

# ISSUE BRIEF



November 2012

## Zero Tolerance and Exclusionary School Discipline Policies Harm Students and Contribute to the Cradle to Prison Pipeline®

### The Problem: Pushing Students Out of School

Out-of-school suspensions and expulsions—discipline practices that exclude children from school—have increased dramatically in the United States since the 1970s. This increase is largely due to schools’ overreliance on “zero tolerance” policies. The Dignity in Schools Campaign describes zero tolerance as “a school discipline policy or practice that results in an automatic disciplinary consequence such as in-school or out-of-school suspension, expulsion, or involuntary school transfer for any student who commits one or more listed offenses. A school discipline policy may be a zero tolerance policy even if administrators have some discretion to modify the consequence on a case-by-case basis.”<sup>1</sup>

Zero tolerance policies impose automatic and harsh discipline for a wide range of student infractions, including non-violent disruptive behavior, truancy, dress code violations, and insubordination. Even when school policies don’t impose automatic suspensions for behavior, the culture of overzealous exclusion from school that is fostered by the zero tolerance mindset has created a situation in which children are being removed from school for increasingly minor behavior issues. An October 2011 report from the National Education Policy Center found that only 5% of suspensions nationally were for weapons or drugs, while the other 95% were for “disruptive behavior” or “other.”<sup>2</sup> Ohio data on school discipline mirrors this national trend. According to the Ohio Department of Education, only 6% of out-of-school suspensions during the 2010–11

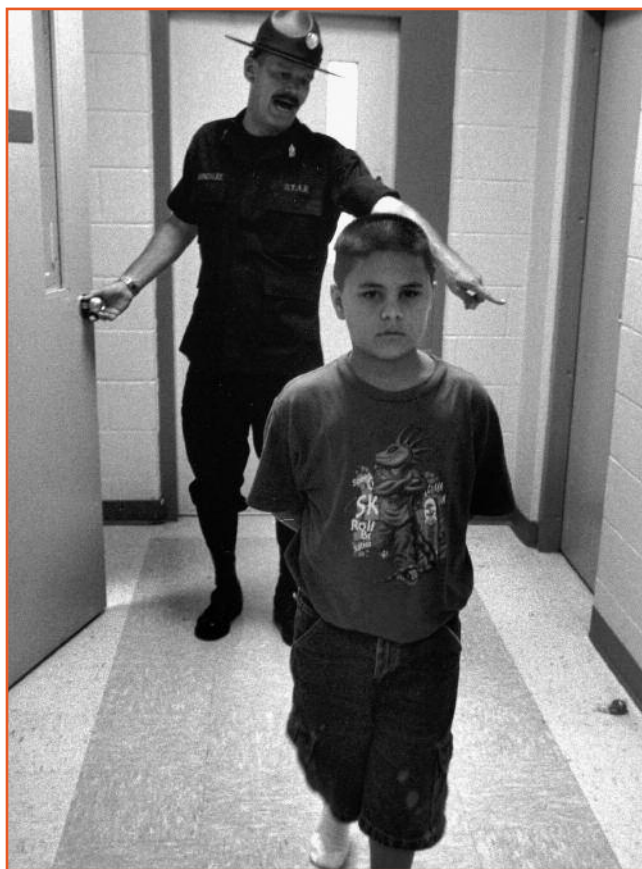
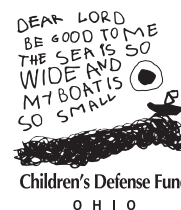


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school year involved weapons or drugs, while 64% of suspensions were for “disobedient or disruptive behavior,” truancy, or “intimidation.”<sup>3</sup> These policies are a problem for all children, regardless of background or home-life. But for vulnerable children who do not have a stable, nurturing home environment, being removed from the safe haven of school exacerbates rather than counteracts the trauma occurring at home.



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Zero tolerance policies also result in misguided applications of rules, harming students and wasting educators' time. A third grader in a Columbus elementary school was suspended from school for three days for saying “yeah” instead of “yes, Ma’am” to his teacher. A six-year-old girl in Cincinnati was proposed for expulsion for bringing her mother’s nail clippers to school. A middle school honors student in southwest Ohio was expelled from school for eighty days because he mistakenly left his Swiss Army knife in his backpack after returning from a weekend Boy Scout camping trip.<sup>4</sup>

Proponents of zero tolerance policies cite school safety as a chief justification. Studies show, however, that the implementation of zero tolerance policies nationally has failed to improve school, community, or student safety. These policies have greatly increased the number of law enforcement officers working in and responding to incidents in schools, yet they have failed to show a concomitant boost in school safety or improvement in students’ overall academic performance.<sup>5</sup> In fact, higher rates of school suspension and expulsion and increased presence of law enforcement officers in schools are considered to be “themselves risk factors for a range of negative academic and life outcomes.”<sup>6</sup>

### Disparate Impact on Disabled, Economically Disadvantaged, and Minority Children

Although zero tolerance policies were originally intended to impose the same harsh consequences on all students, thereby reducing disparities, that is not what has happened. In fact, disability, economic, and race disparities in school discipline have skyrocketed since the advent of zero tolerance policies in the mid-1990s. In Ohio, overly harsh discipline practices disproportionately harm the most vulnerable children: children with



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disabilities, economically disadvantaged children, and minority children. During the 2010–11 academic year in Ohio schools, students with emotional disturbance (one of several disability categories under federal law) were 7.2 times more likely to be suspended than students with no disability.<sup>7</sup> Students with cognitive disabilities were 2.5 times more likely to be suspended than students with no disability.<sup>8</sup> Low-income students were 4.4 times more likely to be suspended than students who are not low-income.<sup>9</sup> Black students were 5.2 times more likely to be suspended from school than White students.<sup>10</sup> Students with more than one of these characteristics—for example, poor Black children with emotional disturbance—are 10 or more times likely to be suspended.

