

The Discipline Dish

Bimonthly newsletter about the school-to-prison pipeline in Wake County

March/April 2011

Background

The school-to-prison pipeline is a system of laws, policies, and practices that pushes students out of schools and into the juvenile and criminal justice systems. Unmet educational needs (including special education), high-stakes testing, excessive use of suspension and expulsion, over-policing, excessive school-based arrests and court referrals, and a lack of interventions and alternatives all contribute to students ending up in the pipeline.

Wake County has one of the largest school-to-prison pipelines in the nation. Last school year (2009-2010), the Wake County Public School System (WCPSS) had:

- 19,392 short-term suspensions (lasting one to 10 school days), 837 long-term suspensions (lasting the rest of the school year), and 10 expulsions (permanent removal from the school system);
- 54 law enforcement officers, six security investigators, and dozens of private security guards assigned full-time to public schools;
- 648 school-based court referrals for students age 15 and younger (WCPSS does not track the number of school-based arrests and criminal court referrals for students age 16 and older);
- No alternative schools that served suspended students; and
- Huge racial disparities—Black students represented 26% of students in WCPSS, but received 61% of short-term suspensions, 63% of long-term suspensions, 80% of expulsions, and 63% of school-based delinquency complaints.

For more background on the school-to-prison pipeline, visit: www.legalaidnc.org/acs/stpp.

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ACS RELEASES NEW REPORT ON LAW ENFORCEMENT OFFICERS IN WAKE COUNTY PUBLIC SCHOOLS

On February 3, 2011, Advocates for Children's Services (ACS) released a new report: *Law Enforcement Officers in Wake County Schools: The Human, Educational, and Financial Costs*. The report was co-authored by: Jason Langberg, Equal Justice Works Fellow at ACS; Barbara Fedders, Assistant Clinical Professor of Law at the UNC School of Law; and Drew Kukorowski, a student at the UNC School of Law.

Key findings in the report include:

- During the 2009-10 school year, there were 54 law enforcement officers assigned to Wake County public schools on a full-time basis (called "SROs").

- SROs are not required by WCPSS to have any experience or training in working with children and youth.
- Over the last two years for which data is available, 1,460 WCPSS students were referred to juvenile court through school-based delinquency complaints, which accounted for 30% of all delinquency complaints in Wake County. Black students made up about 26% of students in WCPSS, yet they were subjected to about 69% of school-based delinquency complaints.
- WCPSS does not collect data on school-based arrests, school-based delinquency and criminal complaints, or the use of force by security personnel. WCPSS also does not publish any data or reports about its use of SROs.
- Students who are funneled into the juvenile and criminal systems face debilitating collateral consequences, including increased risk of dropping out, stigmatization, deportation, ineligibility for student loans, prohibition from participation in high school athletics, delay in earning a driver's license, reduced employment opportunities, and eviction from public housing.
- WCPSS students have suffered physical injury and emotional trauma when SROs have used their state-issued weapons, such as TASERS.
- During the 2009-10 school year, the average SRO salary in WCPSS was \$50,291 and the average security investigator (former law enforcement officers who are employed full-time to investigate student misbehavior) salary was \$43,475. During that same school year, WCPSS spent at least an additional \$1.2 million on other school security measures.
- Studies suggest that a heavy police presence in schools intimidates students, creates an adversarial environment, and pushes out the most vulnerable students. Furthermore, teachers and administrators may either defer to SROs on disciplinary matters or find their classroom authority usurped by SROs in the name of safety and security.

The report offers several recommendations to create safer schools and save money, including:

- More positive alternatives to harsh discipline practices that involve law enforcement officers, such as restorative justice, community service, restitution, and mental health programs;
- Improved training for all security personnel;
- A prohibition on SROs carrying TASERS on school campuses;
- Limitations on arrests and court referrals against students who commit minor offenses in schools and students whose behaviors were a result of their disabilities;
- Clear, standardized, well-publicized complaint procedures for students, parents, teachers, and administrators to use when SROs behave inappropriately; and
- Complete, publicly accessible, easy-to-understand data about SROs.

The report was distributed to thousands of Wake County citizens and covered in *The News and Observer*:

- www.newsobserver.com/2011/02/04/966971/limits-proposed-on-school-police.html
- www.newsobserver.com/2011/02/03/966087/report-calls-wake-to-limit-use.html

For a story about the report from the UNC School of Law, visit:
www.law.unc.edu/news/story.aspx?cid=556.

For the full report, visit: www.legalaidnc.org/public/ACS/IssueBrief_Feb-11_SROs.pdf.

