Mapping Transformative Schools

Schools

Transformative

FROM PUNISHMENT TO PROMISE

NATIONAL
JUVENILE JUSTICE
NETWORK

Table of Contents

⭐ Opening Story

Imagine yourself at eight years old. Were you faced with life-changing decisions to make on your own? Did you have adults to turn to when you were confused or faced with a situation you didn't understand? Were you expected to make choices with the same understanding as an adult?

When M.X. was in the 3rd grade, he and a friend were faced with a circumstance that would confuse any adult, let alone an eight-year-old child. When the two friends found a lost pouch of money outside of their school before entering to start their day, they were shocked and confused. They couldn't determine if it was real or fake, so they decided to wait until the end of the day to figure out what to do. When the person who lost the bag returned to the school looking for it, the principal found the money among the two boys' belongings. M.X. and his friend were separated and questioned alone as if being interrogated by the police. No parents were informed of the situation before the boys were questioned by the principal.

> "We were just little kids. We didn't know any better. They were trying to say that we stole something [but] we didn't steal anything, we found it," M.X. says about the experience.
>
> "That made a whole bunch of problems, especially with our parents."

After that incident, M.X. felt "marked" and noticed he was instantly blamed for negative things that went on in the classroom or throughout the school. "I would stay near the teachers so I wouldn't get blamed for things. I felt harassed and thought, 'Why is it only me?'"

One incident in the 3rd grade marked a path for M.X. that it seemed impossible for him to divert from. As just a young boy, he felt anxious about going to school for fear of being blamed for incidents. He rarely had an adult inside the school that he felt comforted by. "There was one teacher's aid that would let me stick with her, but after she left I had no one."

M.X. experienced additional conflict at his elementary school, including getting expelled for talking back to a teacher causing him to transfer to another school. Luckily, M.X. was offered a therapist referral who supported him from the 5th to 7th grade. "I had a therapist that was really cool at finding ways to relate to me with the things I would like to do, [like] music, drawing and things that really got my attention.

For those two years I was doing good because of the therapist. But there comes a point where you can only have a therapist for so long [because] they cut you off. After that, they don't give you any more resources." Once M.X. lost access to his therapist he started to get in trouble again, and his middle and high school years were marred by involvement with school police, suspensions and expulsions. M.X. experienced arrest, but was never offered any support service or diversion programs that could have helped him positively rebound.

"No one talked to me about what might be happening in my life. No one pulled me to the side and just asked me what was going on. My classmates started looking at me [like I was a bad person] because there was always someone hovering over me. The dean of the school would come into my classroom and just sit there and watch me. My parents would get mad at me because of the number of times they would have to leave work and come down to the school," he said.

All of this took an obvious toll on M.X.'s ability to learn. "I couldn't learn. I'm surprised I graduated," he said. "They don't give you homework when you get suspended. They've moved ahead by the time you come back to school. If you don't learn it, that's it — the teachers don't come back to you. That's the main reason my parents were often upset [because] I would get suspended and then stay home without anything to do. I tried to explain that it wasn't my fault — they didn't give me any work."

> **" As soon as you start school there should be one designated person, a counselor, that is there during school hours and even after school. We should all have a designated person to talk to. In elementary school we didn't have any counselors. You spend key developmental years [in school]. We needed someone to talk to."**

Looking back at his experiences in middle and high school, M.X. sees the lack of counseling support coupled with school police who seemed to focus on Black and Brown youth as just two of the reasons school was so challenging for him. When asked how schools should treat students and discipline issues, his answer focused on providing youth with close, individualized support.

M.X. now works as a youth policy advocate with a community arts program where he is receiving much of the support he needed when he was in school. "They've really helped me [with] getting off probation and graduating and helping me have my first actual job," he said. "Working with them has helped me get out of my comfort zone [by using] music, art, poetry for advocacy and speaking up. I find sometimes it makes me feel good speaking up on the problems I went through [knowing] it could probably help someone else."

Introduction & Background

Young people deserve a positive school environment that honors who they are, pushes them to do their best, helps them when they encounter challenges, and extends grace when they miss the mark. The need for this type of positive school environment is even more urgent given the heightened vulnerability of our nation's youth since the onset of the pandemic. In 2021, surgeon general Dr. Vivek Murth issued a public health advisory on protecting youth mental health due to the "alarming increases in the prevalence of certain mental health challenges."[1] The Surgeon General's Advisory stated that the experiences that children have in school has a major impact on their mental health and recommended that schools "[c]reate positive, safe, and affirming school environments."[2]

Unfortunately, too often students encounter a type of "gotcha" school environment; rather than seeking to help them achieve their highest goals, students feel as if they are being surveilled and then penalized heavily for stepping out of line in the slightest way. Many Black, Brown, Indigenous, LGBTQIA+, and disabled students experience a system which holds up a magnifying glass to their actions and then punishes them more harshly than other students, who often get

a pass for the same type of behavior.[3] This type of environment causes young people stress, trauma, and alienation, detracting from their ability to learn and grow. Ultimately, it can lead students to become so disaffected that they drop out of school or are forced out through suspension, expulsion, or arrest.[4]

NJJN turned to young people for answers on how we stop this destructive pipeline and put children on a more positive path. Throughout the summer of 2022, NJJN gathered young people aged 16 to 27 from different regions of the country in focus groups and individual interviews to discuss issues of concern in their current or previous school environments. We asked questions about school discipline and their vision of an ideal learning environment to find out what works, what doesn't, and what conditions lead to school pushout. Based on the information gathered in these convenings, this policy platform aims to highlight students' experiences and their thoughts on what they need to succeed. We provide a number of policy recommendations that school systems and states can take to get on the road to a transformational culture shift.

Central Recommendation

Our nation's schools require a transformational culture shift to create an environment where all students feel honored and supported by teachers, staff, and school administration.

School systems must prioritize investing in inclusive, trauma-informed, culturally responsive schools that create a supportive and connected school climate and community.

They must end the practices and policies that lead to the easy criminalization of children, particularly Black, Brown, Indigenous, disabled, and LGBTQIA+ students.

Student Vision of Transformative Schools

Imagine if youth had what they needed to thrive in schools...

In our conversations with youth, students expressed the desire for a "transformational culture shift in schools that would honor students — an environment where kids feel supported."

Transformative schools look like:

A healthy, positive learning environment where teachers and administrators openly listen to student concerns and address them

Students treated with fairness and respect by a diverse staff

Trauma-informed approach — teachers, staff, and administrators focused on getting to the root of behavior and academic challenges and addressing them in a way that will help students succeed

Students have access to social workers/counselors/psychologists/ credible messengers that they can reach out to for emotional support instead of school-based police officers

Transformative school environments end school pushout by prioritizing:

School participation without reliance on suspensions/ expulsions/ arrests

Happy school environments with lots of school spirit

Engaging coursework by ensuring the advanced classes offered are diverse with a proportionate number of Black, Brown, Indigenous, and other students of color enrolled
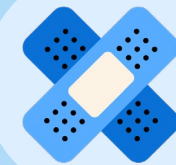
Dispute resolution through mental health staff intervention and restorative justice programs

Pipelines to higher education and/or vocational careers

Protections that keep students out of contact with the youth legal system

Kyla H's Vision of Transformative Schools

Kyla H. graduated from Garner High School in Raleigh, NC in 2021 and enrolled at North Carolina A&T State University the following fall. Now a rising sophomore, Kyla reflects on the importance of having a transformative school environment that invests in the dreams and ambitions of all young people while providing extra help to those who need additional support finding their footing. In her words...

"[I see a transformative school as] one that has many high standard classes for students and a large number of tutors for those who need extra help outside of the classroom. There should also be an emphasis on dual enrollment so students can take free college classes in high school, which will save money. Plus, students should have lots of vocational class options to explore the idea of vocational school if a four-year university doesn't fit them."

Kyla also envisions a school that fosters enthusiasm and excitement from students to pursue their gifts inside and outside of the classroom. "There should be a huge amount of school spirit — a student should be happy and proud to be there. We also need schools with diverse staff and leadership as well as organizations for minorities and leadership opportunities for those to advance outside of the classroom."

Imagine learning environments where investing in the talent, potential, enthusiasm and joy of young people was the blueprint for all schools — not just the exception for some.

What a Transformative School Looks Like to Me: Sage G.

Sage G. lives in New Haven Connecticut. At 25, she looks back on her experience with the school and the youth legal system with hopes for what a transformative learning environment could look like for students today. In her vision, young people who make a mistake or find themselves needing extra support would find credible messengers — or role models from their own communities — to help them rebound after a mistake, work through challenges and build essential life skills.

