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Advocacy, outreach, and collaboration: Working to Reduce the School to Prison Pipeline

Brandie M. Oliver

Butler University, bmoliver@butler.edu

Nick R. Abel

Butler University, nabel@butler.edu

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Advocacy, Outreach, and Collaboration: Working to Reduce the School to Prison Pipeline

Drs. Brandie Oliver, & Nick Abel

Butler University School Counseling Program

Children's Policy & Law Initiative

Objectives of Session

- Discuss the implications of the data analyzed regarding in-school and out-of-school suspensions in our state's education data
- Share goals and scope of work of the Children's Policy and Law Initiative as integral part of youth outreach specific to reducing school suspension through legislative efforts
- Share strategies for participants to gain knowledge in how similar advocacy can be replicated in their communities—sharing of “lessons learned”

Frame the Issue

Costs of overuse of suspension and expulsion

- Unsupervised during daytime hours and cannot benefit from great teaching, positive peer interactions, and adult mentorship offered in class and in school.
- Fails to help students develop the skills and strategies they need to improve their behavior and avoid future problems.
- Suspended students are
 - less likely to graduate on time and more likely to be suspended again
 - repeat a grade
 - drop out of school, and
 - become involved in the juvenile justice system.

Frame the Issue

Mental health needs of juvenile offenders

- Between 65 percent and 70 percent of the 2 million children and adolescents arrested each year in the United States have a mental health disorder.
- Approximately one in four suffers from a mental illness so severe it impairs his or her ability to function as a young person and grow into a responsible adult.

Frame the Issue

Substance Abuse

- In the Department of Justice's Arrestees Drug Abuse Monitoring Program, half the male juveniles arrested in nine separate sites tested positive for at least one drug.
- Studies also have shown that up to 2/3 of juveniles in the justice system with any mental health diagnosis had dual disorders, most often including substance abuse.

Frame the Issue

Other

- Disruptive behavior disorders among youth in juvenile justice systems is between 30 percent and 50 percent (NMHA, 2006).
- Anxiety disorders, post-traumatic stress disorder in particular, also are prevalent among juvenile offenders, especially girls.

