

Legislatures Address the “School to Prison Pipeline”

BY BENJAMIN OLNECK-BROWN

Legislators nationwide are addressing racial disparities in criminal justice and other public institutions. Some of these efforts involve tackling discipline policies in local schools.

Disparities in education and the criminal justice system are linked. Students who fail to complete high school are [several times](#) more likely to be incarcerated as young adults than those who complete high school. Black, Hispanic and Native American youths are [more likely](#) to drop out of high school than their white peers, and after dropping out, young Black people especially are [more likely](#) than their peers to be incarcerated or institutionalized. [The disproportionately Black students whose parents](#) are incarcerated or who live in neighborhoods with high rates of incarceration are more likely to drop out of school, perform poorly on assessments, and interact with the criminal justice system themselves.

Some school practices are so linked to disparities in the criminal justice system that researchers have identified a “[school to prison pipeline](#).” This framework identifies “zero tolerance” discipline policies, the involvement of law enforcement in school discipline and implicit bias as factors driving the disproportionate incarceration of young people of color. Although schools have moved away from zero tolerance in recent years, [data from the U.S. Department of Education Office of Civil Rights](#) still indicates striking racial disparities in school discipline: Black students and students with disabilities, in particular, are disproportionately likely to be suspended, expelled, arrested in school, referred to law enforcement and subject to harsh measures such as seclusion, restraint and corporal punishment. Harsh disciplinary measures are [linked](#) to increased likelihood of interaction with the juvenile justice or criminal justice systems, both for the students who receive the discipline and their peers in school.

State and school officials who aim to reduce racial disparities in discipline and incarceration often attempt to balance two goals. They seek to prevent students from being stigmatized, isolated or crimi-



nized while maintaining a safe and stable learning environment for all students in the face of often severe disciplinary issues.

School Discipline

Students who are suspended or expelled are more likely to interact with the juvenile and criminal justice systems, and students of color are more likely than their white peers to face these discipline measures. Recently enacted legislation to limit the use of suspension and expulsion or mitigate their negative impacts includes:

- [California SB 419](#), which prohibits the suspension of a pupil enrolled in a school district or charter school in grades four and five for disrupting school activities or otherwise willfully defying the authority of school personnel engaged in the performance of their duties.
- [Virginia HB 415](#), which requires school boards to adopt policies and procedures to ensure suspended students can access and complete graded work during the suspension.

Other states are funding [restorative justice](#) efforts in schools. Restorative justice practices aim to repair the harm caused by a crime or by a students' behavior through conversation and reparation with the affected parties, rather than through traditional disciplinary measures. A [randomized study](#) by the RAND corporation found that restorative practices improved school climate, reduced suspension rates, and reduced racial disparities in suspensions, but did not improve academic outcomes or reduce arrest rates. [Illinois](#) recently enacted a competitive grant program for schools to implement restorative interventions, and [New Jersey](#) established a pilot program for professional development and trauma-informed discipline practices.

Truancy

[Research has long linked](#) truancy to negative, dangerous or criminal behavior among adolescents and young adults, with effects lasting into adulthood and predicting interaction with the criminal justice system. Young people designated as truant often are referred to the juvenile or criminal justice system for detention, prompting [concern](#) that such punishments contribute to the school to prison pipeline. State legislators balance the goals of reducing truancy and reducing young people's interaction with the criminal justice system. For example, a [Utah](#) bill limits the conditions under which a school may impose administrative penalties on a child who is truant, and a [Tennessee](#) bill authorizes school directors to report truant absences to an appropriate judge if the student's guardian is unwilling to cooperate in a truancy intervention plan.

School Staffing and Staff Training

School staff are often responsible for disciplinary decisions, including whether to escalate a disciplinary action or refer it to law enforcement. [Implicit bias among educators](#) can affect these decisions, and some states are considering training measures to dampen the effects of bias on teaching and discipline for students of color and students with disabilities. Pending legislation includes:

- [New Jersey SB 1856](#), which requires the Department of Education to train teachers and administrators and monitor districts on bias and discrimination in special education classification.
- [Massachusetts SB 1708](#), which funds a social equity training and technical assistance fund.

States have also enacted legislation focused on school support staffing, encouraging the presence of counselors and mental health professionals in schools or the hiring of non-law enforcement professionals to intervene in discipline matters. A [Kentucky](#) bill establishes school safety coordinators and a goal of at least one counselor per public school. [West Virginia](#) recently established a Behavior Interventionist Pilot Program, allowing behavior intervention professionals to work with students facing disciplinary issues, and [Virginia](#) established a minimum staffing ratio for school counselors.

Data Collection and Reporting

States sought to better understand racial disparities in academic achievement and school discipline by mandating that education officials collect, report or analyze certain data. [Maine](#) analyzes data connected to the achievement, disciplinary actions, and special education identification and placement of Black students. [Virginia](#) requires collection and publication of data related to incidents involving students and school resource officers or school security officers. [West Virginia](#) requires the Department of Education to analyze statewide data collected on school disciplinary actions and develop a program to address the number of disciplinary actions taken.

School discipline policies touch many aspects of students' lives and have impacts beyond the classroom. NCSL continues to track these issues and other pressing education topics in its [education database](#) and on its [education webpage](#).

NCSL Contact

Benjamin Olneck-Brown
Research Analyst, Education Program
303-856-1407
benjamin.brown@ncsl.org