

School-to-Prison Pipeline: A Comparison in Discipline Policy Between Maryland and Texas Public Schools

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America's public schools have a responsibility to educate America's youth and to provide a safe space for students. A sense of safety and connection to the learning environment is imperative to a student's academic and personal growth. Yet, the discipline reform efforts of the 1990s, specifically zero tolerance policies, that sought to combat the perceived increase in school and youth violence left numerous scholars questioning if such policies resulted in more negative than positive consequences. Scholars claim the initiation of the zero tolerance policies in public school discipline established a funneling of disadvantage students into the criminal justice system, the school-to-prison pipeline.

Although zero tolerance policies were instituted in American public schools over 20 years ago, their use today continues to funnel students, particularly minority and special education students into the school-to-prison pipeline. To better understand how zero tolerance policies contribute to the school-to-prison pipeline, I examine the following questions: What is the history and evolution of zero tolerance policies in schools and what are the key aspects of this approach to discipline? What is the impact of zero tolerance policies on students, particularly minority and special education students? How does the implementation of zero tolerance policies connect schools to the criminal justice system, creating what has come to be called the school-to-prison pipeline? Do effective alternatives to this philosophy of punitive discipline exist?

To answer these questions, I begin by examining the origin of zero tolerance and its evolution in America's public schools over the past few decades. I delve into the specific practices in school discipline that have facilitated the funneling of students into the criminal justice system. Then I highlight how zero tolerance practices disproportionately impact minority and disabled students. I conclude with a discussion of the alternatives to zero tolerance policies and their potential to effectively discipline without punitive actions.

In the second section I analyze the discipline policies in Maryland and Texas and compare suspension rates in the two states. Both states have revised their discipline policies in recent years and serve a diverse student population, yet their school discipline policies differ on their approach to zero tolerance. This contrast between discipline policies provides an opportunity to examine the impact changes in disciplinary policies on students by comparing out-of-school suspension (OSS) and expulsion rates in the two states. The goal of this comparison is to gain insight on how punitive and rehabilitative discipline practices influence student's education experience. I conclude with recommendations on reforming policies that will more effectively benefit students experiencing disparities in discipline actions.

Zero Tolerance Policies and the School-to-Prison Pipeline

Evolution of Zero Tolerance Policies

The adoption of zero tolerance policies by schools nationwide began in the early 1990s when the media overrepresented and dramatized youth violence. Emphasizing it as a grave and pressing concern, the media created the image of youth as “super-predators” (Heitzeg, 2009). Some scholars, such as political scientist John Dilulio, predicted that a wave of these “super-predators” would flood society in 1996 (Kang-Brown, Trone, Fratello, & Daftary-Kapur, 2013). The juvenile crime rate, which increased beginning in 1987, peaked in 1994 with a total of 500 arrests per 100,000 juveniles (Office of Juvenile Justice and Delinquency Prevention, 2014). Responding to society’s perception of and concern for youth violence, the Clinton Administration passed and signed The Gun-Free Schools Act of 1994 into law, which required schools to adopt a zero tolerance policy for weapons on school grounds (Skiba, Eckes, & Brown, 2009-10). For all states receiving Title I funding, a student who brought a firearm to campus must be expelled for a minimum of a year and referred to the juvenile or criminal justice system (Curtis, 2014). These school policies were modeled on zero tolerance drug policies first adopted by federal and state governments in the 1980s. Originating in the prohibition of drug use by Navy members, zero tolerance expanded from preventing the import of drugs into America to serving as the approach to a wide variety of social issues (Skiba & Peterson, 1999).

The adoption and implementation of zero tolerance policies is often cited as the primary factor in establishing the school-to-prison pipeline; however, the pipeline’s factors are far more comprehensive and far-reaching than this view suggests and require considering the issue from a holistic perspective. The school-to-prison pipeline is facilitated through the combination of factors: increased police presence on school campuses, providing officers with more power to discipline students, criminalizing minor code of conduct infractions, failing schools that are highly segregated by race and income and poorly resourced, and the adoption of zero tolerance policies (American Civil Liberties Union) (Heitzeg, 2009). The American Civil Liberties Union (ACLU) defines the school-to-prison pipeline as “the policies and practices that push our nation’s schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems.” The ACLU definition reflects the multi-faceted composition of the pipeline as mentioned previously, but scholars are in consensus that zero tolerance policies are a fundamental cause for the practices that both directly and indirectly funnel students into the juvenile or criminal justice system. The school-to-prison pipeline is not necessarily a direct channel from school to prison, but rather a chain reaction of consequential, biased disciplinary punishments that increase the likelihood of a student entering the criminal justice system.

So what exactly is zero tolerance? Zero tolerance policies assign a specific punishment to an infraction or offense that must be applied to all instances regardless of the situation’s unique set of circumstances and context. The Gun-Free Schools Act of 1994 embodies this framework. It served as the initial implementation and first legally mandated use of zero tolerance in public schools. This act set the future direction of school discipline policies, even though the rate of youth violence decreased over the decade following the 1994 peak (Office of Juvenile Justice and Delinquency Prevention, 2014). Schools expanded zero tolerance policies to cover not only what was mandated under law, but also applied this approach to drug possession and violence. By the 1996-1997 school year 79% of public schools instituted zero tolerance policies to address violence, 94% had such policies for firearms, 91% for weapons other than guns, and 88% for drugs (Curtis, 2014). This was followed by the application of zero tolerance policies to discretionary infractions such as insubordination, truancy, and disrupting the class. As zero tolerance policies stopped distinguishing between nonviolent and violent offenses, the American

Bar Association noted that schools had gained the ability to discipline more harshly and the freedom to punish more students.

A key component to zero tolerance is the focus on removing disruptive students from the learning environment. Hence, schools increased the use of suspensions (in- and out-of-school) and expulsions for both violent and minor behavioral infractions. Research shows that suspensions and expulsions hamper the academic achievement of students and place them at a higher risk for entering into the justice system later in life. Referrals to Disciplinary Alternative Education Programs (DEAPs) and Juvenile Justice Alternative Education Programs (JJAEPs) also have a similar affect on students' wellbeing. Despite the negative consequences zero tolerance policies have on students' academic and criminal future, only a small proportion of states and cities deviated from this approach to discipline.