"[I see a transformative school as] one with no police, that instead helps young people learn conflict mediation with credible messengers. A credible messenger is someone who understands what [youth] are going through — someone who looks like them and understands them. In my ideal world, people from the neighborhood who can relate to kids are the ones providing support and understanding for what [youth] are going through so that kids are more likely to come and ask for help. Kids are more hesitant to ask for help from someone who doesn't look like them and is not from that community.

Sage also envisions a learning environment that helps young people learn the life skills that will support their development as healthy adults and connect them to community, allowing them to see hope and beauty around them.

"[In my vision,] I see schools with more after school activities and community gardens, and that teach life skills like banking, cooking, how to build credit, how to do laundry, and how to apply for jobs, etc. I did have home economics in high school where we learned cooking and sewing, but I was never taught about bank accounts, credit cards, or credit scores. Those things are really crucial to life. We need to teach kids things that are vital that they will need throughout their lifetime.

When I went to an alternative school, my social studies teacher had us grow strawberries in our classroom. Youth growing up in communities like mine don't have access to community gardens where they can plant something of their own and watch it turn into something beautiful."

Imagine learning environments where zip code doesn't determine access to beauty, where schools take seriously the task of surrounding all youth with possibility, and where young people are prepared to thrive for a lifetime.

Reality of what our youth experience today...

Too often, young people experience a school environment that pushes them out instead of lifting them up to succeed.

NJJN's member, the [Education Justice Alliance](#) (EJA), describes "school pushout" as "the numerous and systemic factors that prevent or discourage young people from remaining on track to complete their education."[5]

According to EJA, such factors include:

- Not providing high-quality education;

- Not including youth and families in decision making;

- Over-reliance on zero-tolerance policies, suspensions and expulsions; and

- Using law-enforcement tactics and handing over discipline functions to law enforcement in schools

The impact of the history of systemic racism and inequality leads to all of these factors disproportionately impacting Black, Brown, Indigenous, LGBTQIA+, and disabled youth.

School environments entrenched in punitive and carceral cultures cause students stress and trauma and detract from their ability to learn and grow. It also leads to students dropping out or being suspended, expelled, or arrested and sent through the school-to-prison pipeline[6]. By ending school pushout, we can substantially reduce youth legal system involvement[7].

Current school reality

Punitive oriented school discipline

Cops instead of counselors

Achievement gap

This reality pushes students out of school by:

Encouraging student disengagement

Creating a school-to-prison pipeline

Mapping the Shift from Punishment to Promise — Policy Recommendations

The young people we spoke with described broken learning environments that at best made it difficult for students to thrive, and at worst led to their pushout from school, sometimes into the youth or criminal legal system. What the students want in their ideal school systems should not be so foreign — teachers and staff that offer care and support, help all students to aim high and succeed, and treat students fairly and non-punitively. This type of environment has been described as a "whole child learning environment."[8] A whole child learning environment "foster[s] positive developmental relationships between students, educators, and families and caregivers" through fostering safe and inclusive learning environments in which all students feel valued[9].

This section focuses on the following seven policy recommendations that emphasize elements of the whole child learning environment and can lead to positive transformations in school systems to reduce school pushout and the school-to-prison pipeline:

Develop a Positive School Climate

Invest in Caring Adults

Assess and Serve Children with Disabilities

Use Restorative Practices

Treat All Students Fairly and Equitably

Collect the Data

End Punitive Practices

Develop a Positive School Climate

In order to develop a positive school climate, schools must foster a climate of inclusion, safety, and belonging that promotes a safe and supportive environment for students with respectful, trusting, and caring relationships. The U. S. Department of Education recommends that schools adopt a culturally and linguistically responsive multi-tiered system of supports (MTSS).[10]

An MTSS framework utilizes the three tiers below.[11] The key is for schools to take an asset-based approach in each of these tiers and focus on students' strengths.[12]

- **Universal Strategies and Supports**
  Universal strategies and supports are designed to be school-wide and serve all children. It should include providing school teachers, staff, and administrators with the knowledge to recognize and respond appropriately to children impacted by traumatic stress and promote wellness.[13]

- **Targeted Strategies and Supports**
  Targeted strategies and supports are for groups of children that have additional needs. It's typically provided in smaller group settings. These strategies can include social skills instruction, self-management strategies, and restorative practices such as restorative group conferencing and restorative circles (see below).

- **Intensive Strategies and Supports**
  Intensive strategies and supports are designed to meet the specific needs of individual children. It is often more intensive than the school-wide or targeted strategies and can include supports such as mental health counseling and credible messengers (see below); wraparound services that can include healthcare and housing assistance; and conducting a functional behavioral assessment (FBA), which is a process for identifying the root of the student's behavior, and implementing a corresponding behavioral intervention plan (BIP).

Below are examples of different types of universal strategies and supports and locations that are using them. Examples of targeted and intensive strategies can be found throughout the other sections of this paper.

A. Positive Behavioral Interventions and Supports (PBIS)

PBIS is an evidence-based framework of tiered supports that provide students with a continuum of academic, behavioral, social, and emotional support that is matched to students' needs.[14] Characteristics include:

- All children are provided universal supports and services while smaller groups are targeted for more intensive supports and services.[15]

- Foundational systems across all three tiers include a shared vision for a positive school culture, actively engaged families, and collection and disaggregation of data to support equity.

See the Appendix A for state and/or local examples.

B. Integrated Support Systems

Another mechanism for providing universal supports to students is through integrated support systems to serve the holistic needs of students, families, and caregivers. These systems seek to link youth and their families and caregivers with academic, health, and social services at the school site.[16] Research has indicated many positive outcomes from integrated support systems including improved academic achievement, reduction in the achievement gap, lower dropout rates, higher graduation rates, and improved attendance and engagement.[17]

See the Appendix A for state and/or local examples.

C. Community Schools

Community schools offer a comprehensive array of services and supports for children and families at the school site to respond to the "whole child" needs.[18] They offer integrated student supports, such as health care and housing assistance, expanded and enriched learning time, family and community engagement, and collaborative leadership and practices.[19] In order to provide these services, community schools form partnerships between the education system, the nonprofit sector, and local government agencies.[20] Community schools have shown improved student outcomes in areas including attendance, academic achievement, high school graduation rates, and reduced racial and economic achievement gaps.[21]

See the Appendix A for state and/or local examples.

Invest in Caring Adults: Counselors & Credible Messengers

Young people want emotional and mental health support in school but rarely get it. Few of the youth we spoke to had even one full-time mental health support staff person in their school. This mirrors what is the case in much of the country. The American School Counselor Association recommends that schools have a minimum of one counselor per 250 students — over 90 percent of the nations' schools fail to meet this ratio.[22] The same ratio is recommended for school psychologists yet 5.4 million public school students (twelve percent) attend districts with no psychologists.[23] The situation can be worse for Black and Brown students — in New Jersey, a recent study found that access to mental health school staff declined for Black and Brown students over the last decade while access increased for white and Asian students.[24]

Research has shown that school-based mental health providers can lead to a number of positive outcomes including: improved attendance rates; improved academic achievement and career preparation, improved graduation rates; fewer disciplinary incidents; and lower suspension and expulsion rates.[25] Mental health support is particularly needed now as mental health challenges for adolescents have risen dramatically in recent years; in 2021, the U.S. Surgeon General issued a rare Advisory on "Protecting Youth Mental Health" stating that there was an "alarming increase" in certain youth mental health challenges.[26]

> **School is one of the biggest stressors in [my] life — academic, social, pressure to perform. [It's] important for school to prioritize mental health and ensure students can work to the best of their abilities without putting their mental health in harm's way."**
> *Guhan K., age 17, Ohio*

Policy strategies for schools to provide adequate mental health supports to students include the following:

A. Establish School-Based Health Care Centers (SBHCs)

SBHCs offer primary care and often mental health care through clinics in school buildings that are operated as a partnership between the school district and a community health organization. The number of SBHCs doubled from 1,135 in 1998–99 to 2,584 in 2016–17, and by 2016–17 SBHCs were located in the District of Columbia, Puerto Rico, and forty-eight states (all but North Dakota and Wisconsin).[27]

- Funding for SBHCs can come through a variety of sources: federal funds including Medicaid, state funds, public and commercial health insurers, hospitals or medical centers, nonprofit organizations, local health departments, and school systems. Federally qualified health centers recently became the dominant sponsor for SBHCs.[28]

- SBHCs have been expanding the provision of care through telehealth services, particularly in rural areas where there are transportation difficulties and provider shortages.[29]

- SBHCs have been useful in reaching Black and Brown youth — on average, approximately two-thirds of students at schools with access to SBHCs were Black or Brown. Youth of color have also been found to use SHBC services more frequently than other community health services.[30]

B. Increase School-Based Mental Health Staff

States and school districts need to prioritize the provision of mental health support to students through school-based mental health staff. This can take a number of different forms. For example, some states have passed legislation requiring schools to maintain specific rates of school-based mental health staff to students and requiring other best practices, such as that counselors increase direct service time to students.

