how we behave, this is a false assumption. Scientists suggest that we have “conscious access to only 2% of our brains’ emotional and cognitive process. Neuroscientists have also determined that we process 11 million bits of information at a time but have the capacity only to be aware at best of 40 bits.”<sup>38</sup> This means that the majority of our conduct is directed by the 98% of our brain that is working subconsciously.<sup>39</sup>

Though recent studies have shown that under some conditions, implicit and explicit cognition are reliably connected, the fact remains that much of our cognition and brain processing is not in our control.<sup>40</sup> A great deal of our behavior occurs without our conscious perception. Most of our thoughts and actions may be driven by learned stereotypes that operate automatically—and therefore unconsciously—when we interact with other people.<sup>41</sup>

In order to function in a complex world as

humans, we must create categories or “schemas” into which the concepts around us fit.<sup>42</sup> This is a useful and positive part of our cognitive process when it comes to a category like “technology.” If a sign suggests that you “take all technology out of your bag before proceeding through the metal detector,” most people know what the sign is referring to without jumping through mental hoops.

However, this over-efficiency of the brain creates problems when we categorize other humans (e.g. man, woman, teenager, elderly) based on an internalized stereotype.<sup>43</sup> When a person interacts with someone from an identity group different from their own (i.e., individuals from different racial, socioeconomic, or gender groups), they may experience implicit negative neurological

reactions.<sup>44</sup> For example, when the other group has been frequently portrayed or associated with negative, violent, or threatening images (e.g., in popular media or culture), a person’s implicit associations may trigger a similar cognitive pattern to the innate fight or flight response one might experience when seeing tigers, snakes or spiders.<sup>45</sup>

### *How implicit bias impacts teaching and school discipline*

If teachers, administrators, and school police officers are acting on their implicit biases, they may not be conscious of their negative reactions toward certain students. Because of a lack of self-

**“IF TEACHERS, ADMINISTRATORS OR SCHOOL POLICE OFFICERS ARE ACTING ON THEIR IMPLICIT BIASES, THEY MAY NOT BE CONSCIOUS OF THEIR NEGATIVE REACTIONS TOWARD CERTAIN STUDENTS.”**

awareness of these biases, administrators and officers may consider their actions justified, and may not question how their unconscious belief system influenced their reaction to a situation. In a disciplinary situation, if an authority figure has unconsciously categorized a student as threatening based on the student's race, gender, sexual identity, disability status or other factor, the authority figure may respond more harshly than empathetically.<sup>46</sup> This adult may experience a fight or flight response that involves a release of stress hormones and increased heart rate.<sup>47</sup>

This neurobiological response will in turn inhibit that authority figure's ability to use higher-order brain function;<sup>48</sup> in the school discipline context, teachers may be inhibited from strategizing and finding the best course of disciplinary action for the individual student. Educators' implicit biases

and subsequent lack of ability to strategize in disciplinary situations have a devastating effect on students of color, LGBTQ students, students with disabilities, and students affected by trauma. Implicit bias manifests most visibly when educators have discretion over the type of disciplinary action they impose. This discretionary discipline leaves room for variation based on subjective perception of students and thus has noticeably disproportionate effects on students of color.<sup>49</sup>

A Texas A&M study found that only 2.7% of the nearly 5 million disciplinary actions surveyed were required to be imposed by law.<sup>50</sup> This means that the other 97.3% of suspensions, expulsions, and other disciplinary measures were discretionarily-imposed based on a school policy or an administrator's decision. Nearly

## DISCRETIONARY DISCIPLINE + IMPLICIT BIAS



**WHAT DOES**  
**“WILLFUL DEFIANCE”**  
**REALLY MEAN?**  
**HOW ABOUT**  
**“DISRUPTION”?**

THESE ARE DISCRETIONARY DISCIPLINE CODES WHICH ALLOW **SUSPENSION** AND SOMETIMES EVEN **EXPULSION** FOR VIOLATIONS INCLUDING:

**NOT COMPLETING**  
**HOMEWORK**



**NOT PAYING**  
**ATTENTION**



**OR**  
**TALKING BACK**



THESE PUNISHMENTS  
 IGNORE STUDENTS'  
**MENTAL HEALTH +**  
**ACCESS TO**  
**ACADEMIC SUPPORT.**

THESE ISSUES  
 DISPROPORTIONATELY AFFECT  
 STUDENTS OF COLOR AND  
 STUDENTS WITH DISABILITIES.

5% of those actions surveyed (over 240,000 disciplinary actions) were not even official violations of the school conduct code, but were wholly based on teacher reaction.<sup>51</sup> This discretionary discipline involves considerations of perceived severity of conduct and assessment of students' intentions, often entangled with racialized stereotypes, leading to highly biased imposition of punishment.<sup>52</sup> In one study, Black students were 31% more likely to be disciplined than White or Latino students when discipline was discretionary.<sup>53</sup> By contrast, there is less racial disproportionality in punishment for more severe and objective infractions that require disciplinary action, such as weapons possession by students.<sup>54</sup>

Discretionary and biased discipline can often be uncovered by looking at a school district's track record of disciplining students based on violations such as "willful defiance" or "disruption." These are sweeping discipline categories which allow suspension for violations including "not paying attention, failing to do homework, [and] talking back."<sup>55</sup> When so much is left in the hands of teachers—who in many instances do not reflect the demographics of the student body—and when teachers themselves are susceptible to implicit bias, our nation's schoolchildren are subject to and at risk of uneven and overly harsh discipline.

In California, during the 2012-2013 school year, over one-third of out-of-school suspensions were for disruption.<sup>56</sup> This overwhelming statistic led to Assembly Bill 420, which eliminated willful defiance and disruption as a reason to expel students in California, though students may still be suspended for these two non-descript codes if they are in fourth grade and above.<sup>57</sup> •

## —WHO IS MOST NEGATIVELY IMPACTED?—

**STUDENTS OF COLOR, STUDENTS WITH DISABILITIES, LGBTQ STUDENTS, AND TRAUMA-EXPOSED STUDENTS ARE THE MOST NEGATIVELY IMPACTED BY THE SCHOOL-TO-PRISON PIPELINE.**

### Students of Color

#### *Black students*

Data show that Black students are subject to disproportionate discipline. For example, in one of the largest statewide school discipline surveys ever conducted, Texas A&M researchers found that in their sample of students with “identical profiles except for race” (i.e. students who were the same in terms of socioeconomic status, family situation, etc.), Black students were still more likely to be disciplined than students of other races.<sup>58</sup> According to the U.S. Department of Education, Black students are 3.8 times more likely to be suspended than their White counterparts.<sup>59</sup> Black girls are suspended at higher rates than girls of any other ethnicity, and are suspended more often than boys of most subgroups. A 2015 report by the Center for Intersectionality and Policy Studies suggests that Black girls are 6 times more likely to be subjected to out-of-school suspensions than their White counterparts.<sup>60</sup>

In a recent study by three universities and the National Center for Post-Traumatic Stress Disorder, researchers found that “Black boys are seen as older and less innocent and ... they prompt a less essential conception of childhood than do their White same-age peers.”<sup>61</sup> The 2014 study also determined that the age misconception made Black boys seem more “appropriate” targets for harsh discipline.<sup>62</sup> This has a particularly detrimental effect within the school discipline context, because, by conventional wisdom, older children are able

to endure harsher punishments in educational settings. Indeed, authority figures at school might assume that older children need harsher punishments to deter them from future disobedience. In the aforementioned study, the average age over-estimation of Black boys was 4.5 years.<sup>63</sup> Thus, an educator may perceive an 11-year-old child in the fifth grade as nearly able to drive a car. This, combined with other negative stereotypes about Black youth, puts young people who are already vulnerable due to other systematic forms of racism in great danger of police intervention and referrals to the criminal justice system.

Another way that implicit bias acts as a catalyst for disproportionate disciplining of young Black students is explored in a 2015 study by Dr. Jason Okonofua and Dr. Jennifer Eberhardt. Their research has found that if Black students do indeed misbehave in class, teachers will be more likely to see these actions as the product of a pattern when compared with White students, whom they might view as making a one-time transgression. This negative stereotyping of Black students’ disobedience has been associated with the “black escalation effect.”<sup>64</sup>

In their research, Drs. Okonofua and Eberhardt found that far more Black students experienced an increase from a single suspension to multiple suspensions than any other racial group.<sup>65</sup> This escalation is due to educators unjustly stereotyping Black students as more habitually disobedient. Thus, implicit biases play a role in disproportionate discipline of Black students.

