May 9, 2016

MEMORANDUM

TO: Delegates to the 2016 NEA Representative Assembly
FROM: Lily Eskelsen García
RE: NEA Policy Statement on Discipline and the School to Prison Pipeline

The delegates to the 2016 Representative Assembly will be asked to vote on the attached NEA Policy Statement on Discipline and the School to Prison Pipeline. In order to provide context for the vote, I have attached the Report of the Committee on Discipline and the School to Prison Pipeline. The proposed Policy Statement is Attachment B to the report.

At its April 2016 meeting, the NEA Board of Directors voted to approve submission of this Policy Statement to the Representative Assembly. I encourage you to read the statement and the report carefully.

The presentation and action on the Policy Statement is currently scheduled for Wednesday, July 6.

Attachments:
Report of the NEA Committee on Discipline and the School-To-Prison Pipeline
Attachment A: NEA Workgroup Members and Participants
Attachment B: Policy Statement on Discipline and the School-To-Prison Pipeline
Attachment C: Bibliography
Attachment D: Glossary
Attachment E: United States Department of Education Office for Civil Rights, Civil Rights Data Collection Data Snapshot, Issue Brief No. 1
The proposed NEA Policy Statement on Discipline and the School-to-Prison pipeline, which will be before the 2016 NEA Representative Assembly for action, is Attachment B to this report. Because this Report provides the underlying analysis and a more complete statement of the rationale for the positions taken in the proposed Policy Statement, it is relevant in connection with that vote.
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REPORT OF THE NEA COMMITTEE ON DISCIPLINE
AND THE SCHOOL-TO-PRISON PIPELINE

I. Executive Summary

At the 2015 Representative Assembly, NEA adopted NBI-B, which recognized the role that Institutional Racism plays in our society including in our schools and directed NEA both to spotlight systemic patterns of racism and educational injustice that impact students and to take action to enhance access and opportunity by demanding changes to policies, programs, and practices that condone or ignore unequal treatment and hinder student success. As part of the action required by NBI-B, NEA Governance formed a committee to address discipline in schools and the school-to-prison pipeline.

The school-to-prison pipeline is a direct result of Institutional Racism and intolerance, and is both an education and social justice issue. Zero-tolerance discipline policies, increased police presence in classrooms and hallways, insufficient services and support, and rising class sizes are pushing more and more students out of the public schools and into the juvenile and criminal justice systems. The school-to-prison pipeline disproportionately impacts students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners. As a result, those students are routinely placed in contact with the criminal justice system for minor school infractions and disciplinary matters, and subjected to punishments that are harsher than those received by their white peers for the same behavior.

The Committee recommends that NEA create a campaign of awareness and advocacy to address and end the school-to-prison pipeline. NEA will educate stakeholders about the existence of problems and disparities in school discipline and will provide training and professional development to educators to remedy those disparities. NEA will also develop model discipline policies and guidance to help educators, school administrators, parents/families and community members to implement successful discipline strategies based on restorative justice and other just discipline practices. These recommendations are reflected in the proposed “NEA Policy Statement Regarding Discipline and the School-to-Prison Pipeline” which is attached as Attachment B. In addition to calling on NEA to take the specific actions detailed above, the policy statement sets forth five guiding principles that should drive NEA’s work in this critical area: (1) Eliminating Disparities in Discipline Practices, (2) Creating a Supportive and Nurturing School Climate, (3) Professional Training and Development, (4) Partnerships and Community Engagement, and (5) Student and Family Engagement. This Report is intended to explain the need for, and basis of, the Committee’s recommended actions and policy statement by NEA.

II. The Need to End the School-to-Prison Pipeline

The school-to-prison-pipeline refers to the practices, policies and actions in our nation’s schools that have led to the disproportionate removal from school of students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners. These removals are invariably precipitated by formal school disciplinary action, such as a suspension or expulsion, which either directly or indirectly pushes these students permanently out of school and/or into the juvenile or criminal justice systems. NEA recognizes that schools must enforce rules and provide teachers with the tools to create and maintain a classroom environment that promotes student success. But the tools and policies that school districts use should never disproportionately impact one or another group of students, nor shut the door of educational opportunity to students based on the color of their skin, the language they speak, their physical ability, or their sexual or gender orientation.
Too often that is not the case in our nation’s schools. Recent data collected on school disciplinary trends by the U.S. Department of Education’s Office of Civil Rights (“OCR”)1 is shocking.

• PRESchool – Black children represent 18% of preschool enrollment, but 48% of preschool children receiving more than one out-of-school suspension; in comparison, white students represent 43% of preschool enrollment but 26% of preschool children receiving more than one out of school suspension. Boys represent 79% of preschool children suspended once and 82% of preschool children suspended multiple times, although boys represent 54% of preschool enrollment.

• STUDENTS OF COLOR – Black students are suspended and expelled at a rate three times greater than white students. On average, 5% of white students are suspended, compared to 16% of black students. American Indian and Native-Alaskan students are also disproportionately suspended and expelled, representing less than 1% of the student population but 2% of out-of-school suspensions and 3% of expulsions. Latino students are 1.5 times more likely to be suspended and twice as likely to be expelled as their white peers. In 2006 alone, Hispanic males made up 10% of the nation’s student population but accounted for 14% of all suspended students.

• GIRLS – While boys receive more than two out of three suspensions, black girls are suspended at higher rates (12%) than girls of any other race or ethnicity and most boys; American Indian and Native-Alaskan girls (7%) are suspended at higher rates than white boys (6%) or girls (2%).

• ENGLISH LANGUAGE LEARNERS – Office for Civil Rights data indicates that given the national enrollment data, ELL students do not receive suspensions at a disproportionate rate, however in some states, the data reflects challenges. For example, in Massachusetts, students with limited English proficiency were more likely to receive an out-of-school suspension (5.7%) than white students (2.4%). 4.2% of ELL students were pushed out as compared to 2.3% for white students.

• DISABILITY STATUS – With the exception of Latino and Asian-American students, more than one out of four boys of color with disabilities (served by IDEA)—and nearly one in five girls of color with disabilities—receives an out-of-school suspension.

• LGBTQ STUDENTS – National data on LGBTQ students and discipline does not exist. Regional and local data suggests that the school-to-prison pipeline is adversely affecting LGBTQ students. Approximately 300,000 gay and transgender youth are arrested and/or detained each year. The juvenile justice system is composed of 13–15% of youth who identify as LGBTQ, even though they represent just 5–7% percent of the nation’s overall youth population.2

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1 United States Department of Education Office for Civil Rights, Civil Rights Data Collection Data Snapshot, Issue Brief No. 1 (March 21, 2014) http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf (attached as Attachment E). OCR is currently preparing to upload additional data from that survey, which should be available in Summer 2016. You may also be able to obtain further information about your state or local’s discipline trends on your state department of education website.

• ARRESTS AND REFERRALS TO LAW ENFORCEMENT – While black students represent 16% of student enrollment, they represent 27% of students referred to law enforcement and 31% of students subjected to a school-related arrest. Students with disabilities (served by IDEA) represent a quarter of students arrested and referred to law enforcement, even though they are only 12% of the overall student population.3

While these are national trends, educators should review discipline disparity data related to their area, as significant differences may exist from region-to-region. Despite these differences among regions, it is clear that color is the controlling factor in discipline disparity. These disparities in school discipline, and in referrals into the juvenile and criminal justice system, have negative repercussions for students throughout the rest of their lives. Students who are suspended from school, for even one day, are at greater risk of dropping out of school altogether.4 And students who drop out of school are at significantly greater risk of ending up in the juvenile justice or prison system often for significant portions of their lives.5 The invariable results of the shocking disparities in disciplinary actions recounted above are disparities in high school graduation rates, the rates youth are subjected to the juvenile justice and criminal justice systems, and in the life trajectories of our students.6 Unfair discipline practices and student push out are part of the New Jim Crow and contribute to societal ills, including mass incarceration.7

As the preeminent association of educators responsible for the education of students in public schools, NEA must take action to end the school-to-prison pipeline and eliminate the disproportionate imposition of discipline of students of color. Doing so is essential to our commitment as NEA members and educators to create great public schools for all of our students and follows directly from NEA’s longstanding leadership on social justice and civil rights issues.

As early as 1926, the NEA (at that time the white teacher’s union) and the American Teachers Association (“ATA”) (the black teachers union) began working together on issues of educational social justice by forming a Joint Committee focused on the evaluation and accreditation of black schools. By the time the Civil Rights Act was passed in 1964, the Joint Committee had spent almost four decades fighting gross inequities in the treatment of black schoolchildren and their teachers. In 1966, with the historic merger of NEA and ATA, that commitment to social justice and full educational opportunity for all became the lifeblood of our organization.

3 Additional data from the UCLA Civil Rights project can be found in the attachments to this Report. See Losen, D., Hodson, C., Keith II, M. A., Morison, K., Belway, S. (2015). Are We Closing the School Discipline Gap? civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/are-we-closing-the-school-discipline-gap (at Attachment C).


Currently, our country is still reeling from the ongoing brutal and senseless acts of violence against young ethnic minority students, in particular black and Latino boys, and the increasingly hostile rhetoric and demonization directed towards immigrant populations and LGBTQ individuals. Educators must take action to ensure our schools are sanctuaries for our students, not a gateway to the public and private prison systems.

III. The Committee, Its Charge and Its Work

Recognizing the broad impact and direct connection of school discipline issues to the school-to-prison pipeline, our leaders called for the creation of a school-to-prison pipeline committee with the charge of developing a comprehensive NEA position on school discipline and the school-to-prison pipeline. The Committee, whose full membership is listed in Attachment A, is broadly representative of NEA and its members and includes ethnic minority leaders, social justice activists and educational practitioners who work in both traditional and alternative school settings. The charge of the Committee was to develop comprehensive language establishing NEA’s position on school discipline and the school-to-prison pipeline.

Because many current NEA policies already address issues related to the school-to-prison pipeline, one of the Committee’s first orders of business was to review those existing NEA policies to determine whether, and what, should be changed in those policies. As detailed below, our review of those policies revealed that NEA’s existing policies are consistent with the approach that the Committee recommends, but that those policies are scattered throughout NEA’s existing Resolutions and Legislative Program making it difficult to distill from them one comprehensive and powerful statement by NEA as to the need to end the school-to-prison pipeline.

The Policy Statement that the Committee has proposed, which is attached to this report as Attachment B, is the Committee’s effort to state comprehensively and unequivocally NEA’s commitment to end the school-to-prison pipeline. As such, the proposed Policy Statement is not intended to replace or modify existing NEA Resolutions or Legislative Program components but to expand upon them in order to address the critical subject of the school-to-prison pipeline in the comprehensive manner that is necessary. If adopted, however, the effect of the School-to-Prison Pipeline Policy Statement will be to supersede any other NEA policies or Representative Assembly actions on the matters covered, and those other policies would be editorially reconciled as necessary to accommodate the Policy Statement.