**CHALLENGES IN INDIANA:
DATA & DISCIPLINE CODE**

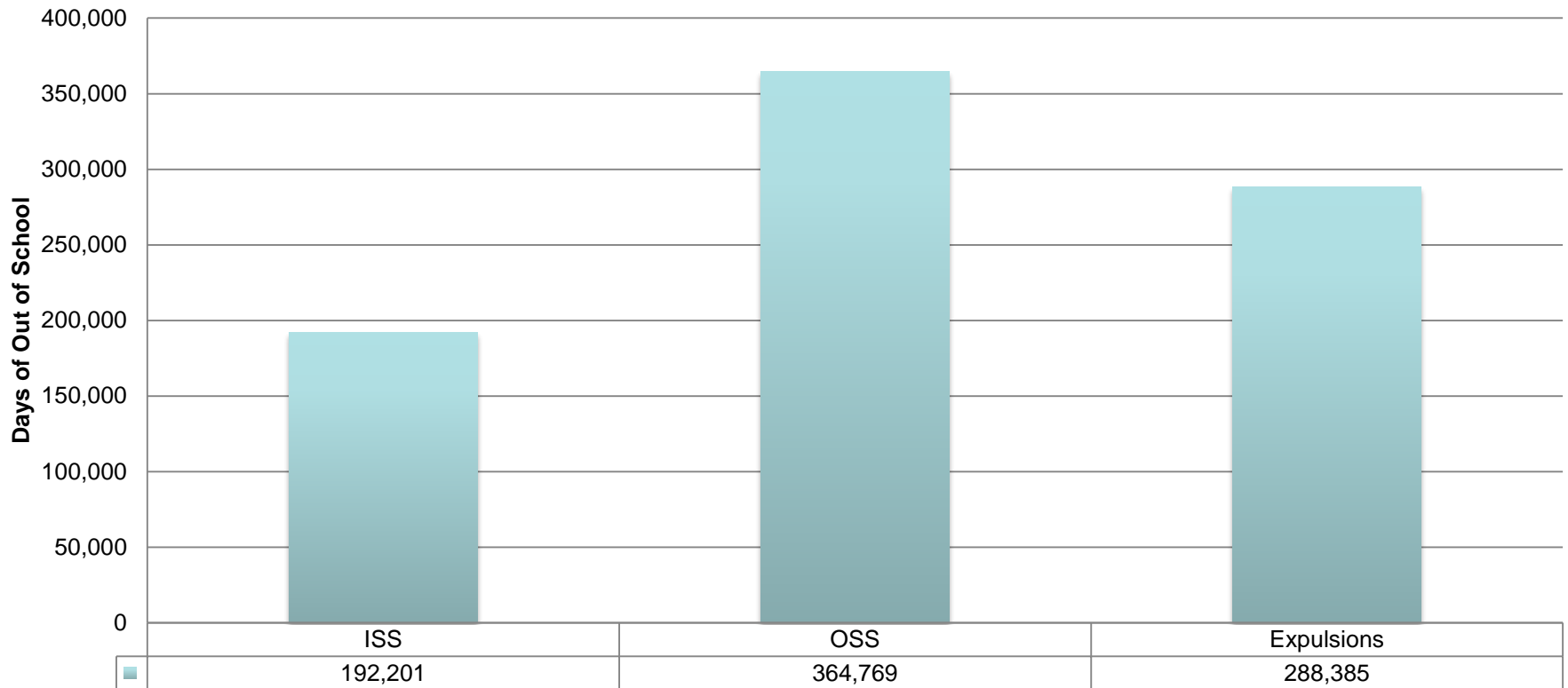
Challenges in Indiana

Data

- Minorities are disproportionately represented both nationally and in Indiana in exclusionary disciplinary practices.
- Indiana ranks 4th in the nation in expulsions; 14th in the nation in out-of-school suspensions. (NCES, 2006)
- High rates of exclusion are even present among the youngest student populations. In Marion county, 21 elementary schools reported 10% or higher suspension rate

Challenges in Indiana

Lost instruction due to disciplinary exclusion (2011-2012)



Skiba, 2013



Challenges in Indiana

Analysis of IDOE 5 Year Data: Key Findings

- African American students have been consistently placed in both In-School Suspension (ISS) and Out-of-School Suspension (OSS) at higher rates than other ethnic student groups.
- Male students have been consistently placed in both In-School Suspension (ISS) and Out-of-School Suspension (OSS) at higher rates than female students.
- Violence and illegal activity (i.e., alcohol, drugs, weapons) account for less than 10% of in-school suspensions, while non-violent offenses (i.e., defiance, verbal aggression, other) account for over 85% of in-school suspensions.
- Violence and illegal activity (i.e., alcohol, drugs, weapons) account for less than 25% of out-of-school suspensions, while non-violent offenses (i.e., defiance, verbal aggression, other) account for over 75% of out-of-school suspensions.

Challenges in Indiana

Current Indiana Discipline Code Does Not:

- Prohibit school exclusion for non-violent or non-criminal misbehaviors
- Establish systematic monitoring and accountability by the DOE for school disciplinary practices
- Require schools to monitor for high numbers of suspensions, expulsions, arrests, and disproportionality and implement corrective plans
- Require schools to regularly submit to the DOE evidenced-based, positive school discipline plans and policies

Challenges in Indiana

Current Indiana Discipline Code Does Not:

- Provide sufficient technical assistance to reduce exclusionary practices in schools
- Provide opportunities for training school personnel on best practices
- Promote public reporting or transparency with school discipline data

ADVOCACY IN INDIANA: CPLI

THE CHILDREN'S POLICY & LAW INITIATIVE OF INDIANA (CPLI)

Seeking to reform laws & practices that contribute to the criminalization of children; member of National Juvenile Justice Network (NJJN)

Mission:

- CPLI advocates for systemic changes in laws and governmental responses so that they promote healthy outcomes and ensure that the treatment of troubled children is just and age-appropriate.