Impact on Students

The primary goal of zero tolerance policies was to increase school safety and improve academic achievement by fostering a more productive learning environment. However, research has illustrated the ineffectiveness of zero tolerance policies reaching this ideal. Research conducted by the Vera Institute of Justice found no supportive evidence that attending a school with zero tolerance prevents delinquent behavior in students (Kang-Brown, Trone, Fratello, & Daftary-Kapur, 2013). Also, the Institute found that harsh punishments do not deter students from bringing weapons to school. However, weapons are not the main disciplinary concern addressed in schools. Nationally, only 5% of serious disciplinary actions involve the possession of a weapon on campus, so the vast majority of offenses do not pertain to the original gun control focus of zero tolerance (Kang-Brown, Trone, Fratello, & Daftary-Kapur, 2013). In regards to the impact of these policies on student achievement, schools with lower suspension rates have better test scores than those with higher rates in some cases when controlling for the demographic characteristics of students (Skiba, Chung, Trachok, Baker, Sheya, & Hughes, 2014).

Following the implementation of zero tolerance policies, the suspension rate increased nationwide. In 1974, 1.7 million students were suspended annually from school in the United States (Losen & Wald, 2003); by the 2011-2012 school year that number doubled, increasing to almost 3.5 million students (Losen, Hodson, Keith II, Morrison, & Belway, 2015). 1.55 million of these 3.5 million students were suspended at least twice within the school year, almost half of the suspended population. Scholar Tracey Shollenberger predicted that between kindergarten and 12th grade, approximately one in three students would be suspended from school at some point (Shollenberger, 2015). This exclusionary approach to disciplining students results in a lost of an estimated 18 million days of instruction annually (Losen, Hodson, Keith II, Morrison, & Belway, 2015).

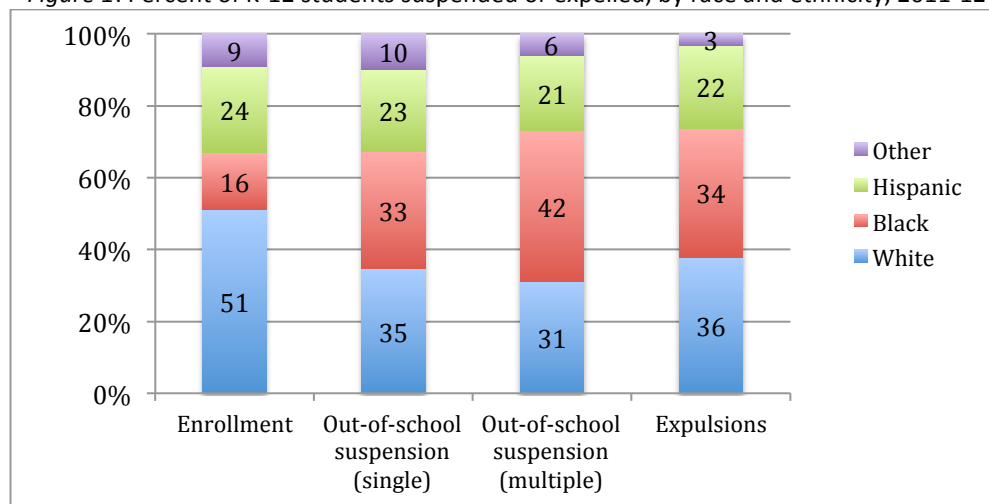
Research suggests that a single suspension can negatively impact a student's life long-term. One out-of-school suspension or expulsion doubles the likelihood that a student repeats a grade, and this experience is one of the strongest predictors for dropping out of school (Kang-Brown, Trone, Fratello, & Daftary-Kapur, 2013). Also, a Texas study found that a suspension due to an incident not involving a weapon, such as insubordination, triples the chance that the student becomes involved with the juvenile justice system in the following academic school year (Fabelo, Thompson, Plotkin, Carmichael, Marchbanks III, & Booth, 2011). The wide variation in suspension rates between schools serving similar student populations suggests that school level implementation of disciplinary policies plays a key role (Fabelo, Thompson, Plotkin, Carmichael, Marchbanks III, & Booth, 2011). For example, the increase in police presence on school campuses led to an increase in arrests and referrals of students to the juvenile justice system (Curtis, 2014). Schools that give the police, otherwise known as school resource officers,

more liberty in disciplining students have a higher rate of arrests and referrals of students to the juvenile justice system.

The implementation of zero tolerance disproportionately impacts minority youth by suspending them at a much higher rate than their peers. In the United States' public schools, black students are disciplined more often and receive harsher punishments than their peers of all other races. In all grade levels, black males, followed by black females (and Latino males), typically experience the highest suspension rates when accounting for differences in enrollment by race and gender (Losen, Hodson, Keith II, Morrison, & Belway, 2015). In 2011-12, the suspension rate for black students was more than three times that of their white peers (United States Department of Education Office for Civil Rights, 2014). On average, 4.6% of white students were suspended compared to 16.4% of black students in this same year (United States Department of Education Office for Civil Rights, 2014).

The Civil Rights Data Collection (CRDC) collects data on key educational issues, including school discipline, from all public schools in the United States. It uses this information to identify and monitor disparities among the various student populations. In a recent analysis, the CRDC examined racial disparities in disciplinary actions using 2011-12 data (United States Department of Education Office for Civil Rights, 2014). Figure 1 shows the percentage of students that were suspended or expelled that are from a specific racial group. This shows the racial make-up of suspensions. It is interpreted by comparing the group's percentage in a disciplinary category to that group's percentage of enrollment. Black students represented 33% of the population of students who were suspended once from school, 42% of the students who were suspended more than once from school, and 34% of the students who were expelled. Given their share of the total student population (16%), black students are overrepresented in all these disciplinary actions. The proportion of Hispanic/Latino students who were suspended or expelled was about the same as their proportion of the enrollment; they composed 24% of the student population and represented 23% of the single out-of-school suspensions, 21% of multiple suspensions, and 22% of expelled students. White students by contrast, were underrepresented in all the disciplinary actions in relation to their composition of the enrolled population. 51% of all enrolled students were white; however, white students represented 35% of students who received one out-of-school suspension and 31% of students who were expelled. 51% of all enrolled students were white; however, white students represented 35% of students who received one out-of-school suspension and 36% of students who were expelled.