The Committee also reviewed relevant background information and extensive documentation as to the existence, impact, and causes of the school-to-prison pipeline. Some of the many materials the Committee reviewed are listed in Attachment C to this report. As a result of that review and extensive discussion by the members of the Committee over the course of three in-person meetings spanning six days and several telephone conferences, the Committee developed the proposed Policy Statement for consideration by the NEA Board of Directors for submission to the 2016 Representative Assembly. In preparing the Policy Statement, the Committee believed it was helpful to use a common glossary of terms to ensure that the intent of the Policy Statement is clear. A glossary of those terms is therefore attached as Attachment E to this report.

Before turning to an explanation of the Committee’s deliberations and recommended Policy Statement, we first review the existing NEA policies and actions relevant to the school-to-prison pipeline issue as well as the key context that informed the Committee’s deliberations.
A. Current NEA Policies that are Relevant to the School-to-Prison Pipeline Issue

NEA currently has a number of broad policies in place that support educational opportunity for all students and address the need for fair discipline. Those policies recognize that educators have a role to play in ensuring that the learning environment is safe and that when discipline is necessary, it is fair and effective. The Representative Assembly has dealt with the issue of school discipline by way of Resolutions, the Legislative Program, and New Business Items (NBIs). The Board of Directors, in turn, has dealt with school discipline through a charge and reports by the NEA Standing Committee on Professional Standards and Practice (PSP Committee). Each of these existing policies is summarized below.

1. Resolutions

School discipline is dealt with most explicitly in Resolution C-11 (Discipline) which expresses NEA’s belief that “effective disciplinary procedures enhance high expectations for quality instruction and learning. A safe and nurturing environment in which students are treated with dignity is the right of every student.” Resolution C-11 states NEA’s belief that all stakeholders must work together to develop proactive policies, procedures, and standards for discipline and provide professional development and administrative support to educators so that a positive and safe school environment can be maintained. The resolution also recognizes “that policies promoting educational processes which emphasize prevention, effective interventions, and rehabilitation will decrease the use of out-of-school suspensions, expulsions, in-school arrests, and the practice that is commonly called the school-to-prison pipeline that can lead to future incarcerations.”

NEA also recognizes in Resolution D-18 that educators must have appropriate professional development and training in effective school discipline. Resolution D-18 expresses NEA’s belief that “behavior management, discipline, order, and safety in schools and school districts are essential to ensure student success.” Accordingly, that Resolution calls for all educators to receive professional development in “behavior management, discipline, conflict resolution, safety plans and emergency procedures, emergency lifesaving techniques, and crisis management.”

The need for safe and supportive environments for students is recognized by three resolutions. Resolution C-9 (Safe Schools and Communities) states NEA’s belief that communities must develop policies and practices that ensure safe schools. Resolution C-9 also expresses NEA’s belief that educators must be informed of students with known serious behavior problems or violence-related potential and states that plans and procedures regarding discipline and/or harassment must include due process, and be consistently enforced. A companion to Resolution C-9 is Resolution C-22 (Juvenile Offenders), which expresses the belief that juvenile offenders who pose a threat to the health and safety of others should be provided educational services in an appropriate alternative setting rather than the regular public school setting.” Resolution I-33 (Gun-Free Schools and the Regulation of Deadly Weapons) supports strict enforcement of severe penalties for criminal actions involving guns and other deadly weapons in schools.

NEA’s support for “effective and fair school accountability systems” is addressed by Resolution A-13 (School Accountability), which among other things recognizes the need to identify and address the internal and external factors that impact student learning and development. Those internal and external factors are addressed in a number of Resolutions, including: B-12 (Diversity), which expresses NEA’s understanding that similarities and differences among individuals, such as race, ethnicity, language, gender, sexual orientation, gender identity, economic status, and other factors form the fabric of a society; B-14 (Racism, Sexism, Sexual Orientation, and Gender Identity Discrimination), which articulates NEA’s understanding that prejudice, stereotyping, and discrimination have limited...
the roles and contributions of individuals, and groups, and urges NEA to “eliminate subtle practices that favor the education of one student over another based on the basis of race, gender, sexual orientation, gender identity, disability, ethnicity, or religion.” B-14 calls on educators to examine assumptions and prejudices that might limit the opportunities and growth of students. Other Resolutions that discuss internal and external factors that impact student learning are Resolution C-18 (Community and School Violence), Resolution C-7 (Student Stress and Anger), and Resolution C-21 (Reduction of Gang-Related Crime).

A number of student-centered Resolutions that focus on student conduct and support have also been adopted. Resolution B-6 (Dropout Prevention) expresses NEA’s belief that “high school graduation must be a federal, state, and local priority” and that all students (preK through 12) should be provided effective intervention, social/emotional and legal support, academic assistance, and career programs to ensure that they remain in school and successfully graduate from high school. Resolution B-25 (Education of Refugee and Undocumented Children and Children of Undocumented Immigrants) expresses NEA’s belief that “all parents should have equal access to all services provided by school systems regardless of their immigration status” and opposition to Immigration and Custom Enforcement (“ICE”) operations on school property. Resolution B-31 (Alternative Programs for At-Risk and/or Students With Special Needs) expresses NEA’s belief that at-risk students who are assigned to an alternative placement due to discipline issues should be required to exhibit regular attendance and adequate academic and behavior progress, in accordance with planned interventions for the students individual needs, prior to their return to a regular educational setting.” Finally, the need for student accountability is expressed in Resolution C-39 (Students Rights and Responsibilities) which states NEA’s belief that a student’s right to a safe and stable school environment also includes responsibilities for the student, such as regular school attendance, conscientious effort in classroom work and assessments, and conformance to school rules and regulations that do not infringe upon their rights.

2. Legislative Program

Issues related to the school-to-prison pipeline are dealt with comprehensively in Legislative Program I (High Quality Public Education), Subsection D (Youth Development – Safe Schools), which expresses NEA’s support for the establishment and implementation, in consultation with school personnel and parents, by each school district of a well-publicized and uniformly enforced disciplinary code to provide an orderly learning environment; removal from the classroom of violent and/or disruptive students, including regular, exceptional, and students with an individualized education plan, and placement of those students in an appropriate alternative public school setting that meets their educational needs; removal from school buses and other areas of the school property of violent/disruptive students, including regular, exceptional, and students with individualized education plans, with no cessation of educational services; and provision of a school environment that properly protects students and employees from environmental health and/or safety hazards; as well as no discriminatory enforcement of school discipline policies.

3. New Business Items

The Representative Assembly has passed four NBIs since 2012 related to the school-to-prison pipeline. In 2013, NBI-D directed the NEA to re-affirm its commitment to our proud legacy of promoting social justice, and equality of educational opportunity for every student. In 2013, NBI-22 directed NEA to disseminate to state and local affiliates best practices and school discipline policy recommendations to eradicate the “school-to-prison pipeline.” In 2014, NBI-86 called on NEA
to update its dropout prevention guides and publications to include updated statistics, strategies, and tools, with an emphasis on the connection between dropout rates/chronic absenteeism and the school-to-prison pipeline and the connection between dropout rates/chronic absenteeism and the cutting of vital programs such as preschool, health and human services, the arts, career technical education, etc. and distribute electronically. Finally, as noted at the outset of this report, in 2015, the Representative Assembly passed NBI-B recognizing that Institutional Racism—the societal patterns and practices that have the net effect of imposing oppressive conditions and denying rights, opportunity, and equality based upon race—manifests itself in our schools and in the conditions our students face in their communities. One of the actions that NEA took in response to NBI-B was the convening of this Committee to examine and propose NEA action on the school-to-prison pipeline.

4. Board of Directors

The NEA Committee on Professional Standards and Practice consistently examines, via its Committee charge, the systematic connections between high standards, student assessments and improving educator practice, identifies best practice and policies that support student learning, and provides recommendations on NEA policy and work.

IV. The Key Context regarding the School-to-Prison Pipeline

A. What Policies and Practices Feed the School-to-Prison Pipeline?

The policies and practices that feed the school-to-prison pipeline by directly and indirectly pushing students of color out of school and on a pathway to prison, including, but not limited to:

• Harsh school discipline policies that overuse suspension and expulsion;
• Subjective and/or biased discipline policies;
• Increased policing and surveillance, and the use of physical elements of prisons, such as windows with bars, that create prison-like environments in schools;
• Overreliance on referrals to law enforcement and juvenile justice system; and
• An alienating and punitive high-stakes testing-driven academic environment.

These policies and practices are deeply rooted in many of our schools and date back decades. In its current form, the school-to-prison pipeline dates to the national drug war of the 1980’s, which subjected minor offenses to harsh criminal penalties on the theory that allowing even one “broken window” to go unpunished would lead to increases in crime. The punitive focus of the resulting policies, typified by “three strikes” laws sending individuals to prison for decades for relatively minor offenses, was accompanied by a broad scale recasting of young men of color as “super predators” to be locked up for as long as possible. These policies and practices are further perpetuated by the for-profit privatization of the prison system. One of the most chilling examples of this phenomena was the national wall to wall news coverage of the New York City Central Park Jogger case, which resulted in the wrongful conviction of five teenage boys (four black and one Latino) for the rape and brutalization of a young white woman in Central Park.

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The broken windows theory is a criminological theory of the norm setting and signaling effect of urban disorder and vandalism on additional crime and anti-social behavior. In the context of schools, the theory supposes that monitoring and punishing small infractions helps to create an atmosphere of discipline and order, thereby preventing more serious infractions from occurring.
The result of this national focus on “zero tolerance” showed up in strict school discipline codes, which criminalize student behaviors that are still viewed as “children being children” when perpetrated by white students. This new era of school discipline ushered in school discipline codes that not only use the framework of three strikes policies and mandatory sentencing as a way to respond to discipline, but use criminal justice terms to describe student behavior, such as labeling a fight as an assault and battery instead of using discipline as a learning opportunity. These policies continue to date, and have been given new salience in the years since the student massacre at Columbine and the far too many previous and ensuing school shooting tragedies including the devastating events at Sandy Hook Elementary.

One troubling reflection of this law and order mentality in our schools is the fact that the use of suspension as the prevailing form of discipline is nearly double what it was thirty-five years ago. Another is the increase in the presence of law-enforcement, security and school resource officers in our schools, particularly in schools that serve predominantly students of color. Often, the presence of law enforcement personnel in schools results in an over-reliance on these staff to intervene in the discipline process, in turn resulting in referrals of students into the juvenile justice and criminal justice system that otherwise would not have occurred. The use of law enforcement in our schools puts both students and staff into the mindset that schools are prisons and that student misbehavior is appropriately dealt with through the juvenile justice and criminal system, rather than by the school community. As one recent review of school practices on this point concluded, “The widespread acceptance of zero tolerance policies to address guns, drugs, gangs, and violence in and around public schools had a clear impact on officers’ presence on school campuses and expectations for stricter enforcement of offenses.”

B. Who does the School-to-Prison Pipeline Affect and How?

The policies and practices that feed the school-to-prison pipeline directly and indirectly impact students of color by treating them as less capable, which results in harsher punishment than their white peers.