BOARD EXTENDS SUPERINTENDENT'S AUTHORITY TO REDUCE THE LENGTH OF LONG-TERM SUSPENSIONS

At its September 9, 2010 meeting, the Wake County Board of Education voted to give the superintendent temporary authority to reduce the length of mandatory ("zero tolerance") long-term suspensions for individual students when mitigating factors exist. The authority was scheduled to end in January 2011,

For detailed recommendations to improve school discipline in WCPSS, visit:
www.legalaidnc.org/public/ACS/Report.pdf.

when WCPSS was supposed to eliminate all of its zero tolerance policies that are not required by law. However, the district has not made the promised changes. Therefore, at its January 4, 2011 meeting, the Board approved extension of the authority to the superintendent until June 30, 2011.

Two letters to the editor were published in *The News and Observer* in response. The first, titled *Suspension Questions*, was submitted by Rukiya Dillahunt, a retired WCPSS educator and school administrator and current chair of the Parent Advocacy Work Group. The letter [read](#) as follows:

What I heard at the Jan. 4 school board meeting:

- *The superintendent's authority to reduce lengths of suspensions for individual students has been extended through June.*
- *Suspensions are down this year.*
- *WCPSS doesn't control how the state reports data on suspensions.*
- *The board is committed to addressing the school push-out crisis.*

What I didn't hear:

- *Why weren't the necessary steps taken by January, as expected, to make more meaningful, lasting changes?*
- *What factors does the superintendent consider and how often is the authority used?*
- *Why are suspensions down? Is it because students are being funneled into unproven and inadequate online programs and, therefore, aren't counted as suspended?*
- *Why doesn't WCPSS publish its own discipline data?*
- *What has the board done, other than give temporary authority to the superintendent and change the definition of long-term suspension to simply be in line with the rest of the state?*

What I want to hear in 2011: In order to create more equitable and just school discipline, WCPSS adopted comprehensive changes that will drastically reduce suspensions and school-based court referrals, eliminate racial disparities and ensure suspended students don't end up on a pipeline to prison.

The second letter to the editor, titled *The Push Goes On*, was written by Jason Langberg, Equal Justice Works Fellow at Advocates for Children's Services. The letter [read](#) as follows:

For years, the Wake County Public School System has had a school-to-prison pipeline crisis. During the last five school years for which data are available, WCPSS gave out 106,333 short-term suspensions and 5,187 long-term suspensions. The rate at which WCPSS pushes out students - particularly students of color and students with disabilities - is embarrassing, immoral and destructive.

Last year it was encouraging to see increased interest in reforming school discipline from the community, media and various school board members. However, Jan. 4 was a reality check. The board voted to delay broad reforms for at least another six months, which was a clear reminder that mostly we've gotten empty rhetoric, a lack of data and information, bureaucratic teams and task forces, and temporary, inadequate diversions.

What our students need is comprehensive reform of policies and practices that push them out of school and onto the streets. They need: schools free of zero tolerance and law enforcement; high-quality behavioral interventions and alternative schools; and policies that provide for fair consequences, meaningful due process and more parental engagement and community oversight.

I hope this year policymakers will finally find the courage to give students what they need and end the crisis. Sadly, we're not off to a good start.

WCPSS ESTABLISHES NEW PROGRAM FOR STUDENTS WITH DISABILITIES WHO ARE LONG-TERM SUSPENDED

In December 2009, Advocates for Children's Services filed a complaint, on behalf of some of its student clients, with the North Carolina Department of Public Instruction (DPI), Exceptional Children Division. The complaint alleged that WCPSS was violating state and federal special education laws by providing long-term suspended students with disabilities with only one to six hours per week of tutoring (called "homebound instruction" or "home/hospital" or "H/H") and no additional educational services. In response, DPI launched a four-month investigation and in April 2010 released its findings. It found that WCPSS failed to:

- Develop individualized education programs (IEPs) based upon the unique needs of each student with a disability who is long-term suspended;
- Provide a continuum of placements, which limited IEP Teams to only one option when determining the appropriate interim alternative education setting;
- Provide students with disabilities who are long-term suspended with a placement in the least restrictive environment (LRE);
- Hold monthly meetings to determine the continued appropriateness of H/H instruction for each student with a disability receiving H/H services during a disciplinary removal; and
- Provide a free and appropriate public education (FAPE) for the students who were placed on H/H for long-term suspension and for behavior.