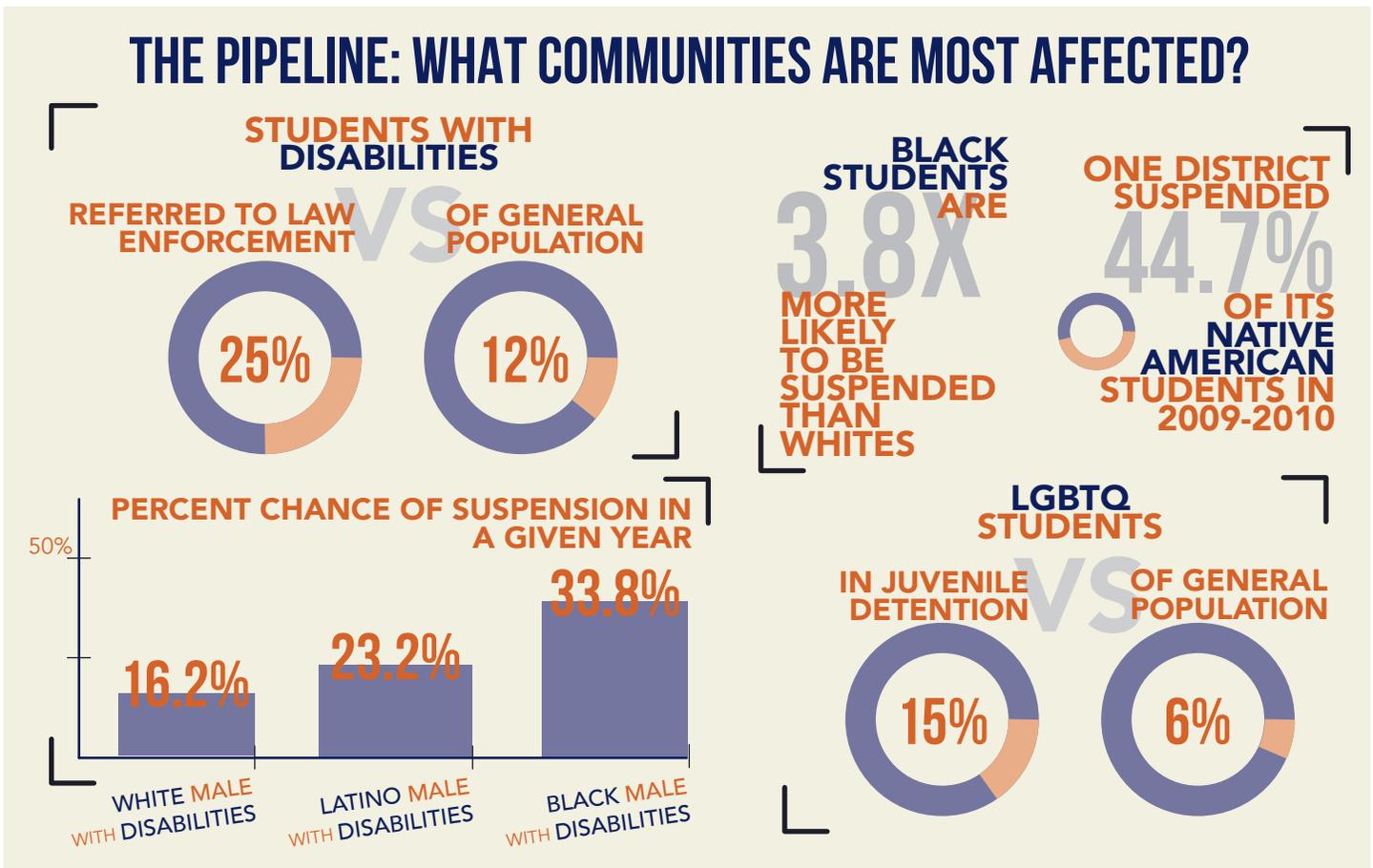
*Hispanic and Latino students*

In 2016, the U.S. Department of Education’s Office of Civil Rights released a report revealing that in the 2013-2014 school year, Latino students represented 21% of students who received one or more out-of-school suspensions and 15% of all expulsions.<sup>66</sup> These numbers have not significantly changed from the 2011-2012 school year, in which White students faced a 5% risk of suspension (about 1 in every 20 students), but Latinos faced a 7% risk of suspension (about 1 in every 14 students).<sup>67</sup> The implicit bias and misuse of stereotypes of educators can be inferred from the experiences of Latino students themselves, who report noticing that teachers have lower academic expectations of them and discourage them from class participation.<sup>68</sup> The racially hostile school discipline environment has

a particularly detrimental effect on Latina young women, who have a high likelihood of being marginalized in their own community lives based on gender and societal expectations as well.<sup>69</sup> When negatively impacted by teachers’ low expectations of their academic abilities, educator frustration with students speaking Spanish in school, and patterns of disproportionate discipline compounded with societal pressures, many Latinas struggle to graduate from high school.<sup>70</sup>

*Native American students*

Alaskan Native and Native American youth represent about 1% of the student population in the U.S. but account for 2% of students in out-of-school suspensions and 3% of the students expelled.<sup>71</sup> According to a 2012 study by the Center for Civil Rights Remedies, the



Spokane, Washington school district, one of the highest suspending districts in the country, suspended 44.7% of its Native American students in the 2009-2010 school year.<sup>72</sup> Nationally, 1 in every 13 Native American students risk being suspended.<sup>73</sup> Native American youth are also subjected to a general climate of both explicit and implicit bias from educators and peers. According to the Center for Disease Control and Prevention, in several states with high Native student populations, Alaskan Native and Native American students were “the most likely or second most likely to be bullied of any racial or ethnic group.”<sup>74</sup> This climate of racism and lack of cultural understanding results in Native American students dropping out at high rates and having high rates of involvement in the juvenile justice system.<sup>75</sup>

### Students with Disabilities

On average, students with disabilities served by the Individuals with Disabilities Education Act (IDEA) were more than twice as likely to receive an out-of-school suspension compared to students without disabilities in the 2013-2014 school year.<sup>76</sup> This disproportionate discipline may result from incorrect stereotypes of how people with disabilities are able to learn, understand their own actions, and improve their behavior. Often, behavior that is a manifestation of students’ disabilities is misconstrued by educators as the student’s personal failure to conform to mainstream norms, and thus grounds for

discipline, despite federal law that prohibits lengthy suspension, expulsion, or transfers of children based on their disabilities.<sup>77</sup>

Students with disabilities are also at risk for being subject to extreme discipline and physical force, or abuse, at school. According to a 2014 ProPublica report, over 200,000 students with disabilities were subjected to physical restraint

or seclusion in the public school setting during the 2011-2012 school year.<sup>78</sup>

Even though students with disabilities represent only 12% of national student population, they represent 75% of students who are physically restrained in school.<sup>79</sup> These practices may include “pinning uncooperative children facedown on the floor, locking them in dark closets and tying them up with straps, handcuffs, bungee cords or even duct tape.”<sup>80</sup> This severe maltreatment and disproportionate rates of suspension and expulsion result in many students with disabilities ending up on a

pathway to institutionalization or incarceration. Students with disabilities also represent about 25% of those referred to law enforcement or arrested.<sup>81</sup>

### *Students of color with disabilities*

Another group of young people who are alarmingly disproportionately affected by implicit bias and the school-to-prison pipeline are students of color with disabilities. If a student is Black, male, and has intellectual, emotional, or physical disabilities, that student has a 33.8% chance of being suspended in a given school

**“BEHAVIOR THAT IS A MANIFESTATION OF STUDENTS’ DISABILITIES IS MISCONSTRUED BY EDUCATORS AS THE STUDENT’S PERSONAL FAILURE TO CONFORM TO MAINSTREAM NORMS, AND THUS GROUNDS FOR DISCIPLINE.”**

year, compared with only a 16.2% chance for similarly situated White males.<sup>82</sup> More than 1 in 3 three Black boys with disabilities is likely to be suspended. Latino males with disabilities are suspended at rate of about 23.2%, and Black females with disabilities are suspended more often than White males with disabilities.<sup>83</sup> Not only do these discipline practices have a deeply negative effect on individual young people's abilities to succeed, but patterns like these shed light on educators' implicit and explicit biases about people with disabilities and the intersection of disability and race.