1. Educators’ Actions Feed the School-to-Prison Pipeline

We know from many studies that the vast majority of school suspensions are for behaviors that are evaluated on a subjective basis and are for behaviors labeled by subjective terms—such as willful defiance, disobedience, disruptive behavior and insubordination—that lend themselves to bias and discrimination. NEA, and other educator groups, supported zero-tolerance and harsh discipline policies, but changed course once we learned of the damage that these policies were inflicting on our students. In one study in Texas, only five percent of all disciplinary actions were mandatory, for offenses such as for possession of a firearm or smoking a cigarette. The remaining 95 percent were “discretionary.” As a result of the highly subjective nature of school discipline systems, suspension rates appear to be determined less by the actual behavior of students than by the attitudes and beliefs of teachers and administrators. One study found that there were higher rates of suspensions in

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schools where the principals viewed punishment as an effective deterrent to undesirable behavior and lower rates where the principals believed that discipline should have an educational function and that suspension should be used only as a last resort.\textsuperscript{12} There are also high rates of suspension where there are racial and cultural differences between teachers and students.\textsuperscript{13}

Critically, the shocking disparities in school discipline rates recounted at the outset of this report are not due to poverty or different rates of misbehavior. While poor students are disciplined more frequently, when data takes the role of poverty into account, children of color are still over-represented in suspension rates.\textsuperscript{14} \textit{New and Developing Research on Disparities in Discipline} notes that no evidence has been found that discipline disparities are due to poverty and discusses previous investigations that found that Black-White differences in out of school suspension persist regardless of the level of poverty.\textsuperscript{15}

Rather, we need to look at our responses to student behavior and our preconceptions, both conscious and unconscious, to find the cause of these disparities. The Discipline Disparities Research-to-Practice Collaborative,\textsuperscript{16} one of the leading national groups examining school discipline matters, has explained the role that implicit bias can play in school discipline decisions:

> Implicit biases are deep-seated attitudes that operate outside conscious awareness—that may even be in direct conflict with a person’s stated beliefs and values. Today, brains still “hold” old biases and preferences for various groups (positive or negative); such associations are mostly involuntary. Implicit biases do not necessarily lead to explicitly biased decisions or behaviors in schools, but they can undergird discriminatory behaviors—especially when such biases remain unstated and unexamined. In the school discipline realm, some research suggests that White and Black students may receive differential treatment in terms of opportunities to participate in learning settings, or different teacher reactions to misbehavior. At the office level, harsher punishment of students of color for the same or similar behavior has been documented in a number of studies. Finally, recent research has shown that schools with a higher proportion of Black students are more likely to use a range of more punitive consequences, including suspension, expulsion, arrests and zero tolerance. Additionally, the increasing presence of law enforcement exacerbates potentially punitive responses. Since the pattern of disparate discipline


\textsuperscript{16} The Discipline Disparities Research-to-Practice Collaborative is a group of 26 nationally known researchers, educators, advocates, and policy analysts that have formed an organization to address the problem of disciplinary disparities. The Collaborative spent nearly three years meeting with stakeholders to develop discipline interventions that are practical and evidence-based, and to support a policy agenda for reform to improve equity in school discipline.
has been found to occur regardless of school demographics or the severity of student behaviors, it becomes increasingly difficult to rule out the possibility of some form of bias as a contributing factor.”

One way to overcome such implicit bias is through comprehensive cultural competence training and professional development. Such training provides educators with the ability to overcome their preconceptions about others by raising their awareness and teaching them how, as Marion Goldstein and Pedro Noguera have explained,

“to interact effectively and respectfully with people from different racial, ethnic, and economic backgrounds. It involves the understanding that there are different communication codes in each culture, and it requires ongoing openness to learning from others, being willing to shift out of one’s own cultural paradigm, and refraining from judging people’s behavior before honestly exploring what that behavior is about.”

Teachers and administrators who do not understand what their students are saying, and who do not take the time to explore what their students’ behavior reflects, can feed the school-to-prison pipeline both consciously and unconsciously. As Goldstein and Noguera conclude, “It is the failure of teachers and administrators to acquire cultural competence that leads to the labeling of black youths as out of control and violent. These views lead to punitive disciplinary practices that aim to control students’ behavior through security measures in the school, as well as the use of agents of law enforcement and even incarceration.”

Those words are hard for many to hear, but the Committee feels strongly that they carry a message that is true and that we, as educators, must heed. As educators, we must change our assumptions, behaviors, practices and our school and school district policies to end such perceptions and treat all of our students fairly. These disparities are ones we must fix. As educational professionals we can do nothing less; the stakes of not acting are simply too high for our students and our society.

2. The Devastating Consequences for Students of the School-to-Prison Pipeline

Our students face life-long impacts that manifest in a variety of ways when they have contact with the juvenile and criminal justice systems—a contact that often starts with suspension. “Suspension is often the first step in a chain of events leading to short- and long-term consequences, including academic disengagement, academic failure, dropout, and delinquency.”

“Students who are suspended have lower academic achievement and attainment. In a longitudinal statewide study of 9th graders in the state of Florida, 73% of students suspended in 9th grade failed subsequent academic courses, compared to 36% of students who were not suspended; even after accounting for socio-demographics, attendance, and course performance, being suspended even once in 9th grade is associated with a 20 percent increase in dropping out.”20

Research from other states and school systems have reached similar conclusions linking school suspensions to students’ subsequent disengagement in school once they return, resulting in lower academic achievement and higher dropout rates.21

Although there is a widespread belief that the suspension of disruptive students will allow other students to focus and learn, that belief is not supported by research. At least one study found that high rates of school suspensions harmed math and reading scores for non-suspended students. The study, which was published in the December issue of the peer-reviewed journal American Sociological Review, involved students in 17 middle schools and high schools in a Kentucky school district.22 In fact, Brea L. Perry, a sociologist at Indiana University and co-author of the study with Edward W. Morris, a sociologist at the University of Kentucky found that the “relationship was inverse: The higher the number of suspensions during the course of a semester, the lower the non-suspended students’ scores on end-of-semester reading and math evaluations.”23

Even our youngest students are feeling the adverse impacts of suspensions, as more and more preschool and young students are being suspended. Such early harsh discipline actions label a student as disruptive and/or having behavioral problems, which can follow those students as they move through the educational system. Those labels often mean that those students will be treated differently when they arrive in new school settings before ever having a chance to develop new relationships. The Committee knows the damage “labels” can create and believes it is important for all educators to meet students needs and develop their own relationships with students and not rely solely on what is in the file. While recorded information may be useful, the Committee believes that it often serves to put students in a negative position from the start.

The data also outlines a nightmarish outcome for many students who are suspended and expelled, particularly students of color. Contact with the juvenile and criminal justice systems can, and often does, have a significant impact on life after school. The data tells us that one contact with these systems often leads to multiple contacts for a variety of offenses. Given the harsh justice policies that are currently in place, this contact can mean a lack of post-secondary opportunities for students.


3. High Stakes Testing Regimes Fuel High Stakes Discipline Approaches

As the Advancement Project has concluded, zero-tolerance school discipline policies and high-stakes testing are the result of a misplaced corporate agenda being applied to schools. The two policies are intimately related in the ways they change the dynamics between schools and the communities they serve, as schools labeled failing under high stakes test based accountability schemes often become laboratories for zero-tolerance policies, with predictable consequences for the students in those schools.24

For example, the pressure to improve test scores applied by the No Child Left Behind Act and the high-stakes testing movement makes the public more tolerant of widespread use of zero-tolerance policies with their criminalization of young people in schools. These policies create the perceived imperative to remove the “bad kids” who prevent the “good kids” from learning. Moreover, there appears to be a direct relationship between the consequences attached to test results and the severity of school disciplinary practices, meaning districts that face the most test pressure will be the most inclined toward punitive measures. Testing has served as another form of “push out” for many students.

According to the report Test, Punish and Push Out: How “Zero Tolerance” and High-Stakes Testing Funnel Youth Into the School-to-Prison Pipeline, by the Advancement Project, “[o]ver time, policymakers went further by making the tests ‘high-stakes,’ meaning that dramatic and life-changing consequences for students and educators were attached to the results, including determining whether:

- Students are promoted to subsequent grades;
- Students are able to graduate high school with a diploma (“exit exams”);
- Low-scoring students can switch schools;
- Students are allowed to take elective classes;
- Schools have to fund tutoring services for low scoring students;
- Students have to attend mandatory Saturday school, after-school programs, and summer school;
- Teachers, administrators, and schools receive financial bonuses for high student scores;
- Teachers and administrators can be reassigned or fired for low student scores.”25

4. Educational Trauma

The concept of educational trauma—the inadvertent perpetration and perpetuation of victimization by educational systems of students and families interacting with the educational system—is of real concern and must be considered when discussing the effect of overly harsh discipline policies. Suspension, expulsion, high-stakes testing, and increased violence in schools cause emotional damage to students, educators, and communities, with the greatest impact occurring in communities composed primarily of people of color and/or in low-income people. This trauma impacts communities by spreading a sense of helplessness and feelings of disempowerment, which leads to further disengagement from the education system. Educational trauma also excludes the accomplishments of communities of color. There is a critical absence of ethnic studies from school curriculum that acknowledge and celebrate the contributions of communities/individuals of color who have
dramatically improved our society. By providing this recognition, we will inspire students of color to continue the legacy of innovation and eliminate the whitewashing of our national narrative. The Committee recognizes that NEA must use its voice to reduce the emotional harm that affects some students who have dealt with trauma in school and must also encourage creating, supporting and nurturing schools in which all children can learn.

V. The Deliberations and Recommendations of the Committee

For all of these reasons, the Committee unanimously recommends that NEA take decisive and concrete actions to address and end the school-to-prison pipeline. NEA must lead the effort to end the school-to-prison pipeline by engaging its own members to build greater awareness of the impact that suspensions and expulsions have beyond school and force a national reassessment of school discipline philosophy, policy and practice.

To that end, the Committee’s proposed Policy Statement calls on NEA to create a campaign of awareness and action that educates both members and the public about the devastating disparate impacts of harsh discipline policies and how professional development and training in cultural competency and restorative practices can reduce those disparities. NEA must advocate for discipline policies and procedures, legislation, and practices that will end the school-to-prison pipeline, by creating and advocating for the implementation of, guidance and model discipline policies that will help educators create just discipline policies.

All educators, no matter what their role in the education system, must be engaged in the fight against the school-to-prison pipeline. The Committee recognizes that the work to end the school-to-prison pipeline will be extensive and wide-ranging and therefore recommends that NEA adopt the five following Guiding Principles set forth in the Policy Statement to provide a framework for that work.

Guiding Principle 1: Eliminating Disparities in Discipline Practices

The Committee encourages NEA to continue to partner with state and local affiliates to deepen the awareness and understanding of educators about the impact of harsh discipline policies and the school-to-prison pipeline. It is the Committee’s belief that raising awareness of those consequences will help to put an end to the disparate outcomes for students of color.