CPLI Collaboration

- Attorneys
- Judges
- Researchers (University and Agency Partners)
- NAACP
- Educators
 - Superintendents
 - School Principals
 - Teachers
 - Counselors/Social Workers
- Community Organizations
- Mental Health (NAMI)
- Juvenile Justice
- Legislators
- DCS
- IDOE
- Government
- And the list goes on...

Focus of Advocacy and Reform:

- Change laws, policies, practices, and culture to keep children in schools and out of the juvenile and criminal justice systems
- Reform school discipline laws and reduce the exclusionary practices of suspensions and expulsions of children from schools
- Ensure fairness and equity for court-involved youth
- Advocate for age-appropriate, research-based continuum of services for troubled or court-involved children
- Promote public policies and practices that embrace positive, strength-based youth development approaches, and advocate for laws that invest in Indiana's children

Work Groups

- ***Public Policy Committee:*** HB 1287 & Reduce the practice of directly filing children in the adult system
- ***Equitable School Discipline Work:*** Schools Outreach/Collaboration & Future Demonstration Project
- ***Decriminalization of Youth Work Group:*** CLE Series & Fall Summit (2nd Annual coming soon)

HB 1287 School Discipline Bill

- Proposed in 2014
- Summer Study Committee
- Meetings with Key Educators & Constituents
- Testimony Heard 9/2014
- Continued Outreach
- Upcoming Fall Summit

Dear Colleague Letter

- *First, take deliberate steps to create the **positive school climates** that can help prevent and change inappropriate behaviors. Such steps include training staff, engaging families and community partners, and deploying resources to help students develop the social, emotional, and conflict resolution skills needed to avoid and de-escalate problems.*
- *Second, ensure **that clear, appropriate, and consistent expectations and consequences** are in place to prevent and address misbehavior.*
- *Finally, schools must understand their civil rights obligations and strive to ensure fairness and equity for all students by continuously **evaluating the impact of their discipline policies and practices on all students using data and analysis.**”*

- Arne Duncan, U.S. Secretary of Education, Release of Guiding Principles Nondiscriminatory Administration of School Discipline (January 8, 2014)



CPLI Recommendations

- **School Discipline Code (IC 20-33-8):** Amend the school discipline statutes to minimize the use of exclusionary discipline in favor of research-based approaches such as positive school discipline, restorative justice and alternatives to suspension and expulsion. (HB 1287)



- **Continued Education:** Amend current school discipline code and the compulsory attendance statute to require that academic learning continue through all periods of student exclusion from class or school.
- **Truancy and Absence-Related Exclusion:** Out-of-school suspension should not be used solely for attendance-related infractions. Indiana law should prohibit the use of suspension and expulsion as a response to truant behavior and schools should first create and implement a plan to improve the child's attendance before referring the child to juvenile court. A referral to juvenile court should only be made as a last resort and only if court intervention is necessary to secure services for the child and the family to directly address the root causes of the truant behavior. (US Department of Justice, Jan. 8, 2014)

- **Collecting, Monitoring and Correcting for Disproportionality:** The Department of Education (IDOE) should collect data and set criteria for disproportionality that requires the district to work with the department until corrected. Schools should collect, monitor and report discipline data and assess for excessive and disproportionate use of exclusionary practices. (HB 1287)
- **Data Definitions:** In order to have usable data, offenses and codes by which schools report disciplinary data to the IDOE should be clear and consistent and training should be provided to ensure appropriate implementation. Definitions and standards for use for in-school suspension and Alternative Education Programs need to be established with reference to appropriate researched-based guidelines. (HB 1287)