See the Appendix A for state and/or local examples.

> **"** A credible messenger is someone who understands what [kids] are going through...someone who looks like them and understands them. In my ideal world, people from the neighborhood who can relate to kids are the ones providing support and understanding for what they are going through so kids [are] more likely to come and ask for help and resources."
>
> *Sage G., 25, New Haven, CT*

C. Bring Credible Messengers into the Schools

Credible messengers are specially trained adults with relevant life experiences (often previous contact with the youth or adult criminal legal system) that have transformed their lives. Their experiences and connection to the community enable them to build trust with young people and form powerful, personal relationships with them.[31] While initially used with youth involved with the youth legal system, credible messenger programs are expanding to work with young people in school systems as well.

See the Appendix A for state and/or local examples.

D. Provide Youth Mobile Health Response Services[32]

Mobile response is a first responder model that uses mental health professionals, as an alternative to law enforcement, to rapidly respond to youth experiencing a traumatic event or having a mental health crisis as an alternative to law enforcement. This service should just be one in a continuum of mental health services for youth and it is critical to avoid using law enforcement in these responses. Positive outcomes have included decreased emergency room visits, removing the insurance barrier for treatment, decreased school arrests, improved school attendance, and reduced police calls.

See the Appendix A for state and/or local examples.

Assess and Serve Children with Disabilities

❚❚ **[School] was kind of rough. They really didn't know how to deal with people who had an IEP. A lot of those kids fell into detention and suspension. Then you miss too many days of school."**
Dallas C., age 27, NJ

Pursuant to the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act, if a student meets the federal definitions of disabilities, schools must provide them with a free appropriate public education (FAPE).[33] This may mean providing students with special education and/or other services. Rather than treating youth punitively, schools need to assess a child's behavior through a public health lens and follow federal disability law to determine if concerning behavior may have a relationship to a number of qualifying disabilities, including many hidden disabilities like a mental health, language, processing, sensory, or learning disability. They must develop a plan to meet the student's unique needs in a positive way. It is important for children's attorneys and advocates to vigorously pursue services to which children may be entitled under federal law due to a disability.

Below are ways schools should work to meet the needs of youth with disabilities:

- Even if the student does not yet have a formal diagnosis, a parent or a public agency may initiate a request for an initial evaluation to determine if the student has a disability. School's must honor these requests and conduct the evaluation without delay, barring rare circumstances.

- Schools may need to conduct a Functional Behavioral Assessment (FBA) to identify behavior interfering with a student's education and develop an intervention plan. If a student is eligible for services under the IDEA, the school must develop an Individualized Education Program (IEP) for that student.[34]

- Before a child with an Individualized Education Plan (IEP) is suspended for 10 or more days, the school district must conduct a manifestation determination review to determine if the conduct that gave rise to the violation of school rules was related to the child's disability.[35] If so, or if the conduct was the result of the school's failure to implement the IEP, the school must return the child to their educational placement and remedy any deficiencies.[36]

- Schools must not circumvent their responsibilities under federal law, further driving students into the school-to-prison pipeline, by referring youth to the court system for behaviors which are a manifestation of the student's disabilities.

Example of action parents can take to ensure their child's rights are not violated:

- File a Complaint with the Office for Civil Rights
  Students have a right to learn in a safe environment free from unlawful discrimination. If a parent believes that their child has been discriminated against on the basis of a disability, they can file a complaint with the U.S. Department of Education's Office for Civil Rights or the U.S. Department of Justice's Civil Rights Division.

- Make Sure Your School is Following the Recommendations of the US Dept. of Education
  The U.S. Department of Education works to ensure that schools fulfill their obligations to children under federal law. On July 19, 2022, they issued a Dear Colleague Letter to urge schools to fulfill their obligations under the IDEA to appropriately meet the needs of children with disabilities by implementing responsive, effective practices to reduce the disparities in the use of exclusionary discipline (i.e., suspension, expulsion, restraint, seclusion, et.) for students with disabilities.[37]

Use Restorative Practices

RESTORATIVE PRACTICES

- Address and discuss the needs of the school community
- Build healthy relationships between educators and students
- Reduce, prevent, and improve harmful behavior
- Repair harm and restore positive relationships
- Resolve conflict, hold individuals and groups accountable
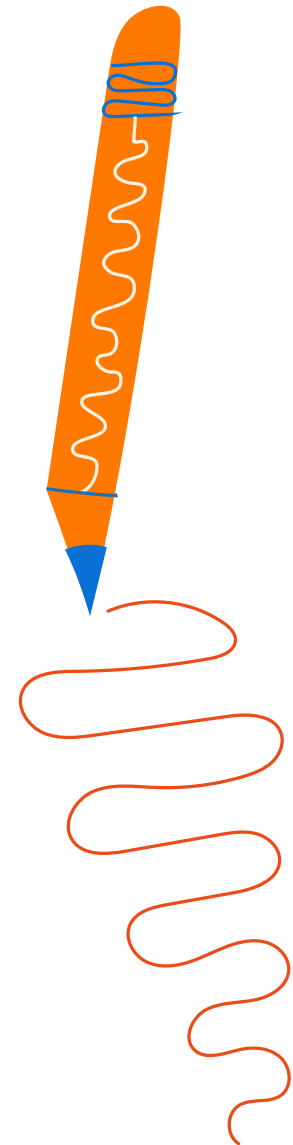
Source: Advancement Project, "Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools," (March 2014): 2, https://bit.ly/3TOGE0x; see, also, www.policefreeschools.org.

Restorative practices refer to "processes that proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing."[38] Such practices have been successfully used to develop a healthy school climate and replace exclusionary discipline with healing centered approaches.

Key components of restorative practices include incorporating values of respect, dignity, and mutual concern.[39] Restorative practices can be done on a school-wide basis, such as by teaching social and emotional skill development to all children and having daily community building circles. They can also be done on a targeted basis, such as by implementing restorative justice, conflict resolution, or peer mediation programs to resolve disputes.

See the Appendix A for state and/or local examples.

YOUTH PERSPECTIVES

M.A. described her middle and high schools as having only exclusionary discipline practices such as detention and expulsion.

We didn't have any restorative policies. At best, they would try to connect with you and your parents. There were no practices to try and find out what was going on [with a student]. There was nothing built into our system that would ensure students with behavioral or home issues were dealt with in any restorative or safe way. When you feel there are actually individuals that care about you in school, you're more likely to engage and stay in school."

M.A., age 21, Omaha, Nebraska

Treat all students fairly and equitably

An essential piece of a positive and healthy school climate is one that treats all students fairly and equitably. Many of the students NJJN spoke to discussed school climates in which Black and Brown students were discouraged from taking Advanced Placement (AP) classes and treated more harshly for their behavior than white youth. Young people in our focus groups also discussed school climates where girls were treated more harshly for certain offenses, such as dress code violations, than boys.

Isabella S.L., age 19 from North Carolina, described a school environment in which bias played a significant role in the way teachers and counselors acted towards and viewed the capabilities of the students.

For example, her sophomore English teacher told her that she was not going to college and told his ESL students that he legally has to pass them. When Advanced Placement ("AP") students acted out he nicely told them to quiet down but he yelled at students in honors classes if they did the same thing.

This bias impacted Isabella and other students' achievement. Isabella's school counselor discouraged her from taking more rigorous classes and recommended that she not "load up" on AP classes so she only took one. When she later wanted to add another AP class, both the teacher and her school counselor questioned her ability to handle it. She learned that other Black and Brown students had been discouraged from taking more advanced classes as well. As a result, there was a lack of diversity in the AP classes leading to an achievement gap at the school. She also found it socially isolating to be one of the few students of color in her advanced classes.

YOUTH PERSPECTIVES

"Girls get dress coded three times as much as the guys. Girls wearing tank tops because they just ran cross country get into trouble whereas shirtless guys don't. We had a protest about it and nothing happened."

S.M., age 17, Texas

"Girls get dress coded more than boys do — very strict with girls. They get dress coded for tank top under a hoodie."

Michael J., age 16, Texas

[N]ational data shows that Black girls are 5.5 times more likely and Indigenous girls are 3 times more likely to be suspended from school than white girls.