The DPI report then listed many corrective actions WCPSS must take, including:

- Providing compensatory education for the hundreds of students whose rights were violated;
- Creating "an alternative special education program more closely tailored to the students' unique needs and that ensures a continuum of alternative placements for that student population"; and
- Developing and implementing "a plan for the 2010-2011 school year to review the records and services of students with disabilities who are failing their classes and have multiple retentions or suspensions, and provide significant interventions, including related services, based upon each student's individual needs."

At the February 1, 2011 Board meeting, in response to the order from DPI, the WCPSS Special Education Services Department proposed a \$213,930, one-year contract with a Florida-based nonprofit, called AMIkids, to provide on-site alternative instructional services for students with disabilities who have been long-term suspended. However, the public had not been provided with any specific information about the program. Therefore, the vote was delayed until representatives from the Special Education Services and Student Support Services Departments had time to meet with interested community members. At the next Board meeting, on February 15, 2011, the Board approved the program by a 6-2 vote.

The AMIkids program will be housed at Heritage High School and students will be provided with transportation to and from the program. The program will serve approximately 60 middle and high school students. Students will be broken up into three classes that last three hours per day. In other words, there will be 20 kids in each three-hour class and students will receive a total of 15 hours per week of class time. While a teacher will be in the room with the students during class, the core subjects will be taught online. For more information about AMIkids, visit: www.amikids.org.

There will soon be the following four programs in WCPSS for long-term suspended students who have disabilities. **Please note that the table represents only a summary of the services. Placement, services, and other factors may vary depending on more detailed policies and the needs of individual students.**

Program	Description	Students
Second Chance Online Resource for Education (SCORE)	- Location: Online, either on a home computer or at a SCORE program site - Time: About 6 hours per day	Students who are typically in a mainstream setting
Heritage/AMIkids	- Location: Heritage High School - Time: 3 hours per day - Core courses provided on computer with special education services provided by on-site staff	Students who are typically in a mix of mainstream settings and special education services
Longview	- Location: Longview School - Time: Full school day - Courses provided by on-site staff	Students who are typically in separate special education classrooms
Home/Hospital	- Location: Students' homes or a location in the community, such as a public library - Time: Varies - One-on-one instruction	Students for whom the other placements are not appropriate

HEARD IN WAKE COUNTY

"I'm here today with regard to suspensions/expulsions. It's really sad and it weighs heavy on my heart to know that...delinquency complaints received, 73.4% is Black, 16.1% is White. There are no alternative schools for our children, and therefore, they end up in the street. And because they end up in the street, what happens is that the crime rate goes up because they have no hope and they lose their dreams." - Olga Matos, WCPSS parent, Board of Education meeting, January 4, 2011

"I want to talk about the suspensions piece, but from the perspectives of parents. With all of these high-level suspensions that are happening, there has been a lack of and a breakdown in communication between what's happening with the student in the school and letting the parents know." - Akiba Byrd, WCPSS parent, Board of Education meeting, January 4, 2011

"In the Wake County school system there are some really startling disparities when you look at educational outcomes, when you look at suspension and expulsion rates of students from schools." - Folami Bandele, Executive Director, YWCA of the Greater Triangle, State of Things, North Carolina Public Radio, January 12, 2011

"We know that the suspension rates and expulsion rates for people of color is way out of proportion." - Frank Stasio, Host, The State of Things on North Carolina Public Radio, YWCA MLK Day On Celebration, January 17, 2011

"Longstanding racism and classism is at the root of the school-to-prison pipeline." - Akiba Byrd, WCPSS parent, student assignment hearing, Southeast Raleigh High School, January 19, 2011

"We are sick and tired of being pushed out." - Olga Matos, WCPSS parent, student assignment hearing, Southeast Raleigh High School, January 19, 2011

"We do this work because, very literally, our children's lives are at stake. The well-being of our families is at stake. The welfare of our communities is at stake. We are sick and tired of being pushed out, marginalized, left behind, jailed, used and abused and forgotten...Long-standing racism and classism are at the root of achievement gaps and the school-to-prison pipeline, the root of poor neighborhoods, the root of unemployment, and they are the heart of this debate." - Omisade Burney-Scott, Coordinator, Wake Education Advocates, Defend Public Education Rally at the State Legislature, January 26, 2011

"For too long, we have been too quick to use [long-term suspension], leaving our students without supervision or guidance. The streets are no substitute for a school." - Ron Margiotta, Chair, Wake County Public School System Board of Education, meeting, February 1, 2011

STUDENT'S PIECE

The following passage was written by a WCPSS middle school student after being suspended.