Zero tolerance policies do not consider the underlying causes of student behavior. Although the behavior may stem from disability, hunger, safety concerns at home, trauma, poverty, or simply from the fact that children have never been taught the “appropriate” behaviors, school authorities focus only on removing students from school. Unfortunately, expulsion takes the place

of discipline tactics designed to help students address the underlying problems that lead to behavior incidents and learn how to respond positively to challenges.

**Impact on Students with Disabilities**

Removing a child from school is problematic for any child, but it is particularly devastating for a child who already struggles in school, especially a child with a disability. For these children, removal from school can make it nearly impossible to catch up after returning. The further children fall behind, the greater the likelihood that they will drop out.<sup>11</sup> Yet, despite this fact, children with disabilities are disproportionately disciplined in comparison to their non-disabled peers. Statewide, students with disabilities (in all categories) comprised 14.8% of the total enrolled student population for the 2010–11 school year.<sup>12</sup> But they accounted for 27.5% of the total out-of-school suspensions for that same year.<sup>13</sup>

In Ohio’s eight largest urban districts, the factor by which a student with a disability is more likely to be suspended than a student with no disability depends upon the type of disability. For example, students classified as having an emotional disturbance are over three times more likely to be suspended than students with no disability in these districts. These disparities should raise concerns, since the Individuals with Disabilities Education Act<sup>14</sup> requires schools to provide individualized education programs (IEPs) to students with disabilities, conduct functional behavior assessments, and consider positive behavioral intervention and supports (PBIS). IEPs are designed to provide behavior goals, when appropriate, in addition to academic goals, and give educators tools to address behavior issues, rather than simply suspending students when they act out.

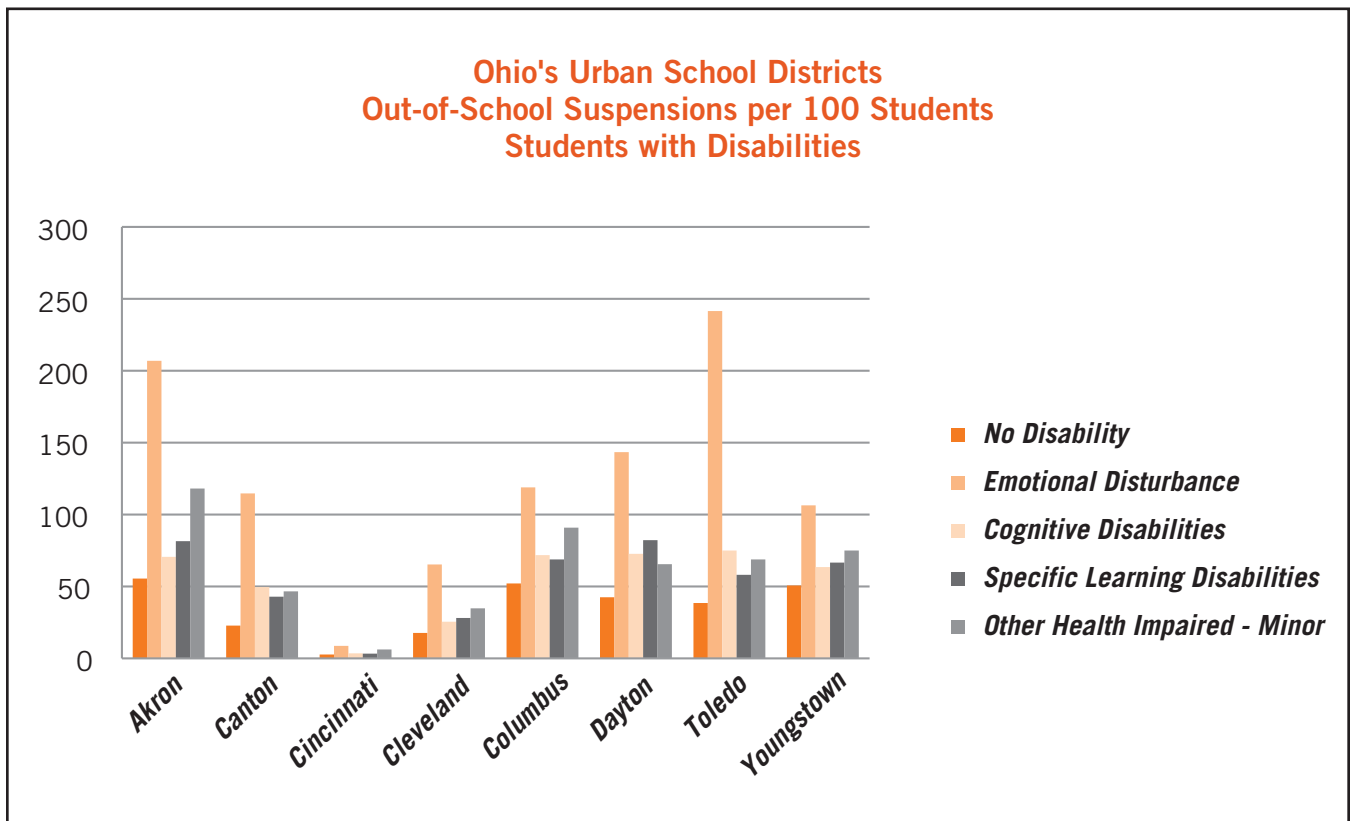
**Table 1**  
**Ohio’s Urban School Districts**  
**Out-of-School Suspensions per 100 Students**  
**Students with Disabilities**

	<b>Emotional Disturbance (SBH)</b>	<b>Cognitive Disability</b>	<b>Other Health Impaired-Minor</b>	<b>Specific Learning Disability</b>	<b>No Disability</b>
Out-of-School Suspension Rate per 100 Students	125.7*	54.0	63.2	53.9	35.3
Disparity Between Rates of Disabled and Non-Disabled	3.6	1.5	1.8	1.5	—
	Factor by which type of disability is more likely to be suspended than no disability.				