In addition to these barriers, girls of color are more likely to attend under-resourced schools that are not culturally competent or personalized to their needs or interests, which negatively affects their educational opportunities and future earnings. . .

Evidence shows that Black girls are often disciplined for minor or subjective offenses, which may be informed by implicit biases and race- and sex-based stereotypes.

Adaku Onyeka-Crawford, Kayla Patrick, and Neena Chaudhry, "Let Her Learn: Stopping School Pushout for Girls of Color" (National Women's Law Center, 2017): 1, https://bit.ly/3F5ayHV.

Biases — implicit and explicit — are playing a harmful role in the interactions many students have with teachers and school staff.[40] A paradigm shift is needed in the way that teachers and staff view Black and Brown children, as well as girls and children with disabilities, so that they value these children and treat them with fairness, respect, and dignity.

To enable this shift, schools need to intentionally engage impacted parents and children to identify solutions and avenues to change the status quo. Youth and families should also specifically help guide school district and school board officials in how to develop anti-racist school policies that reduce school pushout and the criminalization of Black, Brown, Indigenous, LBGTQIA+, and disabled youth. This could include developing guidelines, action items, and checklists for schools to limit the removal and arrest of students from school and creating an oversight body that reviews all student arrests.

Finally, schools can develop a fair and equitable school climate by creating culturally-affirming and linguistically responsive learning environments that foster a sense of inclusion and where all children feel welcome.[41] Building relationships with families and caregivers can help to promote such an environment. This type of environment not only helps children to have a more positive learning experience but can also help the adults teaching them to appreciate and understand their students' backgrounds and fight societal stereotypes.

See the Appendix A for state and/or local examples.

Collect the Data

Unless school systems collect and share data on suspensions, expulsions, and arrests disaggregated by race, ethnicity, gender, LGBTQIA+ identification, and disability, it is difficult to know whether a school has a pushout problem, the extent of any problem, which groups of students may be disproportionately impacted, and whether progress is being made. Good data can open the public's eyes to a problem that is more easily dismissed when there is only anecdotal evidence.

See the Appendix A for state and/or local examples.

YOUTH PERSPECTIVE

There is a difference in how rules are applied to race...[I've] literally seen a mixed kid get arrested for something I've seen a white kid get away with." [S]uspensions and expulsions [are] the same way. A mixed or bi-racial kid is expelled before a white kid. [And] more girls are sent to the principal or vice principal's office."

Sage G., age 25, CT

End Punitive Practices

Punitive practices in response to youth behavior in school – such as zero tolerance and other exclusionary discipline policies, disproportionately target Black, Brown, Indigenous, LGBTQ+, and disabled youth and have become the norm in too many schools.

These policies lead to students being pushed out of school by creating a hostile environment, removing students through suspensions and expulsions, and sending students into the youth legal system in what is commonly known as the "school-to-prison pipeline." Young people we talked to discussed the wide use of suspensions and expulsions for minor infractions, differences in suspensions and expulsions based on race and gender, and the lasting harm to students when they are suspended. We urge school systems and states to invest in positive, whole child learning environments through the many mechanisms detailed above and end the use of punitive practices.

Disparities in Suspensions and Expulsions

- **Students of color as a whole, as well as by individual racial group, do not commit more disciplinable offenses than their white peers** — but Black, Brown, and Indigenous students in the aggregate receive substantially more school discipline than their white peers and receive harsher and longer punishments than their white peers receive for like offenses.

- **Students with disabilities are approximately twice as likely to be suspended** throughout each school level compared to students without disabilities. The disparities are the worst for Black students with disabilities.

- **In 2017–18, Black students were suspended and expelled at rates that were more than twice their share of total student enrollment.** Indigenous and Hispanic students were suspended and expelled at rates that were higher than their share of total student enrollment as well.

U.S. Commission on Civil Rights, Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities (Washington DC: U.S. Commission on Civil Rights, 2019): 10-11, https://bit.ly/3VX2noE; U.S. Dept. of Education, Office for Civil Rights, "An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year" (Washington, DC: U.S. Dept. of Education, June 2021), https://bit.ly/3ipeT0U.

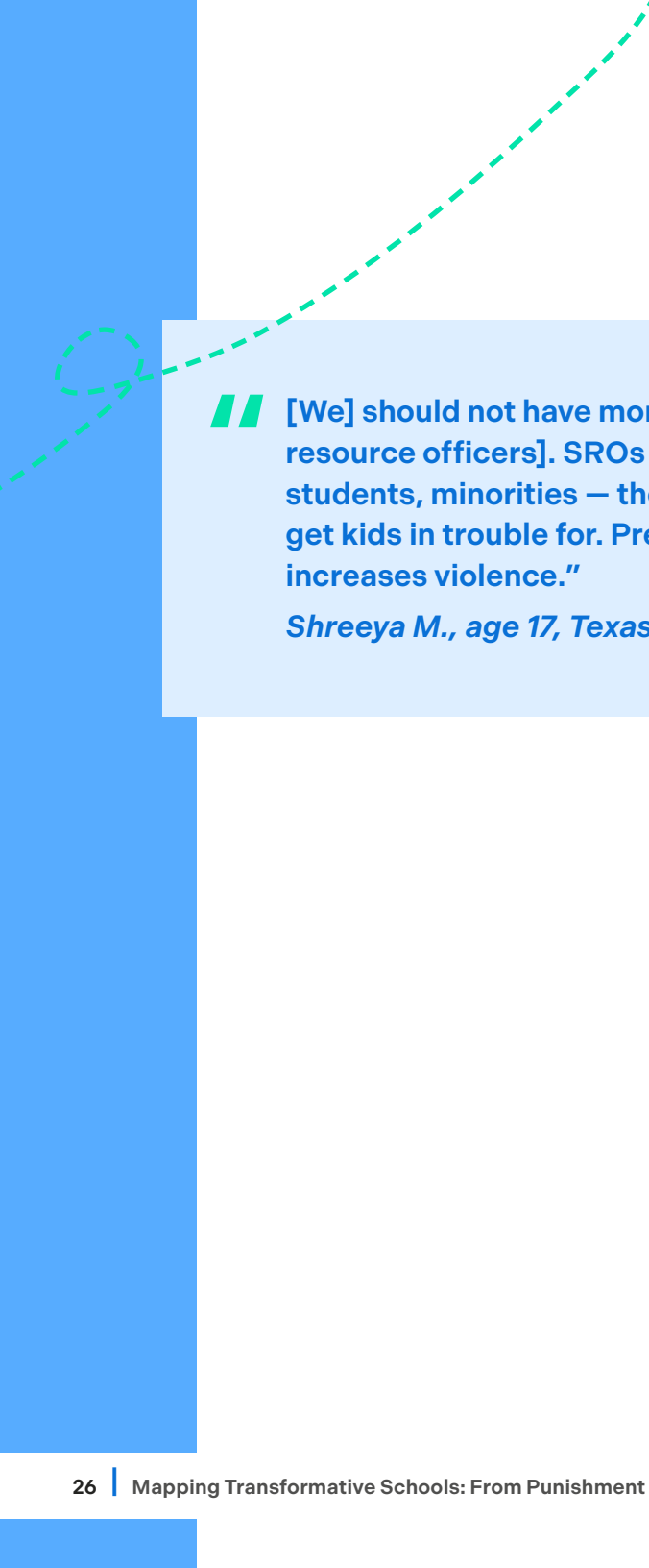## A. Zero Tolerance Policies and Exclusionary Discipline

Zero tolerance describes school policies that "assign explicit, predetermined punishments to specific violations of school rules, regardless of the situation or context of the behavior."[42]

It was originally driven by a desire to keep dangerous weapons out of school. However, zero tolerance brought with it rules that permitted schools to remove students under a broad range of circumstances. So, today, these practices remain even when zero tolerance is no longer the stated policy. The use of severe punishments, such as suspension and expulsion, collectively referred to as "exclusionary discipline" policies, has expanded to include a variety of non-violent and vague offenses such as "ongoing open defiance," "habitually disruptive behavior," and "disturbing schools."[43]

The use of exclusionary discipline is well-documented to have numerous harmful effects including disengagement in the classroom and greater likelihood that students who are suspended or expelled will be retained in grade, drop-out, or be placed into the youth legal system.[44] A 2014 study found that students who were suspended or expelled from school were more than twice as likely to be arrested during the same month of their suspension or expulsion.[45] Moreover, there is a lack of evidence that such removal does anything to improve school environment and safety.[46] In fact, some studies suggest that rather than acting as a deterrent, for some students it may act as a "reinforcer" of problematic behavior.[47]

Momentum is growing to end exclusionary discipline, though racial disparities remain difficult to reduce.