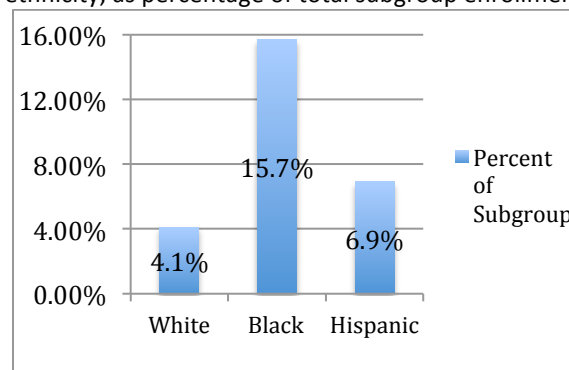
Figure 1: Percent of K-12 students suspended or expelled, by race and ethnicity, 2011-12



Source: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2011-12.

To further illustrate the extent of racial disparities in school discipline, I used the CRDC's disciplinary data from 2009 to calculate the percentage of students from a specific racial group receiving one or more out-of-school suspensions (United States Department of Education Office for Civil Rights, 2009). Whereas, the previous analysis showed the racial composition of out-of school suspensions, this analysis shows the probability of a specific racial group receiving an out-of-school suspension. Suspension rates include both one and multiple out-of-school suspensions for students with disabilities and those without disabilities. The results are summarized in Figure 2 and show that 15.7% of black students were suspended compared to 4.1% of white students and 6.9% of Hispanic students. For students enrolled in K-12, this equated to about 1 in 6 black students being suspended one or more times compared to 1 in 25 white students and about 1 in 15 Hispanic students.

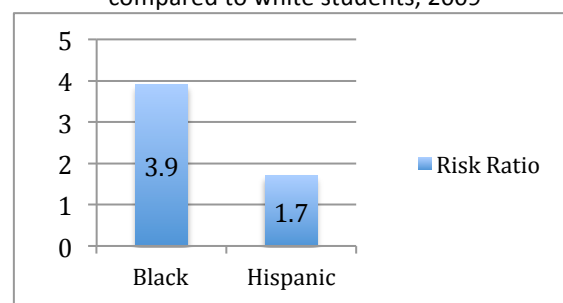
Figure 2: Students nationally suspended once or multiple times by race/ethnicity, as percentage of total subgroup enrollment, 2009-10



Source: 2009 Civil Rights Data Collection, Estimated Values for United States

To understand the risk of a particular racial group being suspended compared to other racial groups, I calculated a risk ratio. It shows the probability of a Hispanic or black student receiving a suspension compared to the reference group, in this case, white students. A risk ratio of 1.00 indicates no difference between the racial group and the comparison group. A risk ratio greater than 1.00 indicates the risk for the racial group is greater than the risk for the comparison group, while a risk ratio less than 1.00 indicates the risk for the racial group is less than the risk for the comparison group. Figure 3 shows the risk ratios for minority students based on CRDC 2009 data.

Figure 3: National suspension risk ratio for black & Hispanic students compared to white students, 2009



Source: 2009 Civil Rights Data Collection, Estimated Values for United States

I found that black students were 3.9 times more likely to be suspended than their white peers, and that Hispanic students were at 1.7 times as likely as white students to be suspended. Furthermore, black students were 2.3 times more likely as their Hispanic classmates to be suspended, putting them at greater risk of being suspended.

Even at the youngest of age, pre-school, students are being suspended from school, most specifically black students. The CRDC report found that black students compose 18% of the pre-school student population, but they account for 42% of the students who receive one out-of-school suspension (48% who received multiple suspensions) during this school year. By contrast white pre-school students, representing 43% of the pre-school population, account for 28% of single and 26% of multiple out-of-school suspensions (United States Department of Education Office for Civil Rights, 2014).

In regards to referrals to law enforcement and arrests, black youth compose 16% of the enrolled students, but 27% of the students that are referred to law enforcement and 31% of those who experience a school-related arrest. White students by contrast comprise 41% and 39% of those referred to law enforcement or arrested respectively; however, they comprise 51% of the total student population (United States Department of Education Office for Civil Rights, 2014). There have been arguments that the disproportional rate in suspensions and referrals to law enforcement must be due to black students misbehaving more often in school than their peers; however, no evidence exists to support this claim (Michael, Nardo, Peterson, & Skiba, 2002).

Minority students are not the only group vulnerable to being disproportionately disciplined at school. Students identified with disabilities, both emotional and academic, are also disproportionately suspended or expelled. Compared to students without disabilities, students with disabilities are slightly more than twice as likely to receive an out-of-school suspension than those without (13% versus 6%) (United States Department of Education Office for Civil Rights, 2014). High school students with disabilities are almost three times as likely as their peers to receive an out-of-school suspension (Kang-Brown, Trone, Fratello, & Daftary-Kapur, 2013). These students are suspended for a nonviolent offense in the vast majority of cases. Also, students identified with disabilities composed 12% of the total student population, but they represents a quarter of all the students who are referred to law enforcement or subjected to a school-related arrest (United States Department of Education Office for Civil Rights, 2014). One potential cause for these disparities is a lack of training school resource officers and other school personnel receive on how to best interact with special needs students (Advancement Project, 2009). Given the difficulty in ensuring that all students with disabilities are accurately identified in the public school system, disparities could potentially be higher than what current data reports (Losen, Hodson, Keith II, Morrison, & Belway, 2015) (Tulman & Weck, 2009-10).

Connecting School Discipline & the Criminal Justice System

As expressed earlier, the school-to-prison pipeline is best described as a chain of events that increase a student's chance of becoming involved with the criminal justice system. For example, out-of-school suspension and expulsion serve as key predictors of a child's future involvement with the justice system. For female youth in middle school, suspension, expulsion, and repeating a grade are the most significant factors for predicting a future arrest (Losen & Wald, 2003). Also, research has shown that a student with one out-of-school suspension has a 35% to 42% chance of being suspended again (Skiba & Rausch, Zero Tolerance, Suspension, and Expulsion: Questions of Equity and Effectiveness, 2006). In one study by scholars Johanna Wald and Daniel J. Losen, for ninth graders who were incarcerated and returned to school, two-thirds of those with one offense and three-fourths of individuals with multiple offenses

withdrew or dropped out of high school (Losen & Wald, 2003). As emphasized by The Center for Civil Rights Remedies, “extensive research confirms that excessive exclusionary discipline contributes to the risk for dropping out and for juvenile delinquency” (Losen, Hodson, Keith II, Morrison, & Belway, 2015). This is reflected in the high rate of prisoners without high school degrees. In 1997, 74.5% of state prisoners and 59.4% of federal prisoners had not completed high school (Harlow, 2003; Harlow, 2003).