Source: Ohio Department of Education, 2010–11 school year discipline data for Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown school districts.

\*Students in some disability categories are being suspended multiple times in a given year for the same behavior, resulting in rates higher than 100, even as the denominator remains the same.

Figure 1



Source: Ohio Department of Education, 2010–11 school year discipline data for Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown school districts.

### Impact on Economically Disadvantaged Students

Children from economically disadvantaged backgrounds are more likely to be suspended than children from economically stable backgrounds. A student who meets any of the following criteria is defined as economically disadvantaged by the Ohio Department of Education: eligible for free or reduced-price lunch, resident of a household in which a member is eligible for free or reduced-price lunch, recipient of public assistance, or Title I qualification.<sup>15</sup> In Ohio during the 2010–11

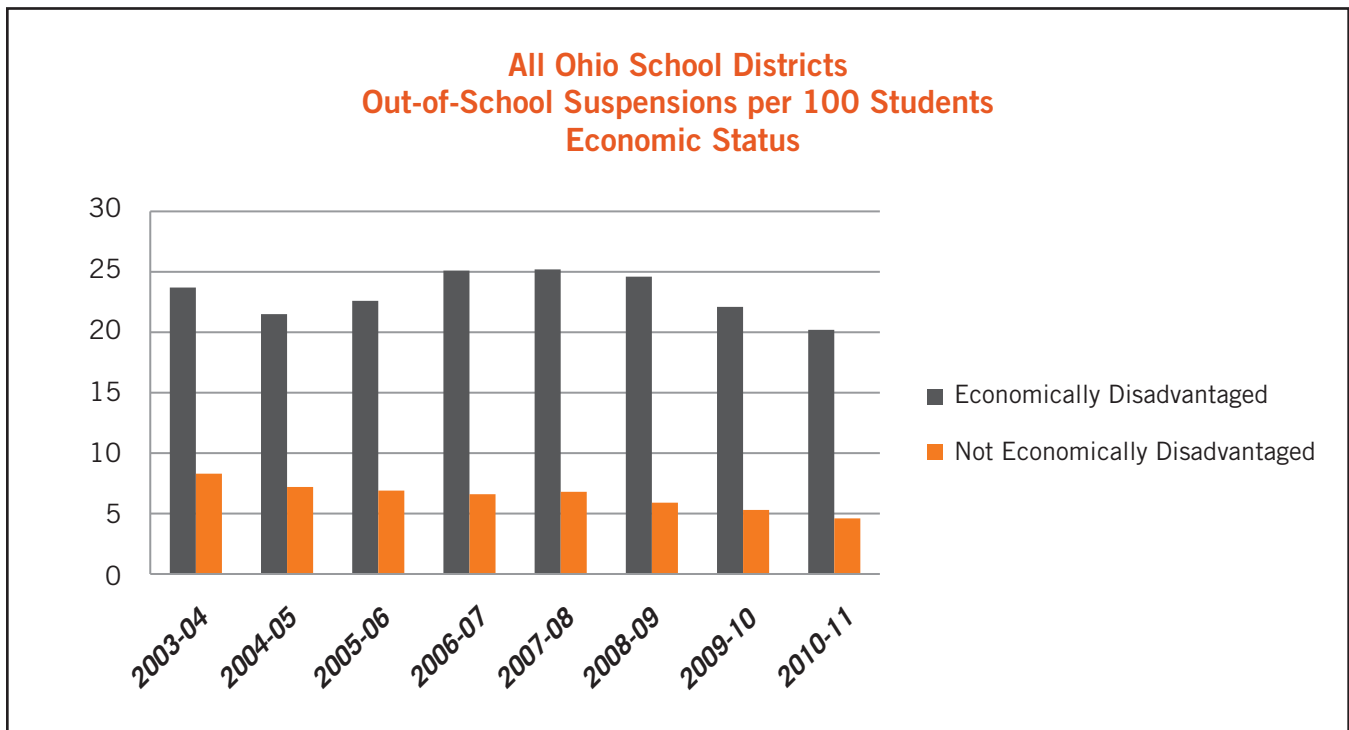
school year, students identified as economically disadvantaged were more than four times as likely to be suspended as those not identified as economically disadvantaged. This disparity has gradually increased since the 2003–04 school year, when economically disadvantaged students were slightly less than three times as likely to be suspended as students not identified as economically disadvantaged. The disparity is especially relevant because of the high number of children living in poverty in Ohio. According to the American Community Survey, 21.4% of Ohio children live in poverty.<sup>16</sup>

**Table 2**  
**All Ohio School Districts**  
**Out-of-School Suspensions per 100 Students**  
**Economic Status**

	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Economically Disadvantaged	23.7	21.5	22.6	25.1	25.2	24.6	22.1	20.2
Not Economically Disadvantaged	8.3	7.2	6.9	6.6	6.8	5.9	5.3	4.6
Disparity	2.9	3.0	3.3	3.8	3.7	4.2	4.2	4.4

Source: Ohio Department of Education, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, 2009–10, and 2010–11 school year discipline data for state.