### LGBTQ Students

In a 2013 School Climate Survey by the Gay, Lesbian & Straight Education Network, over 9% of surveyed students identifying as lesbian, gay, bisexual, transgender, or queer/questioning (LGBTQ) reported being disciplined for simply identifying as LGBTQ.<sup>84</sup> An additional 1 in 10 were subjected to discipline (i.e., detention or suspension) when they reported being victimized or bullied at school.<sup>85</sup> As discussed within this Report, evidence suggests that even one suspension or expulsion can significantly increase the likelihood of a student dropping out of high school, and makes a student 3 times more likely to come into contact with the juvenile justice system the following year.<sup>86</sup> As of 2014, LGBTQ youth made up approximately 15% of the juvenile detention population while representing only 6% of the general population.<sup>87</sup> School discipline and the school-to-prison pipeline have an even

greater disproportionate effect on LGBTQ youth of color.<sup>88</sup>

### Trauma-Exposed Students

Many students are exposed to some sort of trauma in their lives, whether it stems from poverty, violence, abuse, toxic stress, or racial trauma or anxiety.<sup>89</sup> Studies have shown that

trauma has a profoundly negative effect on higher order thinking, learning capabilities, concentration, memory, and emotional regulation.<sup>90</sup> Young people who have experienced a negative external event or series of events have difficulty with responding to social cues and situations with the usual coping and defensive mechanisms.<sup>91</sup> The adaptive behaviors that children may have learned in order to survive traumatic experiences and environments, such as dissociation or aggression, become maladaptive in the school setting and can often be misinterpreted

by school staff as ill-intentioned misbehavior.<sup>92</sup> According to research, children who have suffered three or more traumatic experiences are more than twice as likely to be suspended from school.<sup>93</sup> Scholarship regarding "Adverse Childhood Experiences" (ACES) has been ongoing for about 20 years.<sup>94</sup> ACES include many kinds of household and family dysfunction and abuse; their long-term effects on children's brains and overall health are staggering, including high risk behavior, greater risk of disease, and early death.<sup>95</sup> As of a 2014 National Survey of Children's Exposure to Violence, 37.3% of youth age 17

**“SCHOOLCHILDREN WHO ARE CONSTANTLY RESPONDING AND ATTEMPTING TO COPE WITH NEGATIVE, CHAOTIC, OR VIOLENT ENVIRONMENTS ARE PHYSICALLY AND MENTALLY AFFECTED BY THEIR EXPERIENCES.”**

and younger had been physically assaulted in the previous year, 15.2% had been maltreated by a caregiver, and 5.8% had witnessed an assault between parents.<sup>96</sup> ACEs affect the neuropathways of the brain and negatively impact young peoples' higher order thinking and ability to perform in school.<sup>97</sup> Research on ACEs has found that about half to two-thirds of all school-aged children experience trauma.<sup>98</sup> Yet some of the most at-risk schoolchildren come from environments that subject them to chronic trauma or toxic stress, or racial trauma, which may not be studied in traditional ACEs research. These conditions may be further worsened through the interplay of racial anxiety and stereotype threat in the classroom.

### *Chronic trauma and toxic stress*

Chronic trauma and toxic stress refer to the cumulative effect of "strong, frequent, or prolonged activation of the body's stress response systems,"<sup>99</sup> absent the buffering protection of stable, supportive relationships.<sup>100</sup> Schoolchildren who are constantly responding to and attempting to cope with negative, chaotic, or violent environments are physically and mentally affected by their experiences. These individuals are perpetually in fight or flight mode.<sup>101</sup> The persistent activation of stress hormones results in a disruption of the development of healthy brain architecture, which may lead to difficulties in learning, memory, and self-regulation. The effects are lifelong.<sup>102</sup>

### *Racial trauma*

*"To work effectively with youth of color, we must understand, address, and ultimately heal the hidden wounds of racial oppression."*

-Dr. Kenneth Hardy, *Healing the Hidden Wounds of Racial Trauma*<sup>103</sup>

Racial trauma is trauma that results from the actual and perceived experiences of students of color due to the immutable characteristic of race. The effects of racial trauma often go unnoticed and

## WHO IS AFFECTED BY CHILDHOOD TRAUMA?

### ACES

ADVERSE CHILDHOOD EXPERIENCES

 **1/2 TO 2/3**  
OF ALL SCHOOL-AGE  
CHILDREN EXPERIENCE  
TRAUMA

- ASSAULT
- MISTREATMENT
- PARENTAL ILLNESS
- HUNGER

## RACIAL ANXIETY + TRAUMA

**FOR STUDENTS OF COLOR,**  
RACIAL ANXIETY REFERS TO A  
**CONSTANT CONCERN** THAT THEY  
WILL INEVITABLY BE THE SUBJECT OF  
**DISCRIMINATION AND HOSTILITY**



STUDENTS CAN BECOME CLOSED OFF, AND ANXIETY IN TEACHERS MIGHT **ACTIVATE PREJUDICE** OR A FEAR OF BEING SEEN AS RACIST.

**THIS HURTS STUDENT-TEACHER INTERACTIONS IN BOTH DIRECTIONS.**

are largely unexplored by traditional trauma research.<sup>104</sup> However, one's racial identity can compound the effects of childhood trauma. Dr. Kenneth Hardy has identified several "hidden wounds" that result from racial trauma: internalized devaluation, assaulted sense of self, and voicelessness.<sup>105</sup> The student of color is both a victim and prisoner of others' perception of them.

### Racial anxiety

Racial anxiety may contribute to racial trauma. Racial anxiety describes the feelings of threat and discomfort that people can experience in cross-racial interactions.<sup>106</sup> These feelings stem from individuals' uncertainty of how to act, fears about how they might be perceived, and worry over whether they will be accepted by people of another racial group.<sup>107</sup> Racial anxiety can often activate prejudicial thoughts and diminish a person's ability to curb the impact of their prejudices on their behavior.<sup>108</sup> For students of color, racial anxiety refers to a concern that they will inevitably be the subject of discrimination and hostility.<sup>109</sup> Students experiencing anxiety can become distant in the classroom setting, avoid eye contact, and can be less friendly and engaging.<sup>110</sup>

Another aspect of racial anxiety that manifests in the classroom setting are White teachers who have anxiety about appearing racist towards their students of color. In the classroom, where both aspects of racial anxiety are present, student-teacher interactions are more likely to be viewed as negative by both parties, and the effects of anxiety can spiral: students who perceive teachers as hostile towards them may then become hostile towards their teachers.<sup>111</sup>

### Stereotype threat

Stereotype threat and its potentially negative effect on students' classroom performance

may add to racial trauma. While racial anxiety is born of cross-racial interaction, "stereotype threat" is a broader, yet related, phenomenon whereby "societal stereotypes about groups can influence the intellectual functioning and identity development of individual group members."<sup>112</sup> Negative stereotypes about one's identity group may raise inhibiting doubts and high-pressure anxieties that lead an individual to split their attention between performing well in the classroom setting and worrying about conforming to negative stereotypes.<sup>113</sup> Research has shown that stereotype threat for Black and Latino students is the "norm in academic environments."<sup>114</sup> Unfortunately, when stereotype threat exists, it often acts as a self-fulfilling prophecy, causing individuals to actually conform to, rather than disprove, negative stereotypes.<sup>115</sup> Because students of color are often already affected by some form of trauma, the interplay of racial anxiety and stereotype threat in the classroom setting further inhibits their ability to perform well in school.