Students may also enter the justice system through a referral to the juvenile justice system or by being arrested. The key infractions that funnel students into the juvenile justice system are often status offenses rather than criminal offenses. Status offenses are illegal acts that only apply to youth, such as consuming alcohol and truancy (Tulman & Weck, 2009-10). Schools possess the ability to refer students to the juvenile justice system for these status offenses. For criminal offenses committed on campus, 43 states require schools to call the police to arrest the student (Curtis, 2014). In these ways, zero tolerance policies have established as normative a link between schools and law enforcement.

The increase of police presence on public school campuses throughout the United States contributes to the link between school and the juvenile justice system. In some states, police on school campuses can issue tickets that carry fines for minor misbehaviors such as truancy, disruption, or disorderly conduct. With the implementation of zero tolerance policies, the increase in police presence resulted in a dramatic increase in referrals, arrests, and ticketing in schools throughout the country (González, 2012). For example, the number of police referrals increased by 1,248% in Clayton County, Georgia within the first year of police becoming a part of school campuses (Curtis, 2014). In the 2010-2011 school year, Florida schools issued 16,377 students referrals to the juvenile justice system (Advancement Project, Alliance for Educational Justice, Dignity in Schools Campaign & NAACP Legal Defense and Educational Fund, Inc., 2013). Two thirds of these referrals were for minor infractions, not major violent offenses. During the same school year, 90% of school arrests in Delaware were for misdemeanors (Advancement Project, Alliance for Educational Justice, Dignity in Schools Campaign & NAACP Legal Defense and Educational Fund, Inc., 2013).

Alternatives to Zero Tolerance: Ending the Pipeline

Due to the adverse affects of zero tolerances policies, select school districts, states, and nonprofits have advocated for and implemented new discipline practices that no longer exclude students from the learning environment and punish students harshly for minor offenses. Restorative justice and Positive Behavioral Interventions and Supports (PBIS) are two promising interventions that provide teachers and staff alternative means of dealing with inappropriate behaviors.

Restorative justice is “an approach to discipline that engages all parties in a balanced practice that brings together all people impacted by an issue or behavior” (González, 2012). The philosophy behind restorative practices is to build on existing relationships between the individuals involved in a conflict, may it be students, teachers, and school administrators, to resolve it. After a resolution has been reached, the student is reintegrated back into the learning environment. Examples of restorative justice practices include peacemaking circles, using a peer jury to enable students to help one another determine how to rectify the situation, or holding mediated meetings to reach a solution that is approved by all parties involved (AASA & Children's Defense Fund, 2014c). This alternative to zero tolerance has shown promise in various districts, including some schools in Denver and Chicago (American Federation of Teachers, National Education Association, Advancement Project & the National Opportunity to Learn Campaign, 2014).

Positive Behavioral Interventions and Supports (PBIS) is another alternative to zero tolerance practices. This evidence-based approach focuses on praising students for positive behaviors and using exclusionary discipline as an absolute last resort. Establishing a guideline of expectations at the local level, PBIS “uses a proactive approach to teach and model appropriate behaviors, and reinforce positive expectations for behavior through affirmations and rewards” (AASA & Children's Defense Fund, 2014b). Another key component of the PBIS method is its multi-tiered structure that targets intervention on the level of student need. The three tiers are universal interventions, targeted interventions, and intensive individualized interventions. The first tier targets the entire student population and works to build a positive environment school-wide. Each successive tier tailors intervention and support to help individual students avoid misbehaving (AASA & Children's Defense Fund, 2014a).

PBIS has been successful in districts throughout the United States. In Denver, Colorado the public schools experienced a reduction as high as 60% (with the average being 39%) in office discipline referrals (ODRs) (AASA & Children's Defense Fund, 2014b). In Florida public schools, ODRs decreased by 15.5% and out-of-school suspensions by 8.2% after one year of PBIS implementation (AASA & Children's Defense Fund, 2014b). By preventing and deterring the escalation of misbehavior through a positive approach, PBIS can reduce discipline referrals and the use of suspensions; key steps in addressing the school-to-prison pipeline.

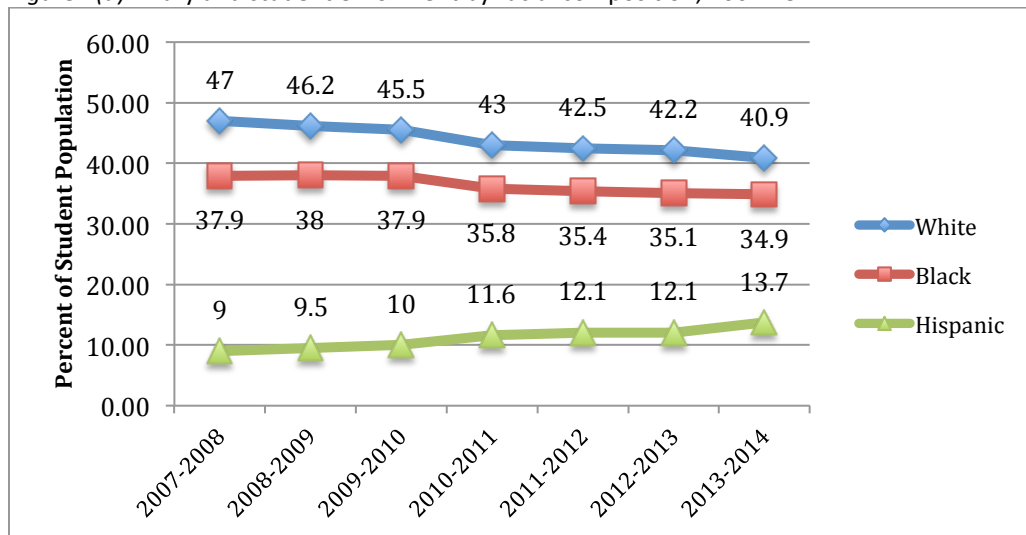
Comparing Disciplinary Approaches in the Maryland and Texas Public Education Systems

Why Maryland and Texas?

