

**DISMANTLING THE CRADLE TO PRISON PIPELINE:
ANALYZING ZERO TOLERANCE SCHOOL DISCIPLINE POLICIES AND
IDENTIFYING STRATEGIC OPPORTUNITIES FOR INTERVENTION**

POLICY ANALYSIS EXERCISE

Submitted to:

Barbara Best, Children's Defense Fund
Professor Julie Wilson, Harvard Kennedy School

Prepared by:

Jen Vorse Wilka
Masters in Public Policy Candidate
Harvard Kennedy School

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EXECUTIVE SUMMARY

Cradle to Prison Pipeline Flowing through Massachusetts Schools

The Cradle to Prison Pipeline is a national crisis that leaves a Black boy born in 2001 with a one in three chance of going to prison in his lifetime and a Latino boy a one in six risk of the same fate. While the Pipeline is fueled by root causes that begin early in a child's life, a critical part of the Pipeline is flowing through Massachusetts schools: a zero tolerance approach to school discipline.

“Zero Tolerance,” as it relates to school discipline policies, is a philosophy based on risk aversion. Legally, school discipline policies afford principals and teachers discretion in how they apply school discipline policies. However, a zero tolerance approach adopts mandatory or predetermined punishments for certain behaviors without considering the specific context and circumstances. This one-size-fits-all approach too often doles out a hundred dollar penalty for a ten-cent crime. While educators, administrators, parents, policymakers, and advocates alike recognize that school discipline policies are a necessary part of ensuring safe schools and positive learning environments, *zero tolerance approaches to school discipline* are having serious unintended consequences. Zero tolerance increases the use of suspension and expulsion for students who do not pose a threat to school safety, disconnects students from school, and ultimately contributes to the Cradle to Prison Pipeline.

Research Objectives

This Policy Analysis Exercise, prepared for the Children's Defense Fund and the Massachusetts Coalition to Dismantle the Cradle to Prison Pipeline (the Coalition), analyzes school discipline policy and data in Massachusetts, and identifies high-leverage opportunities for intervention. Specifically, the PAE seeks to:

- Assess the current state of school discipline policies in Massachusetts, including:
 - Federal and state requirements,
 - Variation in discipline policies among districts subject to the same requirements, and
 - Areas of discretion.
- Characterize the nature of zero tolerance in Massachusetts schools.
- Analyze and present findings from the 2009-10 Massachusetts school discipline data.
- Identify strategic opportunities for intervention for the Coalition.

Context

Children start down the path to prison in both jarring and subtle ways. It's not just the fourteen-year-old who ends up behind bars; it's also the child who is suspended for disruptive behavior, misses a few days of school, and begins to feel disconnected. The more disconnected he becomes, the more he acts out in class. This cycle repeats. National research suggests that this child is three times more likely to drop out of school by 10th grade than a student who has never

been suspended;¹ and dropping out triples the likelihood a child will end up incarcerated later in life.² It is this second *indirect* pipeline that can be addressed by implementing more nuanced approaches to school discipline, helping students stay in school—and out of prison.

State, district, and school leaders have the opportunity to improve school climate and build positive relationships with students so that fewer disciplinary incidents occur, and to diversify discipline strategies so that, whenever possible, schools can respond to behavioral issues with alternative approaches that keep students in school.

Findings

There are a number of federal and state requirements governing school discipline policy in Massachusetts. Yet federal and state policies leave substantial room for discretion, and are not examples of zero tolerance policies. In fact, zero tolerance is not a policy; it is a philosophy. It is the *interpretation and implementation* of these requirements—in district and school discipline policy, and in practice within individual classrooms and hallways—that are best characterized as zero tolerance. Under pressure to maintain safe schools, reduce risk, and preserve learning time, superintendents, principals, and teachers sometimes make disciplinary decisions that apply the maximum penalty—in effect, giving up their discretion—even though they are not required to.

In 2009-10, Massachusetts schools reported 60,610 disciplinary removals (suspensions and expulsions), involving children from pre-kindergarten to the 12th grade.³ Together, Massachusetts students missed a total of 199,056 days of school last year as a result of disciplinary exclusions—the equivalent of missing 1,076 years of school. Furthermore, current reporting requirements *significantly underestimate* the actual number of non-serious offenses resulting in disciplinary removals. As a result, the actual total number is likely at least double, if not triple, that reported.

While suspensions and expulsions are often associated with violent or unruly behavior, less than half of last year's disciplinary removals occurred in response to violent, criminal, or substance-related incidents. Over 31,000 of the reported disciplinary removals last year were for relatively minor offenses—essentially, kids acting out.

Finally, in addition to the alarming number of minor offenses met with disciplinary removal, the data consistently show that schools frequently use out-of-school suspensions to punish both serious and non-serious offenses. Overall, 76 percent of all incidents last year resulted in out-of-school suspensions. However, when isolating only *non-serious offenses*, out-of-school suspensions were still used in 67 percent of these incidents, removing students from learning time and threatening their sense of connection with school—both significant predictors of dropping out.

¹ Goertz, Pollack, & Rock (1996). Who drops out of high school and why?: Findings from a national study. Teachers College Record, 87, 357-73.

² Coalition for Juvenile Justice. *Abandoned in the Back from: New Lessons in Education and Delinquency Prevention*. 2001. Annual Report.

³ Source for all school discipline data referenced in *Findings* section: Massachusetts Department of Elementary and Secondary Education, 2009-10 School Safety and Discipline Report. Analyzed by author. The dataset is discussed in detail in Appendix D.

Recommendations for the Coalition

Implementation Considerations:

- Recognize the need for disciplinary exclusion as a legitimate strategy for schools in situations that pose a safety threat, and communicate this position to stakeholders.
- Segment offense types into “green light” offenses (non-serious offenses), “yellow light” offenses (serious offenses in name, but situations that are unlikely to pose a safety threat), and “red light” offenses (offenses that pose a safety threat). Green and yellow light offenses can be addressed through school discipline reform, while red light offenses should be addressed through preventative and rehabilitative strategies.
- Capitalize on the combination of policy advocacy and grassroots implementation reform. Focus on policy reform at the state and district level, and implementation reform at the school level.

Recommended Opportunities for Intervention:

- State level—Pursue policy advocacy for “green light” offenses.
 - Advocate for expanded reporting requirements so that all non-serious offenses resulting in disciplinary removal must be reported, and so that schools report more detail about the nature of the offense (rather than simply the current designation of “unassigned offenses” that is used for all non-serious offenses).
 - Advocate for state policy change to limit the permissible penalties for non-serious offenses, encouraging the use of alternative disciplinary approaches that keep students in school.
- District level—Pursue policy advocacy for “yellow light” offenses.
 - Advocate for districts to require progressive discipline policies, using disciplinary removal only as a last resort.
 - Advocate for districts to provide guidelines for non-excludable offenses—indicating not just what *should* be grounds for disciplinary removal, but also what *should not*.
 - Encourage districts to adopt a dual-responsibility philosophy, recognizing the double imperative to keep schools safe *and* keep students in school.
- School level—Pursue implementation reform for “green” and “yellow light” offenses.
 - Identify “bright spots” and facilitate peer learning opportunities, building a resource database of schools that are effectively using alternatives to zero tolerance and facilitating conferences, trainings and/or online resources/networks.
 - Partner with schools to train personnel in alternative discipline approaches.