"When they told me that I was a bad person for being what they believed to be 'dangerous' to other students, I didn't know what to say because they were crazy for thinking that I would really do something to the point where a 'good' student's life was 'endangered' because of me. Basically I knew I wasn't gonna get out, so I just shut up, and didn't say a word at anytime...I hated the fact that they thought I was a horrible student."

PARENT'S PIECE

The following passage was written by the mother of a WCPSS high school student who was suspended.

"In October, 2010, my son was charged with larceny and long term suspended from school. He made a bad decision to take some things that did not belong to him. As soon as he was suspended, Haven House of Wake County connected me with an attorney with Legal Aid. The attorney was able to help me get my son in an online program to finish the school year. He also helped me get my son tested at his base school. We were trying to see if his struggles with school were leading to his misbehavior.

When some of his positive peers found out about his charge they started to stay away. He was no longer wanted on certain athletic teams, excluded from events, and parents wanted to keep their kids away from him. He was being blamed for other things just because of that one incident. He never thought that it would be like this or that he would lose so much because of a stupid decision. He was wrong and wishes he could have another chance to do it all over, but different.

Not only was he suspended and pushed away he was also placed on probation. Even with close supervision my son still continued to fall behind in his school work and didn't follow all the rules. This caused him to be violated and put in jail. He spent three weeks in jail, missed a lot of school assignments and lost weight fast. He is back finishing his school year online but is very behind in his work.

He didn't stop to think how his actions would hurt or help him. In this case it hurt. This didn't just affect his social life, but academics, and his future. Now he has a criminal record for everyone to see. When applying for a job he will have to explain this charge and feel the embarrassment every time. I've missed work and had a lot of sleepless nights behind all of this. I can only hope that all of this has been a learning experience for him. Hopefully he will think about the consequences the next time before acting. I am very thankful for all the people that have helped us get through all of this. There's still more to do, but I think the worst is behind us."

Resources for Students, Parents, and Advocates

For legal assistance with education issues:

- Advocates for Children's Services, www.legalaidnc.org/acs, 919-226-0052
- Duke Children's Law Clinic, www.law.duke.edu/childedlaw, 919-613-7169

To become more involved in advocating for an end to the school-to-prison pipeline in Wake County:

- Education Justice Alliance, www.educationjusticealliance.org, 919-828-3205 ext. 19

For research and information about the national movement to end the school-to-prison pipeline:

- Advancement Project, www.stopschoolstojails.org
- Dignity in Schools Campaign, www.dignityinschools.org

WORDS OF WISDOM

"We witness, in America, a national bifurcation, a two-class system, divided by race, ethnicity, and social class. Accordingly, we witness two versions of adolescence and young adulthood. For the wealthy--and, disproportionately, white--adolescence can indeed be filled with opportunities, challenges, dreams, and even mistakes that may be considered a 'phase' and remediable. For the poor--and, disproportionately, African-American and Latino--opportunities and dreams are viciously constrained. Mistakes become life-course tattoos. The story of who is permitted the luxury of the mistakes of youth is a quintessentially American story: a story scarred by race, ethnicity, and social class inequalities...[Zero tolerance policies] do not make schools safer; they produce perverse consequences for academics, school/community relations, and the development of citizens; they dramatically and disproportionately target youth of color; and they inhibit educational opportunities." - Michelle Fine and Kersha Smith, Zero Tolerance: Reflections on a Failed Policy That Won't Die, in Zero Tolerance: Resisting the Drive for Punishment in Our Schools 257, 260 (William Ayers, Bernardine Dohrn, and Rick Ayers eds., The New Press, 2001)

ABOUT THE DISCIPLINE DISH

The goal of *The Discipline Dish* is to provide the citizens of Wake County with the information they need to:

- Understand the school-to-prison pipeline crisis and recent events related to the crisis;
- Hold policymakers accountable; and
- Advocate for more fair, just, and equitable school discipline policies and practices.

The Discipline Dish is published by Jason Langberg, an Equal Justice Works Fellow at Advocates for Children's Services (ACS). ACS is a statewide project of Legal Aid of North Carolina, Inc. ACS' managing attorney, three staff attorneys, and paralegal primarily engage in the following activities:

- Direct representation: ACS staff provide free, high-quality legal advice and representation for children from low-income families, primarily in education law matters, including school suspension and special education.
- Community education: ACS staff conduct "Know Your Rights" workshops for students and parents, as well as trainings for local service providers and advocacy organizations. Additionally, ACS staff engage in media outreach and publish fact sheets, reports, policy briefs, self-help guides, op-eds, articles, and other materials.

For more information about ACS, visit www.legalaidnc.org/acs.