See the Appendix A for state and/or local examples.

> **[We] should not have more SROs [school resource officers]. SROs discriminate against students, minorities — they look for things to get kids in trouble for. Presence of SROs just increases violence."**
>
> *Shreeya M., age 17, Texas*

B. School-Based Police

The practice of placing police officers in schools, sometimes referred to as "school resource officers (SROs)," has grown dramatically in the past 40 years.[48] Tragic school shootings have led to an increase of thousands of SROs in schools across the country. However, research indicates that SROs do not deter shootings or reduce casualties.[49] In fact, recent research found that the rate of deaths in school shootings was actually 2.83 times greater in schools with armed guards present.[50] Instead, what has worked to prevent school tragedies is creating school environments where students feel comfortable sharing concerns with a trusted adult and feel supported, respected, and valued.[51]

While studies have not found that SROs prevent school shootings, they have found that SROs "intensify the use of suspensions, expulsions, police referrals, and arrests of students."[52] One study found that these negative impacts were consistently over two times larger for Black students than white students and that SROs also increased chronic student absenteeism, particularly for students with disabilities.[53] Research has found that the presence of school-based police officers is associated with: lower student attendance; increased school suspension; failure to graduate on time; and increased arrests.[54]

An evaluation of the impact of federal school policing grants found that they were correlated with the following harms:[55]

- 6% increase in middle school discipline of mostly Black students
- 2.5% decrease in high school graduation rates
- 4% decrease in college enrollment rates

See the Appendix A for state and/or local examples.

A PARENT'S PERSPECTIVE

As a parent in Northern New Jersey, and Executive Director of the New Jersey Parents' Caucus, Mrs. Kathy Wright has witnessed and heard of many instances of Black and Brown youth being specifically targeted for punitive measures leading to youth and adult legal system involvement.

In one particular instance at the local high school, a youth tussle started between two students and then a couple of other kids joined in; there were no injuries and no weapons. Rather than making any attempts to de-escalate the situation, the school-based police arrested the kids (all of whom were Black) and took the case to the state superior court, rather than making a "station house adjustment." Station house adjustments are pre-arrest diversion alternatives in New Jersey that allow police officers to handle a minor youth offense without needing to file a complaint in court. Matters are resolved through discussions with the child and parent, community service and restitution if necessary, and referrals for services if warranted. Instead, these students were treated to the most severe consequence, including charging one young person who alerted other kids that a fight had ensued with inciting a riot. Two other students were charged with assault and both were sentenced to five days and locked up in secure detention. As this story exemplifies, Black youth nationally are far more likely to be arrested and far less likely to be diverted away from the system than their white peers.*

* Richard Mendel, "Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice" (Washington, DC: Sentencing Project, Aug. 30, 2022), https://bit.ly/3u7GPsx.

YOUTH PERSPECTIVES

"**There should definitely be less police. Their police don't do much. They stand in the back during lunch. They bring in dogs and do drug searches. I don't feel that they prevent anything. [They] don't reduce the amount of fights; don't reduce school shootings. They make it more likely that kids will get into jail or juvenile detention.**
Guhan K., age 17, Ohio

"**Police are ineffective; like what happened in Uvalde. They take resources away from school counselors. Need to keep schools as safe environments that allow students to learn. The SROs just stand around yelling at kids to go to class. Don't do anything if it's a fight even."**
Mya L., age 16, Texas

C. Restraint and Seclusion

As we strive to create positive school environments, it is essential to end the practice of restraining and secluding children. These practices can harm children both physically and emotionally and create lasting trauma and, in some instances, even death. Pursuant to federal guidance, these crisis management techniques should rarely be used and only in situations where a student's behavior poses an imminent danger of serious physical harm to self or others.[56] Unfortunately, many schools around the country still use these practices, and not just in cases of imminent danger, and schools disproportionately use them on children with disabilities, youth of color, and boys.[57] Schools would be safer for students, as well as teachers and staff, if we eliminated these practices.

See the Appendix A for state and/or local examples.

Physical Restraint, is exactly what it sounds like, it 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 from which the student is physically prevented from leaving." https://endseclusion.org/

Recommendations to Reduce School Pushout

Students deserve to go to schools where teachers and staff offer care and support, help all students to aim high and succeed, and treat students fairly and non-punitively.

Develop a Positive School Climate

Use Restorative Practices

Collect the Data

The Way Forward

Treat All Students Fairly and Equitably

Assess & Serve Children with Disabilities

End Punitive Practices

Invest in Caring Adults

Appendix A

Below are state and local examples to accompany the policy recommendations in our platform.

Develop a Positive School Climate

A. Positive Behavioral Interventions and Supports

State Example: Maryland

The Maryland State Department of Education has a collaborative program with Sheppard Pratt Health System, Johns Hopkins University, the Center for the Prevention of Youth Violence, and the local Maryland school systems to incorporate the PBIS system into Maryland schools. In 2014, Maryland celebrated 15 years of training and implementation of PBIS and has provided PBIS school-wide training to 1,040 public, alternative, and non-public schools across all 24 of the local school systems in Maryland.

Maryland State Department of Education, "Positive Behavioral Interventions and Supports," accessed October 18, 2022, https://bit.ly/3ySNp9e.

Local Example: Montgomery County, Maryland

Redland Middle School in Montgomery County began implementing PBIS in 2009 and has seen dramatic improvements; the school cut discipline referrals 98 percent in one school year (down from referring over 1200 students to the principal's office to under 30). Additionally, Redland's referral rates are evenly distributed among White, Black, and Hispanic students.

Sabrina Holcomb, "How One Middle School Cut Discipline Referrals By 98 Percent in Just One Year," NeaToday, February 17, 2016, https://bit.ly/3sMEPVQ.

B. Integrated Support Systems

State Example: Washington

In 2016, Washington state passed HB 1541 which established the Washington Integrated Student Supports System Protocol (WISSP). The purposes of the protocol included encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts.

Washington Office of Superintendent of Public Instruction, Washington Integrated Student Supports Protocol (WISSP), accessed Nov. 1, 2022, https://bit.ly/3fkKdg5.

C. Community Schools

State Example: New York

New York state has committed to supporting community schools through setting aside increasingly larger amounts of its school funding formula to support community schools in high-need districts ($250 million in 2020-21). The state also funded three Community Schools Technical Assistance Centers (CSTACs) solely to support their community schools through services such as professional development resources, in-person coaching during site visits, and maintaining a database of resources.

Anna Maier, Sarah Klevan, and Naomi Ondrasek, "Leveraging Resources Through Community Schools: The Role of Technical Assistance (policy brief)," (Palo Alto, CA: Learning Policy Institute, July 2020): 3, https://learningpolicyinstitute.org/media/419/download?inline&file=Technical_Assistance_Community_Schools_BRIEF.pdf.

Local Example: Los Angeles County, California

The Los Angeles County Office of Education (LACOE) initiated a community school pilot program in 2019 which is ongoing in one high school in each of 15 school districts. LACOE engaged the school districts in a needs and assets mapping process to determine which services and resources were most needed. Based on this process, LACOE has partnered with a number of county agencies and non-profit organizations to provide services to participating schools that include mental health services, wellness centers, enrollment support for social services, and affordable internet access.

Anna Maier, Sarah Klevan, and Naomi Ondrasek, "Leveraging Resources Through Community Schools: The Role of Technical Assistance (policy brief)," (Palo Alto, CA: Learning Policy Institute, July 2020): 3, https://learningpolicyinstitute.org/media/419/download?inline&file=Technical_Assistance_Community_Schools_BRIEF.pdf.

Invest in Caring Adults: Counselors & Credible Messengers

A. Establish School-Based Health Care Centers (SBHCs)

Example: District of Columbia

The District of Columbia operates seven SBHCs overseen by DC Health. Each SBHC offers medical, oral, social and mental health services, and education to enrolled students, and to the children of enrolled students. SBHC staff can also provide referrals to specialty care and community providers. They offer in-person and telemedicine visits.

State Example: Maryland

The Maryland School-Based Health Center Program (SBHCs), also called "School-Based Wellness Centers," operates throughout the state offering services that can include primary care providers, registered nurses, medical assistants, mental health providers, substance abuse counselors, dentists, health educators, and nutritionists.

B. Increase School-Based Mental Health Staff

State Example: Delaware

In 2022, Delaware passed HB 300 which established a mental health services unit for Delaware middle schools. The unit is phased in over three years, beginning in FY2023, to boost the number of mental health professionals up to one full-time school counselor, school social worker, or licensed clinical social worker for every 250 students and one school psychologist for every 700 students. The previous year, Delaware passed a similar bill for elementary school students.