Implicit biases and disproportionate disciplinary action harm students of color, LGBTQ students, and students with disabilities. Their in-school experience is compounded by chronic trauma, racial trauma, racial anxiety, and stereotype threat. Students are coming to the classroom with a potentially extensive list of negative, even violent experiences. This reality is detrimental to students' physiological health and development, and prompts maladaptive social behavior within the classroom.<sup>116</sup> When teachers, school administrators, and security personnel are unaware of the effects of trauma on schoolchildren, they often respond with overly-harsh discipline—suspension, expulsion, and even violence. Such disproportionate response in turn increases the likelihood of drop-out rates and exposure to the criminal justice system, and continues a potentially lifelong cycle of trauma.

# — DISPROPORTIONATE DISCIPLINE & THE JUVENILE JUSTICE SYSTEM

## Zero Tolerance Policies Do Not Serve as a Deterrent and Involve Police for Minor Infractions

“Zero tolerance” is a type of school discipline that became popular in the 1980’s.<sup>117</sup> In terms of criminal theory, zero tolerance policies are based on an expectation of deterrence. This means that they intend to deter criminal activity by a higher certainty of punishment.<sup>118</sup> In schools, zero tolerance policies were first introduced with regard to weapons by the mandates of the Gun-Free Schools Act of 1994.<sup>119</sup> However, since 1994, zero tolerance policies have only increased, along with surveillance in schools and reduced privacy rights for students.<sup>120</sup>

These policies do not serve as a deterrent because young peoples’ brains do not process future consequences of current actions in the same manner that adults do.<sup>121</sup> Indeed, zero tolerance policies, which do not allow students to explain why they acted in a prohibited way, have been found to increase behavior problems and to result in students’ alienation from school rather than serve a corrective function.<sup>122</sup>

In addition, two researchers from the University of Delaware have shown that, despite the actual decline in school crime, the news media’s portrayal of school crime as “bad and getting worse” is detrimental to students.<sup>123</sup> This fear-mongering has the effect of drumming up public concern and subsequently increasing punitive discipline such as zero-tolerance policies and police officer interaction with students.<sup>124</sup> Zero tolerance policies have been proven again and again to create negative and hostile environments for students and educators alike.<sup>125</sup> Far from rooting out “problem students” in school systems, these policies create a more problem-filled school environment, marked by

lower indicators of academic achievement and student success overall.<sup>126</sup>

## The Negative Consequences of Suspension and Expulsion on Those Most Affected

Compulsory time out of school greatly reduces students’ educational success. Students who are disproportionately disciplined are often already in academically precarious positions, and missing hours of instruction puts them further behind. Statistics show that students who are suspended or expelled, especially more than once, are approximately 6 times more likely to repeat grades.<sup>127</sup>

During suspensions and expulsions, students may lose ground on academic progress they have previously made due to a lack of the reinforcement that continued learning provides.<sup>128</sup> Expulsions can last up to a year and may stay on a student’s school record until the student graduates from high school.<sup>129</sup> If a student is over the age of 16, many states do not require the school board to offer alternative schooling.<sup>130</sup> In addition, students from single parent households and households near or below the poverty line are most often suspended or expelled; schools are thus sending the students who need the most adult supervision home to where they have the least.<sup>131</sup>

For many students who are disproportionately suspended and expelled,<sup>132</sup> their time out of school not only results in falling behind in academics, but often in being “pushed out” of school altogether.<sup>133</sup> School “push-out” happens when students receive the message that they have no other option than to drop out.<sup>134</sup> Routine suspensions and expulsions may lead to arrest or court appearances. Such “first-time official intervention during high school, particularly court

appearance, increases the odds of high school drop out by at least a factor of three.<sup>135</sup> Schools' responses to students' arrest can also lead to increased risk of drop out, since schools make fewer resources available to these students, and their academic progress is disrupted.<sup>136</sup> Further, arrests and juvenile justice involvement cause students to disengage from school, which may lead to further "delinquencies, truancy, and poor school performance" and increases the likelihood of dropout.<sup>137</sup>

Push-out has highly detrimental effects on students, as well as on society as a whole. Studies have shown that high school graduates experience better health, commit fewer crimes, and cost the government less money than high school dropouts.<sup>138</sup> Students who do not finish high school have a higher likelihood of unemployment, higher dependence on public assistance, and a higher incarceration rate than high school graduates.<sup>139</sup> Indeed, the U.S. Department of Justice found that 69% of jail inmates did not have high school diplomas.<sup>140</sup>

High school dropouts even have a shorter life expectancy than high school graduates.<sup>141</sup> According to a 2004 study in American Economic Review, even a 1% increase in male high school graduation rates would result in a reduction of over \$1 billion in public expenditures due to reduced crime.<sup>142</sup> In death penalty cases, having been suspended or expelled is considered an "aggravating offense" which increases the likelihood that the death penalty will be imposed.<sup>143</sup>

The school-to-prison pipeline has disastrous consequences for youth, mostly of color, but it has more broad-reaching implications for society as a whole. We must find ways to change the pathway for these students and dismantle this tragic trajectory. •

## FROM CLASSROOM TO CELL

### SCHOOL DISCIPLINE TO JUVENILE JUSTICE SYSTEM



**ZERO TOLERANCE POLICIES** AIM TO DETER BY WAY OF PUNISHMENT



**A HOSTILE ENVIRONMENT** IS CREATED, ALIENATING STUDENTS FROM SCHOOL



**ALL INFRACTIONS, EVEN MINOR ONES,** RESULT IN TIME OUT OF THE CLASSROOM AND LOWER GRADUATION RATES



**ROUTINE SUSPENSIONS** OFTEN LEAD TO ARRESTS OR COURT APPEARANCES.



**THOSE "PUSHED OUT" OF SCHOOL** ARE MORE LIKELY TO BE INVOLVED IN CRIME AND, EVENTUALLY, THE PRISON SYSTEM.



STUDENTS TRACKED INTO THE JUVENILE JUSTICE SYSTEM FALL BEHIND, AND **MANY ARE "PUSHED OUT" OF SCHOOL ALTOGETHER**

## — RECOMMENDATIONS

Despite the overwhelming statistics and alarming state of disproportionate discipline in our schools across the nation, there is hope. Many skilled and passionate academics and practitioners are developing effective methods to disrupt disproportionate discipline and ultimately dismantle the school-to-prison pipeline.

### Support and Training in Classroom Management

*Teachers need additional support*

K-12 teachers are often well trained in their subject area but struggle to maintain order and student engagement in the classroom, especially as class sizes increase and more students have individualized needs or may be experiencing trauma or ACES.<sup>144</sup>

Many teachers express a desire to be better trained in classroom management.<sup>145</sup> Teacher training in classroom management techniques would simultaneously improve the classroom environment for students while making teachers feel supported and bolstered by school administrations and districts.

#### *Types of classroom management and training*

Classroom management can take the form of alternative discipline practices, developing student-centered learning environments, and integrating conflict resolution into curricula.<sup>146</sup> There are many classroom management techniques that have reduced disproportionate discipline and kept students in school. Two are

explained below.

### Positive Behavioral Intervention and Support

Positive Behavioral Intervention and Support (PBIS) is a technique that involves multiple layers of support and intervention for students and is usually implemented schoolwide.<sup>147</sup> This holistic

technique involves three levels of support—“Tier 1, Tier 2, and Tier 3”—so that each student’s needs can be addressed based on their optimal learning environment. The Tier 1 “Universal Level” is what is commonly understood as a traditional large classroom learning environment, and it includes setting positive and transparent expectations for behavior. Tier 2 creates smaller groups for students in need of more support and attention from teachers.

Finally, Tier 3 is individualized attention, directed toward students with higher-level challenges that go beyond what most teachers are trained to manage, and includes the consultation or inclusion of school psychologists and special education professionals.<sup>148</sup> In addition, the educators in the school create a system of “defining expectations” for both authority figures and students so that it becomes clear what consequences will result from certain actions.<sup>149</sup> PBIS schools also usually teach Social Emotional Learning (SEL) techniques to students to increase self-awareness and communication skills.<sup>150</sup> These SEL techniques may take many forms, but some common lessons

**“CLASSROOM MANAGEMENT CAN TAKE THE FORM OF ALTERNATIVE DISCIPLINE PRACTICES, DEVELOPING STUDENT-CENTERED LEARNING ENVIRONMENTS, AND INTEGRATING CONFLICT RESOLUTION INTO CURRICULA.”**

involve empathy and coping skills.