Maryland and Texas provide a model for examining the potential impact of different approaches to the discipline policy on the school-to-prison pipeline. Both have revised their discipline policies in recent years and both serve a diverse student population. Maryland enrolls roughly 850,000 students whereas Texas enrolls about 5 million, making Texas’ student body about six times than that of Maryland’s, which enables me to compare trends in states with both large and small student bodies (Maryland State Department of Education, 2014, 2007-13a; Texas Education Agency, 2007-13).

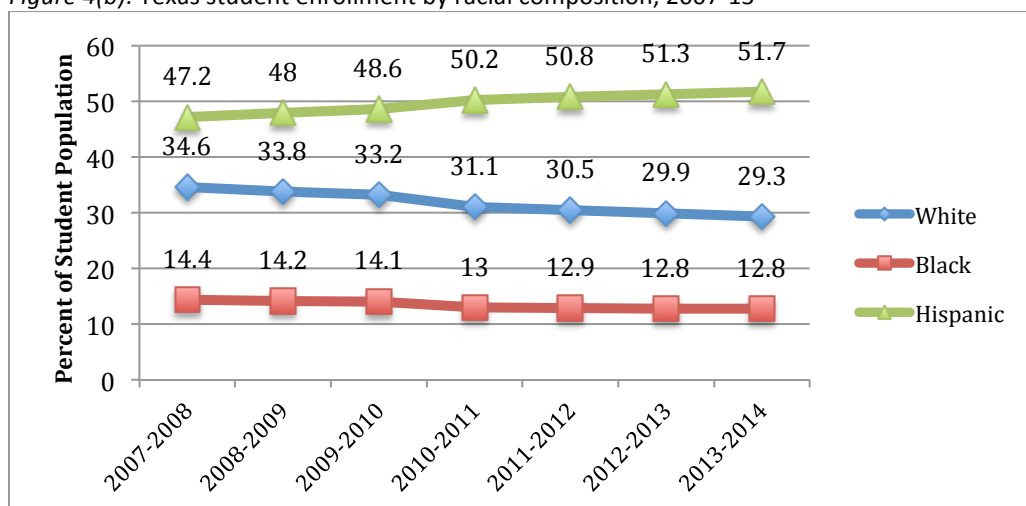
Figure 4(a) and 4(b) show the racial composition of public schools in Maryland and Texas. Several trends are evident. First, in both states, the enrollment of white students has decreased between the 2007 and 2013 school years, declining 3.0 percentage points in Maryland and 5.3 percentage points in Texas. Second, black students represent the largest minority group in Maryland (34.9% in 2013) whereas Hispanics are the largest group in Texas (51.7% in 2013). Black student enrollment has decrease slightly in both states. Third, in both Maryland and Texas, Hispanics are growing rapidly compared to other racial/ethnic groups. Hispanic student enrollment increased 4.7 percentages points between 2007 and 2013 in Maryland and 4.5 percentage points in Texas.

Figure 4(a): Maryland student enrollment by racial composition, 2007-13



Source: Maryland State Department of Education, 2007-2013

Figure 4(b): Texas student enrollment by racial composition, 2007-13



Source: Texas Education Agency, 2007-2013

The racial composition of schools in both Maryland and Texas is more diverse than the nation as a whole. This is evident when comparing Figure 4(a) and 4(b) against the CRDC's 2011-12 data in Figure 1. In 2011-12, black students represented 35.4% of public school enrollment in Maryland, which is higher than the national percentage of black students enrolled in public schools (16%). In contrast, Texas enrolled a higher proportion of Hispanic students than the national average. The proportion of Hispanics was 50.8% compared to 24% across the nation. Finally, both states enrolled fewer white students than the national average. Nationwide, the enrollment of white students was 51% compared to 42.5% in Maryland and 30.5% in Texas in 2011-12.

School Discipline Policies

Maryland's education policy has taken a progressive approach to addressing discipline disparities. The state's reform efforts openly acknowledged the disparities in suspension and expulsion rates for at-risk youth and specifically focused on closing the gap. In 2012, the Maryland's Department of Education released two reports titled, "School Discipline and Academic Success: Related Parts of Maryland's Education Reform," and "A Safe School, Successful Students and A Fair and Equitable Disciplinary Process Go Hand in Hand," that outlined reforms focused on rehabilitative rather than punitive discipline (Maryland State Board of Education, 2012a, 2012b). In January 2014, the Maryland State Board of Education adopted a disciplinary policy that required all public schools to revise their discipline codes (St. George, 2014). The policy required districts to incorporate restorative justice and positive behavioral interventions into their code, use suspension and expulsion as a last resort and only for major offenses, and monitor the discipline data for minority and special education students to assess disparities in discipline rates (Clark, 2014; St. George, 2014). When Baltimore City Public Schools implemented a new code of conduct during the 2009-2010 school year, suspensions decreased by 58% within that first year (Best Practices in School Discipline Workgroup, 2014). Also in Baltimore County schools that implemented PBIS, students showed more improvement on standardized test scores than students in schools that did not adopt this discipline approach (Best Practices in School Discipline Workgroup, 2014).

Texas education policy is important to the conversation on the school-to-prison pipeline, since the state educates almost one in ten of the United States' public school students (Fabelo, Thompson, Plotkin, Carmichael, Marchbanks III, & Booth, 2011). State legislation allows schools to incorporate zero tolerance policies into their approach to discipline. However, a bill was passed by the Legislature in 2009 (House Bill 171) that required teachers and principals to take "self-defense, intent or lack thereof, disciplinary history, and disabilities affecting capacity to appreciate wrongfulness" into account when determining a student's punishment (Moll & Simmons, 2012). Nonetheless, research suggests that these policies have resulted in high rates of suspensions, expulsions, and referrals to law enforcement (ACLU of Texas, 2013). A longitudinal study conducted by the Council of State Governments Justice Center with the Public Policy Research Institute at Texas A&M University, found that almost 60% of the Texan public school students studied were suspended or expelled at least once between seventh and twelfth grade (Fabelo, Thompson, Plotkin, Carmichael, Marchbanks III, & Booth, 2011). Like national disciplinary data trends, minority and special needs students in Texas are disproportionately suspended, expelled, or referred to law enforcement than their peers (Texas Appleseed, 2010). There have been some reform efforts over the last decade; however, reports from Texas Appleseed have shown that disparities in disciplinary consequences continue.