**Figure 2**



Source: Ohio Department of Education, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, 2009–10, and 2010–11 school year discipline data for state.

### Impact on Black Students

Black students make up 16.5% of all children enrolled in Ohio public schools.<sup>17</sup> They account, however, for 36.6% of all out-of-school suspensions.<sup>18</sup> White students, on the other hand, make up 74.0% of Ohio’s public school enrollment, but account for only 29.4% of all out-of-school suspensions.<sup>19</sup>

In Ohio’s eight largest urban school districts, Black students are, on average, four times more likely to be given out-of-school suspensions than are White students.<sup>20</sup> Even in Columbus and Dayton, the urban districts with the smallest gap, Black students are nearly twice as likely to be suspended as White students.<sup>21</sup> In Ohio schools, Black students are also suspended more often for minor infractions than White students. During the 2010–11 school year in Ohio schools, 62.9% of the out-of-school suspensions of Black students were for

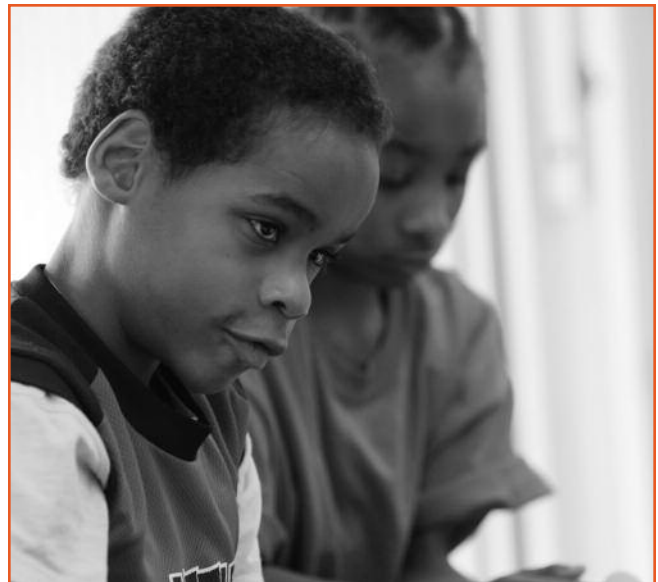


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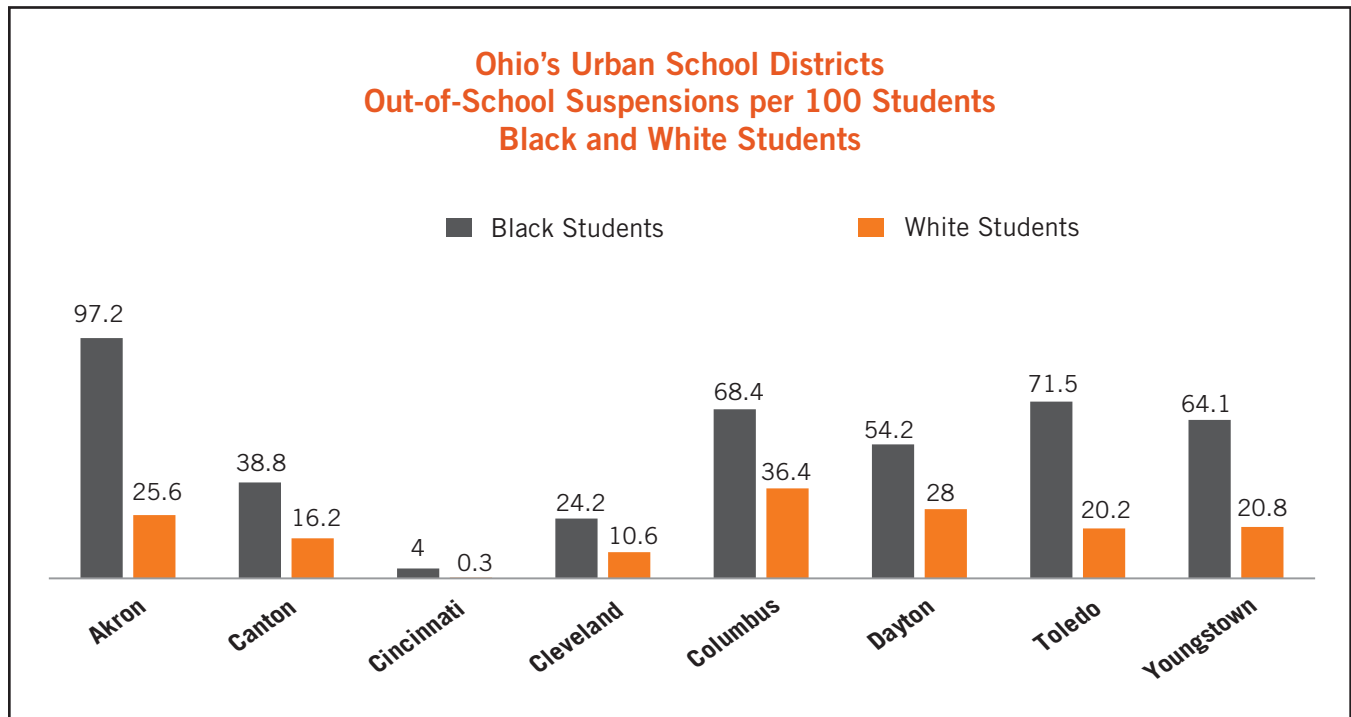
“disobedient or disruptive behavior” or truancy, while only 52.3% of the out-of-school suspensions of White students were for these same minor infractions.<sup>22</sup>

**Table 3**  
**Ohio’s Urban School Districts**  
**Out-of-School Suspensions per 100 Students**  
**Black and White Students**

District	Black	White	Disparity Between Rates of Black and White	
Akron City	97.2	25.6	3.8	Factor by which Black students are more likely to be suspended than White students.
Canton City	38.8	16.2	2.4	
Cincinnati City	4.0	0.3	13.3	
Cleveland Municipal City	24.2	10.6	2.3	
Columbus City	68.4	36.4	1.9	
Dayton City	54.2	28.0	1.9	
Toledo City	71.5	20.2	3.5	
Youngstown City	64.1	20.8	3.1	
Overall Urban Average	52.8	19.8	4.0	

Source: Ohio Department of Education, 2010–11 school year discipline data for Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown school districts.