### Restorative Justice and Restorative Discipline

Restorative justice is a process that seeks to involve all stakeholders who have been affected by an offense or harmful situation, including the victim, the offender or harm-doer, and the community members who would also benefit from resolution of the conflict.<sup>151</sup> Restorative justice champions restitution and healing and has a goal of “repair[ing] the harm caused by crime.”<sup>152</sup>

Restorative approaches to school discipline involve forming communication circles that encourage students and teachers to feel valued, teaching empathy and differing perspectives, and setting agendas as a group.<sup>153</sup> When harms are committed in the classroom, restorative practices may involve student-to-student mediation or meetings with other stakeholders, such as “family-group conferences.”<sup>154</sup> Some school districts have set up successful truancy mediations as well as bullying prevention through restorative methods.<sup>155</sup>

### Collaborative Teaching and Additional Teachers’ Aides

According to the Annie E. Casey Foundation, it costs an average of \$88,000 to incarcerate a juvenile for one year.<sup>156</sup> This means that if 15 juveniles were kept out of Juvenile Hall in California each year, the state could pay the salary of 62 additional teachers’ aides.<sup>157</sup> An aide in each classroom for even half the day could allow teachers to focus more on lessons than on classroom management. If these aides were trained in classroom management specifically, they could take the pressure off of teachers and provide at-risk students with a partner with whom they could develop individual strategies for better engagement and learning.

### Teacher Training in Trauma-Informed Strategies and ACES’ Effect on the Brain

Given that many children, especially children of color, are subjected to some form of childhood trauma, educators must learn to identify young people who may be reacting to traumatic experiences in their lives.<sup>158</sup> One option is to integrate more Social Emotional Learning skills into the curriculum in schools. These skills might include teaching empathy, ways to respect others, self-control, and restorative, supportive conflict resolution. The Sanctuary Model (TM), for example, teaches “open communication, healthy boundaries, [and] healthy social relationships” while also promoting growth and change for students.<sup>159</sup>

Teaching students how to resolve conflicts and understand how their own emotions affect their actions is a more trauma-informed response to maladaptive behavior than traditional discipline and punishment, particularly for students whose lives have frequently involved violence and reactivity. Recognizing kids who have been subjected to trauma and responding empathetically can change the trajectory of young students’ lives by reducing suspensions, expulsions, exposure to the criminal justice system, and lifelong negative health effects.<sup>160</sup> The classroom is a starting point for ensuring the long term well-being of our nation’s children.

### De-Biasing for Teachers and Staff

Though it may seem incredibly difficult, teachers and school administration can take steps to overcome their biases to create a healthier school environment. Though openness to change and “motivation to be fair” are not always sufficient to break people of their implicit biases, there are some successful de-biasing techniques, all of which may be applied to educational settings.<sup>161</sup>

In one study, repeated exposure to positive, admirable print media about members of a stigmatized outgroup was successful at reducing bias, even if the exposure was brief.<sup>162</sup> In another 2008 study by researchers from the University of Massachusetts and UC Berkeley, participants with high “implicit prejudice” saw decreases in their stress response over only three cross-group friendship meetings.<sup>163</sup> Additionally, research shows that mindfulness – even a 10-minute recording about becoming aware of the body – can reduce implicit racial biases.<sup>164</sup> Apart from reducing bias, mindfulness training for teachers can help reduce teacher stress and burnout, thereby enabling them to focus more effectively on the classroom and students’ needs.<sup>165</sup>

Finally, and perhaps most complex, is the technique of restructuring social environments where implicit biases have been unchallenged in the past. Changing an entire school culture may seem impossible, but it is the most powerful way to challenge prejudice and stereotyping. One method of promoting this change in culture is to hire teachers and staff who are from similar cultural backgrounds as the marginalized students of a school. In a 2003 study, Nilanjana Dasgupta and Shaki Asgari found that when participants had an implicitly negative stereotype about a certain identity group, seeing people from that group in leadership roles—teachers, principals, and administrators—both “activated less stereotypic beliefs” and “activated counter-stereotypic beliefs.”<sup>166</sup>

According to this study, this effect may be even more substantial for individuals who have implicit biases against their own in-groups, or an “assaulted sense of self,” such as students who have experienced systematic racism and homophobia.<sup>167</sup> Thus, when traditionally marginalized students see school leaders of their own backgrounds, entrenched implicit bias in the school may be reduced and the school

## IN BRIEF

### WHAT CAN BE DONE?

#### REFORM CLASSROOM MANAGEMENT

Invest in positive behavioral intervention and restorative justice training and strategies.

#### BETTER TEACHER TRAINING

Teachers should be trained to reduce bias and best manage a diverse student body, including those affected by trauma.

#### ENCOURAGE LEARNING, FOCUS ON SCHOOL CLIMATE

Teachers and authority figures should maintain empathetic and supportive reactions to students’ behavior and create a school environment where students feel safe.

#### COLLECT DATA, MAINTAIN ACCOUNTABILITY

Administrators should collect discipline data – disaggregated by race, disability, and gender – to keep track of what works and what does not.

#### CHANGE POLICY

It is important to eliminate education codes that allow for discretionary discipline, like suspensions for “willful defiance” and other infractions subject to teacher bias.

environment improved.

## Strengthen Student-Teacher Relationships

Improving school culture to end disproportionate discipline and educator bias has a great deal to do with strengthening the relationships between educators and students. If teachers and other authority figures have empathic and supportive reactions to students' behaviors, as opposed to innate fight or flight responses, they are much more likely to help young people stay in school and out of the school-to-prison pipeline.

Dr. Jason Okonofua, a UC Berkeley professor, and his colleagues have devised a very simple intervention technique that helps teachers to “view discipline as an opportunity to facilitate mutual understanding and better relationships” with their students.<sup>168</sup> Following this technique, educators read statements by students who have been disproportionately disciplined. The educator then attempts to change the history of what happened from an instance of punishment to an instance of empathy or rehabilitation.<sup>169</sup>

In a recent study, Dr. Okonofua, along with Stanford University's Dr. David Paunesku and Dr. Gregory M. Walton, found that the mere act of teachers reading empathic prompts each morning was successful in cutting suspension rates in half.<sup>170</sup> The findings revealed that students whose teachers completed the empathic mindset exercise – as compared to those who completed a control exercise – were half as likely

to get suspended over the school year, down from 9.6 percent to 4.8 percent.<sup>171</sup> The findings also showed a significant reduction in teachers' likelihood of labeling children troublemakers, a label that research shows is more likely applied to children of color.<sup>172</sup>

Further, since Black and Latino children are the most likely to be suspended, teachers' empathy was most beneficial for those children.<sup>173</sup>

**PRIORITIZING SCHOOL CLIMATE MEANS CREATING AN ENVIRONMENT WHERE STUDENTS FEEL SAFE TO ENGAGE IN THE CLASSROOM AND DO WHAT THEY ARE MEANT TO DO IN SCHOOL: LEARN.**

## Prioritize School Climate

Many of the above recommendations are particularized changes directed at improving overall school climate—to create an environment where students feel safe to engage in the classroom and do what they are meant to do in school: learn. For this to happen, and for many of the recommendations above

to be implemented, schools must reform their priorities, making “school climate an equal factor among those used to evaluate school and district performance and for accountability measures.”<sup>174</sup>

## Data Collection: Learn from History

As is evident from this Report, there is a plethora of information about the shortfalls of our current education system, backed by empirical studies and data. Likewise, there is no shortage of recommendations for reforming school discipline and by extension, creating a healthier school environment. Educators, school administrators, and school districts genuinely hoping to change the reality of the school-to-prison-pipeline can collect and examine discipline data—

disaggregated by race, disability, and gender—for lessons about what works, and what does not, better informing their decisions in the future.<sup>175</sup>

### Provide Mental Health Services

Increased mental health services on school campuses—for example, hiring more school counselors and social workers—could reduce the number of children affected by the school-to-prison pipeline.<sup>176</sup> Because many children are increasingly affected by trauma in their home lives, continuing to punish them in the school setting does not help their academic advancement or emotional well-being.<sup>177</sup> Mental health services would work to support children, rather than cause them further harm.