So what is the current state of discipline policy in Texas public schools? In September 2013, the state passed two new laws that changed how schools can address Class C misdemeanors, which range from disorderly conduct to skipping school (Texas Appleseed, 2013). When charged with a Class C misdemeanor, also known as ticketing, students either receive a ticket and must pay a fine or are referred to the criminal justice system (Serrano, 2013). In both situations the student must appear before a judge in an adult criminal court. If found guilty, the student must pay a fine that can be as high as \$500 (Serrano, 2013). Under the new laws, school police officers can no longer ticket students for Class C misdemeanors on campus, although school administrators can file a criminal

complaint (not a ticket) against the student (Texas Appleseed, 2013). In the first year of implementation, students who were required to go to court for disruption fell by 83% and for all other Class C offenses the number of filed infractions decreased by 58% (Slayton, 2014).

Truancy is another infraction that funnels many Texan students into the justice system. In 2012, there were approximately 115,000 truancy cases in Texas, more than double the number of truancy cases in all other states combined (approximately 50,000) (Texas Appleseed, 2015). Multiple news outlets have published articles highlighting this disproportionality in Texas truancy rates compared to the rest of the country. On May 30, 2015, the Texas Legislature passed legislation (House Bill 2398) decriminalizing truancy starting in the 2015-2016 school year (Semiens, 2015). Governor Greg Abbott signed the bill into law, but zero tolerance policies are still applied to other behaviors, including discretionary, nonviolent violations of the school's code of conduct (National Center on Safe Supportive Learning Environments, 2015). Although some schools in the state utilize restorative justice practices or PBIS, school administrators still have the ability to suspend or expel students for minor behavioral infractions, fighting, offensive language and gestures, and disrupting the classroom environment (National Center on Safe Supportive Learning Environments, 2015).

Methodology and Data Analysis

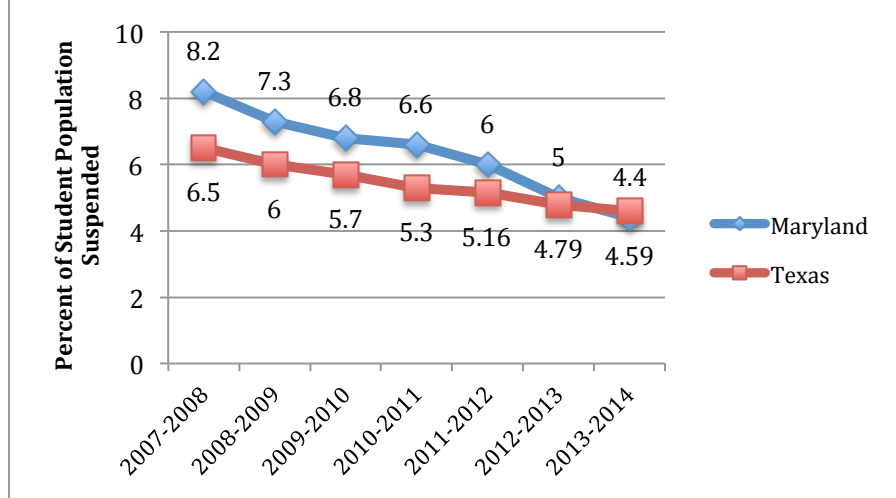
In the following analysis, I compare the out-of-school suspension and expulsion rates for Maryland and Texas between 2007 and 2013. I use enrollment and disciplinary data provided by the Texas Education Agency (Texas Education Agency, 2007-13) and the Maryland State Department of Education (Maryland State Department of Education, 2014, 2007-13a, 2007-13b) to examine trends in suspension rates over time and to show how racial disparities in suspensions have changed. In my analyses, I combine out-of-school suspensions and expulsions (subsequently referred to as "suspensions") because both remove a student from the learning environment. To show disparities based on race, I calculate a risk ratio, that is, the ratio between suspension rates of black and white students, and between Hispanic and white students. This shows the probability of a specific racial group receiving a suspension compared to a reference group. In this case, the reference group is white students.

I acknowledge that this analysis is not exhaustive nor accounts for all possible variables that could impact state's disparities in disciplinary actions. Going into such detail is beyond the scope of this paper and requires more extensive research and data collection. However, the purpose of my data analysis is to provide a foundation for further investigation and draw attention to the need for more research on public schools' discipline policies.

Results

Figure 5 shows that the suspension rate in both states dropped between 2007 and 2013, suggesting that the changes in each state's disciplinary policies lowered suspension rates for all students. However, the suspension rate in Maryland, which began at a higher rate in the 2007-2008 school year (8.21%) than Texas (6.51%), dropped at a faster rate than in Texas. Over seven years, the drop in the Maryland suspension rate was about twice that of Texas (3.86 percentage points and 1.92 percentage points respectively). By the 2013-14 school year, the suspension rate in Maryland (4.35%) was slightly less than in Texas (4.59%).

Figure 5: Suspension rates for K-12 public school student population, MD & TX, 2007-13



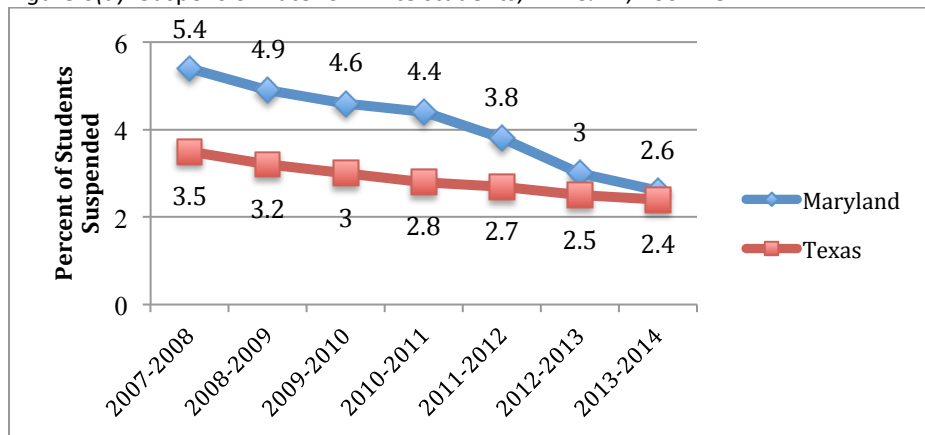
Source: Maryland State Department of Education, Texas Education Agency, 2007-2013

Figures 6(a), (b), and (c), show the specific change in suspension rates for the various racial groups. White, black, and Hispanic students in both states experienced a decrease in suspension rates over the seven years. In Maryland, white students were suspended at a higher rate for all the school years compared to Texas, but by the 2013-14 school year, the suspension rates for white students was about the same in both states. The suspension rate for white students dropped more in Maryland than in Texas, decreasing from 5.35% to 2.58%, a difference of 2.77 percentage points compared to a 1.1 percentage point decrease in Texas.