Figure 3



Source: Ohio Department of Education, 2010–11 school year discipline data for Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown school districts.

### Immediate and Lasting Harm to Children

Zero tolerance policies and the overuse of suspension and expulsion in schools harm students and communities in many ways. The direct effects of zero tolerance policies include suspensions and expulsions from school. However, beyond the loss of learning opportunity that results immediately, suspensions and expulsions carry with them many other undesirable effects.

Children who are suspended often must stay at home unsupervised, increasing the chances of behavior that can lead children into the juvenile delinquency system—or into becoming the victims of crime. Additionally, “research on the frequent use of school suspension has indicated that, after race and poverty are controlled for, higher rates of out-of-school suspension correlate with lower achievement scores.”<sup>23</sup> When they do return to school, students who have been suspended or expelled

have lost ground academically. This may cause students to act out further, out of frustration, boredom, or both. As a result, exclusionary discipline can spur conduct that increases the likelihood of further disciplinary action. Students who have been suspended at least once are more likely to drop out of school, as well.<sup>24</sup> Thus, the increase in suspension and expulsion rates not only harms Ohio students’ academic progress, but it also increases their chances of receiving further disciplinary action and dropping out of school altogether.

### The Cradle to Prison Pipeline®

Zero tolerance policies increase students’ risk of becoming ensnared in the juvenile justice or criminal justice system—thereby feeding the endemic *Cradle to Prison Pipeline*. The *Cradle to Prison Pipeline* refers to the criminalization of children, especially minority children and impoverished children, at increasingly young ages.<sup>25</sup>



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**Black students in Ohio's eight largest urban school districts are four times more likely to be suspended than White students, while economically disadvantaged students are over twice as likely to be suspended as students who are not economically disadvantaged.**

The disparate impact of zero tolerance policies on Black and impoverished children, as discussed above, is pervasive in Ohio.<sup>26</sup> Black students in Ohio's eight largest urban school districts are four times more likely to be suspended than White students, while economically disadvantaged students are over twice as likely to be suspended as students who are not economically disadvantaged.<sup>27</sup> Because zero tolerance policies disproportionately affect both minority and impoverished children and because these policies tend to criminalize the behavior of young children, zero tolerance policies contribute to the *Cradle to Prison Pipeline* in Ohio.

The national trend of criminalizing, rather than educating, children in school is referred to more specifically as the School to Prison Pipeline. The School to Prison Pipeline phenomenon encompasses the impact of zero tolerance policies and suspensions, as well as other school discipline measures, such as school-based arrests and disciplinary alternative schools.<sup>28</sup>

Criminalization of school children happens, in part, because many school districts employing zero tolerance policies rely on law enforcement personnel to address "inappropriate" or "disruptive" behavior in schools. Toledo Public Schools, for example, makes use of a municipal "Safe School Ordinance"<sup>29</sup> to arrest students for disruptive behavior in school. This leads to arrests for minor infractions that should be dealt with by school officials. For example, a fourteen-year-old girl in Toledo was arrested when she violated her school's dress code by wearing a shirt exposing her midriff to school. Also in Toledo, an eleven-year-old girl was arrested when she refused an assistant principal's request to put her books on the floor.<sup>30</sup>

On a national level, the United States Department of Justice recently investigated, sued, and is working to change a particularly egregious example of a school discipline program's contribution to the school to prison pipeline in Meridian, Mississippi. This school's system funneled virtually every school discipline problem into the juvenile justice system. Students in Meridian were systematically sent to the local police department for school discipline infractions, where they were automatically arrested. The students were then sent to the county juvenile justice system and placed on probation; the terms of the probation required these students serve any school suspension in the juvenile detention center.<sup>31</sup> The Department of Justice found that agencies in Meridian, including the Lauderdale County Youth Court, the Meridian Police Department, and the Mississippi Division of Youth Services, committed numerous violations of students' constitutional rights in the name of school discipline. "The department's investigation showed that the agencies have helped to operate a school to prison



pipeline whereby children arrested in local schools become entangled in a cycle of incarceration without substantive and procedural protections required by the U.S. Constitution.”<sup>32</sup> This type of school discipline does a disservice to all children subjected to such a regime, and Ohio must work to ensure that this never happens to Ohio’s children.

### Policy and Practice Barriers to Change in Ohio

Despite the destructive effects of zero tolerance policies and all the evidence that shows the failure of these policies to achieve their intended goals, they continue to be utilized by schools across the country. In Ohio, this is due, in large part, to a broad mandate, passed by the Ohio legislature in 1998, requiring all public schools to adopt a zero tolerance policy for “violent, disruptive, or inappropriate behavior.”<sup>33</sup> Some school districts in Ohio apply the state’s zero tolerance mandate more broadly than others, depending on how they interpret the words “disruptive” and “inappropriate,” but all districts are required to have and enforce a zero tolerance policy. Schools cannot begin to abandon destructive zero tolerance policies and implement evidence-based practices until the state law requiring zero tolerance policies is abolished.