### Eliminate Harmful Discipline Codes

Studies on the relationship between subjective discipline, the abuse of discretion, and the harm to students of color and students with disabilities may provide greater impetus for changing current school disciplinary policies. For example, lawmakers have provided no clear criteria for defining what constitutes “willful defiance.”<sup>178</sup> Administrative decision-making that allows room for uncontrolled subjectivity allows implicit biases to thrive.<sup>179</sup>

Eliminating or reducing subjective policies can help protect students of color from the harms of implicit bias in disciplinary decision-making. School districts can bring together key stakeholders such as students, parents, teachers, classified staff, community members, and service organizations to discuss how best to remove subjective policies and implement objective criteria for disciplining students in order to avoid such biases.<sup>180</sup> In fact, a 2015 UCLA study found that in California, the total number of suspensions—including out-of-school suspensions and in-school suspensions away from the classroom—fell from 709,580 in

2011-12 to 503,101 in 2013-14, largely due to a decline in suspensions for disruption and willful defiance.<sup>181</sup> Notably, Los Angeles Unified School District eliminated willful defiance suspensions in 2013, during the period of the study.<sup>182</sup> San Francisco and Oakland Unified school districts followed suit in 2014 and 2015, respectively, with the Oakland Unified school board even voting to invest at least \$2.3 million to expand restorative justice practices in its schools.<sup>183</sup> These actions, alongside laws like Assembly Bill 420—the Jan. 1, 2015 California law that eliminated willful defiance as a reason to suspend students in kindergarten through 3rd grade—are a significant reason for dramatic decreases in suspensions statewide.<sup>184</sup>

Taking proactive steps to change discretionary school disciplinary codes can also reduce the likelihood of school districts expending valuable monetary resources to defend against lawsuits brought against them by victims of alleged discrimination.<sup>185</sup> Indeed, more districts are becoming the subject of lawsuits that allege that, among other violations, implicit bias is a root cause in the discriminatory and disparate discipline of students of color.<sup>186</sup>

Zero tolerance policies also hurt students and do not make schools more orderly or safe.<sup>187</sup> School districts and policymakers can mitigate the effects of zero tolerance policies—including hostile school environment, high rates of future misbehavior, and inconsistency of school discipline<sup>188</sup>—by repealing such policies altogether, implementing preventative structures, and allowing for flexibility in the application of the policies.<sup>189</sup>

Any reform of the current, inflexible ways in which zero tolerance policies are carried out would benefit both individual students subjected to such policies, and school climate overall. •

## CONCLUSION

“We could choose to be a nation that extends care, compassion, and concern to those who are locked up and locked out or headed for prison before they are old enough to vote.

**We could seek for them the same opportunities we seek for our own children; we could treat them like one of ‘us.’**

We could do that. Or we can choose to be a nation that shames and blames its most vulnerable, affixes badges of dishonor upon them at young ages, and then relegates them to a permanent second-class status for life.”<sup>190</sup>

-DR. MICHELLE ALEXANDER,  
THE NEW JIM CROW

The school-to-prison pipeline may seem to be a problem of overwhelming proportions. It is easy to become discouraged by the sheer amount of students and school districts implicated in what Dr. Michelle Alexander calls the relegation of young people to “permanent second-class status.” However, we cannot become discouraged to the point of inaction. Though implicit biases run rampant in our education systems and disproportionate discipline is devastating, we can alter this trajectory right now. The first step is to look at each student as a person with individualized learning needs who can contribute to their learning and to society as a whole. We can dismantle the school-to-prison pipeline one school, one educator, and one student at a time, if we collectively work to value all students as learning, growing, and deserving individuals, with great potential to contribute meaningfully to our society. •

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<sup>34</sup>See, e.g., NATIONAL JUVENILE JUSTICE NETWORK, SCHOOL DISCIPLINE AND SECURITY PERSONNEL: A TIP SHEET FOR ADVOCATES ON MAXIMIZING SCHOOL SAFETY AND STUDENT SUCCESS 1 (2015); Shoshana Walter, *When bad cops become bad security guards*, REVEAL (May 11, 2015), <https://www.revealnews.org/article/when-bad-cops-become-bad-security-guards/>; Patricia Gay, *Weston school district hires new security guards*, THE WESTON FORUM (Mar. 27, 2013), <http://www.thewestonforum.com/9420/weston-school-district-hires-new-security-guards/>; Tierney Sneed, *School Resource Officers: Safety Priority or Part of the Problem?*, US NEWS (Jan. 30, 2015), <http://www.usnews.com/news/articles/2015/01/30/are-school-resource-officers-part-of-the-school-to-prison-pipeline-problem>; *Training Courses*, NATIONAL ASSOCIATION OF SCHOOL RESOURCE OFFICERS, <https://nasro.org/training/nasro-training-courses/>.

<sup>35</sup>*Consensus Report*, supra note 6, at 226.

<sup>36</sup>2013-2014 Data, supra note 1, at 9.

<sup>37</sup>MODELS FOR CHANGE, AN EXECUTIVE SUMMARY: RETHINKING JUVENILE JUSTICE (2011) (analyzing ELIZABETH S. SCOTT & LAURENCE STEINBERG, RETHINKING JUVENILE JUSTICE 3 (2008)).

<sup>38</sup>John Powell & Rachel Godsil, *Implicit Bias Insights as Preconditions to Structural Change*, 20 POVERTY & RACE, no. 5, 2011, at 3, 3.

<sup>39</sup>*Id.*

<sup>40</sup>See, e.g., Brian A. Nosek et al., *Harvesting Implicit Group Attitudes and Beliefs From a Demonstration Web Site*, 6 GROUP DYNAMICS: THEORY, RES., & PRAC. 101, 112 (2002).

<sup>41</sup>Anthony G. Greenwald & Mahzarin R. Banaji, *Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes*, 102 PSYCHOL. REV. 4, 4-6, 14-15, 20 (1995).

<sup>42</sup>Powell & Godsil, supra note 38.

<sup>43</sup>See *id.*

<sup>44</sup>Jim Blascovich et al., *Perceiver Threat in Social Interactions With Stigmatized Others*, 80 J. PERSONALITY & SOC. PSYCHOL. 253, 253-54 (2001); THE SAGE HANDBOOK OF PREJUDICE, STEREOTYPING, AND DISCRIMINATION 118 (John F. Dovidio, et al., eds. 2010).

<sup>45</sup>See Andreas Olsson et al., *The Role of Social Groups in the Persistence of Learned Fear*, 309 SCIENCE, 785, 785 (2005); Elizabeth A. Phelps et al., *Performance on Indirect Measures of Race Evaluation Predicts Amygdala Activity*, 12 J. OF COGNITIVE NEUROSCIENCE 729, 279 (2000); CHERYL STAATS, KIRWAN INSTITUTE FOR THE STUDY OF RACE AND ETHNICITY, STATE OF THE SCIENCE: IMPLICIT BIAS REVIEW 2014 17 (2008); Nilanjana Dasgupta & Luis M. Rivera, *When Social Context Matters: The Influence of Long-Term Contact and Short-Term Exposure to Admired Outgroup Members on Implicit Attitudes and Behavioral Intentions*, 26 SOC. COGNITION 112, 118 (2008).

<sup>46</sup>Initial interactions with members from identity groups different from one's own (i.e., individuals from different racial, socio-economic, or gender groups) can stimulate anxiety and distress. See generally Blascovich, *supra* note 44, at 253-54.

<sup>47</sup>Initial anxiety manifests physiologically in cardiovascular reactivity, increased production of cortisol (commonly called the "stress hormone"), and changes in the regularity of heart rate per breathing cycle. See generally Blascovich et al., *supra* note 44, at 254 (2001); Elizabeth Page-Gould et al., *Intergroup Contact Facilitates Physiological Recovery Following Stressful Intergroup Interactions*, 46 J. EXPERIMENTAL SOC. PSYCHOL., 854, 855 (2010).

<sup>48</sup>See generally Blascovich, *supra* note 44, at 254.