A different pattern emerges for black students and Hispanic students. While the suspension rates for black and Hispanic students dropped in both states, the suspension rate for black and Hispanic students was higher in Texas than in Maryland each year. Texas also had a smaller percentage point change in the suspension rate for both black and Hispanic suspension rates than Maryland. For black students, the suspension rate in Texas dropped 3.1 percentage points from 2007-2014, but in Maryland it dropped 5.1 points. A smaller difference between the states was observed for Hispanic students' suspension, with Maryland decreasing by 3.0 percentage points and Texas by 2.2. The change in suspension rates were larger in Maryland than Texas, which mirrors the greater overall decrease in suspensions for Maryland as shown back in Figure 5.

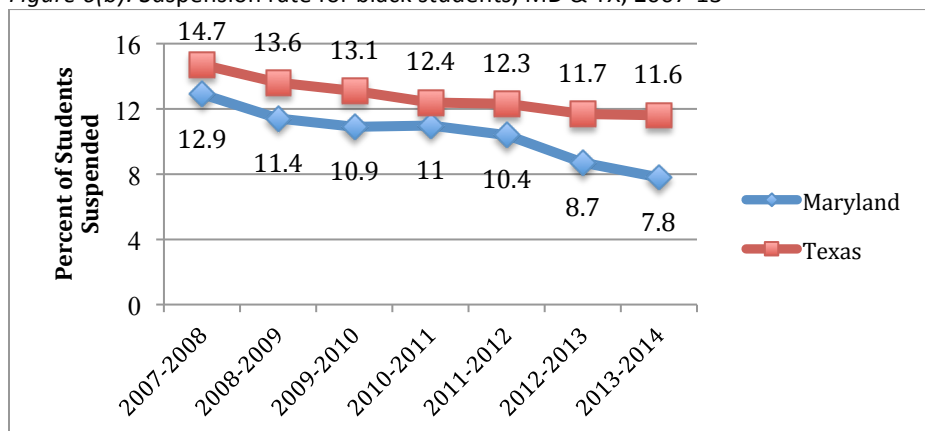
Comparing the first and last year in Figures 6(a), (b), or (c), an interesting observation appears. The gap between Maryland and Texas' suspension rates for black and Hispanic students grew, but the gap for whites decreased. The gap between the two states approximately doubled in the seven years for black and Hispanic students while white students decreased by nine fold.

Figure 6(a): Suspension rate for white students, MD & TX, 2007-13



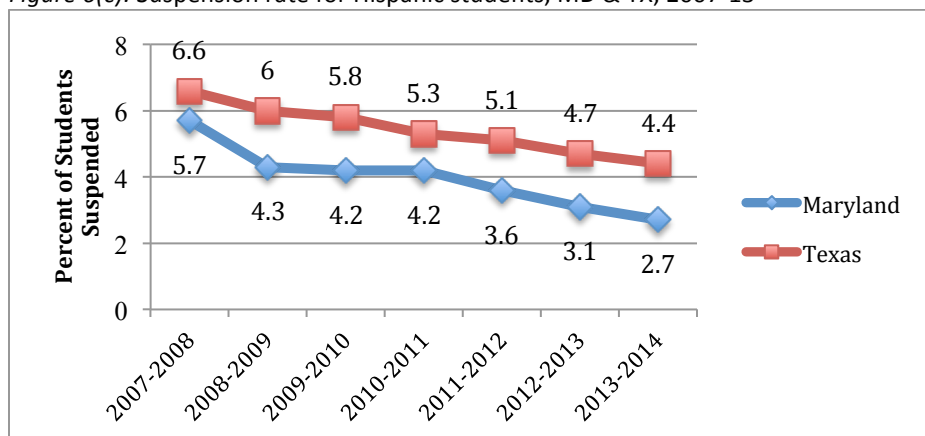
Source: Maryland State Department of Education, Texas Education Agency, 2007-2013

Figure 6(b): Suspension rate for black students, MD & TX, 2007-13



Source: Maryland State Department of Education, Texas Education Agency, 2007-2013

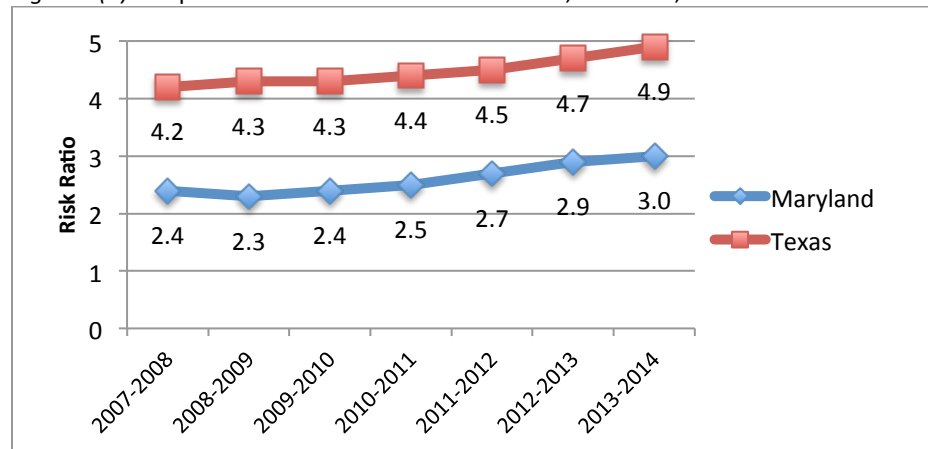
Figure 6(c): Suspension rate for Hispanic students, MD & TX, 2007-13