NEA and its affiliates must go further and lead the advocacy work necessary to eliminate the harsh discipline policies and practices that support the school-to-prison pipeline. Given the size and reach of NEA and its affiliates, the Committee recommends that NEA use its influence and affiliates to convene appropriate stakeholders to review and revise school discipline policies and practices. NEA and its affiliates should consider some of the following tactics when formulating strategies to implement this principle:

- Encourage school districts to create policies that examine the causes of inappropriate behavior and ensure that those policies provide appropriate emotional support to remedy those causes when holding students accountable for meeting fair standards of behavior expectations;
- Discourage referrals to special education and 504 plans as a response to disciplinary issues;
- Publicize school district models that have proven effective in reducing the number of suspensions/expulsions. This could include video exemplars of specific practices, e.g., our members implementing restorative practices, followed by links to resources to learn more about effective behavior practices.
• Develop guidance:
  ◦ For locals and state affiliates to aid them in understanding the indicators of ineffective discipline policies and practices;
  ◦ To assist association building representatives and local affiliates to analyze school/districts code of conduct/discipline policies.
• Develop model:
  ◦ Freedom of Information Act (FOIA) requests that affiliates can use to get the data they need to identify disproportionate referrals to law enforcement, in-school/out of school suspensions and expulsion rates;
  ◦ Code of conduct language regarding when it is appropriate or not to remove students from the classroom or from the class for the remainder of the term;
  ◦ Multi-tiered discipline frameworks in order to reduce subjectivity in determining discipline.

GUIDING PRINCIPLE 2: CREATING A SUPPORTIVE AND NURTURING SCHOOL CLIMATE

The Committee believes that to create a supportive and nurturing school climate, educators must recognize that students enter school with varying levels of readiness. Educators must move from a deficit model to a strength-based model; that is instead of focusing on what children lack in preparedness, educators must focus on their strengths and build upon them.

The Committee believes that inclusion provides the foundation for creating a positive school climate. Students, families, parents, and communities must be welcomed to become part of a broad coalition of stakeholders focused on student success. Students and educators alike deserve to be in school environments that are supportive.

To create school communities that are supportive and nurturing will require all stakeholders to come together to fight for the kinds of supports both students and educators need in their schools. The Committee also calls on NEA to encourage educators to work with community based partners to develop a system of care to help meet the needs of students that are beyond the capacity of schools.

The Committee makes the following recommendations for potential steps NEA and its affiliates can employ in furtherance of this principle:

• Identify regional demonstration sites on restorative justice and fair disciplinary practices that could serve as learning laboratories for association leaders.
• Advocate for more school counselors, social workers, school psychologists and nurses, and ensure that those professionals spend their workdays attending to students’ emotional needs, rather than only administering tests or filling out students’ schedules.
  ◦ There should be a commitment to diversity among student support teams within a school. These professionals must receive training on appropriate responses/interventions, cultural competence, restorative justice practices and techniques.

26 Many students enter school with adverse childhood experiences (ACEs). Those students face a variety of stressors including physical, emotional, and sexual abuse; neglect; exposure to community violence; bullying; natural disasters; poverty; immigration; and parental issues such as domestic violence, incarceration, death, mental illness, and substance abuse. These experiences can negatively impact a student’s ability to learn and form relationships, among other issues, and increase the risk of trauma and negative academic, social, and occupational outcomes. The Centers for Disease Control and the National Association of School Psychologists have addressed the impact of ACEs and the risks of additional trauma. See http://www.cdc.gov/violenceprevention/acesstudy/about_ace.html and https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/Trauma_Sensitive_Schools_2015.pdf.
Health professionals should be strongly encouraged to provide outside referrals to other health professionals so that students can receive wrap-around care, when needs occur outside of the regular school schedule.

School districts should follow guidelines set forth by professional associations that govern these professions when determining the ratio of professionals to students. Professional associations that provide guidelines include the American School Counselors Association (ASCA), American School of Social Workers (AASW), American School Nurses Association (ASNA), National Association of School Psychologists (NASP), etc.

- Encourage school districts and affiliates to explore the development of community schools27 that provide wrap-around services to students.

- In instances where Schools Resource Officers are deemed necessary, advocate that school districts and local police departments enter into intergovernmental agreements that specify the role of both the school administration and the SRO.28

- All SROs should receive training on age appropriate responses/interventions, cultural competence, implicit bias, restorative justice practices and techniques.

- SROs should be trained to differentiate between discipline and crime and respond appropriately.

- All law enforcement/school security officers should receive specific training and clear guidance on what their roles are in the discipline process.

**Guiding Principle 3: Professional Training and Development**

The Committee believes that professional training and development in positive school discipline techniques and cultural competence is critical to ending the harsh discipline policies that lead to the school-to-prison pipeline. The Committee recommends that NEA work in close partnership with state and local affiliates to identify strategies to influence the training and professional development of all educators, from pre-service to early career, and including experienced educators.

Educators must be better prepared to respond to student social and emotional needs. In furtherance of this principle, the Committee recommends that NEA and its affiliates:

- Advocate for policies that require all school personnel to be trained in cultural competence including implicit bias training by districts that will assist educators and SROs.29

- Proactively assist local affiliates in organizing for restorative practices and other interventions designed to improve school climate and reduce suspensions and expulsions in school districts.

- Develop and/or encourage the use of existing training modules to assist state affiliates in educating members about implicit and unconscious bias as it relates to discipline disparities and the school-to-prison pipeline. Additionally, create modules and/or disseminate information regarding different strategies to address student misconduct, such as: prevention, intervention, peer mediation, counseling, or other approaches that use the principles of restorative justice.

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27 Community schools should not be confused with charter schools.

28 For example, an effective Memorandum of Understanding between Denver Public Schools and the Denver Police department can be found here: http://www.ncjfcj.org/sites/default/files/SRO%20MOU%20Denver.pdf.

29 An example of an effective training policy for SROs is the policy in use in Broward County, Florida. See Broward County Collaborative Agreement on School Discipline. (2013, November). Retrieved from: http://b.3cdn.net/advance/db79d1858f4e5f3e13_7hm6bq78b.pdf.
• NEA should encourage the use of programs designed to “train the trainers” so that local affiliates and community groups can receive intensive restorative justice training that is consistent with our guidelines.

**GUIDING PRINCIPLE 4: PARTNERSHIPS AND COMMUNITY ENGAGEMENT**

The Committee unanimously agrees that in order to abolish harmful discipline policies and practices, NEA must expand its work and partner with groups who are invested in eradicating the school-to-prison pipeline, fight for social justice, and promote a “whole child” approach to education. The creation and continued use of harsh discipline policies and practices are the result of Institutional Racism, discrimination, and the influence of many groups. The school-to-prison pipeline is the end result of the use of these policies and practices and disproportionately affects students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners.

The Committee recommends that NEA participate in, and build upon, existing coalitions by bringing together diverse groups of education and social justice stakeholders for the purpose of identifying and sharing policies, practices, and activities to end the school-to-prison pipeline. This coalition should include the National PTA and other parent-driven organizations, student organizations, community-based nonprofits, school districts, peer mentoring groups, mental health organizations, faith-based organizations, professional associations, alternative schools/ juvenile correctional institutions, law enforcement, legislators, and national and state advocacy groups. As educators, NEA should start a campaign to educate these groups about the effects of disproportional/disparate discipline and encourage them to become agents of change on this issue.

In furtherance of this principle, the Committee recommends that NEA and its affiliates engage in the following actions:

• Host a variety of state, regional and/or national events such as conferences and tele-townhalls aimed at educating and surveying stakeholders about the school-to-prison pipeline, the effects of disproportional/disparate discipline and the use of restorative practices.

• Educate stakeholders about the existence and eradication of Institutional Racism and the structures and policies that support the continued discrimination against vulnerable students.

• Create digital resources, pamphlets and other documents that educate the public about the benefits of restorative justice and the implementation of restorative practices such as dialogues, peace circles, conferences, and peer-led mediation, and other practices that address the root cause of student behavior.

• Provide stakeholders with model policies that encourage the use of good policies and legislation, such as those used in Denver, Colorado and Montgomery County, Maryland school districts.

• Collect data related to the use of discipline and its disparate effect on students of color including those who identify as LGBTQ, have disabilities, and/or are English Language Learners.

• Provide stakeholders with resources regarding cultural competency, diversity, and social justice.

**GUIDING PRINCIPLE 5: STUDENT AND FAMILY ENGAGEMENT**

Public education is vital to building respect for the worth, dignity and equality of every student in our diverse schools. The Committee believes that it is NEA’s responsibility to encourage student and family engagement in reforming discipline policies. The social and emotional needs of
students must be strengthened and supported through education, parental and community partnerships and relationship building. The members of the Committee agree that the engagement of students, parents, and families is essential to quality public education and student success. While educators and school districts are primarily responsible for the creation and use of harsh discipline policies and must be leaders in the eradication of those policies, the Committee believes that students must understand that adverse behavior and violation of rules may lead to negative outcomes and impact their relationships, especially when their behavior occurs in environments employing zero-tolerance discipline policies. Students should be educated about their rights and receive documentation that explains both their rights and responsibilities.

The Committee believes that NEA must encourage the implementation of restorative practices or processes that proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing. Restorative practices can improve relationships between students and educators whose behavior often serves as a role model for students and will decrease the number of students flowing though the school-to-prison pipeline.

In furtherance of this principle, NEA and its affiliates should:

• Advocate for the hiring and use of restorative practice coordinators and/or behavioral interventionists in school.

• Encourage districts to allow educators to conduct home visits by parents/families as an accommodation for parents/families who are unable to attend parent-teacher meetings during “normal” hours. Home visits will allow educators and parents/families to develop relationships and enhance their ability to work collaboratively to ensure student success.

• Advocate for school and district-wide policies that mandate materials that should be given to parents/families, such as student handbooks, documents that inform students of behavioral expectations, codes of conduct, and discipline polices and their consequences and documents that explain student rights and responsibilities. Those documents should be translated into the language that the parent/families uses.

• Encourage parents/families to attend assemblies, parent meetings, and other activities that impact students.

• Advocate for student and parent/family participation in the creation and adoption of policies that impact students.

• Provide educators with training materials that can help educate students in problem-solving techniques, conflict resolution, anger management and other skills that enable them to be productive members of the community and encourage them to be invested in their own success.

• Provide online bibliographies and/or resources so that students and parents have access to information that will inform them about the school-to-prison pipeline and related issues.

Advocacy and Action

One-size-fits-all discipline policies, such as zero-tolerance and other harsh disciplinary approaches, endanger educational opportunities and make dropout and incarceration more likely for millions of students. In addition to harsh discipline policies, the Committee recognizes that “Toxic Testing” can lead to the systemic disenfranchisement of ethnic minority youth and the perpetuation of the school-to-prison-pipeline. The effects of these policies include academic difficulties, truancy, disruptive behavior, psychological trauma and mental health consequences, and being “pushed out” of school.
The Committee believes that NEA should lead efforts to end the school-to-prison pipeline by advocating for the change of legislation and school policies that are harmful to students. NEA and its affiliates will encourage schools and districts to provide intensive professional development and training for all staff members. Consistent with NEA’s culture of inclusion, the Committee agrees that NEA and its affiliates must continue to support a “whole child” approach to education, which includes culturally responsive curriculum and instruction. The Committee believes that this approach will reduce unjust discipline policies and the unnecessary involvement of law enforcement in disciplinary matters.