<sup>49</sup>See Jerry Kang et al., *Implicit Bias in the Courtroom*, 59 UCLA L. Rev. 1124, 1142 (2012) ("the conditions under which implicit biases translate most readily into discriminatory behavior are when people have wide discretion in making quick decisions with little accountability"); DANIEL LOSEN, SUCCESSFUL SCHOOLS, *supra* note 3, at 7.

<sup>50</sup>*Breaking Schools' Rules*, *supra* note 8, at 37.

<sup>51</sup>*Id.*

<sup>52</sup>See Ben Swanson, *A Lesson in Inequity: An Examination of Racial and Gendered Disparity in Educational Discipline*, THE MORNINGSIDE REVIEW (2014-2015), <http://morningsidereview.org/essay/a-lesson-in-inequity-an-examination-of-racial-and-gendered-disparity-in-educational-discipline/>; Duane E. Thomas & Howard Stevenson, *Gender Risks and Education: The Particular Classroom Challenges for Urban Low-Income African American Boys*, 33 REV. OF RES. IN EDUC. 160, 166-67 (2009).

<sup>53</sup>ACLU OF PENNSYLVANIA, BEYOND ZERO TOLERANCE: DISCIPLINE AND POLICING IN PENNSYLVANIA SCHOOLS 7 (2015) [hereinafter *ACLU Zero Tolerance*].

<sup>54</sup>*Breaking Schools' Rules*, *supra* note 8, at 45.

<sup>55</sup>See LOSEN, *supra* note 30, at 5.

<sup>56</sup>*Id.*

<sup>57</sup>Susan Frey, *New law limits student discipline measure*, EDSOURCE (Sept. 28, 2014), <http://edsource.org/2014/new-law-limits-student-discipline-measure/67836>.

<sup>58</sup>*Breaking Schools' Rules*, *supra* note 8, at 41.

<sup>59</sup>2013-2014 Data, *supra* note 1, at 3.

<sup>60</sup>KIMBERLÉ WILLIAMS CRENSHAW, CENTER FOR INTERSECTIONALITY AND SOCIAL POLICY STUDIES AND AFRICAN AMERICAN POLICY FORUM, BLACK GIRLS MATTER: PUSHED OUT, OVERPOLICED, AND UNDERPROTECTED 18 (2015).

<sup>61</sup>Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. OF PERSONALITY AND SOC. PSYCHOL. 526, 526 (2014).

<sup>62</sup>*Id.*

<sup>63</sup>*Id.* at 541, 532.

<sup>64</sup>Jason Okonofua & Jennifer Eberhardt, *Two Strikes: Race and the Disciplining of Young Students*, 26 PSYCHOL. SCIENCE 617, 622 (2015).

<sup>65</sup>*Id.*

<sup>66</sup>2013-2014 Data, *supra* note 1, at 4.

<sup>67</sup>LOSEN & GILLEPSIE, *supra* note 11, at 6.

<sup>68</sup>Robert M. Davidson Aviles et al., *Perceptions of Chicano/Latino Students Who Have Dropped Out of School*, 77 J. OF COUNSELING AND DEV. 465, 469 (1999). See also Craig A. Hughes, *What Teacher Education Programs Can Learn from Successful Mexican-Descent Students*, 27 BILINGUAL RES. J. 225, 232 (2003) ("Many participants felt that some teachers assumed that Mexican-descent students could not understand what was happening in class and, thus, they held low expectations of them").

<sup>69</sup>See NATIONAL WOMEN'S LAW CENTER & MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND, LISTENING TO LATINAS: BARRIERS TO HIGH SCHOOL GRADUATION 17 (2009).

<sup>70</sup>*Id.* at 20, n.12.

<sup>71</sup>Data Snapshot, *supra* note 9, at 1.

<sup>72</sup>LOSEN & GILLEPSIE, *supra* note 11, at 7.

<sup>73</sup>*Id.* at 6.

<sup>74</sup>WHITE HOUSE INITIATIVE ON AMERICAN INDIAN AND ALASKA NATIVE EDUCATION, SCHOOL ENVIRONMENT LISTENING SESSIONS FINAL REPORT 27 (2015) (citing *Youth Online*, CENTER FOR DISEASE CONTROL AND PREVENTION (2013), <https://nccd.cdc.gov/youthonline/App/Default.aspx>).

<sup>75</sup>*Id.* at 6, 20.

<sup>76</sup>2013-2014 Data, *supra* note 1.

<sup>77</sup>20 U.S.C. § 1415(k)(1)(B) (2005) ("School personnel . . . may remove a child with a disability who violates a code of student conduct . . . for not more than 10 school days").

<sup>78</sup>Data Snapshot, *supra* note 9, at 1.