Suspension and expulsion practices are deeply entrenched in Ohio schools. Educators, administrators, and communities have become accustomed to approaching discipline this way, which has resulted in a school climate that simply removes the problem from the classroom rather than addressing it. Ineffective and destructive attitudes toward discipline are barriers to change. Changing laws and policies is an important initial step, but this alone will not lead to a brighter future for Ohio’s children without a larger shift in underlying attitudes. Parents, students, educators, and community members can all play an important role in helping to instill a new, positive school climate in their local schools.

### Recommendations

School districts in other states are addressing the inadequacies of zero tolerance and exclusionary school discipline policies by implementing positive, preventive discipline practices that improve school culture and create a safe school environment for students and staff. These preventive approaches, informed by research and principles of child and adolescent development, work to identify and address the causes of misbehavior, provide effective interventions to support the child in the classroom before behavior escalates, and utilize developmentally appropriate disciplinary techniques that teach the child replacement behaviors and allow him or her to stay in school and continue to learn.<sup>34</sup>

### Positive Behavioral Interventions and Supports (PBIS)

PBIS is a research-based, school-wide systems approach to improve school climate and create safer and more effective schools. PBIS is a process, not a program or a curriculum. The process focuses on improving a school’s ability to teach expectations and support positive behavior for all students. It provides systems for schools to design, implement, and evaluate effective school-wide, classroom, non-classroom, and student-specific discipline plans. PBIS is a team-based process for data review, data-based problem solving and intervention, ongoing planning, and monitoring of interventions.<sup>35</sup> Integral to PBIS is a three-tiered prevention and intervention problem solving process that includes primary (school-wide), secondary (classroom), and tertiary (individual) systems of support that improve results for all children.<sup>36</sup>

The results of PBIS implementation demonstrate significant success, resulting in positive student outcomes and significant cost-savings.<sup>37</sup> Following implementation of PBIS, schools have repeatedly demonstrated significantly fewer office referrals, lower suspension and expulsion rates, greater attendance rates, lower school dropout rates, increased instructional

time, greater academic achievement, and greater student engagement.<sup>38</sup> Schools that have implemented PBIS have also reported that school staff are more satisfied with their work and have more time for teaching, while administrators report more time available to provide support to the most at-risk students.<sup>39</sup>

### Restorative Practices

By implementing a framework of “restorative practices,” a school commits to building an academic community based on cooperation, mutual understanding, trust, and respect. This framework comprises a variety of relationship-based approaches, perhaps best characterized by a specific conflict-resolution model that focuses on accountability and restoring relationships.<sup>40</sup> For example, in response to a child’s disruptive behavior, this model suggests bringing together the child who engaged in harmful behavior, to take responsibility for his or her actions; the victim, to voice the impact of those actions; and community members, to help identify ways to repair the harm caused by the child’s behavior at an individual and community level. This approach provides a mechanism for holding the child accountable without removing him or her from school.

Schools that have implemented restorative practices have seen significant decreases in serious behavioral incidents, suspensions, and disciplinary referrals. For example, West Philadelphia High School in Philadelphia, Pennsylvania saw the number of serious behavioral incidents go down by over 60% in just the first year after implementing restorative practices.<sup>41</sup> City Springs Elementary and Middle School in Baltimore, Maryland saw suspensions fall by 90% in three years following implementation of restorative practices.

### Other Promising Models

#### *A Focus on Underlying Causes*

Schools have seen success in reducing suspensions when they implement programs designed to address students’ mental health and other needs and train staff

to recognize and respond to those needs, rather than punish them. In Walla Walla, Washington, a high school principal recognized that many of his students were suffering from “toxic stress” and trauma, and that many serious behavioral incidents resulted from students’ response to the build-up of trauma in their lives.<sup>42</sup> In response, he implemented a school discipline system that de-emphasized suspension and expulsion and instead focused on helping kids deal with the underlying trauma in their lives. The main focus became interventions to prevent blow ups, and compassion and time out, rather than immediate suspension, when they do occur. After implementation of this system, suspensions dropped by 85%.<sup>43</sup>

#### *The Model School Code*

The Model Code on Education and Dignity, authored by the Dignity in Schools Campaign, provides a set of policy recommendations to school districts and legislatures “to help end school pushout and protect the human rights to education, dignity, participation and freedom from discrimination.”<sup>44</sup> The Model Code was compiled after years of research and collaboration with key stakeholders, including students, parents, educators, and advocates. In its five chapters, it focuses on five key components of a successful educational and disciplinary system in schools: (1) Education, (2) Participation, (3) Dignity, (4) Freedom from discrimination, and (5) Data, monitoring, and accountability. Each chapter includes specific policy recommendations for states, school districts, and individual schools. Specifically, the chapter on Dignity focuses on alternatives to zero tolerance policies and de-criminalization of schools.<sup>45</sup>

#### *The Responder System: Summit County, Ohio*

The Responder Program, which was developed as part of the Ohio Mental Health Juvenile Justice Action Network grant from the MacArthur Foundation, equips middle schools with a trained professional—a “Responder”—to screen youth for potential mental health issues that could be the cause for unruly behavior and/or truancy. The program is a cooperative effort between several institutions, including the Summit



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County Juvenile Court, Child Guidance and Family Solutions, and the schools themselves, and its goal is to reduce the number of referrals to juvenile court and provide a meaningful intervention for the child.<sup>46</sup> The Responder works with children, their families, and the school to develop solutions beneficial for everyone involved. Like the restorative approaches mentioned above, all parties are involved in the solution-finding process. The program has served approximately 100 youth and families since it began in 2009, and, since that time, the number of youth committed to a state-run facility has dropped by 64%.<sup>47</sup>