Rachel Sawicki, "Gov. Carney Signs Mental Health Bills at Sean's House, Organization Recognized by General Assembly," Delaware Public Media, August 3, 2022, https://bit.ly/3CTujkp.

State Example: Virginia

In 2019, Virginia passed the following bills to improve school-based mental health:

- SB1406/HB2053 provided an initial $12 million to seed a phase-in plan to reduce school counselor caseloads to the nationally recognized best practice of one counselor per 250 students across school levels beginning in FY2020.

- HB 1729 improved the work ratio for school counselors to increase direct service to students to at least 80% of overall staff time.

C. Bring Credible Messengers Into the Schools

Local Example: Cook County, Illinois

The "Leaders Walk Away" project of Adults Active in Youth Development, developed a program for local credible messengers to provide group mentoring and leadership training to cook county youth in middle schools.

Adults Active in Youth Development, "What We Do," accessed Nov. 1, 2022, https://aayd.org/what-we-do.

Local Example: Jackson, Mississippi

In Jackson, Mississippi, credible messengers with the Strong Arms of JXN organization work with youth that are truant to mentor them and keep them from dropping out of school.

Kayode Crown, "Strong Arms of JXN: Credible Messengers Use Experiences to Prevent Violence," Mississippi Free Press, January 25, 2022, https://bit.ly/3eQUBfb.

D. Provide Youth Mobile Health Response Services

State Example: Connecticut

Through a school-based diversion program, Connecticut's mobile crisis units partnered with schools with high arrest rates to reduce the school-to-prison pipeline. The participating schools agreed to call mobile crisis as an alternative to the police and were able to decrease arrests at schools from between 40 to 100 percent.

Whitney Bunts, "Youth Mobile Response Services: An Investment to Decriminalize Mental Health" (Center for Law and Social Policy: April 12, 2021): 9-10, https://bit.ly/3MTuKQ8.

State Example: Oklahoma

In the past five years, Oklahoma redesigned its mobile crisis services so that it provides more service to schools. They provide immediate stabilization services as well as ongoing support to youth under the age of 25. Since implementation, Oklahoma has experienced a decrease in suicide calls, an increase in students receiving services and returning to class, a reduction in Medicaid costs, and a positive change in youth behavior and functioning.

Whitney Bunts, "Youth Mobile Response Services: An Investment to Decriminalize Mental Health" (Center for Law and Social Policy: April 12, 2021): 10-11, https://bit.ly/3MTuKQ8.

State Example: Oregon

The CAHOOTS (Crisis Assistance Helping Out On The Streets) model in Oregon serves youth and adults in two towns: Eugene and Springfield. While CAHOOTS is not a youth focused model, it has recently begun going weekly to high schools to provide mental health services based on youth requests. Positive outcomes for the CAHOOTS program include $15 million in cost savings.

Whitney Bunts, "Youth Mobile Response Services: An Investment to Decriminalize Mental Health" (Center for Law and Social Policy: April 12, 2021): 12-13, https://bit.ly/3MTuKQ8.

Oregon also has a youth crisis hotline, "Youthline," staffed by trained peers with supervision from trained professionals.

Averi Pakulis, Elaine Dalpiaz, Olivia Gomez, "Issue Brief: The Need to Incorporate Children, Youth, and Adolescents into State 988 Systems," (Washington, DC; First Focus on Children, July 14, 2022), https://bit.ly/3SqoDnD.

Use Restorative Practices

State Example: New Jersey

In 2021, New Jersey passed A-4663/S2924 which established the "Restorative and Transformative Justice for Youths and Communities Pilot Program." This program provides an $8.4 million investment to establish a two-year pilot program consisting of four restorative justice hubs in Camden, Newark, Trenton and Paterson. The goal of these Hubs is to transition funding away from incarceration and towards community-based alternatives. This model also collaborates with law enforcement, the judiciary, schools, the Department of Children and Families, and other places that touch youth to build a pipeline of resources so that suspension, expulsion, incarceration and other state alternatives are the last resort for addressing youth behavior.

Local Example: Baltimore, Maryland

Baltimore City Public Schools designated 14 schools as intensive learning sites to develop restorative practices beginning in the 2018-19 academic year. They used a whole-school approach to train all adults in the school in restorative practices. Restorative practices were woven into everything done at the schools, not just as a conflict resolution tool, but integrated as proactive circles to build community. Positive results included:

- Suspensions decreased in the restorative practices schools by 44% in one year.

- The vast majority of school staff reported improvement in school climate and stronger relationships among and between teachers and students.

Open Society Institute-Baltimore, "The Restorative Practices in Baltimore City Public Schools: Research Updates and Implementation Guide" (Baltimore: September 2020): 6, 7, 16-17, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1004&context=cdrum_fac_pubs.

Local Example: Oakland Unified School District, CA

The Oakland Unified School District (OUSD) invested $2.5 million dollars in expanding restorative practices across the district in 2017. Using the OUSD funding, Fremont High in East Oakland launched a comprehensive program to bring restorative practices to every classroom, including restorative circles. Fremont students have even begun teaching restorative circles to children at the nearby elementary school. At Fremont, restorative practices are not just used to address conflict but to welcome new students, get to know classmates, and build bridges between students of different racial or ethnic groups and cliques. Since introducing restorative practices, the school's reputation in the community has improved, leading enrollment to jump 20%, even though districtwide enrollment has fallen. Additionally, the number of students qualifying for college admission has nearly tripled.

Carolyn Jones, "At This Oakland High School, Restorative Justice Goes Far Beyond Discipline," EdSource, June 16, 2022, https://bit.ly/3VTjDei.

Local Example: Dekalb County School District, Georgia

Dekalb County School District in Georgia saw a 47% decrease in disciplinary rates in their district from utilizing restorative justice practices. The district's deputy superintendent for student support and intervention described their approach as "actually looking at the cause of behavior to try to determine what causes the student to act out and getting to the bottom of it." The program also provides counseling and mental health services for students and families. Ten schools in the district have piloted restorative practices programs and some of the schools implemented positive behavioral intervention and supports (PBIS) methods to improve school climate as well.

U.S. Commission on Civil Rights, Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities (Washington DC: U.S. Commission on Civil Rights, 2019): 86, https://bit.ly/3VX2noE.

Treat All Students Fairly and Equitably

Local Example: Bronxdale High School, NY

Bronxdale's vision is "to create a safe, caring, and collaborative community in which staff, students, and families have voice, agency, and responsibility." It is informed by an understanding of how systemic social injustice has impacted their population of students. Teachers emphasize community-building, prioritizing developing trusting relationships with students and an environment of belonging and safety.

Jacqueline Ancess, Bethany L. Rogers, DeAnna Duncan Grand, and Linda Darling-Hammond, "Teaching the Way Students Learn Best: Lessons from Bronxdale High School," (Learning Policy Institute, 2019), https://bit.ly/3SZTvM5.

Collect the Data

State Example: Delaware

Delaware law requires the state's Department of Education to issue an annual school discipline report that includes data on the issuance of out-of-school suspensions, expulsions, alternative school assignments, and in-school suspensions disaggregated by race, ethnicity, gender, grade level, limited English proficiency, incident type, and discipline duration. Schools that suspend at a high rate or that show significant suspension disparities must take meaningful corrective action by implementing plans to reduce these numbers and by replacing out-of-school suspensions with more effective and restorative discipline interventions.

State Example: Hawaii

Hawaii law requires the Department of Education to establish a standardized process for accurate data collection and annually report it to the board of education and legislature in a way that is understandable to families and advocates. The discipline data must be disaggregated by subgroups consisting of race, including by Asian subgroup; ethnicity; national origin; gender; sex; English learner status; low-income status; students whose achievement is below grade level for the school year on literacy benchmark assessments, math benchmark assessments, or end of course assessments; and disability status. Data must be collected on in and out of school suspensions, expulsions, removal to alternative educational settings, school related arrests, referrals to law enforcement, withdrawals for other reasons, and number of school resource officers.

State Example: Kentucky

Kentucky law requires the Department of Education to establish and maintain a statewide data collection system and school districts must report their data to it disaggregated by sex, race, and grade level. Data must include the number of suspensions, expulsions, and corporal punishment and the number of arrests and charges.

End Zero Tolerance, "Legislation Summaries" (ACLU of Pennsylvania), accessed Nov. 1, 2022, https://www.endzerotolerance.org/legislation-details.

End Punitive Practices

A. Zero Tolerance Policies and Exclusionary Discipline

State Example: California

In 2020, California passed legislation decriminalizing the status offense of disobeying a school official and passed legislation extending the ban on suspensions for disruption or willful defiance so that it encompasses students in kindergarten through eighth grade (however the ban on students in sixth through eighth grade sunsets on July 1, 2025).