<sup>79</sup>*Id.*

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- <sup>83</sup>*Id.*
- <sup>84</sup>JOSEPH G. KOSCIW ET AL., THE 2013 NATIONAL SCHOOL CLIMATE SURVEY: THE EXPERIENCES OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER YOUTH IN OUR NATION'S SCHOOLS xvii (2014).
- <sup>85</sup>*Id.* at 34.
- <sup>86</sup>BALFANZ, *supra* note 7, at 17, 22; *Breaking Schools' Rules*, *supra* note 8.
- <sup>87</sup>HELEN BURDGE ET AL., GAY-STRAIGHT ALLIANCE NETWORK AND CROSSROADS COLLABORATIVE AT THE UNIVERSITY OF ARIZONA, LGBTQ YOUTH OF COLOR: DISCIPLINE DISPARITIES, SCHOOL PUSH-OUT, AND THE SCHOOL-TO-PRISON PIPELINE 13 (2014).
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- <sup>90</sup>CHILD WELFARE INFORMATION GATEWAY & CHILDREN'S BUREAU, UNDERSTANDING THE EFFECTS OF MALTREATMENT ON BRAIN DEVELOPMENT 4-8 (2015) [hereinafter *Brain Development*]; MAURA MCINERNEY & AMY MCKLINDON, EDUCATION LAW CENTER, UNLOCKING THE DOOR TO LEARNING: TRAUMA-INFORMED CLASSROOMS & TRANSFORMATIONAL SCHOOLS 3 (2014).
- <sup>91</sup>MCINERNEY & MCKLINDON, *supra* note 90, at 2.
- <sup>92</sup>See *Brain Development*, *supra* note 90, at 8-9.
- <sup>93</sup>*Trauma's Impact on Learning*, Trauma & Learning, <http://www.traumaandlearning.org/#!how-trauma-impacts-learning/c1sk>.
- <sup>94</sup>*About the CDC-Kaiser ACE Study*, CENTERS FOR DISEASE CONTROL AND PREVENTION, <http://www.cdc.gov/violenceprevention/acestudy/about.html>. See also Felitti, *supra* note 28, at 246.
- <sup>95</sup>Felitti, *supra* note 28, at 246.
- <sup>96</sup>David Finkelhor ET AL., *Prevalence of Childhood Exposure to Violence, Crime and Abuse: Results from the National Survey of Children's Exposure to Violence*, 169 JAMA PEDIATRICS 746, 746 (2015).
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- <sup>98</sup>MCINERNEY & MCKLINDON, *supra* note 90, at 1.
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- <sup>102</sup>NATIONAL SCIENTIFIC COUNCIL ON THE DEVELOPING CHILD, THE SCIENCE OF EARLY CHILDHOOD DEVELOPMENT 2 (2007).
- <sup>103</sup>Hardy, *supra* note 25, at 25.
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- <sup>126</sup>SKIBA, *supra* note 122, at 5.
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- <sup>128</sup>Tara M. Brown, *Lost and Turned Out: Academic, Social, and Emotional Experiences of Students Excluded From School*, 42 URBAN EDUC. 432, 432-34, 438, 445-46 (2007).
- <sup>129</sup>JOHANNA MILLER ET AL., THE NEW YORK CIVIL LIBERTIES UNION AND STUDENT SAFETY COALITION, EDUCATION INTERRUPTED: THE GROWING USE OF SUSPENSIONS IN NEW YORK CITY'S PUBLIC SCHOOLS 11 (2011). See also, e.g., *Frequently Asked Questions (FAQs) – Expulsion*, SAN DIEGO UNIFIED SCHOOL DISTRICT, <https://www.sandiegounified.org/frequently-asked-questions-faqs-expulsion#c; Student Discipline Records>, WATAUGA COUNTY BOARD OF EDUCATION POLICY MANUAL (Feb. 9, 2015), <http://www.watauga.k12.nc.us/cms/lib011/NC01810403/Centricity/Domain/312/4345%20Student%20Discipline%20Records%202.9.15.pdf>.
- <sup>130</sup>Many states do not even require any schooling beyond the age of 16. *Table 5.1: Compulsory school attendance laws, minimum and maximum age limits for required free education, by state: 2015*, NATIONAL CENTER FOR EDUCATION STATISTICS (2015), [https://nces.ed.gov/programs/statereform/tab5\\_1.asp](https://nces.ed.gov/programs/statereform/tab5_1.asp).
- <sup>131</sup>LOSEN, *supra* note 3, at 9 (referring to children growing up in homes below the poverty line and in single parent homes) (citing *Policy Statement: Out-of-School Suspension and Expulsion*, 112 PEDIATRICS 1206, 1207 (2003)).
- <sup>132</sup>It is important to note the difference between suspensions and expulsions. Expulsions can last up to a year and they stay on a student's school record until the student graduates from high school. If a student is over the age of 16, many states do not require the school board to offer alternative schooling. MILLER ET AL., *supra* note 129; *Frequently Asked Questions*, *supra* note 129; *Student Discipline Records*, *supra* note 129; *Table 5.1*, *supra* note 130.
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- <sup>136</sup>*Id.* at 465; Brown, *supra* note 128, at 438.
- <sup>137</sup>Sweeten, *supra* note 135, at 463-64.
- <sup>138</sup>CHRISTIAN D'ANDREA, THE JOHN K. MACIVER INSTITUTE FOR PUBLIC POLICY, THE HIGH COSTS OF HIGH SCHOOL DROPOUTS IN WISCONSIN 2 (2013); Russell W. Rumberger, *Poverty and high school dropouts: The Impact of Family and Community Poverty on High School Dropouts*, AM. PSYCHOL. ASS'N. (May 2013), <http://www.apa.org/pi/ses/resources/indicator/2013/05/poverty-dropouts.aspx>.
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- <sup>140</sup>CAROLINE WOLF HARLOW, BUREAU OF JUSTICE STATISTICS SPECIAL REPORT: EDUCATION AND CORRECTIONAL POPULATIONS 3 (2003).
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- <sup>143</sup>Email from Michael Laurence, Capital Defense Attorney and former Exec. Dir., Habeas Corpus Res. Ctr., to authors (June 11, 2014, 20:47 PST) (on file with authors).
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- <sup>145</sup>LOSEN & GILLEPSIE, *supra* note 11, at 6, 32.
- <sup>146</sup>DANFENG SOTO-VIGIL KOON, THE CHIEF JUSTICE EARL WARREN INSTITUTE ON LAW AND SOCIAL POLICY AT THE UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW, EXCLUSIONARY SCHOOL DISCIPLINE: AN ISSUE BRIEF AND REVIEW OF THE LITERATURE 7-10 (2013).
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- <sup>151</sup>KELLY CAPATOSTO, KIRWAN INSTITUTE FOR THE STUDY OF RACE AND ETHNICITY, SCHOOL DISCIPLINE POLICY: UPDATES, INSIGHTS, AND FUTURE DIRECTION 18 (2015); Carol Ferguson, *Lawsuit Claims Discipline Discrimination at Kern High School District*, BAKERSFIELDNOW (Oct. 8, 2014), <http://bakersfieldnow.com/news/local/lawsuit-claims-discipline-discrimination-at-kern-high-school-district; School to Prison Pipeline>, *supra* note 133.
- <sup>152</sup>Mandeep K. Dhani et al., *Restorative Justice in Prisons*, 12 CONTEMP. JUST. REV. 433, 433 (2009).
- <sup>153</sup>*Id.* at 437, 446; see also SAN FRANCISCO UNIFIED SCHOOL DISTRICT, RESTORATIVE PRACTICES WHOLE-SCHOOL IMPLEMENTATION GUIDE 7, 9 [hereinafter *Restorative Practices*].
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- <sup>158</sup>*How Does Trauma Affect Children?*, *supra* note 116.

<sup>159</sup>MCINERNEY & MCKLINDON, *supra* note 90, at 3. See also *The Sanctuary Model*, Sanctuary Web, <http://www.sanctuaryweb.com/TheSanctuaryModel.aspx>.

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<sup>161</sup>Dasgupta & Rivera, *supra* note 46, at 113-15, 117-21; Nilanjana Dasgupta & Shaki Asgari, *Seeing Is Believing: Exposure to Counterstereotypic Women Leaders and Its Effect on the Malleability of Automatic Gender Stereotyping*, 40 J. EXPERIMENTAL SOC. PSYCHOL. 642, 643-45, 648-49 (2004).

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<sup>167</sup>*Id.* See also Hardy, *supra* note 25, at 25.

<sup>168</sup>Jason A. Okonofua et al., *Brief Intervention to Encourage Empathic Discipline Cuts Suspension Rates in Half Among Adolescents*, 113 PROCEEDINGS OF THE NAT'L ACAD. OF SCI. OF THE U.S. 5221, 5224 (2016).

<sup>169</sup>*Id.* at 5222.

<sup>170</sup>*Id.* at 5221.

<sup>171</sup>*Id.*

<sup>172</sup>*Id.*

<sup>173</sup>Jennifer Castillo, *Tolerance in Schools for Latino Students: Dismantling the School to Prison Pipeline*, 26 HARV. J. HISP. POL'Y (2015); Brown, *supra* note 135, at 436; Jim Young, *Black Students More Likely To Be Suspended: U.S. Education Department*, REUTERS, (June 7, 2016), <http://www.reuters.com/article/us-usa-education-suspensions-idUSKCN0YT1Z0> ("Black students are almost four times more likely to be suspended from public school than white students, part of persistent disparities in U.S. schools," according to U.S. Department of Education June 2016 data).

<sup>174</sup>LOSEN, *supra* note 1, at 7.

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<sup>179</sup>See Skiba, *supra* note 3, at 646, 662.

<sup>180</sup>Luke Edwards & Allison Elgart, *The School to Prison Pipeline: How Implicit Bias Colors Discipline*, 1 WASH. J. OF EDUC. L. & POL'Y, 1, 14 (2015).

<sup>181</sup>DANIEL J. LOSEN, THE CENTER FOR CIVIL RIGHTS REMEDIES AT THE CIVIL RIGHTS PROJECT, *CLOSING THE SCHOOL DISCIPLINE GAP IN CALIFORNIA: SIGNS OF PROGRESS* 6 (2015); see also Jane Meredith Adams, *California student suspension rate drops as 'willful defiance' punishments decline*, EDSOURCE (Nov. 23, 2015), <https://edsource.org/2015/california-student-suspension-rate-drops-as-willful-defiance-punishments-decline/90989>.

<sup>182</sup>*Id.*

<sup>183</sup>Susan Frey, *Oakland ends suspensions for willful defiance, funds restorative justice*, EDSOURCE (May 14, 2015), <https://edsource.org/2015/oakland-ends-suspensions-for-willful-defiance-funds-restorative-justice/79731>.

<sup>184</sup>See Adams, *supra* note 181.

<sup>185</sup>See U.S. DEPARTMENT OF EDUCATION, *DEAR COLLEAGUE LETTER: NONDISCRIMINATORY ADMINISTRATION OF SCHOOL DISCIPLINE* (2014).

<sup>186</sup>See, e.g., Keith Kamisugi, *EJS Joins CRLA, MALDEF, GBLA, in Lawsuit Against Kern High School District*, EQUAL JUSTICE SOCIETY (Oct. 10, 2014), <https://equaljusticesociety.org/2014/10/10/ejs-joins-crla-maldef-gbla-in-lawsuit-against-kern-high-school-district/>.

<sup>187</sup>See KANG-BROWN ET AL., *supra* note 117, at 7; SKIBA, *supra* note 122, at 12.

<sup>188</sup>See SKIBA, *supra* note 122, at 4-5.

<sup>189</sup>*Id.* at 12-14

<sup>190</sup>MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDESS* 217-18 (2010). •

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