**VI. Recommended Immediate Steps for Action for the Approval of the Board**

The Committee recommends that the NEA Board both submit the proposed Policy Statement to the 2016 Representative Assembly for approval and that the NEA Board act immediately by approving the following actions by NEA to raise awareness of, and advocate for the elimination of, the school-to-prison pipeline.

**Awareness.** NEA shall increase awareness among its members and the public about the ongoing, widespread disparities in discipline practices, and the benefits of professional development and training in cultural competency, implicit bias and restorative practices. NEA shall do so by:

- Examining and highlighting data to illustrate the impact of disparities in discipline.
- Educating members through professional development and training at existing NEA meetings and virtually about the school-to-prison pipeline.
- Providing members with access to tools on classroom management, restorative practices, model disciplinary practices, and codes of conduct.
- Identifying model school districts with effective and fair policies that have reduced disparate discipline and exclusionary practices.
- Identifying and repudiating legislation and discipline policies and procedures that are harmful to students and that continue to feed the school-to-prison pipeline.

**Advocacy.** NEA shall advocate for discipline policies and procedures, legislation, and practices that will end the school-to-prison pipeline. NEA’s advocacy efforts will include:

- Examining effective and fair disciplinary policies such as, but not limited to, those in place as of April 2016 in Chicago, Illinois; Oakland, California; San Francisco, California; Denver, Colorado; Montgomery County, Maryland; Fairfax County, Virginia; and Minneapolis, Minnesota.
- Developing a model policy that can be used in school districts nationwide. The model policy shall be based on objective standards, in which staff are trained, and should be implemented in a manner that helps increase students’ social and emotional learning.

The model policy shall also provide for:

- Presentation of facts related to incidents that give rise to the need for discipline;
- Application of discipline that is nondiscriminatory and fair handed;
- Problem solving techniques that analyze the root causes of the behavior and/or disciplinary issue;
- Creation of a discipline structure that meets the needs of all students, including general education, gifted education, and special education students;
• Discipline outcomes that are educational and not overly punitive and ensure that students are learning academically and not focused on negative outcomes;
• A variety of intervention techniques that are tailored to the individual student and the contextual circumstances;
• Ensuring that harsh discipline, such as suspension and expulsion, are used as a last resort; \(^{30}\) and
• Input from, educators, parents, students, and community.

VII. Conclusion

The Committee believes it is time for NEA to state unequivocally its commitment to end the school-to-prison pipeline and to take decisive action to do so. Educators and school districts have the responsibility to put policies and practices in place that encourage a supportive and nurturing school climate that focuses on the needs of students. Zero-tolerance and other harsh discipline policies, police involvement in discipline matters and arrests for non-violent offenses, must end. The Committee calls on NEA to adopt the Guiding Principles set forth in the Proposed Policy Statement.

\(^{30}\) This Report does not address the use of suspension or expulsion for serious and/or violent incidents.
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PROPOSED POLICY STATEMENT ON DISCIPLINE AND THE SCHOOL-TO-PRISON PIPELINE
I. Introduction

The school-to-prison pipeline disproportionately places students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners, into the criminal justice system for minor school infractions and disciplinary matters, subjecting them to harsher punishments than their white peers for the same behaviors. The school-to-prison pipeline diminishes their educational opportunities and life trajectories. All educators—which includes every school employee—are key to ending the school-to-prison pipeline.

NEA’s Resolutions state NEA’s firm belief that schools must be safe and welcoming for all students, discriminatory toward none, and focused on educational practices that reach the whole child and disciplinary policies that emphasize prevention and rehabilitation over punishment (see, e.g., Resolutions B-6, B-14 (f-h), k B-71, C-7, C-28, C-39). NEA’s Resolutions also reflect NEA’s belief “that all education employees must be provided professional development in behavior management, discipline, [and] conflict resolution,” (D-18) and that both education employees and parents need training “to help students deal with stress and anger.” (C-7). NEA also believes that equally important is deepening educator awareness about their actions and the impact on students. The purpose of this Policy Statement is not to modify existing NEA Resolutions, but to explain how NEA will act on its already stated beliefs to end the school-to-prison pipeline.

II. Definitions

For purposes of this Policy Statement, the following definitions apply:

- School-to-Prison Pipeline means the policies and practices that are directly and indirectly pushing students of color out of school and on a pathway to prison, including, but not limited to: harsh school discipline policies that overuse suspension and expulsion, increased policing and surveillance that create prison-like environments in schools, overreliance on referrals to law enforcement and the juvenile justice system, and an alienating and punitive high-stakes testing-driven academic environment.

- Institutional Racism means the norms, policies and practices that are structured into political, societal and economic institutions that have the net effect of imposing oppressive conditions and denying rights, opportunity, and equality to identifiable groups based upon race or ethnicity.

- Zero-Tolerance policies mean school disciplinary polices that set predetermined consequences or punishments for specific offenses or rule infractions. Zero-tolerance policies forbid persons in positions of authority from exercising discretion or changing punishments to fit individual circumstances.

- Restorative practices are processes that proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing. Restorative practices are increasingly being applied in individual schools and school districts to address youth behavior, rule violations, and to improve school climate and culture. Restorative practices can improve relationships between students, between students and educators, and even between educators, whose behavior often serves as a role model for students. They allow each member of the school community to develop and implement a school’s adopted core values.
• Restorative practices allow individuals who may have committed harm to take full responsibility for their behavior by addressing the individual(s) affected by the behavior. Taking responsibility requires understanding how the behavior affected others, acknowledging that the behavior was harmful to others, taking action to repair the harm, and making changes necessary to avoid such behavior in the future. Restorative practices also represent a mindset that can help guide adult and youth behavior and relationship management in schools, not another program. They are not intended to replace current initiatives and evidence based programs like Positive Behavior Interventions and Supports (PBIS) or social and emotional learning models that assist in building a foundation and culture of caring. Programs and initiatives like PBIS complement restorative practices.

• Cultural Competence means the capacity to interact effectively and respectfully with people from different racial, ethnic, and/or economic backgrounds. Such competence includes understanding that different cultures have different communication codes and styles, being open to learning from others, to shift out of one’s own cultural paradigm, and to refrain from judging people before honestly exploring what motivates their behavior.

• Implicit Bias means the deep-seated attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious manner.

• To educate the Whole Child means to use all available resources to maximize the achievement, skills, opportunities, and potential of each student by building upon his or her strengths and addressing his or her needs. A Whole Child approach prepares students to thrive in a democratic and diverse society and changing world as knowledgeable, creative, engaged citizens and lifelong learners.

III. Ending the School-to-Prison Pipeline

The school-to-prison pipeline deprives students of color of their futures by pushing them out of school and its pathway to college and careers, and into the juvenile and criminal justice systems. The pipeline is the result of an array of policies and practices, fed by institutional racism, that disproportionately affect students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners. The policies and practices include harsh school discipline policies that overuse suspension and expulsion, “zero-tolerance” policies that criminalize minor infractions of school rules, increased policing and surveillance in schools that create prison-like environments in schools, and overreliance on exclusionary disciplinary referrals to law enforcement and juvenile justice authorities. Students who are suspended or expelled not only fall behind academically but are significantly more likely to drop out of school altogether, fail to secure a job, rely on social welfare programs and end up in prison.

As educators, NEA and its members are committed to changing the policies and practices of the schools in which we work to end the school-to-prison pipeline. Our work to that end will be guided by the following five principles.

**Guiding Principle 1: Eliminating Disparities in Discipline Practices**

Disciplinary policies and practices should not have a disparate impact based on students of color, including those who identify as LGBTQ, have disabilities, and/or are English Language Learners. NEA will advocate for schools, school districts and states to review their disciplinary policies and practices for any such disparate impact; to take prompt and effective action to eliminate any disparate impact that is found; and to continue to monitor disciplinary policies and practices to ensure that they are fair and non-discriminatory.
Guiding Principle 2: Creating a Supportive and Nurturing School Climate

NEA will promote awareness of, and support the development of, effective school disciplinary procedures that support high expectations for quality instruction and learning, treat students respectfully, and provide all students with a supportive and nurturing school environment. NEA recognizes that educators play an essential role in developing such procedures and creating a school community that promotes respectful, caring and trusting positive relationships among students and adults. NEA also recognizes that other stakeholders must also be fully engaged in that effort including local affiliates, local school boards, community organizations and members as well as family members.

Guiding Principle 3: Professional Training and Development

NEA believes that educators must be better prepared to respond to the social and emotional needs of each student. All school staff must understand what it means to be culturally competent and responsive. Educators must be given the tools to develop the skills needed to interact with students from different racial, ethnic and economic backgrounds. NEA must encourage stakeholders to work together to develop and implement, with fidelity, training that is proven, substantial, and ongoing, and professional development tools that are responsive to the needs of students and educators and that build and increase educators’ cultural competence over the course of their careers.

At a minimum, such training and professional development shall include: (1) developing communications skills including strategies for peer-to-peer, educator-to-parent, educator-to-student, and student-to-educator communication; (2) developing cultural competence including awareness of one’s own implicit biases, understanding culturally competent pedagogy and becoming cultural responsive in one’s approach to education and discipline; (3) training developed for, and delivered to, pre-service, early career, and experienced educators; and (4) an understanding of educational trauma and its impact on a student’s education.

Guiding Principle 4: Partnerships and Community Engagement

NEA will use its existing partnerships with education partners, students, parents, community-based organizations, and social justice advocacy groups to: (A) raise awareness of the school-to-prison pipeline, (B) eliminate disparate discipline policies and practices, (C) develop and implement the necessary professional development and training for school staff, and (D) build respectful and supportive school environments. NEA will also participate in, and build upon, existing coalitions by bringing together diverse groups of education and social justice stakeholders for the purpose of identifying and sharing policies, practices, and activities to end the school-to-prison pipeline. To that end, NEA will foster relationships with community-based nonprofits, school districts, peer mentoring groups, mental health organizations, churches, professional associations, alternative schools/juvenile correctional institutions, law enforcement, and national and state advocacy groups.

Guiding Principle 5: Student and Family Engagement

In order to change school cultures, the social and emotional needs of students must be strengthened and supported through education, parental and community partnerships and relationship building. Students, parents, and other caregivers need to be engaged and trained in problem-solving techniques, conflict resolution skills, anger management and other skills. Students need to be invested in their own success and understand why taking responsibility for their conduct is important. As part of this effort, NEA encourages the development and implementation of restorative practices to build healthy relationships and a community to prevent and address conflict and wrongdoing.
IV. Advocacy and Action

NEA believes that one size fits all discipline policies, such as zero-tolerance, harsh disciplinary approaches, and toxic testing endanger educational opportunities and make dropout and incarceration more likely for millions of students. NEA will lead efforts to end the school-to-prison pipeline by focusing its work in two areas: Awareness and Advocacy.