***School Resource Officer Protocol***

In 2004, Judge Steven Teske in the Clayton County, Georgia Juvenile Court was so fed up with seeing referrals of children from the local school district to his courtroom for minor, non-violent behavior, that he called together a group of community stakeholders to draft an agreement to reduce school-based referrals to

juvenile court. Judge Teske and his assembled task force—which included representatives of the police department, the school district, the local prosecutor’s office, and local churches—worked together to stop the flow of children from school to juvenile court.<sup>48</sup> The protocol that resulted from their work fundamentally changed the way School Resource Officers (SROs)—police officers permanently assigned to duty in schools—approach their jobs and dramatically reduced school-based referrals to the juvenile justice system.<sup>49</sup> Their protocol clarifies that “misdemeanor delinquent acts,” such as disrupting public school, disorderly conduct, and fighting do not result in the automatic filing of a complaint against a student unless it is at least the third incident in that school year.<sup>50</sup> Currently, Judge Teske is involved in helping the Annie E. Casey Foundation fund and implement similar programs across the country.<sup>51</sup>

## Conclusion and Call to Action

### Next Steps

Ohio policymakers, educators, school administrators, parents, students, and community members have the tools and resources to reverse the past decade's shift toward harsher discipline. To successfully change school climates and introduce positive, preventive, supportive discipline systems in all schools, all stakeholders must work together for change. Here are some initial steps that stakeholders can take to begin this process of change:

- Revise Ohio Revised Code § 3313.534 to remove the language that mandates the use of zero tolerance policies. Replace that language with a mandate to school districts and individual schools to work together with community stakeholders to adopt school-wide positive behavior interventions and supports, restorative practices, or other holistic, preventive approaches to school discipline.
- Revise individual school district policies to de-emphasize suspension and expulsion and focus on teaching and modeling positive behavior.
- Require school districts and county juvenile courts to track and publish data on the number of school-based arrests and school-based referrals to juvenile court in each county and each school district, disaggregating the data for race, poverty status, disability, and other areas of disparity.

- Develop, promote, and fund trainings and other resources for teachers, administrators, and other education professionals on classroom and behavior management, school-wide positive behavior interventions and supports, restorative practices, and other proven, evidence-based models for teaching children positive behavior.
- Review, analyze, and begin to implement the recommendations listed in the Dignity in Schools Campaign Model Code on Education and Dignity.
- Create opportunities for parents and students to be involved in implementing and monitoring new school discipline policies.

### Conclusion

The fact that students in many of our public schools are dealing with trauma, abuse, and other highly stressful life situations, makes it clear that imposing school discipline policies that inflict further trauma is not a viable solution. The existence of zero tolerance policies, and the concomitant overuse of suspension and expulsion to address student behavior, causes many problems for Ohio's children. And the implications to families, our communities, and the State of Ohio when children do not successfully complete school are profoundly negative. Ohio's students deserve nothing less than the best possible chance to succeed.