End Zero Tolerance, "Legislation Summaries" (ACLU of Pennsylvania), accessed Nov. 1, 2022, https://www.endzerotolerance.org/legislation-details.

State Example: Connecticut

In 2021, Connecticut passed legislation establishing a committee for the purpose of developing a plan to phase in a ban on suspensions and expulsions of students in any grade.

State Example: Maine

In 2021, Maine passed legislation prohibiting expulsion and limiting out-of-school suspension of children in fifth grade or below. It requires that a student subject to a school expulsion proceeding be provided with a list of free and low-cost legal services available to the student. Maine also passed legislation that provides due process standards for expulsion proceedings, increases flexibility to allow superintendents and principals to consider alternatives to expulsion, and adds restorative interventions as an option to the requirement to develop an individualized response plan to address dangerous student behavior.

State Example: Massachusetts

In 2018, Massachusetts passed a comprehensive package of youth justice reforms that included decriminalizing public order offenses by students in schools.

State Example: South Carolina

In 2018, South Carolina passed legislation repealing the offense of "disturbing schools" for students in South Carolina, a vague law which had served to criminalize student actions such as talking too loudly or talking back to teachers or school police. The "disturbing schools" law had a disproportionate impact on students of color. The language of the bill also stated the legislature's intent that schools exhaust all avenues of behavioral discipline before contacting law enforcement.

State Example: Virginia

In 2020, Virginia passed legislation which prevents students from being charged with disorderly conduct.

Local Example: Boston, Massachusetts

In 2019, Boston Public Schools made significant changes to their discipline policies including the following:

- Ending the suspension of kindergartners, first graders, and second graders;

- Limiting suspensions of third, fourth, and fifth graders to incidents of serious misconduct such as "serious physical harm;" and

- Collaborating with community groups to design training for staff members to encourage and increase the use of alternative forms of discipline and to educate staff about the disproportionate effects of suspensions and expulsions on students of color and students with disabilities.

Max Larkin, "Boston Schools to End Suspension for Youngest Students, Focus on Alternatives for All Students," WBUR, November 16, 1918, https://wbur.fm/3BzvQMH.

B. School-Based Police

State Example: Massachusetts

In 2020, Massachusetts passed S2963, ending the state mandate requiring school resource officers (SROs).

Local Example: Charlottesville, VA

Charlottesville City Schools ended its contract with the Charlottesville Police Department on June 11, 2020, following the death of George Floyd and protests against police violence. The Charlottesville School Safety Committee, comprised of stakeholders including school administrators, staff, community members, parents, and students, developed a plan for moving forward without school-based police which was unanimously approved by the Charlottesville School Board. The plan included hiring "Care and Safety Assistants" (CSAs) to replace school-based police that would be trained in areas including de-escalation, mental health aid, and culturally responsive interactions; hiring 6.5 social-emotional support counselors; and using $301,231 that previously was allocated to the police in order to fund the model.

Local Example: Oakland, California

On June 24, 2020, the Oakland Unified School District (OUSD) approved the George Floyd Resolution to Eliminate the Oakland Schools Police Department after at least a decade of effort by the Black Organizing Project (BOP) to get police out of Oakland schools.

The resolution directed the Superintendent to use an "inclusive, community-driven process" to develop an alternative approach. The OUSD school board developed a comprehensive plan to respond to most situations without police involvement which included responding to mental health crises with mental health professionals rather than police, mediating conflicts through restorative justice processes, and establishing a culture and climate department to focus on building relationships with students.

National Juvenile Justice Network (NJJN), "Police-Free Schools" (Washington, DC: NJJN, July 2021): 11, https://www.njjn.org/uploads/digital-library/Police-Free%20School%20Final_July2021_1.pdf.

Local Example: Portland, Maine

In July 2020, the school board voted to remove police officers from all the area high schools. A 2019 Maine study suggested that the use of SROs led to an increase in youth arrests, specifically among students of color, students with disabilities, and students otherwise marginalized or economically disadvantaged. Portland schools are now switching gears and working on training social workers and other staff to respond to school matters in less invasive ways before relying on police for intervention. Funds saved from eliminating the two SRO positions will be put towards safety, restorative practices, trauma-sensitive practices, and any other equity needs in the school district.

National Juvenile Justice Network (NJJN), "Police-Free Schools" (Washington, DC: NJJN, July 2021): 5, https://www.njjn.org/uploads/digital-library/Police-Free%20School%20Final_July2021_1.pdf.

C. Restraint and Seclusion

State Example: Illinois

Illinois passed legislation, which went into effect in 2021, that restricts the use of isolated time out, time out, and physical restraint. Physical restraint and isolated time outs are only permitted if other interventions have been attempted first and momentary periods of physical restraint are allowed when a student poses an immediate risk to themselves and others or damage to property. The legislation also bans: use of chemical, mechanical, and prone restraint; or placing a student in a locked room, a confining space such as a closet or box, or a room where the student cannot be continually observed.

End Zero Tolerance, "Legislation Summaries" (ACLU of Pennsylvania), accessed Nov. 1, 2022, https://www.endzerotolerance.org/legislation-details.

State Example: Maryland

In 2021, Maryland passed legislation prohibiting a local school system from using seclusion as a behavioral health intervention and limiting seclusion in nonpublic schools that receive funding from the Department of Education for special education and related services. Seclusion must be carefully monitored and reported. Physical restraint, meaning "a personal restriction that immobilizes a student or reduces the ability of a student to move their torso, arms,legs, or head freely" may only be used if a student is a danger to themselves or others and less intrusive interventions have been tried first.

End Zero Tolerance, "Legislation Summaries" (ACLU of Pennsylvania), accessed Nov. 1, 2022, https://www.endzerotolerance.org/legislation-details.

State Example: Missouri

In 2021, Missouri passed legislation that only permits seclusion in schools for situations or conditions in which there is imminent danger of physical harm to self or others. It prohibits school districts, charter schools, and publicly contracted private providers from using a number of dangerous mechanical, physical, or prone restraints including restraints that obstruct views of the student's face or their respiratory airway, impairs the student's breathing, compress the student's chest, or in other ways endanger a student's life or exacerbate a medical condition.

End Zero Tolerance, "Legislation Summaries" (ACLU of Pennsylvania), accessed Nov. 1, 2022, https://www.endzerotolerance.org/legislation-details.

Appendix B

Additional Resources

- [Back to School Action Guide](#) (Sentencing Project)
- [Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities](#) (United States Commission on Civil Rights)
- [Ending the Criminalization of Youth: Address the Root](#) (Connecticut Justice Alliance)
- [Fail: School Policing in Massachusetts](#) (Citizens for Juvenile Justice)
- [Fast Facts on School Safety: The Research](#) (ACLU of Pennsylvania)
- [Investigator-Initiated Research: The Comprehensive School Safety Initiative Study of Police in Schools](#)
- [Let Her Learn: Stopping School Pushout for Girls of Color](#) (National Women's Law Center)
- [Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline](#) (LDF Thurgood Marshall Institute)

- [Making Safety Sacred: A Messaging Toolkit for Police-Free Schools](#) (NJJN)
- [Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders](#) (U.S. Department of Education)
- [Pushed Out: Trends and Disparities in Out-of-School Suspension](#) (Learning Policy Institute)
- [Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools](#) (Advancement Project)
- [State Action to Narrow the School-to-Prison Pipeline (Part One)](#) (Sentencing Project)
- [State Action to Narrow the School-to-Prison Pipeline (Part Two)](#) (Sentencing Project)
- [Whole Child Policy Toolkit](#) (Learning Policy Institute)

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About National Juvenile Justice Network

The National Juvenile Justice Network leads a membership community of 63 state-based organizations and nearly 100 alumni of our Youth Justice Leadership Institute (YJLI) program across 41 states and D.C. Our work is premised on the fundamental understanding that our youth legal systems are inextricably bound with the systemic and structural racism that defines our society; as such we seek to change policy and practice through an anti-racist lens by building power with those who are most negatively affected by our youth legal systems, including young people, their families and all people of color. We also recognize that other vulnerable populations — including LGBTQIA+ youth, those with disabilities and mental health conditions, girls, and immigrants — are disparately and negatively impacted by our youth legal systems, and thus we also seek to center their concerns in our policy change work.

Endnotes

1   Office of the Surgeon General, Protecting Youth Mental Health: The U.S. Surgeon General's Advisory, (D.C.: U.S. Department of Health and Human Services, December 7, 2021): 3, https://bit.ly/3T6NZYN.