Awareness. NEA believes that there must be increased awareness among its members and the public about the school-to-prison pipeline and the ongoing, widespread disparate outcomes in discipline practices. NEA should raise awareness of the benefits of professional development and training in cultural competency, implicit bias, and restorative practices. NEA and its affiliates must continually examine and highlight data to illustrate the problems with the school-to-prison pipeline and the impact on students of color. NEA encourages schools and districts to provide educators with intensive training and professional development, along with access to tools on classroom management and model discipline practices.

Advocacy. NEA has a responsibility to advocate for discipline policies and procedures, legislation, and practices that will end the school-to-prison pipeline. Advocacy must include the continual identification of model school districts that have enacted fair and effective discipline policies. As educators, NEA is in the best position to develop model discipline policies that encourage the use of fair and effective discipline practices, and discourage the use of school-based arrests and referrals to law enforcement, before educators attempt corrective action. NEA must continuously advocate for the elimination of unjust policies and practices that fuel the school-to-prison pipeline.
Bibliography

Articles


Books


Data and Research Resources


Tools


Glossary

**School-To-Prison Pipeline** means the policies and practices that are directly and indirectly pushing students of color out of school and on a pathway to prison, including, but not limited to: harsh school discipline policies that overuse suspension and expulsion, increased policing and surveillance that create prison-like environments in schools, overreliance on referrals to law enforcement and the juvenile justice system, and an alienating and punitive high-stakes testing-driven academic environment.

**Institutional Racism** means the norms, policies and practices that are structured into political, societal and economic institutions that have the net effect of imposing oppressive conditions and denying rights, opportunity, and equality to identifiable groups based upon race or ethnicity.

**Accountable** means of a person, organization, or institution required or expected to justify actions or decisions; responsible.

**Awareness** means knowledge or perception of a situation or fact.

**Advocate** means a person who publicly supports or recommends a particular cause or policy.

**Bully** means a person who uses strength or power to harm or intimidate those who are weaker.

**Cultural Competence** means the capacity to interact effectively and respectfully with people from different racial, ethnic, and/or economic backgrounds.

**Discrimination** means the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, ethnicity, disability, sex, age, or sexual orientation.

**Disparity** means a great difference.

**Discipline** means the practice of training people to obey rules or a code of behavior, using punishment to correct disobedience.

**Educational Trauma** means the inadvertent perpetration and perpetuation of victimization by educational systems against students, families and educators that use the system.

**Equal/Equitable** means a person or thing considered to be the same as another in status or quality.

**Equity** means the quality of being fair and impartial.

**Expulsion** means the action of depriving someone or forcing something out of the larger body. In the school discipline context, expulsion may result in total removal from the education system or placement in alternative schools.

**Institutional Racism** means the norms, policies, and practices that are structured into political, societal, and economic institutions that have the net effect of imposing oppressive conditions and denying rights, opportunity, and equality to identifiable groups based upon race or ethnicity.

**Implicit Bias** means the deep-seated attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious manner.
**Intense Behavior** means possessing or displaying a behavior to an extreme degree.

**LGBTQ** means lesbian, gay, bisexual, transgendered and questioning.

**Objective** means a person or their judgment not influenced by personal feelings or opinions in considering and representing facts.

**PBIS** means Positive Behavior Interventions and Support.

**Restorative Practices** means the disciplinary practices that seek to repair wrongdoing and harm and restore to the student a sense of self and responsibility through dialogue and relationship and community building.

**School Climate** refers to the quality and character of school life. It is based on patterns of students’, parents’ and school personnel’s experience of school life and reflects norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures.

**Social/Emotional Learning** means an educational process for learning life skills but many of the aspects are contained in other educational programming such as character education, restorative practice/justice, peer mediation, bullying prevention, anger management, drug/alcohol prevention, violence prevention, school climate, ethical-decision making, and positive behavior supports.

**Stakeholder** means a person, group, or organization that has interest or concern in an organization. Stakeholders can affect or be affected by the organization’s actions, objectives, and policies. In the context of school discipline, stakeholders include students, educators, parents, families, caregivers, community members, law enforcement, and social justice advocates.

**Suspension** means the action of suspending someone or something or the condition of being suspended. As the term suspension relates to school discipline, it means both temporary removal from school facilities and in-school suspension, where students are removed from the classroom and isolated from their peers.

**Push Out** refers to the use of zero-tolerance and other harsh discipline policies and practices that result in students being excluded from the schools and/or learning school environment in pursuit of “school safety.”

**Teacher Preparation /Alternative Teacher Preparation** are programs that support the process of assuring that candidates are “profession-ready”, meaning they have mastered both subject and pedagogy knowledge for their area of expertise and demonstrate their knowledge and skills through the successful completion of a pre-service performance assessment. Alternative routes to licensure are typically more condensed training programs and often target individuals with certain subject area/content majors. There are programs for career changers, military retirees, undergraduates who want short-term commitments, and individuals who want to take a test and teach immediately. While NEA understands that some candidates will choose an alternative over a traditional program, established standards governing teacher licensure must be consistent, regardless of the preparation and licensure route taken. The goal of both traditional and alternative routes is to obtain a license.

**Trauma Informed Care** means realizing the widespread impact of trauma and potential paths for healing and recognizing the signs/symptoms of trauma in students and staff. Trauma informed care also fully integrates knowledge about trauma into policies, procedures, practices, and settings.
New Jim Crow refers to the endemic of mass incarceration—a system of racial and social control—through which people are swept into the criminal justice system, branded criminals and felons, locked up for longer periods of time than most other countries in the world who incarcerate people who have been convicted of crimes, and then released into a permanent second-class status in which they are stripped of basic civil and human rights, like the right to vote, the right to serve on juries, and the right to be free of legal discrimination in employment, housing, access to public benefits.

White Privilege acknowledges societal privileges that benefit people identified as white in Western countries, beyond what are commonly experienced by non-white people under the same social, political, or economic circumstances.

Whole Child means to use all available resources to maximize the achievement, skills, opportunities, and potential of each student by building upon their strengths and addressing their needs. A Whole Child approach prepares students to thrive in a democratic and diverse society and changing world as knowledgeable, creative, engaged citizens and lifelong learners.

Unjust means not based on or behaving according to what is morally right and fair.

Zero-Tolerance Policy means punishment for infractions of a stated rule, with the intention of eliminating undesirable conduct. Zero-tolerance policies forbid persons in positions of authority from exercising discretion or changing punishments to fit the circumstances subjectively; they are required to impose a pre-determined punishment regardless of individual capability, extenuating circumstances, or history. The pre-determined punishment need not be severe, but it is always meted out
INSIDE THIS SNAPSHOT: School Discipline, Restraint, & Seclusion Highlights

• **Suspension of preschool children, by race/ethnicity and gender (new for 2011-2012 collection):** Black children represent 18% of preschool enrollment, but 48% of preschool children receiving more than one out-of-school suspension; in comparison, white students represent 43% of preschool enrollment but 26% of preschool children receiving more than one out of school suspension. Boys represent 79% of preschool children suspended once and 82% of preschool children suspended multiple times, although boys represent 54% of preschool enrollment.

• **Disproportionately high suspension/expulsion rates for students of color:** Black students are suspended and expelled at a rate three times greater than white students. On average, 5% of white students are suspended, compared to 16% of black students. American Indian and Native-Alaskan students are also disproportionately suspended and expelled, representing less than 1% of the student population but 2% of out-of-school suspensions and 3% of expulsions.

• **Disproportionate suspensions of girls of color:** While boys receive more than two out of three suspensions, black girls are suspended at higher rates (12%) than girls of any other race or ethnicity and most boys; American Indian and Native-Alaskan girls (7%) are suspended at higher rates than white boys (6%) or girls (2%).

• **Suspension of students with disabilities and English learners:** Students with disabilities are more than twice as likely to receive an out-of-school suspension (13%) than students without disabilities (6%). In contrast, English learners do not receive out-of-school suspensions at disproportionately high rates (7% suspension rate, compared to 10% of student enrollment).

• **Suspension rates, by race, sex, and disability status combined:** With the exception of Latino and Asian-American students, more than one out of four boys of color with disabilities (served by IDEA) — and nearly one in five girls of color with disabilities — receives an out-of-school suspension.

• **Arrests and referrals to law enforcement, by race and disability status:** While black students represent 16% of student enrollment, they represent 27% of students referred to law enforcement and 31% of students subjected to a school-related arrest. In comparison, white students represent 51% of enrollment, 41% of students referred to law enforcement, and 39% of those arrested. Students with disabilities (served by IDEA) represent a quarter of students arrested and referred to law enforcement, even though they are only 12% of the overall student population.

• **Restraint and seclusion, by disability status and race:** Students with disabilities (served by IDEA) represent 12% of the student population, but 58% of those placed in seclusion or involuntary confinement, and 75% of those physically restrained at school to immobilize them or reduce their ability to move freely. Black students represent 19% of students with disabilities served by IDEA, but 36% of these students who are restrained at school through the use of a mechanical device or equipment designed to restrict their freedom of movement.
The Civil Rights Data Collection (CRDC) reveals that students of certain racial or ethnic groups and students with disabilities are disciplined at far higher rates than their peers, beginning in preschool. The CRDC data also show that an increasing number of students are losing important instructional time due to exclusionary discipline.

Rates of suspension and expulsion, by race/ethnicity
Black students represent 16% of the student population, but 32-42% of students suspended or expelled. In comparison, white students also represent a similar range of between 31-40% of students suspended or expelled, but they are 51% of the student population.

NOTE: Detail may not sum to 100% due to rounding. Totals: Enrollment is 49 million students, in-school suspension is 3.5 million students, single out-of-school suspension is 1.9 million students, multiple out-of-school suspension is 1.55 million students, and expulsion is 130,000 students. Data reported in this figure represents 99% of responding schools.

Out-of-school suspensions, by race/ethnicity and gender
Black students are suspended and expelled at a rate three times greater than white students. On average, 4.6% of white students are suspended, compared to 16.4% of black students. Through CRDC data, we can also explore suspensions by race and gender. Black boys and girls have higher suspension rates than any of their peers. Twenty percent (20%) of black boys and more than 12% of black girls receive an out-of-school suspension.

Students with disabilities suspended out-of-school
Students with disabilities served by IDEA are more than twice as likely to receive one or more out-of-school suspension as students without disabilities.
Students with disabilities suspended out-of-school, by race/ethnicity and gender

Latino and Asian-American students with disabilities are suspended at significant but comparatively low rates (17% and 10% for Latino boys and girls, and 10% and 6% for Asian-American boys and girls, respectively). They are the exception to the rule applicable to other boys of color with disabilities, more than one out of four of whom receives an out-of-school suspension. Similarly, nearly one in five girls of color with disabilities receives an out-of-school suspension.

NOTE: Data reflects 98.9% of CRDC schools. Totals include 40,000 male and 19,000 female student who are American Indian/Native Alaskan, 71,000 male and 25,000 female students who are Asian, 11,000 male and 4,000 female students who are Native Hawaiian/Other Pacific Islander, 750,000 male and 355,000 female students who are black, 840,000 male and 410,000 female students who are Latino, 69,000 male and 25,000 female students who are of two or more races, 2.1 million male and 1.1 million female students who are white.