## Endnotes

- <sup>1</sup> Dignity in Schools Campaign, A Model Code on Education and Dignity: Presenting a Human Rights Framework for Schools (August 2012), *available at* [http://www.dignityinschools.org/files/DSC\\_Model\\_Code.pdf](http://www.dignityinschools.org/files/DSC_Model_Code.pdf).
- <sup>2</sup> Daniel J. Losen, National Education Policy Center, Discipline Policies, Successful Schools, and Racial Justice 8 (October 2011), *available at* <http://nepc.colorado.edu/files/NEPC-SchoolDiscipline.pdf>; *see also* *Lincoln High School in Walla Walla, WA Tries New Approach to School Discipline—Suspensions Drop 85%*, ACES Too High News, Apr. 23, 2012, *available at* <http://acestoohigh.com/2012/04/23/lincoln-high-school-in-walla-walla-wa-tries-new-approach-to-school-discipline-expulsions-drop-85/>
- <sup>3</sup> Ohio Department of Education, Report Card Data (iLRC) (2010–11), *available at* <http://ilrc.ode.state.oh.us/>. The data available on the Ohio Department of Education website is self-reported by school districts. Many parent and student advocates feel that this data underreports the number of suspensions and school discipline incidents in schools.
- <sup>4</sup> These examples reflect fact scenarios from cases handled by legal aid organizations in Ohio.
- <sup>5</sup> Losen, *supra* note 2, at 9–11.
- <sup>6</sup> Russell J. Skiba, *Reaching a Critical Juncture for Our Kids: The Need to Reassess School-Justice Practices*, in *Keeping Kids In School and Out of Courts: A Collection of Reports to Inform the National Leadership Summit on School-Justice Partnerships* (March 2012), *available at* <http://www.schooljusticesummit.org/pdfs/journal-web.pdf>.
- <sup>7</sup> Ohio Department of Education, Report Card Data (iLRC) (2010–11), *available at* <http://ilrc.ode.state.oh.us/>.
- <sup>8</sup> *Id.*
- <sup>9</sup> *Id.*
- <sup>10</sup> *Id.*
- <sup>11</sup> *See* Advancement Project, Test, Punish, and Push Out: How “Zero Tolerance” and High-Stakes Testing Funnel Youth Into the School-to-Prison Pipeline (March 2010), *available at* [http://b3cdn.net/advancement/d05cb2181a4545db07\\_r2im6caqe.pdf](http://b3cdn.net/advancement/d05cb2181a4545db07_r2im6caqe.pdf).
- <sup>12</sup> Ohio Department of Education, Report Card Data (iLRC) (2010–11), *available at* <http://ilrc.ode.state.oh.us/>.
- <sup>13</sup> *Id.*
- <sup>14</sup> Individuals with Disabilities Education Improvement Act, 20 U.S.C.A. § 1400–87 (West 2010).
- <sup>15</sup> Ohio Department of Education, FY 2012 ODE EMIS Manuel, Chapter 2: Reporting Student Data 70 (2012), *available at* <http://education.ohio.gov/GD/Templates/Pages/ODE/ODEDetail.aspx?page=3&TopicRelationID=1292&ContentID=100905&Content=131958>.
- <sup>16</sup> U.S. Census Bureau, American Community Survey, 3-year Estimates File DP03 (2008–10).
- <sup>17</sup> Ohio Department of Education, Report Card Data (iLRC) (2010–11), *available at* <http://ilrc.ode.state.oh.us/>.
- <sup>18</sup> *Id.*
- <sup>19</sup> *Id.*
- <sup>20</sup> *Id.*
- <sup>21</sup> *Id.*
- <sup>22</sup> *Id.*
- <sup>23</sup> Losen, *supra* note 2, at 10.
- <sup>24</sup> Suhyun Suh, Jingyo Suh, & Irene Houston, *Predictors of Categorical At-Risk High School Dropouts*, 85 J. of Counseling & Dev. 196, 198 (2007).
- <sup>25</sup> Children’s Defense Fund, America’s Cradle to Prison Pipeline 15–16 (2007), *available at* <http://www.childrensdefense.org/child-research-data-publications/data/cradle-prison-pipeline-report-2007-full-highres.html>.
- <sup>26</sup> *See supra* Figure 2 & 3.
- <sup>27</sup> *See supra* Table 2 & 3.
- <sup>28</sup> *See What Is the School-to-Prison Pipeline?*, American Civil Liberties Union, <http://www.aclu.org/racial-justice/what-school-prison-pipeline>.
- <sup>29</sup> Toledo, Ohio, Safe School Ordinance, Toledo Municipal Code § 537.16.
- <sup>30</sup> These examples reflect fact scenarios from cases handled by legal aid organizations in Ohio.
- <sup>31</sup> United States Department of Justice: Civil Rights Division, Findings Regarding Department of Justice Investigation of Lauderdale County Youth Court, Meridian Police Department, and Mississippi Division of Youth Services (2012), *available at* <http://www.justice.gov/iso/opa/resources/2642012810121733674791.pdf>.
- <sup>32</sup> United States Department of Justice: Office of Public Affairs, Justice Department Releases Investigative Findings Showing Constitutional Rights of Children in Mississippi Being Violated (2012), *available at* <http://www.justice.gov/opa/pr/2012/August/12-crt-993.html>.
- <sup>33</sup> Ohio Rev. Code Ann. § 3313.534 (West 2011).
- <sup>34</sup> *See* Dignity in Schools Campaign, A Model Code on Education and Dignity: Presenting a Human Rights Framework for Schools (August 2012), *available at* [http://www.dignityinschools.org/files/DSC\\_Model\\_Code.pdf](http://www.dignityinschools.org/files/DSC_Model_Code.pdf).

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<sup>36</sup> *What Is School-Wide PBIS?*, Office of Special Education Programs, Technical Assistance Center on Positive Behavioral Interventions & Supports (2012), <http://www.pbis.org/school/default.aspx>.

<sup>37</sup> Terrance M. Scott & Susan B. Barrett, *Using Staff and Student Time Engaged in Disciplinary Procedures to Evaluate the Impact of School-Wide PBIS*, 6 J. of Positive Behav. Interventions 21 (2004).

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<sup>39</sup> Skiba & Sprague, *supra* note 38.

<sup>40</sup> *What is Restorative Practices?*, International Institute for Restorative Practices (2012), <http://www.iirp.edu/what-is-restorative-practices.php>.

<sup>41</sup> International Institute for Restorative Practices, *Whole-School Change Through Restorative Practices* (2011), available at <http://www.iirp.edu/pdf/WSC-Overview.pdf>.

<sup>42</sup> *Lincoln High School in Walla Walla, WA Tries New Approach to School Discipline—Suspensions Drop 85%*, *supra* note 2.

<sup>43</sup> *Id.*

<sup>44</sup> Dignity in Schools Campaign, *Model School Code*, Dignity in Schools (2011), <http://www.dignityinschools.org/our-work/model-school-code>.

<sup>45</sup> To read more about the Code, see Dignity in Schools Campaign, *A Model Code on Education and Dignity*, Executive Summary, available at [http://www.dignityinschools.org/files/DSC\\_Model\\_Code\\_Exec\\_Summary.pdf](http://www.dignityinschools.org/files/DSC_Model_Code_Exec_Summary.pdf). The entire Model Code on Education and Dignity is available at [http://www.dignityinschools.org/files/DSC\\_Model\\_Code.pdf](http://www.dignityinschools.org/files/DSC_Model_Code.pdf).

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<sup>51</sup> The Annie E. Casey Foundation, *supra* note 49.

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### CDF Mission Statement

The Children’s Defense Fund Leave No Child Behind® mission is to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities.

### OPLC Mission Statement

The Ohio Poverty Law Center (OPLC) is a nonprofit law office that pursues statewide policy and systemic advocacy to expand, protect, and enforce the legal rights of low-income Ohioans. OPLC supports the statewide legal aid community and uses a three-pronged strategy of systemic advocacy, training & education, and strategic communications to achieve its mission.

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