2   Office of the Surgeon General, 2021, 19.

3   We are using the term "Black youth" to describe youth of African origin. Here, our use of the term "Brown" refers to individuals of Spanish-speaking descent for whom statistical evidence has been captured to describe their experience in the youth legal system. Due to lack of data, we can not make accurate claims about the disparate experiences of other communities that use the term "Brown'' to refer to their collective racialized experience in the United States. Still, we acknowledge the potential impact systemic racism in the youth legal system has on communities not accurately captured by existing data collection.

4   Diana Tate, Schools For All Campaign: The School Bias and Pushout Problem (San Francisco, CA: ACLU of Northern California, November 2008):4, https://bit.ly/3ENbNg4.

5   "Common Terminology," Equal Justice Initiative, Accessed October 18, 2022, https://bit.ly/3Th1sh0.

6   Tate, Schools For all Campaign, 4.

7   We refer to the "youth legal system" as the collection of punitive responses to youth in conflict with the law, including arrest, prosecution, adjudication, detention and probation. We distinguish this from what we believe constitutes true youth justice - a well-resourced ecosystem of community-based, trauma-informed, and healing-centered responses to youth needs that create a pathway to opportunity, success, and thriving for young people.

8   Learning Policy Institute, Whole Child Policy Toolkit (2022): 16, https://www.wholechildpolicy.org/rkdl-page/full/Whole-Child-Policy-Toolkit.pdf.

9   Learning Policy Institute, Whole Child Policy Toolkit, 16.

10 U.S. Dept. of Education, Office of Special Education and Rehabilitative Services, Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide For Stakeholders, (DC: U.S. Department of Education, July 19, 2022): 4, accessed October 18, 2022 at https://bit.ly/3DbiTtG.

11 U.S. Department of Education, A Guide for Stakeholders, 4.

12 Learning Policy Institute, Whole Child Policy Toolkit, 27.

13 National Child Traumatic Stress Network, Schools Committee Creating, Supporting, and Sustaining Trauma-Informed Schools: A System Framework (National Center for Child Traumatic Stress: Los Angeles, CA and Durham, NC: 2017): 2, https://bit.ly/3sNdRxE..

14 Center on PBIS (Positive Behavioral Interventions and Supports), "What is PBIS" (2022), accessed October 18, 2022, https://bit.ly/3TwCfij.

15 U.S. Dept. of Education, A Guide for Stakeholders, 6.

16 Learning Policy Institute, Whole Child Policy Toolkit, 26.

17 Boston College Center for Optimized Student Support, "Research Brief; The Impact of Integrated Student Support on Outcomes," https://bit.ly/3DfSlaQ.

18 Anna Maier, Sarah Klevan, and Naomi Ondrasek, Leveraging Resources Through Community Schools: The Role of Technical Assistance (policy brief) (Palo Alto, CA: Learning Policy Institute, July 2020): 1, https://learningpolicyinstitute.org/media/419/download?inline&file=Technical_Assistance_Community_Schools_BRIEF.pdf.

19 Maier, Klevan & Ondrasek, 1.

20 Maier, Klevan & Ondrasek, 2.

21 Maier, Klevan & Ondrasek, 2.

22 Amir Whitaker et al., Cops and No Counselors: How the Lack of School Mental Health Staff Is Harming Students (American Civil Liberties Union, 2019):11, https://bit.ly/3F5Fo4z.

23 Maya Riser-Kositsky, "Data: Does Your State Have Enough Psychologists and School Counselors." EducationWeek, March 28, 2022, https://bit.ly/3TTRlyP.

24 Whitaker et al., Cops and No Counselors.

25 Whitaker et al., Cops and No Counselors.

26 Office of the Surgeon General, Protecting Youth Mental Health, 3.

27 Hayley E. Love, John Schlitt, Samira Soleimanpour, Nirmita Panchal, and Caroline Behr, "Twenty Years of School-Based Health Care Growth and Expansion," Health Affairs 38:5 (2019): 755-764, doi:10.1377/hlthaff.2018.05472.

28 Love, et al, "Twenty Years of School-Based Health Care."

29 Love, et al, "Twenty Years of School-Based Health Care."

30 Love, et al, "Twenty Years of School-Based Health Care."

31 Credible Messenger Justice Center, "A Transforming Approach to Justice," accessed October 21, 2022, https://bit.ly/3F26mdx.

32 Whitney Bunts, "Youth Mobile Response Services: An Investment to Decriminalize Mental Health" (Center for Law and Social Policy: April 12, 2021):1, https://bit.ly/3MTuKQ8.

33 U.S. Dept. of Education, Office for Civil Rights, "Protecting Students with Disabilities," https://bit.ly/3Ns21Cv.

34 U.S. Dept. of Education, Office for Civil Rights, "Protecting Students with Disabilities," https://bit.ly/3Ns21Cv.

35 U.S. Dept. of Education, Office of Special Education and Rehabilitative Services, Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions (Washington, DC: U.S. Dept. of Education, July 19, 2022): 24, https://bit.ly/3sRjjQ6.

36 34 CFR § 300.530(e) (2017).

37 United States Department of Education, Office of Special Education and Rehabilitative Services, "Dear Colleague Letter on Implementation of IDEA Discipline Provisions," (Washington DC: july 19, 2022); 1, https://bit.ly/3spt33K.

38 Advancement Project, "Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools," (March 2014): 2, https://bit.ly/3FbNTv1.

39 Open Society Institute-Baltimore, "The Restorative Practices in Baltimore City Public Schools: Research Updates and Implementation Guide" (Baltimore: September 2020): 9, https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1004&context=cdrum_fac_pubs.

40 Ajmel Quereshi and Jason Okonofua, "Locked Out of the Classroom: How Implicit Bias Contributes to Disparities in School Discipline" (New York, NY: Thurgood Marshall Institute, 2017): 1, https://bit.ly/3SyrrPK.

41 Janice Wyatt-Ross, "A Classroom Where Everyone Feels Welcome,"Edutopia, June 28, 2018, https://edut.to/2MspOkQ.

42 End Zero Tolerance, "Q&A on Discipline and Policing" (ACLU of Pennsylvania), accessed October 4, 2022, https://bit.ly/3N1qnmv.

43 End Zero Tolerance, "Q&A on Discipline and Policing," accessed October 4, 2022.

44 U.S. Commission on Civil Rights, Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities (Washington DC: U.S. Commission on Civil Rights, 2019): 74, https://bit.ly/3VX2noE.

45 U.S. Commission on Civil Rights, Beyond Suspensions, 74.

46 End Zero Tolerance, "Q&A on Discipline and Policing," accessed October 4, 2022.

47 U.S. Commission on Civil Rights, Beyond Suspensions, 75.

48 Scott Crosse, Denise Gottfredson, Zhiqun Tang, Erin L. Bauer, Angela D. Greene, Carol A. Hagen, Michele A. Harmon, "Investigator Initiated Research: The Comprehensive School Safety Initiative Study of Police in Schools" (National Criminal Justice Reference Service: July 2022): 1, https://bit.ly/3N4fNeu.

49 ACLU of Pennsylvania, "Fast Facts on School Safety: The Research," (June 2022): 1, https://www.endzerotolerance.org/_files/ugd/10497b_5df728d0be3d4fdebda3288270eed3af.pdf.

50 Jillian Peterson, James Densley, and Gina Erickson, "Presence of Armed School Officials and Fatal and Nonfatal Gunshot Injuries During Mass School Shootings, United States, 1980-2019," JAMA Network 4(2) (2021), https://doi.org/10.1001/jamanetworkopen.2020.37394.

51 ACLU of Pennsylvania, "Fast Facts on School Safety," 1.

52 Lucy C. Sorensen, Montserrat Avila Acosta, John Engberg, Shawn Bushway, "The Thin Blue Line in Schools: New Evidence on School-Based Policing Across the U.S." (EdWorkingPaper: 21-476, retrieved from Annenberg Institute at Brown University, 2021): 2, https://bit.ly/3zxyT7h.

53 Sorensen et al., "The Thin Blue Line in Schools," 2.

54 Citizens for Juvenile Justice and Strategies for Youth, "Fail: School Policing in Massachusetts" (undated):1, https://bit.ly/3FbcqQY.

55 Citizens for Juvenile Justice and Strategies for Youth, "Fail," 5.

56 U.S. Dept. of Education, Questions and Answers, 10.

57 Alliance Against Seclusion and Restraint, "About alliance Against Seclusion and Restraint," accessed Oct. 7, 2022, https://endseclusion.org/2019/09/01/about-seclusion-and-restraint/#more.

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