English learners do not disproportionately receive out-of-school suspensions

English learners represent 10% of overall enrollment, but a smaller percentage of students receiving out-of-school suspensions (7%).

NOTE: Data reflects 99% of CRDC schools, including 45 million students who are not LEP and 4.7 million students who are LEP.

Suspensions and expulsions, by gender

While boys and girls each represent about half of the student population, boys represent nearly three out of four of those suspended multiple times out of school and expelled.

NOTE: Detail may not sum to 100% due to rounding. Totals: Enrollment is 49 million students, in-school suspension is 3.5 million students, single out-of-school suspension is 1.9 million students, multiple out-of-school suspension is 1.55 million students, and expulsions are 130,000 students. Data reported in this figure represents 99% of responding schools.

Arrests and referrals to law enforcement, by race/ethnicity

Black students represent 16% of student enrollment, 27% of students referred to law enforcement, and 31% of students subjected to a school-related arrest. In comparison, white students represent 51% of students enrolled, 41% of referrals to law enforcement, and 39% of those subjected to school-related arrests.

NOTE: Detail may not sum to 100% due to rounding. Totals are 49 million students for overall enrollment, 260,000 students referred to law enforcement, and 92,000 students subject to school-related arrests. Data on referrals to law enforcement represents 98% of schools and data on school related arrests represents 94% of schools in the CRDC universe.

Arrests and referrals to law enforcement, by disability (IDEA) status

Students with disabilities represent a quarter of the students who are referred to law enforcement or subjected to school-related arrests, while representing just 12% of the student population.

Preschool discipline

The inclusion for the first time in the CRDC of preschool data confirms that discipline begins in the earliest years of schooling. Of the school districts with children participating in preschool programs, 6% reported suspending out of school at least one preschool child. Racial disparities in out-of-school suspensions also start early; black children represent 18% of preschool enrollment, but 42% of the preschool children suspended once, and 48% of the preschool children suspended more than once.
The CRDC reveals that children with disabilities served by IDEA and English learners were not disproportionately suspended in preschool.

**Preschool children receiving out-of-school suspensions, by disability status**

![Chart showing preschool suspensions by disability status](chart1.png)

*NOTE: Preschool suspensions were collected for the first time in 2011-12. Detail may not sum to 100% due to rounding. Represents 99% of schools with preschool students enrolled, including over 1 million preschool students.*


**Preschool children receiving suspensions, by English learner status**

![Chart showing preschool suspensions by English learner status](chart2.png)

*NOTE: Preschool suspensions were collected for the first time in 2011-12. Detail may not sum to 100% due to rounding. Represents 99% of schools with preschool students enrolled.*

RESTRAINT AND SECLUSION

The CDRC reveals that students with disabilities are subject to physical and mechanical restraint and seclusion at rates that far exceed that of other students, and black students with disabilities are subject to mechanical restraints at even higher rates than other students with disabilities. Mechanical restraint is the use of any device or equipment to restrict a student’s freedom of movement. Physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. Seclusion is the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving.

Physical restraint of students with disabilities

Students with disabilities served by IDEA represent 12% of students enrolled in public schools, but 75% of the students who are subjected to physical restraint during school.

Seclusion of students with disabilities

Students with disabilities served by IDEA represent 12% of all students and 58% of students subjected to seclusion in school.

NOTE: Detail may not sum to 100% due to rounding. Figure represents 99% of schools, including 49.7 million students enrolled and over 70,000 students subjected to physical restraint.


NOTE: Detail may not sum to 100% due to rounding. Figure represents 99% of schools, including 49.7 million students enrolled and over 37,000 students subjected to seclusion.

Mechanical restraint of students of color with disabilities

Black students represent 19% of students with disabilities served by IDEA, but 36% of these students who are subject to mechanical restraint.

NOTE: Detail may not sum to 100% due to rounding. Figure represents 99% of CRDC responding schools, including 6 million students served by IDEA and nearly 4,000 IDEA students subject to mechanical restraint.

DISCIPLINE, RESTRAINT, AND SECLUSION: STATE-BY-STATE

For the first time since 2000, the 2011-12 CRDC included every public school and district in the nation, allowing more accurate depictions of statewide trends and inter-state disparities. The following tables provide state-level data on indicators related to out-of-school suspensions and physical restraint. Here are some highlights:

Out-of-school suspensions

Black and Latino students:

- Three (3) states reported male suspension rates less than the nation for every racial/ethnic group and a smaller gap between black students and their white peers: New Jersey, New York, and North Dakota
- Five (5) states reported male suspension rates higher than the nation for every racial/ethnic group: Florida, Indiana, North Carolina, Rhode Island, and South Carolina.
- Eleven (11) states (and D.C.) reported higher gaps than the nation between the suspension rates of black students and white students for both boys and girls: Arkansas, District of Columbia, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, and Wisconsin.

Students with disabilities (served by IDEA):

- Five (5) states reported a four percentage point or smaller gap in out-of-school suspension rates between students with disabilities served by IDEA and students without disabilities: North Dakota (2%), Utah (3%), Idaho (4%), Mississippi (4%), and Wyoming (4%).
- Five (5) states (and D.C.) reported a ten percentage point or higher gap in out-of-school suspension rates between students with disabilities served by IDEA and students without disabilities: Florida (15%), Nevada (14%), District of Columbia (13%), Wisconsin (11%), and Louisiana (10%).

Physical restraint

Students with disabilities (served by IDEA) and physical restraint:

- Across the nation, 75% of students subjected to physical restraint were classified as students with disabilities served by IDEA. Twenty-five (25) states had higher percentages than the national average.
- In Nevada, Florida, and Wyoming, students with disabilities served by IDEA represent less than 15% of students enrolled in the state, but more than 90% of the students who were physically restrained in the state. Nevada (96%), Florida (95%), and Wyoming (93%) reported the highest percentages of physically restrained students with disabilities by IDEA.
- Three (3) states had fewer than 50% of students subjected to physical restraint classified as students with disabilities served by IDEA. Those states were: Mississippi (40%), Arkansas (41%), and Louisiana (43%).
Table 1-A. Out-of-school suspensions of male students by race/ethnicity, disability, and state: 2011-12

<table>
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<tr>
<th>State</th>
<th>American Indian/Alaska Native</th>
<th>Asian</th>
<th>Native Hawaiian/Other Pacific Islander</th>
<th>Black/African American</th>
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‡ Hawaii provided limited data on students without disabilities suspended out-of-school

Table 1-B. Out-of-school suspensions of female students by race/ethnicity, disability, and state: 2011-12

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<th>Black/African American</th>
<th>Hispanic/Latino of any race</th>
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† Hawaii provided limited data on students without disabilities suspended out-of-school

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<td>4%</td>
</tr>
<tr>
<td>Ohio</td>
<td>6%</td>
<td>14%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>6%</td>
<td>12%</td>
</tr>
<tr>
<td>Oregon</td>
<td>5%</td>
<td>12%</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>6%</td>
<td>11%</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>8%</td>
<td>17%</td>
</tr>
<tr>
<td>South Carolina</td>
<td>10%</td>
<td>18%</td>
</tr>
<tr>
<td>South Dakota</td>
<td>3%</td>
<td>9%</td>
</tr>
<tr>
<td>Tennessee</td>
<td>8%</td>
<td>12%</td>
</tr>
<tr>
<td>Texas</td>
<td>5%</td>
<td>13%</td>
</tr>
<tr>
<td>Utah</td>
<td>2%</td>
<td>5%</td>
</tr>
<tr>
<td>Vermont</td>
<td>4%</td>
<td>11%</td>
</tr>
<tr>
<td>Virginia</td>
<td>6%</td>
<td>14%</td>
</tr>
<tr>
<td>Washington</td>
<td>5%</td>
<td>14%</td>
</tr>
<tr>
<td>West Virginia</td>
<td>8%</td>
<td>13%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>4%</td>
<td>15%</td>
</tr>
<tr>
<td>Wyoming</td>
<td>4%</td>
<td>8%</td>
</tr>
</tbody>
</table>

† Hawaii provided limited data on students without disabilities suspended out-of-school

Table 3. Students subject to physical restraint, by disability (IDEA) status and state: 2011-12

<table>
<thead>
<tr>
<th>State</th>
<th>Of the students enrolled, what percent are served by IDEA?</th>
<th>Of the students subject to physical restraint, what percent are served by IDEA?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>UNITED STATES</strong></td>
<td>12%</td>
<td>75%</td>
</tr>
<tr>
<td>Alabama</td>
<td>12%</td>
<td>72%</td>
</tr>
<tr>
<td>Alaska</td>
<td>14%</td>
<td>75%</td>
</tr>
<tr>
<td>Arizona</td>
<td>12%</td>
<td>77%</td>
</tr>
<tr>
<td>Arkansas</td>
<td>11%</td>
<td>41%</td>
</tr>
<tr>
<td>California</td>
<td>10%</td>
<td>81%</td>
</tr>
<tr>
<td>Colorado</td>
<td>10%</td>
<td>73%</td>
</tr>
<tr>
<td>Connecticut</td>
<td>12%</td>
<td>81%</td>
</tr>
<tr>
<td>Delaware</td>
<td>15%</td>
<td>87%</td>
</tr>
<tr>
<td>District Of Columbia</td>
<td>14%</td>
<td>72%</td>
</tr>
<tr>
<td>Florida</td>
<td>12%</td>
<td>95%</td>
</tr>
<tr>
<td>Georgia</td>
<td>11%</td>
<td>52%</td>
</tr>
<tr>
<td>Hawaii</td>
<td>11%</td>
<td>n/a</td>
</tr>
<tr>
<td>Idaho</td>
<td>9%</td>
<td>73%</td>
</tr>
<tr>
<td>Illinois</td>
<td>13%</td>
<td>85%</td>
</tr>
<tr>
<td>Indiana</td>
<td>14%</td>
<td>80%</td>
</tr>
<tr>
<td>Iowa</td>
<td>12%</td>
<td>79%</td>
</tr>
<tr>
<td>Kansas</td>
<td>13%</td>
<td>80%</td>
</tr>
<tr>
<td>Kentucky</td>
<td>14%</td>
<td>58%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>10%</td>
<td>43%</td>
</tr>
<tr>
<td>Maine</td>
<td>16%</td>
<td>85%</td>
</tr>
<tr>
<td>Maryland</td>
<td>11%</td>
<td>75%</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>16%</td>
<td>82%</td>
</tr>
<tr>
<td>Michigan</td>
<td>13%</td>
<td>71%</td>
</tr>
<tr>
<td>Minnesota</td>
<td>15%</td>
<td>71%</td>
</tr>
<tr>
<td>Mississippi</td>
<td>12%</td>
<td>40%</td>
</tr>
<tr>
<td>Missouri</td>
<td>13%</td>
<td>59%</td>
</tr>
<tr>
<td>State</td>
<td>Of the students enrolled, what percent are served by IDEA?</td>
<td>Of the students subject to physical restraint, what percent are served by IDEA?</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------------------------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Montana</td>
<td>11%</td>
<td>62%</td>
</tr>
<tr>
<td>Nebraska</td>
<td>15%</td>
<td>77%</td>
</tr>
<tr>
<td>Nevada</td>
<td>11%</td>
<td>96%</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>15%</td>
<td>82%</td>
</tr>
<tr>
<td>New Jersey</td>
<td>15%</td>
<td>86%</td>
</tr>
<tr>
<td>New Mexico</td>
<td>14%</td>
<td>74%</td>
</tr>
<tr>
<td>New York</td>
<td>14%</td>
<td>86%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>12%</td>
<td>80%</td>
</tr>
<tr>
<td>North Dakota</td>
<td>14%</td>
<td>76%</td>
</tr>
<tr>
<td>Ohio</td>
<td>14%</td>
<td>80%</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>15%</td>
<td>53%</td>
</tr>
<tr>
<td>Oregon</td>
<td>13%</td>
<td>88%</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>15%</td>
<td>75%</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>15%</td>
<td>75%</td>
</tr>
<tr>
<td>South Carolina</td>
<td>13%</td>
<td>63%</td>
</tr>
<tr>
<td>South Dakota</td>
<td>12%</td>
<td>58%</td>
</tr>
<tr>
<td>Tennessee</td>
<td>14%</td>
<td>77%</td>
</tr>
<tr>
<td>Texas</td>
<td>9%</td>
<td>79%</td>
</tr>
<tr>
<td>Utah</td>
<td>12%</td>
<td>89%</td>
</tr>
<tr>
<td>Vermont</td>
<td>14%</td>
<td>69%</td>
</tr>
<tr>
<td>Virginia</td>
<td>13%</td>
<td>76%</td>
</tr>
<tr>
<td>Washington</td>
<td>11%</td>
<td>66%</td>
</tr>
<tr>
<td>West Virginia</td>
<td>16%</td>
<td>65%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>13%</td>
<td>69%</td>
</tr>
<tr>
<td>Wyoming</td>
<td>14%</td>
<td>93%</td>
</tr>
</tbody>
</table>