Source: Maryland State Department of Education, Texas Education Agency, 2007-2013

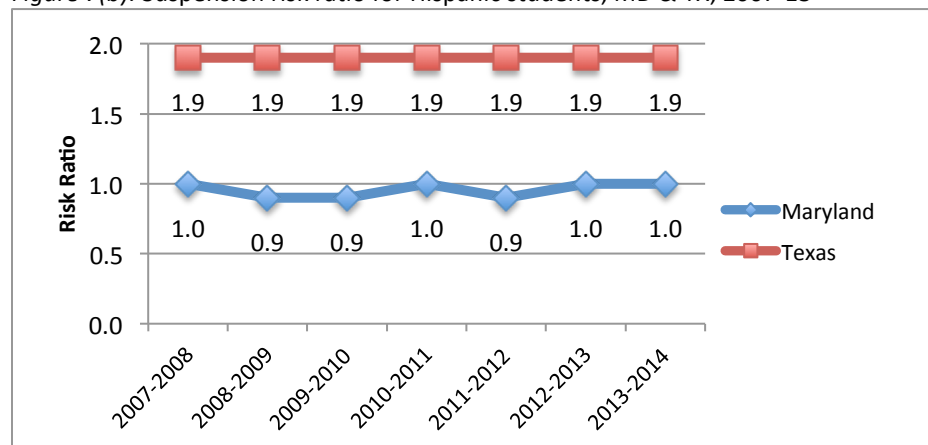
While suspension rates have dropped in both states for all races, Figures 7(a) and 7(b) show that the racial disparities have actually increased or remained unchanged in both states. For black students, the risk of being suspended compared to a white student increased in Maryland from 2.4 to 3.0 and in Texas from 4.2 to 4.9. In 2013, Maryland black students were about three times likely to be suspended from school than whites and about five times more likely in Texas. Hispanic students have had a different experience than their black counterparts. The risk ratio for Hispanic students in both states has remained relatively consistent throughout the seven years studied. Despite the increase in the Hispanic student population in Texas, the risk ratio did not change over the seven years. In Maryland, there was slight fluctuation in the risk ratio for Hispanic students from 2007 to 2013; however, the disparity for Hispanic students remained relatively the same (varied between 0.9 and 1.0), which suggest that Hispanic students have been at lower risk (0.9) or almost equal risk (1.0) to white students. These patterns suggest that attempts to reduce suspension rates have benefited white students more than black or Hispanic students and that changes in policies have not been successful in reducing disparities.

Figure 7(a): Suspension risk ratio for black students, MD & TX, 2007-13



Source: Maryland State Department of Education, Texas Education Agency, 2007-2013

Figure 7(b): Suspension risk ratio for Hispanic students, MD & TX, 2007-13



Source: Maryland State Department of Education, Texas Education Agency, 2007-2013

Conclusion

The school-to-prison pipeline has remained a significant aspect of children's public school lives since the 1990s, with disparities in school discipline rates persisting for minority students and those with disabilities. The literature shows us how a single policy has evolved and negatively influenced the welfare of children, despite having good intentions. This is also evident in my analysis of disciplinary policies in Maryland and Texas, which suggest that changes in policies can reduce suspension rates, but that disparities continue to exist, and in some cases have even increased. Even a more progressive state such as Maryland, which has established a statewide shift away from zero tolerance, has not successfully reduced disparities. Clearly, more needs to be done on a state and national level to address disparities in student discipline so that all students' futures are not tracked toward one with prison.

To reduce disparities in current disciplinary outcomes and address the school-to-prison pipeline, I propose the following recommendations. First, policies need to focus on addressing disparities directly and equity within discipline. Unless discipline policies incorporate a focus on equity, disparities are likely to continue to proliferate even in a new system of discipline. We observed this in both Maryland and Texas where even progressive changes in discipline policy still left minority students at greater risk of disciplinary action. For example, although Texas decriminalized truancy, the risk ratio for black students increased. In Maryland, the risk ratio for black students also increased even though the state adopted progressive policy changes. The fundamental issues in disparities that have persisted since the implementation of zero tolerance must be the priority in new policies.

Second, I recommend the creation of a commission that conducts research and identifies what is needed to better equip all schools in the nation to practice fair disciplinary practices. PBIS and restorative justice have shown that they have the ability to improve schools; however, more research is needed that comprehensively analyzes the potential factors contributing to disparities and identifies various ways to address them. Many scholars and equity advocacy organizations have made numerous policy recommendations based on their research, but more research is needed on the implementation and effectiveness of new and innovative discipline practices with an equity focus. Hence, the creation of a commission could serve as the leader for this next phase in discipline policy development.

Third, based on what we know now about nondiscriminatory disciplinary practices, school districts should adopt rehabilitative, non-exclusionary approaches to discipline. Given the environmental, emotional, and academic progress PBIS and restorative justice have made in schools across the country, I believe shifting away from zero tolerance and adopting these kinds of practices would serve as the first step in establishing a foundation of equal treatment of students throughout the country. This foundation of a shared desire and practice for abolishing disparities is a platform that schools can build on to develop innovative policies that are equitable and fair for all of students.

Finally, the implementation of alternatives to zero tolerance policies, such as rehabilitative and restorative justice practices, need to be supported with more training for teachers, school administrators, and school resource officers, since personal bias appears to be a factor in deciding a student's punishment. Furthermore, the role of police officers in schools needs to be defined in a

way that fosters positive relationships between the officer and students and contributes to creating a safe environment. The relationships students form with the adults in their learning environment are essential to helping ensure they have the most productive and meaningful education experience. It is time that the nation recognizes and truly addresses the systematic funneling of at-risk youth towards a dismal future of low academic success and with little opportunity.

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About the Maryland Equity Project

The Maryland Equity Project seeks to improve education through research that supports an informed public policy debate on the quality and distribution of educational opportunities. It conducts, synthesizes, and distributes research on key educational issues in Maryland and facilitates collaboration between researchers and policymakers. The Maryland Equity Project is a program in the Department of Teaching and Learning, Policy and Leadership in the College of Education at The University of Maryland.

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