- **Alternatives to Exclusion:** The IDOE should help identify evidence-based practices and best practice alternatives through development of a model plan, provide regular training opportunities on alternatives and behavioral classroom management, and advocate for sufficient funding and resources to districts for continual improvement. The IDOE should provide a model plan to school districts incorporating evidence-based practices and positive discipline principles. (HB 1287)
- **Evidence-based Plans:** Schools should develop and implement evidence-based plans to reduce disparities in school discipline and increase use of alternatives to exclusion. (HB 1287)

- **Technical Assistance:** Indiana should provide resources for implementing change and providing essential and continued training on best practices in behavioral management and alternatives to exclusion and include other social and relational prevention programming already in use and mandated by the state. (HB 1287)
- **Training:** Training on evidence-based practices for all school personnel should be offered by public schools. There is a need for **cross-training** on appropriate responses to behavioral issues in school, trauma informed care, special education, appropriate use of law enforcement and cultural competency, among other issues. Training opportunities should be promoted through allowance for professional development days; integration of professional development through the regular school schedule and professional learning communities. (HB 1287)

- **Defining Role of Law Enforcement in Schools:** Schools should clearly define law enforcement roles to minimize their involvement in school discipline and direct arrest powers to serious threats to school safety and criminal behaviors. Public safety offenses that may subject students to arrest should be defined in school conduct codes and policies. (HB 1287)
- **School Accountability and Performance:** Exclusionary practices and suspension rates, including in-school suspensions and school-based referrals and arrests, should be included in the school accountability system to measure the effectiveness and performance of schools.

- **Student Resources to Implement Positive Behavioral Interventions and Supports:** Indiana should dedicate funds to provide every school staff at least one Masters level student services professional to work with children, families, teachers, and communities to support the implementation of system-wide prevention and positive behavioral interventions and supports (PBIS) for children in the school community. This student service professional will be a part of the school staff and not from an outside agency.

School Counselors

- **Coordinate and facilitate programs** (mentor programs, peer support, conflict resolution and anger management programs) to assist students in developing **pro-social behaviors** based on **social and emotional learning principles**
- Lead individual and small-group counseling that encourages students to make **positive behavior choices and accept responsibility for their actions**
- Consult with families, teachers, administrators and other school personnel to understand developmentally appropriate student behavior and promote positive student behavior
- **Design and implement culturally responsive positive behavior and intervention support plans (CR-PBIS)** for individual students, in collaboration with classroom teachers and other school behavior specialists

School Counselors (cont.)

- Collaborate with school stakeholders to develop, implement and maintain a **developmentally appropriate school wide discipline program**
- Serve as a **mediator** for student-student, student-teacher and student-family conflicts
- Provide staff development on **culturally responsive classroom management, culturally responsive pedagogy, student behavior and discipline.**
- Keep informed of school, district and state policies related to student discipline
- **Advocate** for best practices for school wide discipline, including ensuring objective and **equitable disciplinary practices** (ASCA, 2014)

Other states are adopting positive school discipline policies and practices:

- Connecticut – disallows out of school suspensions unless student poses such a danger to people or property or causes such a disruption of the educational process
- Colorado – requires implementation of best practices to limit student contact with the criminal and juvenile justice system
- Florida -- revises its zero tolerance discipline statute to better delineate between which offenses should not be referred to law enforcement
- Louisiana -- requires districts to plan for, and deliver, classroom management training for school staff
- Maryland -- prohibits suspensions for attendance-based offenses and publishes regulations to restrict use of suspensions and expulsion as a last resort
- Massachusetts -- installs greater disciplinary due process protections
- Oregon -- removes mandatory expulsion requirements from state law
- Texas – implements school discipline reform and limits school resource officers' involvement in school discipline matters
- Virginia -- rolls back much of its zero tolerance policies

Questions?

Contact us:

Brandie Oliver, bmoliver@butler.edu

Nick Abel, nabel@butler.edu

<http://www.cpliofindiana.org>

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