‡ Hawaii provided limited data on students without disabilities suspended out-of-school.

Data Notes and Methodology

Since 1968, the Civil Rights Data Collection (CRDC) has collected data on key education and civil rights issues in our nation's public schools for use by the Department of Education's Office for Civil Rights (OCR), other Department offices, other federal agencies, and by policymakers and researchers outside of the Department. The CRDC collects information about school characteristics and about programs, services, and outcomes for students. Most student data is disaggregated by race/ethnicity, gender, limited English proficiency, and disability.

Schools and Districts Included
The CRDC has generally been collected biennially from school districts in each of the 50 states, plus the District of Columbia. The 2011-12 CRDC included all public schools and public school districts in the nation that serve students for at least 50% of the school day. The CRDC also includes long-term secure juvenile justice agencies, schools for the blind and deaf, and alternative schools. The response rate for this large national collection was 98.4% of school districts and 99.2% of schools, representing 99.6% of students in the nation.

Race and Ethnicity
For the 2011-12 CRDC, districts reported data using the seven race and ethnicity categories (Hispanic/Latino, white, black/African-American, Asian, Native Hawaiian/Other Pacific Islander, American Indian/Alaska Native, and Two or More Races). For more information on the Department’s 2007 guidance regarding race and ethnicity categories, please visit http://www2.ed.gov/policy/rschstat/guid/raceethnicity/index.html.

Privacy Protection and Data Rounding
To ensure the protection of privacy while meeting the purposes of the CRDC, OCR conducted the analysis presented in this document on the privacy protected CRDC data. The CRDC data is privacy protected by rounding student counts in groups of three to prevent the disclosure of individual student information. For example, student counts from 1-3 are rounded to two, student counts from 4-6 are rounded to five.

In previous years, OCR has rounded CRDC data to the nearest five. However, in collaboration with the Department’s Disclosure Review Board, OCR implemented a new rounding method for the 2011-12 CRDC to reveal true zeroes where possible and minimize the distortion of rounding. In general, for the 2011-12 CRDC data, the distortion of rounding one student to two would be balanced by the rounding down of three students to two. However, this new privacy protection method may inflate total counts for CRDC data elements in which there are prevalent cases of schools reporting only one student (e.g., one student retained is rounded to two students retained).

Limitations of CRDC Data
OCR strives to ensure CRDC data are an accurate and comprehensive depiction of student access to educational opportunities in school districts. The submission system includes a series of embedded edit checks to ensure significant data errors are corrected before the district submits its data. Additionally, each district is required to certify the accuracy of its submission. Only a district superintendent, or the superintendent’s designee, may certify the CRDC submission. Ultimately, the quality of the CRDC data depends on accurate collection and reporting by the participating districts.
After reviewing the data, OCR is aware that inconsistencies may still remain in the data file. Users should be aware that outliers in the dataset may be a function of districts misreporting data. For example, outliers in the data on single-sex classes may be reporting the number of students enrolled in single-sex classes rather than the number of single-sex classes. In the analysis provided in this report, some schools and districts with potential reporting errors were excluded from the analysis. The percentage of schools included can be found in the notes section below each chart.

**Discipline**

**CRDC Definitions:**

- **Students with Disabilities (IDEA):** Children (students) having mental retardation, hearing impairment (including deafness), speech or language impairment, visual impairment (including blindness), serious emotional disturbance (hereafter referred to as emotional disturbance), orthopedic impairment, autism, traumatic brain injury, developmental delay, other health impairment, specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, are eligible to receive special education and related services under the Individuals with Disabilities Education Act (IDEA) according to an individualized education program, individual family service plan, or service plan. The “Students with Disabilities (IDEA)” column in survey items always refers to students with disabilities who are receiving services under the Individuals with Disabilities Education Act (IDEA).

- **Students with Disabilities (Section 504):** An elementary or secondary student with a disability who is being provided with special education and/or related aids and services under Section 504 of the Rehabilitation Act of 1973, as amended, and is NOT being provided with services under the Individuals with Disabilities Education Act (IDEA). The “Section 504 only” column in survey items always refers to students with disabilities who are being provided with related aids and services under Section 504 of the Rehabilitation Act of 1973, as amended, and are NOT being provided with services under the Individuals with Disabilities Education Act (IDEA).

- **In-school suspension:** Instances in which a child is temporarily removed from his or her regular classroom(s) for at least half a day but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.

- **Out-of-school suspension:**
  - For students with disabilities (IDEA): Out-of-school suspension is an instance in which a child is temporarily removed from his/her regular school for disciplinary purposes to another setting (e.g., home, behavior center). This includes both removals in which no IEP services are provided because the removal is 10 days or less, as well as removals in which the child continues to receive services according to his/her IEP.
  - For students without disabilities and students with disabilities served solely under Section 504: Out-of-school suspension means excluding a student from school for disciplinary reasons for one school day or longer. This does not include students who served their suspension in the school.
• **Expulsion with educational services:** An action taken by the local educational agency removing a child from his/her regular school for disciplinary purposes, with the continuation of educational services, for the remainder of the school year or longer in accordance with local educational agency policy. Expulsion with educational services also includes removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.

• **Expulsion without educational services:** An action taken by the local educational agency removing a child from his/her regular school for disciplinary purposes, with the cessation of educational services, for the remainder of the school year or longer in accordance with local educational agency policy. Expulsion without services also includes removals resulting from violations of the Gun Free Schools Act that are modified to less than 365 days.

• **Referral to Law Enforcement:** Referral to law enforcement is an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken.

• **School-related arrest:** A school-related arrest is an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official.

Generally, discipline data is presented two ways in this snapshot. Figure 1 shows the proportion of all students subject to disciplinary actions who are represented in each race/ethnicity category. The data is presented in stacked bar charts where each bar sums to 100 percent. Figure 2 presents the information as a rate. For example, of all the black male students enrolled, 20 percent received an out-of-school suspension. By presenting the rate as a rate, the prevalence of the disciplinary action can be analyzed.

**Discipline by Race, Section 504 Students:** The CRDC collects detailed disaggregated discipline data for non-disabled students, students served by IDEA, and Section 504 students. Because the CRDC does not include the race/ethnicity breakdown of students served by Section 504 only, the percentages by race/ethnicity of students receiving each type of disciplinary action are calculated based on non-disabled students and students served by IDEA.

**Expulsions:** The percentage of students receiving expulsions includes both expulsions with services and without services.

**Referrals to law enforcement and school-related arrests:** The data represented in these figures excludes schools with possible reporting errors. For example, some schools reported large numbers of students subjected to school-related arrests, but much smaller counts of students referred to law enforcement. To ensure large reporting errors did not bias the results, school reporting over 150% of the students referred to law enforcement as arrested, were excluded from the analysis.
Restraint and Seclusion

CRDC Definitions:

- **Mechanical Restraint:** The use of any device or equipment to restrict a student’s freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as: Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; Restraints for medical immobilization; or Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

- **Physical Restraint:** A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location.

- **Seclusion:** The involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

Analysis of Physical Restraint, State by State: Hawaii reported no students subject to physical restraint. Therefore the percent of IDEA students subject to physical restraint is reported as n/a.

For more information about the CRDC, please visit: [http://www2.ed.gov/about/offices/list/ocr/data.html](http://www2.ed.gov/about/offices/list/ocr/data.html)
About the CRDC

Since 1968, the Civil Rights Data Collection (CRDC), formerly the Elementary and Secondary School Survey, has collected data on key education and civil rights issues in our nation’s public schools for use by the Department of Education's Office for Civil Rights (OCR) in its enforcement and monitoring efforts regarding schools’ and districts’ obligation to provide equal educational opportunity. The CRDC is also a tool for other Department offices and federal agencies, policymakers and researchers, educators and school officials, and the public to analyze student equity and opportunity trends locally and nationwide. The CRDC database, with hundreds of data elements, is fully accessible to the public. All data presented are self-reported by school districts. For more information about the CRDC, please visit [www.ocrdata.ed.gov](http://www.ocrdata.ed.gov).

About the 2011-12 Civil Rights Data Collection (CRDC)

- For the first time since 2000, includes data from every public school in the nation (approximately 16,500 school districts, 97,000 schools, and 49 million students)
- Includes traditional public schools (preschool through 12th grade), alternative schools, career and technical education schools, and charter schools
- Data for every public school disaggregated by race/ethnicity, English learner status, sex, and disability
- New for 2014: data for all schools now disaggregated by 7 race and ethnicity categories, including Native-Hawaiian, Pacific-Islander, and multiracial students
- Measures student access to college- and career-preparatory science and math courses, AP courses and tests, SAT/ACT tests, gifted and talented programs, IB programs, preschool programs, and interscholastic athletics
- Tracks teacher and resource equity, including teacher experience and salary levels, other personnel and non-personnel expenditures, and access to school counselors
- Reveals school climate disparities related to student discipline, restraint and seclusion, retention, and bullying and harassment